TOWN OF PHILIPSTOWN CONSERVATION BOARD

TOW HALL 238 MAIN STREET, COLD SPRING, NY
TUESDAY September 11, 2012 at 7:30 PM

MEETING AGENDA

1.) Banker, Doug TM# 81.-1-27.2 WL-12-223
43 Kings Dock Rd. (Clearing in regulated area)

2.) Davis, Howard TM# 61.-3-51 WL-12-224
67 Phillips Brook Rd (Bridge Repair)

3.) Bozsik, Ryan TM# 27.16-1-32.4 WL-12-220
Carlson Court (Reclamation/ erosion control)

4.) SNK Farms TM# 27.11-1-23 PBR
3188 RT 9

5.) Cols Spring Fuel TM# 16.12-1-15 PBR
3524 RT 9

*** Items may not be taken in order as listed**

TOWN OF PHILIPSTOWN
PUTNAM COUNTY, NEWYORK

238 Main Street
Cold Spring, NY, 10516
(845) 265-5202

APPLICATION FOR WETLANDS PERMIT

Note to Applicant:

Submit the completed application to the appropriate permitting authoirty. The application for Wetlands Permit should be sumbitte simultaneously with any related application (e.g. subdivision approval, site plan approval, special use permit, etc.) being made to the permitting authority.

(Office Use Only)

Application # **WL-12-223**

Received by: _____

Date _____

Fee **$500.00 permit, $500.00 Escrow**

☐ Permitting Authority

☐ Z.B.A

☐ Planning Board

☒ Wetlands Inspector

Pursuant to Chapter 93 of the Code of the Town of Philipstown, entitled "Freshwater Wetlands and Watercourse Law of the Town of Philipstown" (Wetlands Law), the undersigned hereby applies for a Wetlands Permit to conduct a regulated activity in a controlled area.

1. Owner; Name: **Douglas & Sarah Banker**

Address: **P.O. Box 190 Garrison, NY 10524**

Telephone: **845-424-8067**

2. Agent Name: **n/a**

(Applicant must be owner of the land The Application may be managed by an authorized agent of such person possessing a notarized letter of consent from the owner.)

Name of Agent _____

If Corporation, give names of officers:

_____

_____

Mailing Address _____

Telephone: _____

3. Location of Proposed Activity:

43 Kings Dock Road Garrison, NY 10524

Tax Map No.: **81.-1-27.2**

Acreage of Controlled Area Affected: **0.523 (22,800 SF)**

4. Type of Activity: (See list of regulated activities)

Restoration of woodland and marsh wetland, construction of gravel driveway to future home site.

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

OK. as submitted

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: DOUGLAS H. BANKER

2. PROJECT NAME:

3. PROJECT LOCATION:
Municipality: PHILIPSTOWN County: PUTNAM

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

5. PROPOSED ACTION IS:
☐ New ☐ Expansion ☑ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
HAND CLEARING OF OVERGROWN PROPERTY

7. AMOUNT OF LAND AFFECTED:
Initially 6.07 acres Ultimately 6.07 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☑ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☑ Yes ☐ No If Yes, list agency(s) name and permit/approvals:
WETLANDS PERMIT

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: DOUGLAS H. BANKER Date: 7.26.12

Signature: Douglas H. Banker

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☑ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☑ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☑ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☑ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

Statement in Support
of the
Application
of
Douglas H. & Sarah G. Banker
for a
FRESHWATER WETLANDS PERMIT
to conduct
REGULATED ACTIVITIES
within a
REGULATED AREA
as required under
CHAPTER 93
of the
CODE of the TOWN OF PHILIPSTOWN

Prepared and respectfully submitted by:
BADEY & WATSON,
Surveying and Engineering, P.C.
3063 U.S. Route 9
Cold Spring, NY 10516
(845) 265-9217 (voice)
(845) 265-4428 (fax)
(877) 3.141593 (toll-free)
www.Badey-Watson.com

Project Location

Doug & Sarah Banker are the owner of a 6.067-acre parcel in the Town of Philipstown. The property is designated on the Putnam County Tax Map for the Town as Sheet 81., Block 1, Lot 27.2. The property is located at the very end of Kings Dock Road in Garrison.

Regulated Activities Involved (§ 93-5)

The permit sought will allow the following Regulated Activities to be conducted by the applicant:

- Clearing of understory saplings, invasive shrubs and weeds;
- Substantial pruning of larger and specimen trees;
- Removal of dead and damaged trees – broken and/or inundated with vines;
- Clearing and grubbing of bamboo;
- Removal of sediment backfill from stream bank;
- Restoration of marsh wetland;
- Construction/reconstruction of gravel driveway;
- Installation of drainage pipes and headwalls.

The proposed activity will involve:

- Excavation and removal of sediment backfill (§93-5.A.)
- Construction of a driveway (§93-5.C.)
- Vegetation removal affecting surface water runoff (§93-5.G.)
- Installation of drainage pipes (§93-5.K.)

Total anticipated disturbance within the controlled area is not expected to exceed 22,800 square feet.

Project Description

The subject property owned by the applicants contain town-regulated wetlands and watercourses. The wetlands were delineated by Michael Priano Wetlands Consulting on August 9, 2012; and survey located by this office on August 15, 2012.

The applicants have recently purchased the property, and wish to beautify and restore the previously neglected landscape. In addition, in order to avoid future disturbances, they would like to install a driveway to a possible future home site.

Comparison of the proposed activity to the Criteria for Approval § 93.8

Section 93-8, *Criteria for approval* sets forth eight (8) criteria that the Conservation Advisory Council and Permitting Authority must consider before a permit may be recommended or issued. The following is a list of them with a discussion of how the project compares to each.

The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourses as set forth in §93-2B.
The plan will incorporate re-vegetation of affected area in order to provide both stabilization of bare soils, as well as mitigation for the removal of live trees and shrubs.

The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.
The proposed activity shall not be conducted within the watercourse.

The activity will not result in the degrading or pollution of waters.
The proposed plan outlines temporary and permanent erosion control measures.

The activity will not increase the potential for flooding.
The proposed activity does not substantially alter cover characteristics and associated stormwater runoff and/or restrict any flow of water.

Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity.
The proposed plan outlines temporary and permanent erosion control measures.

No practicable alternative location is available on the subject parcel.
The regulated activity is intended correct an existing condition.

No additional technical improvements or safeguards can reasonably be added to the plan or activity, which would minimize the impact on a controlled area.
All improvements have been proposed so that the smallest practicable area shall be disturbed.

The activity will alleviate or remove a hazard to the public health or safety.
The proposed activity does not remove a hazard to the public health or safety.

Respectfully submitted on behalf of Doug and Sarah Banker,
BADEY & WATSON,
Surveying and Engineering, P.C.

ADJOINER'S LIST FOR
BANKER
81.-1-27.2 & 30

81.-1-21
GUNN, DONALD J
541 Rt 9D
Garrison, NY 10524

81.-1-28 & 29
MAGNER, DONALD P
84 State St
Brooklyn, NY 11201

81.-1-25
ZUTT, WILLIAM A
563 Route 9D
Garrison, NY 10524

81.-1-3
MIDTOWN TRACKAGE
VENTURES
551 5th Ave Fl 34
New York, NY 10176

81.-1-19
MULLIN, KAREN
539 Route 9D
Garrison, NY 10524

81.-1-20
MULLIN, JEANNE
535 Rt 9D
Garrison, NY 10524

81.-1-31
GIORDANO, PHILIP A.
PO Box 506
Garrison, NY 10524

81.-1-18
531 Route 9D LLC
DOWNEY, LAWRENCE M
108 Hudson Pointe Dr
Poughkeepsie, NY 12601

81.-1-23
DUNN, MARIAN E
553 Rt 9D
Garrison, NY 10524

81.-1-24
KIMBALL, HARRIS L
559 Route 9D
Garrison, NY 10524

81.-1-22
BARTNIK, CHARLES E
547 Rt 9D
Garrison, NY 10524

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Application for GP-0-11-008 Authorization For Repair of Damages Resulting From 2011 Storms

Pursuant to Environmental Conservation Law Article 70

*Complete all fields marked with an asterisk

DEC use only DEC Permit No		DEC use only Effective Date 5/1/2012 Expiration Date 9/30/2012

*Name of Permittee/Applicant: HOWARD DAVIS
Contact: NICK LISIKATOS

*Address 67 PHILIPSE BROOK ROAD *Phone 914-755-4544 (N.L.)
*City GARRISON *State NY Zip 10524

*Project Location: PHILIPSE BROOK AT ABOVE ADDRESS
*Town of PHILIPSTOWN County PUTNAM

* Authorization Type

X 6 NYCRR 608: Article 15, Title 5: Protection of Water
__ 6 NYCRR 663: Article 24 Freshwater Wetlands
X 6 NYCRR 608: Water Quality Certification

*Project Description:

RESET GABIONS ON NORTH ABUTMENT OF DRIVEWAY BRIDGE

*Type of Project:

X Installation or repair of rock rip-rap or other permanent streambank stabilization measures.

Stream channel restoration (including excavation/removal of sand, gravel and bedrock and the use of temporary coffer dams and fill) to pre-flood depth, width, gradient and channel character matching the stable stream channel upstream and downstream of the project area in order to protect or restore structures such as roads, utility lines, bridges, houses and other pre-existing buildings.

☐ Debris (trees, logs, stumps, brush, trash, metal, concrete) removal.

☐ Bridge or culvert replacement or repair.

Certification:

I have read this permit and will construct and operate this project in strict compliance with the approved plans and terms and conditions of this permit as well as the Environmental Conservation Law and applicable regulations. I understand that any false or inaccurate statements made in the application for this permit are punishable as a Class A misdemeanor. As a condition of this permit, I accept full legal responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agree to indemnify and save harmless the state from suits, actions, damages, and costs of every name and description resulting from this project.

Applicant/Permittee Signature Date

DEC use only

AUTHORIZED NYSDEC REPRESENTATIVE NAME, TITLE, ADDRESS

DOUGLAS GAUGLER 845-256-3057
BIOLOGIST I 21 SOUTH PUTT CORNERS ROAD
NEW PALTZ, NY 12561

AUTHORIZED NYSDEC SIGNATURE	DATE 4/30/12
Attachments X General Permit ☐ General Conditions X Special Conditions X Project Drawings	cc: ☐ Regional DEP ☐ COE ☐ Regional Habitat ☐ NYCDEP ☐ ECO

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
General Permit Number GP-0-11-008

Special Conditions
FOR ARTICLE 15, 24 and Water Quality Certification

- WORK SHALL BE CONDUCTED DURING LOW STREAMFLOW CONDITIONS
- WORK AREA TO BE ISOLATED FROM WATERS OF STREAM BY MEANS OF SANDBAG COFFERDAM. SANDBAGS + OTHER DIVERSION MATERIAL TO BE COMPLETELY REMOVED UPON COMPLETION OF WORK.
- ANY EXCESS EXCAVATED SOIL, ROCK, ETC. AS WELL AS ANY DEBRIS FROM THIS PROJECT SHALL BE COMPLETELY REMOVED FROM BED + BANKS OF STREAM.
- SEED + MULCH DISTURBED SOIL; MAINTAIN MULCH UNTIL SOIL FULLY VEGETATED

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
General Permit Number GP-0-11-008

GENERAL PERMIT

For Repair of Damages Resulting From 2011 Storms
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: Permittees specifically identified on the attached completed and signed Authorization Form.

Project Location: All protected streams, navigable waters and freshwater wetlands within DEC Regions 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Authorized Activity: General Permit for repair of damages resulting from storms.
Type of Projects covered:

1. Installation or repair of rock rip-rap or other permanent streambank stabilization measures.
2. Stream channel restoration (including excavation/removal of sand, gravel and bedrock, and the use of temporary coffer dams and fill) to pre-flood depth, width, gradient and channel character matching the stable stream channel upstream and downstream of the project area in order to protect water quality as well as protect or restore structures such as roads, utility lines, bridges, houses and other pre-existing buildings.
3. Debris (trees, logs, stumps, brush, trash, metal, concrete) removal.
4. Bridge or culvert replacement or repair.

This General Permit is only valid when the attached Application for General Permit Authorization form is signed by an authorized NYS DEC Representative.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5
Effective Date: 09/09/2011 Expiration Date: 09/30/2012
Stream Disturbance - Under Article 15, Title 5
Effective Date: 09/09/2011 Expiration Date: 09/30/2012
Freshwater Wetlands - Under Article 24
Effective Date: 09/09/2011 Expiration Date: 09/30/2012
Water Quality Certification - Under Section 401 - Clean Water Act
Effective Date: 09/09/2011 Expiration Date: 09/30/2012

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
General Permit Number GP-0-11-008

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: Jack A. Nasca
Director, Division of Environmental Permits,
Deputy Chief Permit Administrator

Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233-1750

Authorized Signature: Jack A. Nasca Date: 9/9/11

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDTIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS – Apply to the Following Permits: Excavation & Fill in Navigable Waters, Stream Disturbance, Freshwater Wetlands, Water Quality Certification

1. Any deviation from the type of project authorized by this permit or from its terms and conditions must be expressly authorized in writing by the Regional Permit Administrator.

2. The permittee shall require that any contractor, project engineer, or other person responsible for the overall supervision of this project reads and understands this permit and all special conditions.

3. Any failure to comply precisely with all of the terms and conditions of this permit, unless authorized in writing, shall be treated as a violation of the Environmental Conservation Law.

EROSION, SEDIMENTATION AND TURBIDITY CONTROLS

4. All work shall be conducted in such a manner as far as reasonably possible to minimize the potential

for silt and sediment in the streams; the use of properly constructed silt fences or cofferdams may be needed on a site specific basis. If cofferdam or silt fence is required, it will be specified in the additional special conditions.

5. Work shall be conducted in such a manner so the stream reaches downstream of the work site is as clear and clean as the stream reaches upstream of the work site.

6. Gravel removed from the stream bed must be placed beyond the reach of normal high water, and it must be graded and stabilized to prevent reentry into the stream. Gravel will not be pushed up on streambanks,slopes etc., unless otherwise authorized. Building berms with the excavated material is not authorized.

7. Any water from cofferdams, settling basins or other work activity, cannot be returned to a waterway unless it is as clear and clean as the waterway above the work site and if required, subjected to a Department approved treatment method.

8. The discharge of any wet concrete, dry or wet cement or other pollutants into the waterway outside the contained work area is expressly prohibited.

9. Any disturbed stream banks must be graded to a stable slope (i.e. 1 foot vertical to 2 foot horizontal or flatter if rip rap is used, 1 foot vertical to 3 foot horizontal if seeded and mulched), and rip-rapped or planted with suitable grass, shrubs or legumes or seeded and mulched as indicated by conditions.

10. If Special Condition 5 is not adhered to, then all work shall cease until the non-compliance is remedied. If Special Condition 7 or 8 (return water contaminated with wet concrete, dry or wet cement or other pollutants such as petroleum products) are not adhered to, then all work shall cease and measures instituted to contain and clean up this discharge. Work shall not recommence until a plan for remedying the non-compliance is developed and approved by the Department.

11. All work in the flowing stream will be kept to a minimum and the stream must be diverted around the work area whenever possible.

12. Any temporary dike or cofferdam will be constructed as far as reasonably possible of clean gravel material (but not stream or bank run gravel) and protected against erosion by rip rap or plastic liner, filter fabric, etc.

13. Where rip-rap is to be installed, it shall be placed at a stable slope (i.e. 1 foot vertical to 2 foot horizontal or flatter slope). Dumped stone fill is preferable to placed rip rap to mitigate fish habitat losses associated with stream channel work.

14. In cases where gravel deposits are blocking the stream channel, the newly excavated channel shall be equal in width, depth, gradient and character as the stable stream channel upstream and downstream of the project area.

15. Stream channel restoration (including excavation/removal of sand, gravel and bedrock which is blocking the channel as well as the use of temporary cofferdams and fill) must conform to the pre-flood depth, width, gradient and channel character matching the stable stream channel upstream and

downstream of the project area. No overwidening of the channel is authorized. Work must be immediately necessary to protect water quality as well as protect or restore structures such as roads, utility lines, bridges, houses and other pre-existing buildings and protect water quality. This work must be reasonable and necessary and cause the least change or adverse impacts to natural resources.

BRIDGE/CULVERT REPLACEMENT

16. Culverts, when used, must be positioned so they do not obstruct or impede fish passage. To maintain a stable natural stream bottom, the following standards shall apply:

a. Round culverts shall be buried below the natural stream bed elevation no less than 20% of the culvert diameter to a depth of no less than 12".

b. Non-round culverts (squash, box bottom, etc.) shall be buried below the natural stream bed elevation no less than 12".

Both the inlet and outlet of culverts must be placed at the same slope as the existing natural s stream bed. The stream channel at both ends of culverts shall be graded to provide a concentrated flow during periods of low water.

17. The opening of the replacement bridge or culvert above the stream bed must not be smaller than the structure being replaced. That is, the new bridge or culvert must be able to pass at least as much water as the existing structure. New culverts may have to be sized larger than the existing culvert being replaced in order to ensure that the new culvert opening above the stream bed (freeboard) is sufficient to pass flood flows after burial. The bridge opening or culvert may have to be larger than the structure to be replaced in order to safely pass flood flows as well as prevent washouts and flood backwater on the upstream side.

18. The opening of the bridge or culvert must be designed to maintain the natural stream profile (width and depth).

19. To the extent reasonably practicable, all in stream work in trout spawning streams (Cts) should be completed by November 30. To the extent that in stream work in trout spawning streams must recommence in 2012 under this permit, to the extent reasonably practicable, it should be resumed on or after June 15 and be completed on or before September 30.

20. Any debris containing any material from an Ash tree shall be disposed of either through chipping or burial in a DEC permitted construction and demolition dump located in the same county and that is covered with soil every night.

21. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS – Apply to ALL Authorized Permits:

1. **Facility Inspection by the Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. **Applications for Permit Renewals or Modifications** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to the Regional Permit Administrator.

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration.

5. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

   a. materially false or inaccurate statements in the permit application or supporting papers;

   b. failure by the permittee to comply with any terms or conditions of the permit;

   c. exceeding the scope of the project as described in the permit application;

   d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

   e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. **Permit Transfers** Permits are transferrable with the approval of the department unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

LISIKATOS CONSTRUCTION INC.

P.O. BOX 309
COLD SPRING, NY 10516

Estimate

Date	Estimate #
4/18/2012	510

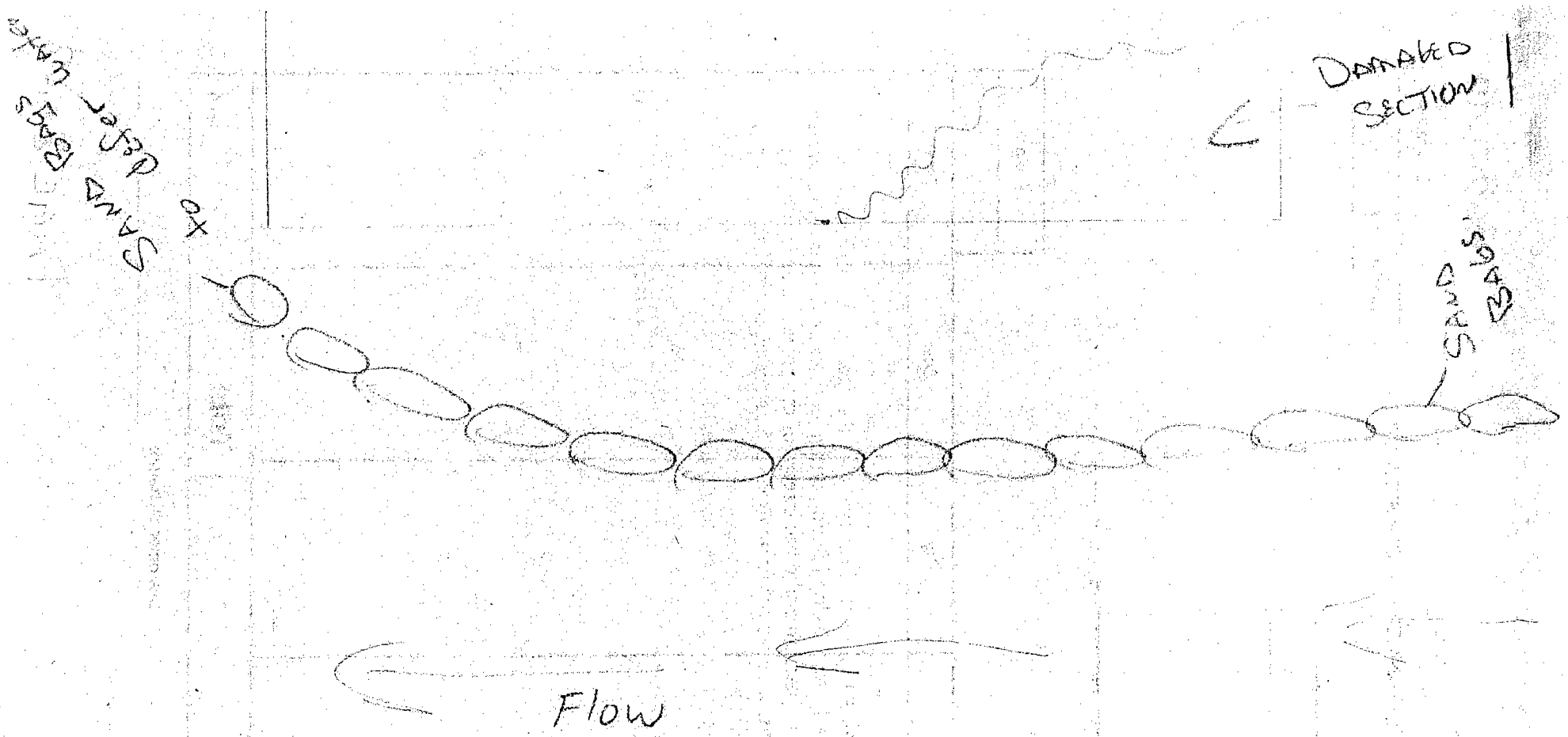
Name / Address
Davis, Howey & Randi Philips Brooke Road Garrison, NY 10524

Project

Description	Qty	Cost	Total
1 - Remove existing wood deck 2 - Remove existing steel structure 3 - Create colfer damn to move water away from work/repair area 4 - Install necessary silt fence 5 - Excavate behind damaged gabion sector 6 - Repair damaged sections of gabians 7 - Backfill rear of repaired baskets with excavated materials 8 - Replace existing steel structures 9 - Replace existing wood deck 10 - Seed and straw disturbed areas 11 - Remove coffer damn IN WORD DOC			
NYS Sales Tax		8.375%	0.00

Thank you for your business.	Total	$0.00

Customer Signature _____


DAMAGED SECTION
SAND BAGS
SAND BAGS
Flow

TOWN OF PHILIPSTOWN
PUTNAM COUNTY, NEW YORK

238 Main Street
Cold Spring, NY, 10516
(845) 265-5202

APPLICATION FOR WETLANDS PERMIT

Note to Applicant:
Submit the completed application to the appropriate permitting authority. The application for Wetlands Permit should be submitted simultaneously with any related application (e.g., subdivision approval, site plan approval, Special Use Permit, etc.), being made to the permitting authority.

(Office Use Only)

Application # _____ Permitting Authority

Received by: _____ _____ Z.B.A.

Date _____ _____ Planning Board

Fee _____ _____ Wetlands Inspector

Pursuant to Chapter 93 of the Code of the Town of Philipstown, entitled "Freshwater Wetlands and Watercourse Law of the Town of Philipstown" (Wetlands Law), the undersigned hereby applies for a Wetlands Permit to conduct a regulated activity in a controlled area.

1. **Owner:** Name: Howard Davis
   Address: 67 Philipse Brook Road, Garrison NY
   Telephone: 845 424 3036

2. **Agent:** Name: _____
   (*Applicant must be owner of the land. The Application may be managed an authorized agent of such person.*)

3/ **Name of Agent**

If Corporation, give names of officers:

_____ _____

_____ _____

Mailing Address: _____

Telephone: _____

3. **Location of Proposed Activity:** 67 Philipse Brook Road

   Tax Map No.: 52 Block 4 Lot 3.12

   Acreage of Controlled Area Affected: None, repair of retaing wall gabbion pre-existing.

4. **Type of Activity: (See list of regulated activities)**

   repair of pre-existing gabbion retaing wall

5. Other permit(s) required and agency or agencies responsible for granting such permits such as but not limited to P.C.B.O.H, N.Y.D.E.C, Army Core of Engineers, EPA, DOT, Building Dept. Planning Board, and Z.B.A.

NYDEC issued permit for repair see Attached Permit

6. Each copy of this application shall be accompanied by:

a. A detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in §93-8 of the Wetlands Law. (See below) see Attached

b. A completed short form environmental assessment form. see enclosed

c. A map prepared by a licensed surveyor landscape architect or engineer showing: see enclosed

1. The controlled area(s) wetland buffer zone 100 feet from the edge of any wetlands, lakes, ponds or streams on the site;

2. Any wetland or watercourse therein and the location thereof;

3. The location, extent, and nature of the proposed activity.

D. The names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice and the names and addresses of all owners of record of properties abutting and directly across from the proposed activity as shown on the latest tax record. see Attached

(Note: Any map, plat or plan showing the above information that is required to be submitted for any other permit or approval in connection with the regulated activity, and that is acceptable to the Permitting Authority, may be used.)

Date: _____

Signature of Applicant:

_____

Description of repair of pre-existing gabion retaining wall

As a result of Hurricane Irene, road runoff on Philipse Brook Road pushed forward and out of place, a portion of an existing gabion retaining wall at 67 Philipse Brook Road. The gabion wall will be repaired to the position prior to the impact from Hurricane Irene. Repair of the shifted gabion wall is necessary and will entail the following to repair the shifted gabion wall:

Prior to initiating any work. a cofer dam comprised of sandbags will be placed in the bed of Philipse Brook in the area of the gabion retaining wall to divert the water flow away from the area of repair activities.

After sandbags are place as set forth above, existing wood deck on the bridge above the gabion retaining wall shall be removed to allow access to the area of the gabions requiring repair.

After the wood deck is removed, the area immediately behind the damaged gabion sector will be excavated to allow resetting of gabions.

After excavating behind the shifted gabion, the gabion will be pulled back into place and rear of repaired gabion wall will be backfilled.

Wood deck will thereafter be replaced.

The Cofer damn will thereafter be removed.

With regarding the proposed work we believe the following:

(1)
The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse as set forth in § 93-2B;
(2)
The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system;
(3)
The activity will not result in the degrading or pollution of waters;
(4)
The activity will not increase the potential for flooding;
(5)
Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity;
(6)
No practicable alternative location is available on the subject parcel; and
(7)
No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area; or
(8)
The activity will alleviate or remove a hazard to the public health or safety.

617.20

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
Howard Davis

2. PROJECT NAME
Repair pre-exiting gabion retaining wall

3. PROJECT LOCATION:
Municipality Philipstown County Putnam

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
67 Philipse Brook Road

5. PROPOSED ACTION IS:
☐ New ☐ Expansion ☑ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Repair retaining wall adjacent to Philipse Brook at 67 Philipse Brook road, Garrison, New York
DEC permit has been issued for the project.

7. AMOUNT OF LAND AFFECTED:
Initially 0 acres Ultimately _____ acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☑ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☑ Yes ☐ No If Yes, list agency(s) name and permit/approvals:
DEC permit; FEMA assistance, Philipstown wetlands permit

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☑ Yes ☐ No If Yes, list agency(s) name and permit/approvals:
DEC permit issued

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____ Date: _____

Signature: _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☐ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

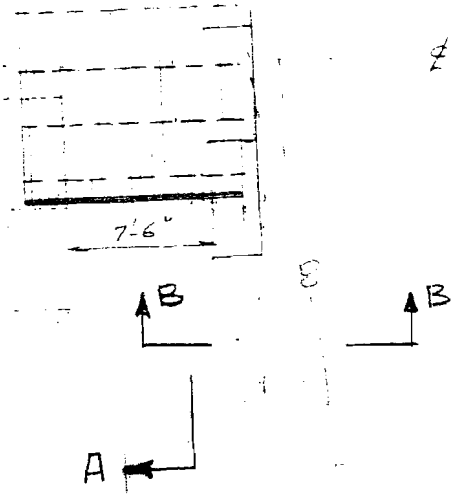
☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

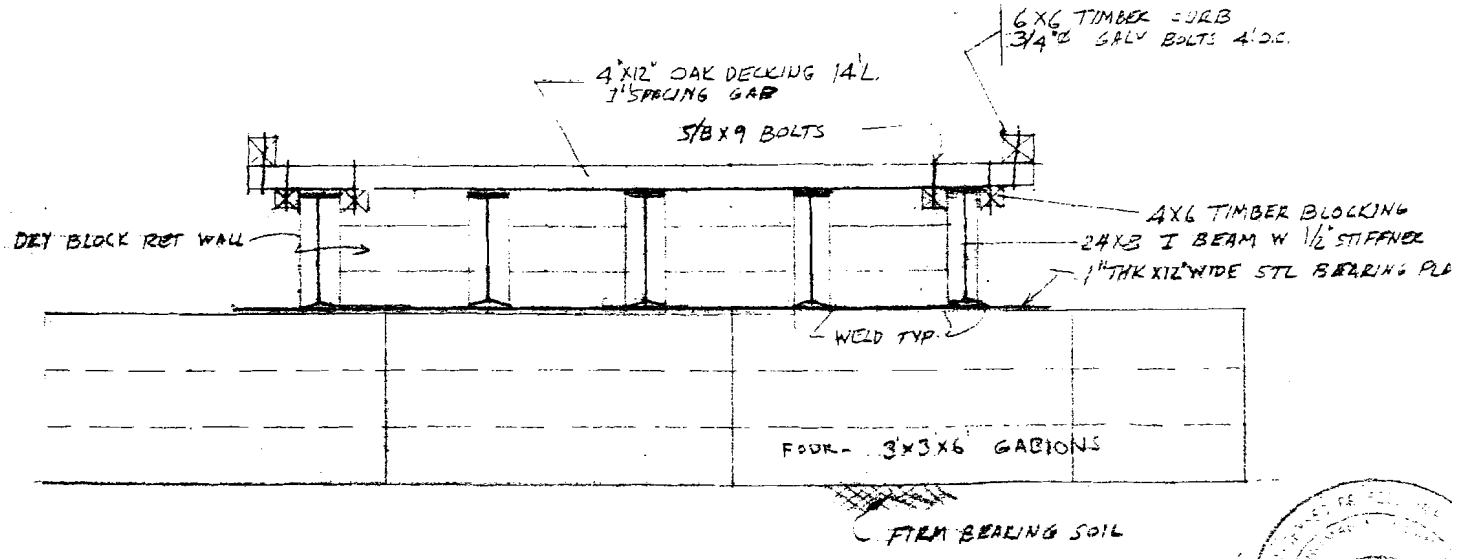
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

PHILLIPS BROOK



PLAN
1/8" = 1'-0"



SECTION AA
3/8 = 1'-0"

List of adjacent Properties			
Tax Map Parcel Number	Current Owners Name	Current Ownder Address	Property Location/Class
61.-3-50	Cooper, Michael D.	Ploughshare Properties LLC, 511 Avenue of the Americas Rm New York, NY 10011	53 Philipse Brook Road 210 1 Family Res
61.-3-55	Rohan, Geoffrey J.	64 Kona Way Garrison, NY 10524	64 Kona Way 210 1 Family Res
61.-3-61.1	Frazier, Julia R.	40 Coyote Rise Garrison, NY 10524	40 Coyote Rise 240 Rural Res
61.-3-43.1	Davis, Christopher C. and Davis, Sharon S.	9 East 81st St. New York, NY 10028	741 Old Albany Post Road 240 Rural Res

Town of Philipstown

238 Main Street
Cold Spring, New York, 10516

PLANNING BOARD

SPECIAL USE PERMIT

APPLICATION PACKAGE

Project Name: SNK Farms, Inc.

Date: July 12, 2012

Project Name: SNK Farms, Inc.

Project Description: Approval of Special Use permit prepared for SNK Farms, Inc.

ZONING INFORMATION

175-7 Zoning District: HM (Hamlet mixed use)

175-10 Proposed Use: Continued use for retail sales as filling station, convenience store and deli.

Proposed Accessory Use(s): Conversion of existing 3 bay car wash for use of light automobile repair ship (oil changes, tire changes and wiper blade replacement)

175-7 Overlay Districts on the property:	Yes or No
175-13) Floodplain Overlay District - NFIP Map — — — — (FPO)	Yes
175-18.1 Mobile Home Overlay District — — — — — — (MHO)	No
175-14 Cold Spring Reservoir Water Shed Overlay — — — — (WSO)	No
175-15 Scenic Protection Overlay — — — — — — — (SPO)	No
175-16 Aquifer Overlay District — — — — — — — (AQO)	Yes
175-1 8 Open Space Conservation Overlay District — — — — (OSO)	No
175-35 Within I 00 foot buffer of Wetlands or Watercourse — —	Yes
175-36 Steep Terrain — — — — — — — — — —	No
175-36 Ridge Line Protection — — — — — — — —	No
175-337 Protection Agricultural — — — — — — —	No

ARTICLE IX SPECIAL PERMITS AND SITE PLAN REVIEW

§175-60 PURPOSE AND APPLICABILITY

A. It is the policy of the Town of Philipstown to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural and historic character of the Town. Many uses are therefore permitted only upon issuance of a Special Permit by the Planning Board, in order to ensure that these uses are appropriate to their surroundings and consistent with the purposes of this Chapter. Some uses are allowed by right, subject only to Site Plan approval (see Use Table in §175-10). Communication towers, soil mines, and certain solar and wind energy facilities (see § I 75-30E(2)) require a Special Permit issued by the Zoning Board of Appeals. Adult entertainment uses and uses not listed on the Use Table (if not prohibited by §175-10C) require a Special Permit issued by the Town Board. In reviewing Special Permit applications, the Town Board and Zoning Board of Appeals shall follow the procedures and standards established for the Planning Board in this Article IX.

B. Accessory uses or structures used in connection with a Special Permit or Site Plan use shall be subject to the same approval requirements as the principal structure or use. Accessory structures used in connection with an institutional use in the IC district are governed by the provisions in § 1 75-1 OJ.

C. **Minor and Major Projects**
In order to tailor the scope of a project review to the scale of a project, applications are divided into two categories, major and minor. In recognition of their lesser impact, minor projects involve simpler application materials, a more streamlined review process, and less detailed findings requirements, while major projects undergo a more detailed and rigorous review procedure because of their greater impact. The classification of major and minor only applies to projects that require site plan or special permit review. This classification system does not apply to development allowed by right without review by the Planning Board, Zoning Board of Appeals, or Town Board.

1. A **Minor Project is a Special Permit or Site Plan** application for a project that does not exceed any of the following thresholds (over a five-year period):

    a. Construction of four multi-family dwelling units or a lodging facility with six bedrooms.
    b. Construction of facilities or structures for a non-residential use covering 3,000 square feet of building footprint.
    c. Alteration of existing structures or expansion of such structures by 1,000 square feet,
    d. Conversion of existing structures totaling 5,000 square feet to another use.
    e. Alteration and active use of 10,000 square feet of land, with or without structures.
    f, Construction of a structure that is 50 feet hi height above average grade level (provided that it otherwise complies with this Chapter or is the subject of an area variance),

? A **Major Project is a Special Permit or Site Plan** application exceeding any of the Minor Project thresholds,

D. In reviewing any project subject to special permit or site plan approval, the reviewing board should consider - Putnam County Pathways: A Greenway Planning Program Linking Putnam's Open Space, Historic, Cultural and Economic Resources 11 as amended from time to time, as a statement of land use policies, principles and guides.

Town of Philipstown

238 Main Street
Cold Spring New York 10516

Zoning/Planning Board

PREAPPLICATION MEETING

for

Special Use and Site Plan Applications

Project Name: SNK Farms

Meeting Date: 5-25-12

Attendees:

Syed H Kirmani, Owner/ Applicant
Glenn Watson, Applicant's Engineer
Andie Meranti, Planning Board Member
Susan Jainchill, Consulting Planner
Ron Gainer, Consulting Engineer
Kevin Donohue, Code Enforcement Agent

T O W N O F P H I L I P S T O W N

P U T N A M C O U N T Y, N E W Y O R K

APPLICATION FOR APPROVAL OF SPECIAL USE PERMIT OR SITE PLAN

The undersigned hereby make application to the Planning Board of the Town of Philipstown under the Part-One Subdivision Regulations for one of the following (check one):

- [x] for approval of a Minor Site Plan by the Planning Board under Article IX
- [ ] for grant of a Special Use Permit by the Board of Appeals under Article XI
- [ ] for grant of a Special Use Permit by the Board of Appeals under Section 175.24 and Article XI

For Office Use Only

1. Application # ____
2. Fee _____
3. Rec'd by _____
4. Date _____

I. Identification of Applicant:

a. Applicant (name) **SNK Farms, Inc.** Tel. **845-765-8507**

address **3188 Route 9**

Cold Spring, NY 10516

b. Owner of property if not same as Applicant:

(name) **3188 Route 9, LLC** Tel. **845-765-8507**

address **3188 Route 9**

Cold Spring, NY 10516

III. Plan Requests and Authorizations:

a. As part of this Application, request is hereby made to the (X) Planning Board ( ) Board of Appeals to determine that all or part of Site Plan and architectural plan information specified in Par. 31.2.2 and 33.2.2 and 33.2.3 is not necessary and need not be submitted

☒ None requested.

☐ Request, as set forth in Appendix FF, together with the reasons therefore.

b. The Applicant and Owner hereby grant to the Planning Board, Board of Appeals and Zoning Administrative Officer, and their authorized agents, permission to enter upon the property that is the subject of this Application for the purpose of inspection and enforcement of the Zoning Law, including the taking of tests and materials samples.

IV. Endorsements:

Date **May 3, 2012**

Applicant (Signed) **SNK Farms, Inc.**
by: Syed Kirmani, President & Stockholder

Date **May 3, 2012**

Owner (Signed) **3188 Route 9 LLC**
by: Syed Kirmani, Sole Member

A P P E N D I X B-1: CERTIFICATE CONCERNING OWNERSHIP OF APPLICANT

1. If owner or applicant is a general or limited partnership, attach this notarized certification listing names and addresses of all partners and participants. If a partner is a partnership, corporation, association or business trust, provide the information required by this section for such partner.

2. If owner or applicant is a corporation, association or business trust attach notarized this certification listing position, name and address of all officers, directors and all shareholders owning (whether beneficially or equitable) five (5%) percent or more of any class of such party's stock.

Certificate of **SNK Farms, Inc.**

Position	Name	Address	% Ownership
President & Stockholder	**Syed Kirmani**	**1983 Route 52 Hopewell Jct., NY 12533**	**100** %
			%
			%
			%
			%
			%
			%
			%
			%
			%

The undersigned (corporate officer) hereby certifies that the information hereinabove set forth is true and correct.

GLENNON J. WATSON
Notary Public, State of New York
No. 4755184
Qualified in Putnam County
Commission Expires March 30, 2015

Sworn to before me this **3rd** day of **May**, 20 **12**

Notary Public

SNK Farms, Inc.

Syed Kirmani, President & Stockholder
Signature and Title

A P P E N D I X C

T O W N O F P H I L I P S T O W N, N E W Y O R K

DISCLOSURE STATEMENT ACCOMPANYING APPLICATION OR PETITION

A. Identification of Application or Petition:

1. TO:
   - [ ] Philipstown Town Board
   - [x] Philipstown Planning Board
   - [ ] Zoning Board of Appeals
   - [ ] Zoning Administration Officer/Building Inspector

2. NAME OF APPLICANT: **SNK Farms, Inc.**

3. RESIDENCE: **3188 Route 9 Cold Spring, NY 10516**

4. DATE: **May 3, 2012**

5. NATURE OF APPLICATION OR PETITION: **Approval of a Minor Site Plan prepared for SNK Farms, Inc.**

B. Nature and Extent of Interest of any State Officer or Municipal Officer or Employee in this Application (Set forth in detail).

None

C. Statement that no State Officer or Municipal Officer or Employee has an interest in this Application.

The undersigned Applicant or Petitioner certifies by signature on this Disclosure Statement that, with the exception of the information contained in Paragraph B, above in accordance with the provisions of Sec. 809 of the General Municipal Law, no State officer or any officer or employee of the Town of Philipstown or of any municipality of which the Town is a part has any interest in the person, partnership or association making the above application, petition or request.

SNK Farms, Inc.

Date : **May 3, 2012**

Signed _____
Syed Karmani, Applicant

(Note: See reverse for the provisions of Sec. 809)

A P P E N D I X DD: IDENTIFICATION OF PROPERTY AND PROPOSAL

DD-1. Property

a. Total acres **1.073** ; square feet **46740**

b. Does application cover all contiguous land of the owner? **Yes**
If no, explain any excluded area **N/A**

c. Tax Map Sheet **27.11** Block **1** Parcel(s) **23**

d. Last deed: Date **3/28/12** Liber **1894** Page **67**

DD-2. Location:

a. Zoning District(s) **HM (Hamlet mixed use)**

b. Property abuts (street or roads) **U.S. Route 9**

c. Municipal Districts encompassing all or part of property:

School: **Haldane Central School**

Fire Protection: **North Highlands Fire Co.**

Other: **-**

d. Does project involve a new vehicular access connecting directly into any State Highway or County Road? **No** If yes, give name and Route # **N/A**

e. Does project include any land within 500 feet of any abutting municipality, the boundary of any existing or proposed County or State park or recreation area, the right-of-way of any existing or proposed County or State highway, the existing or proposed right-of-way or stream channel owned by the County and for which channel lines have been established, or the boundary of County or State land on which a public building or institution is established? **Yes**
If yes, specify **Property abuts U.S. Route 9.**

f. Give name and address of all property owners within 500 feet of the perimeter boundary of the proposed plat (as indicated in the current Town Tax Assessor's records):

Name	Address
SEE ATTACHED LIST	

DD-3. Proposal: (cont.)

j. Does proposed project include any wetlands and/or water courses as defined by the State of New York or any applicable Local Law? **Yes**;
If yes, describe **Clove Creek runs through rear of property. No activity proposed within 100'.**

k. Are any signs proposed in connection with the project? **Yes**
Illuminated? **Yes** Are details and specifications shown on plans accompanying application? **Existing** (see photo's attached)

l. Is any outdoor illumination proposed in connection with the project? **No** If yes, are details and specifications shown on plans accompanying application? **Existing** (see photo's attached)

DD-4. Procedures:

a. What is the period of time within which the project is to be completed? **6** months.

b. Does applicant propose to develop project in stages? **No**
If yes, describe **N/A**

c. Are any variances of the Zoning Law to be requested from Board of Appeals? **No** If yes, describe **N/A**

d. Does applicant propose to make for ( ) Planning Board or ( ) Board of Appeals approval a subsequent submission of details and specifications for elements of the project? **No** . If yes, identify which elements **N/A**

DD-5. Encumbrances: If property is subject to any of the following encumbrances, describe or attach copies:

a. easements **None**

b. deed restrictions on use and development **None**

c. mortgages **None**

t. liens **None**

e. leases **None**

f. other **None**

Date May 3, 2012

Project Name Site Plan prepared for SNK Farms, Inc.

Applicant's Representative Badey & Watson Surveying & Engineering, P.C.

PHILIPSTOWN PLANNING BOARD
SUBMISSION CHECKLIST
SITE PLAN / SPECIAL USE APPLICATIONS

Indicate the following information is provided in the submission package. Explain missing information.

1. STATEMENT OF USE ☒
   a. Nature and extent of use ☒
   b. Utility provisions ☒
   c. Number of users ☒
   d. Daily vehicle trips ☒
   e. Performance Standard Compliance Description ☐
   f. Hazardous Materials Disclosure ☐

   Lacking: ☐
   Parking/Loading Requirements ☒
   Peak Hour ☒

2. SITE PLAN ☒
   a. Scale (must be 1" - 50" or greater) ☒
   b. Lot area information ☒
   c. Existing structures/improvements shown ☒
   d. Existing setback/yard dimensions ☒
   e. Off-street parking/loading access ☒
   f. Existing wells ☒
   g. Existing sewage disposal ☒
   h. Land disturbance line ☐
   1. Two-foot contours ☒
   j. Soil test results ☒
   k. Water supply facilities ☒
   1. Sewage disposal ☒
   m. Solid waste disposal ☒
   n. Drainage ☐
   o. Erosion/Sedimentation control ☐
   p. Fire protection facilities ☐
   q. Outdoor storage areas ☒
   r. Signs ☒
   s. Illumination ☒
   t. Wooded areas shown ☒
   u. 12" DBH trees ☐
   v. Landscaping ☒
   w. Recreation facilities ☐
   x. 100-year flood zone ☐
   y. Appropriate elevations ☒
   z. Bulk Schedule ☐

   Sealed by NYS-licensed surveyor, architect, landscape architect or professional engineer ☐

3. ARCHITECTURAL PLANS ☐
   a. Preliminary ☐
   b. Elevations ☐
   c. Floor plans ☐
   d. Perspectives ☐

   Are the following indicated?
   e. Bldg material ☐
   f. Color ☐
   g. Height ☐
   h. Bulk ☐
   i. Roofline ☐
   j. Ornamentation ☐
   k. Interior uses ☐

   Sealed by NYS-licensed architect or professional engineer? ☐

Comments: _____

27.12-1-22
CRONIN, DENNIS G
51 Hiram Rd
Cold Spring, NY 10516

27.12-1-21
CARLSON, RALPH R
45 Hiram Rd
Cold Spring, NY 10516

27.12-1-20
KISSLINGER, DEREK J
33 Hiram Rd
Cold Spring, NY 10516

27.12-1-19
LINDQUIST, JONATHAN C
25 Hiram Rd
Cold Spring, NY 10516

27.12-1-18
GRASSO, LOUIS
15 Hiram Rd
Cold Spring, NY 10516

27.8-1-9
PIDALA, FRANK S
3214 Rt 9
Cold Spring, NY 10516

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:

☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:

☐ Yes ☐ No

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 21 day of March , in the year 2012

BETWEEN Cold Spring Properties LLC, whose place of business is located at 3188 Route 9 Cold Spring, NY

party of the first part, and 3188 Route 9 LLC, whose place of business is located at 3188 Route 9, Cold Spring, NY 10516
party of the second part,

WITNESSETH, that the party of the first part, in consideration of

dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE A ATTACHED.....

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Cold Spring Properties LLC, by Paul Vassallo
Managing Member

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Putnam, ss:

On the 21 day of March in the year 2012, before me, the undersigned, personally appeared PAUL VASSALLO

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ROBERT L. PICONE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01P16062924
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES AUGUST 20, 20_13

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, personally appeared

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared

, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of , County of , ss:
*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the day of in the year , before me the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

Bargain and Sale Deed
With Covenants

SECTION: 27.11

BLOCK: 1

LOT: 23

COUNTY OR TOWN: Phillipstown

Title No. 3124KT-P

Cold Spring Properties LLC
TO
3188 Route 9 LLC

KEPPLER TITLE AGENCY, LLC
47 NEPERHAN AVE., STE #8
ELMSFORD, NY 10523-1836

RETURN BY MAIL TO:

Gary Basso, Esq.
1937 Williamsbridge Road
Bronx, NY 10461

SNK_FARMS_View of Building_2.jpg

SNK_FARMS_View of Signsge_2.jpg

BADEY & WATSON
Surveying & Engineering, P.C.

Land Surveying
Civil Engineering
Laser Scanning
GPS Surveys
Site Planning
Subdivisions
Landscape Design

3063 Route 9, Cold Spring, New York 10516
(845)265-9217 (877)3.141593 (NY Toll Free) (845)265-4428 (Fax)
email: info@badey-watson.com website: www.badey-watson.com

Glennon J. Watson, L.S.
John P. Delano, P.E.
Peter Meisler, L.S.
Stephen R. Miller, L.S.
Jennifer W. Reap, L.S.
Robert S. Miglin, Jr., L.S.
Mary Rice, R.L.A., Consultant
George A. Badey, L.S., (1973-2011)

July 12, 2012

Michael Leonard, Interim Chairman
Philipstown Planning Board
Town Hall
238 Main Street

Cold Spring, NY 10516

RE: Application of Cold Spring Fuel Corp.

Dear Mr. Leonard and Honorable Board Members:

Cold Spring Fuel Corp. is desirous of amending its Site Plan for its property at 3524 Route 9, Cold Spring. The amendment, if approved, will allow the installation of an 18,800-gallon propane tank. For this reason we submit herewith 13 copies each of the following documents:

1. Application dated July 12, 2012
2. "Site Plan for Cold Spring Fuel Corp." dated July 12, 2012
3. Photos of a similar tank from Transtech Energy's website, 3 pages
4. NFPA 58 compliance data from Transtech Energy's website, 2 pages
5. Photos of piers and cradles that support these types Transtech Energy's website, 2 pages
6. Philipstown Planning Board Resolution PB#6-03 dated April 17, 2003, approving the current site plan
7. "Site Plan for Pidala Oil Co., Inc., by Spectra Engineering, PC, last dated June 18, 2003

Please include this item in the agenda for the Planning Board meeting scheduled for July 26, 2012.

Thank you for your consideration of this request.

Yours truly,
BADEY & WATSON,
Surveying & Engineering, P.C.

by
Glennon J. Watson, L.S.

Enclosure (1)
GJW/bms
cc: File 77-113B\ML12JL12BP_AmendSitePlanSubmit.doc

Owners of the records of:
♦ Joseph S. Agnoli ♦ Barger & Hustis ♦ Burgess & Behr ♦ Roy Burgess ♦ Vincent Burruano ♦ Hudson Valley Engineering Company ♦ G. Radcliff Hustis ♦
♦ Peter R. Hustis ♦ J. Wilbur Irish ♦ James W. Irish, Jr. ♦ Douglas A. Merritt ♦ E.B. Moebus ♦ Reynolds & Chase ♦ General Jacob Schofield ♦
♦ Sidney Schofield ♦ Allan Smith ♦ Taconic Surveying and Engineering ♦ D. Walcutt ♦

TOWN OF PHILLIPSTOWN
Planning Board
238 Main Street, PO Box 155
Cold Spring, NY 10516
Office (845) 265-5202 Fax (845) 265-2687

Application for Planning Board Special Use & Site Plan Approval

Date: 7/12/12 TM# 16.12-1-15

Project Name: Cold Spring Fuel Corp.

Street Address: 3524 Route 9 Cold Spring, NY 10516

Fee Amount: _____ Received: _____

Bond Amount: _____ Received: _____

Applicant:

Name Cold Spring Fuel Corp.
Address P.O. Box 349
Cold Spring, NY 10516
Telephone 845-265-2073

Tenant:

Name Cold Spring Fuel Corp.
Address P.O. Box 349
Cold Spring, NY 10516
Telephone 845-265-2073

Design Professional:

Name Badey & Watson Surveying & Engineering, P.C.
Address 3063 Route 9
Cold Spring, NY 10516
Telephone 845-265-9217

Surveyor:

Name Badey & Watson Surveying & Engineering, P.C.
Address 3063 Route 9
Cold Spring, NY 10516
Telephone 845-265-9217

Property Owner (if more than two, supply separate page):

Name Cold Spring Fuel Corp.
Address P.O. Box 349
Cold Spring, NY 10516
Telephone 845-265-2073

Name _____
Address _____
_____
Telephone _____

TM# 16.12-1-15

Project Name: **Amendment of Site Plan prepared for Cold Spring Fuel Corp.**

175-11 Density and Dimensional Regulations

Zoning District	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback	-	-	-	-	-
Measured from the travel way Town Road	25 ft.	132.9	87.7	-	-
Measured from the travel way County/State	35 ft.	92.1	92.1	-	-
Minimum side yard setback	15 ft.	34.2	34.2	-	- **
Minimum side yard setback (2)	-	-	-	-	-
Minimum side yard setback (3)	-	-	-	-	-
Minimum rear yard setback	35 ft.	N/A	N/A	-	-
Maximum impervious surface coverage	60%	44.7%	44.7%	-	-
Maximum height	40 ft.	22 +/-	22 +/-	-	-
Maximum footprint non-residential structures	40,000	3207	3207	-	-

** Corner lot requires 2 side yards (see Sec. 175.30B)

SUBMISSION:

13 copies with one electronic file in .pdf format of the following;

1. Pre-Application meeting decision and comments
2. Application
3. Proof of Ownership
4. Site Plan
5. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
6. An agricultural data statement as defined in §175-74, if required by §175-37C.
7. The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.
8. FEE: **$250.00** Received: **7/11/12**
9. Escrow: **$2,000.00** Received: **7/11/12**

Town of Philipstown

238 Main Street
Cold Spring New York 10516

Zoning/Planning Board

PREAPPLICATION MEETING

for

Special Use and Site Plan Applications

Project Name: PIDALA GH

Meeting Date: JUNE 15, 2012.

Meeting held ~~and confirmed by~~: JAMES PIDALA - APPLICANT.
GLENN WATSON - APPLICANT'S ENGINEER
RON GAINER - TOWN ENGINEER.
SUSAN JAINSCHILL - TOWN PLANNER
KEVIN DONAHUE - CODE ENFORCEMENT OFFICER
ANTHONY MERANTE - PB MEMBER

10:30

617.20
APPENDIX C
STATE ENVIRONMENTAL QUALITY REVIEW

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: **Cold Spring Fuel Corp.**

2. PROJECT NAME: **Amended Site Plan prepared for Cold Spring Fuel Corp.**

3. PROJECT LOCATION:
Municipality: **Philipstown** County: **Putnam**

4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc. or provide map

3524 Route 9, P.O. Box 349 Cold Spring, NY 10516

5. IS PROPOSED ACTION ☐ New ☐ Expansion ☒ Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:

Addition of an 18,000 gallon propane storage tank to existing site plan of fuel delivery and heating/hot water equipment installation and repair business.

7. AMOUNT OF LAND AFFECTED:
Initially **0.05** acres Ultimately **0.05** acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?
☒ Yes ☐ No If no, describe briefly:

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.)
☒ Residential ☐ Industrial ☒ Commercial ☐ Agriculture ☐ Park / Forest / Open Space ☐ Other (describe)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)
☐ Yes ☒ No If yes, list agency name and permit/approval:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If yes, list agency name and permit / approval:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant / Sponsor Name: **Cold Spring Fuel Corp.** Date: **July 12, 2012**

Signature: **Surveyor for Applicant**

If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

11/96

BK 1484 PG 0235

PUTNAM COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)

RECORD & RETURN TO:
(Name, Address, & Zip)

Stephen G. Tomann, Esq.
Lawrence & Tomann
81 Main Street
Cold Spring, NY 10516

TYPE OR PRINT IN BLACK INK ONLY

GRANTOR/MORTGAGOR

East Mountain Realty, Inc.
TO
Cold Spring Fuel Corp.

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ✓ MORTGAGE ___ SAT ___ ASMT ___ OTHER ___

OF PAGES 4

RECORDING FEES

RCD FEE	13.00
STAT CHG	5.00
REC MGMT	5.00
CROSS REF	.00
CERT/COPY	.00
TOTAL	33.00

RESERVE FOR TIME STAMP

99 SEP 14 AM 8:16
JOSEPH L. PELOSO JR.
PUTNAM COUNTY CLERK

DEED TRANSFER TAX

CONSIDERATION $ 385000.00

RECEIVED
$ 1540.00
REAL ESTATE
556
TT#
TRANSFER TAX
PUTNAM COUNTY

TP-584 ( ) $5.00

E&A ( ) $25.00

PUTNAM COUNTY CLERK'S OFFICE

RECORDED ON Sept 14, 1999

LIBER 1484 PAGE 235 AND EXAMINED

JOSEPH L. PELOSO, JR.
PUTNAM COUNTY CLERK

MORTGAGE TAX

MTX AMOUNT ___

TOTAL TAX ___

SERIAL NUMBER ___

AFFIDAVIT FILED ( )

14734

MORTGAGE/DEED TAX DISTRICTS:
TOWN OF CARMEL
TOWN OF KENT
TOWN OF PATTERSON
TOWN OF PHILIPSTOWN
TOWN OF PUTNAM VALLEY
TOWN OF SOUTHEAST
UNAPPORTIONED

MORTGAGE TYPES:
A COMMERCIAL/VACANT LAND
B 1 - 2 FAMILY
C UNDER $10,000
D CREDIT UNION/PERSONAL MTG
E 3 - 6 UNITS
N EXEMPT

WASHINGTON TITLE INSURANCE COMPANY

SCHEDULE A (Description)

Title Number: RGP 12653

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Philipstown, County of Putnam and State of New York, bounded and described as follows:

BEGINNING at the point formed by the intersection of the southeasterly line of U.S. Route 9, (State Highway 5149) with the westerly line of Mill Road;

Thence from the said point of beginning southeasterly along the said westerly line of Mill Road the following courses: South 35 degrees 10' 57" East 55.26 feet, South 27 degrees 23' 57" East 248.32 feet, South 9 degrees 18' 00" East 17.84 feet to a point at the line of lands formerly of Miller and now or formerly of Campbell;

Thence southwesterly along the said Campbell lands, South 39 degrees 35' 00" West 342.97 feet to a point at the line of lands formerly of Brodie and now or formerly of Sardi;

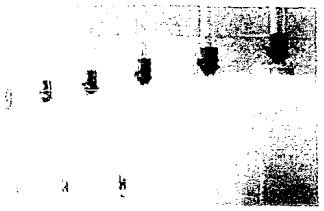
Thence northerly along the said Sardi lands North 5 degrees 11' 04" West 339.00 feet to a point on the aforementioned southeasterly line of U.S. Route 9 (State Highway 5149);

Thence northeasterly along the said southeasterly line of U.S. Route 9 (State Highway 5149), North 25 degrees 30' 28" East 232.63 feet to a point or place of BEGINNING.

RG AGENCY
(914)739-2700

2506

TRANSTECH ENERGY
LPG & NGL STORAGE SYSTEMS



LPG Processing Storage Bullet Tank

18,000 Gallon LPG Storage Tank- New Tank

Equipment:	18,000 Gallon Trinity 250 psi; 109" OD x 41' OAL, National Board Number, never in service, perfect condition
Location:	Locust Grove, Oklahoma
Description:	2001 Trinity 18,000 gallon (wc), Diameter(OD)-109", Length(OAL)-41', 250 psi, Steel Saddles, Bottom Openings two sets of (1)3" and (2)2"), Manway, Magnetel, Temp Gauge, Pressure Gauge/Fixed Level Gauge Openings, Top Openings(2)2" Openings for Relief Valves and (1)2" vapor. Excellent structural cosmetic condition.
Photo:	

Call 888-206-4563 or email our office at sales@transtechenergy.com

---

LPG Bulk Plant and Rail & Transport Supply Terminal Design, Engineering, and Construction
Propane/Air System Design, Engineering, & Construction
Sale of Used Pressure Vessels and Other Equipment
Precast Pier Sales & Installation

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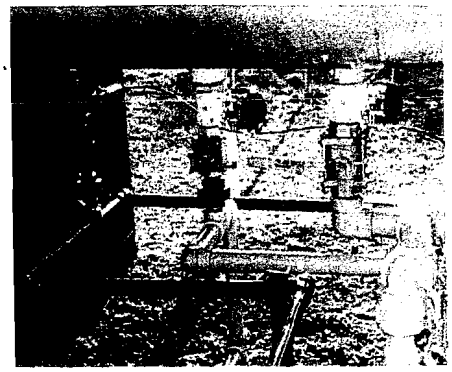
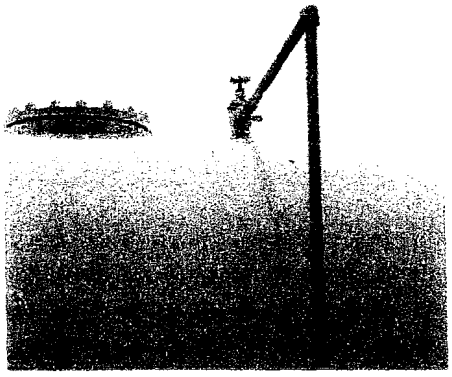
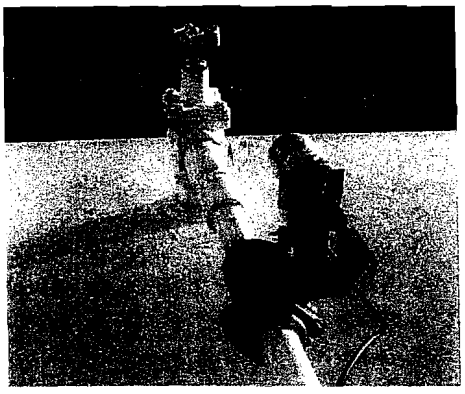




ESV w/Pneumatics



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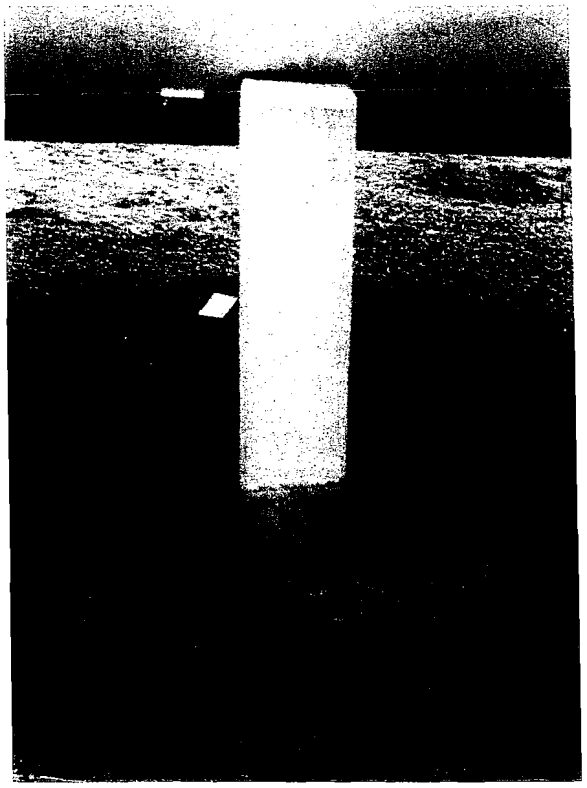

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WHEREAS, in response to the memo dated February 27, the applicant has provided a revised Site Plan dated March 5, 2003 and Visual Cross Sections sheet dated March 4, 2003, revised Statement of Use, addressing venting issues; a set of photographs illustrating visual impact of the site; and photographs of current site landscaping and the existing tank (which the new tank would look similar to); and,

WHEREAS, we suggested Applicant meet with the North Highlands Fire Department and secure its input on firematics relative to the tanks; the North Highlands Fire Dept. has made a site visit and indicated it is satisfied with the access in its letter report to the Planning Board; and,

WHEREAS, Applicant has added a note to the site plan indicating all landscaping planted along Route 9 per the previous plan shall be maintained in vigorous growing condition by Applicant and successors and failure to do so will constitute a violation of Site Plan Approval; and,

WHEREAS, this matter was referred to the County Planning Department pursuant to Section 239 of New York State Town law and a positive response was received dated April 5, 2003; and,

WHEREAS, a public hearing was held on this application on April 17, 2003, at which time it was closed; and

State Environmental Quality Review Act

WHEREAS, it was determined that this action is subject to SEQR review according to ECL Part 617 and, based on a Long Form EAF, Part I dated June 26, 2002, submitted by the applicant, this project was determined to be an unlisted action; and,

WHEREAS, a uncoordinated SEQR review was conducted and the Planning Board acted as lead agency;

WHEREAS, on April 17, 2002, the Planning Board reviewed Part 2 of the Long Form EAF and based on said review, no potentially large impacts relating to this action were revealed;

NOW, THEREFORE, BE IT RESOLVED:

1) that the Planning Board adopts a Negative Declaration (dated April 17, 2003) consistent with Article 8 of Environmental Conservation Law (See Attachment 1).

2) the Planning Board hereby conditionally grants final site plan approval. Said approval expires within 12 months unless an application for a certificate of occupancy is filed with the Town Building Department.

3) No certificate of occupancy may be applied for until the site plan is signed by the Planning Board Chairman and this resolution is signed by the applicant and the Town Building Inspector. The Planning Board authorizes the Planning Board Chairman to sign the final version of the site plan drawing upon receipt of proof of compliance with the following items:

a) Addition of a note to the site plan that states: "The use of this property in accordance with these plans and the submitted Statement of Use shall not occur

ATTACHMENT 1
SEQR
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Lead Agency: Town of Philipstown Planning Board
Town Hall
238 Main Street
Cold Spring, NY 10516

Date: April 17, 2002

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described below will not have a significant effect on the environment.

Title of Action: Pidala Oil Site Plan Application

SEQR Status: Unlisted

Description of Action: installation of a 17,000 gallon above ground diked fuel oil tank at an existing facility, located on a 1.67 acre site in the B-2 zoning district, used for retail sale of plumbing and heating products; installation and service of plumbing and heating equipment; storage of delivery trucks; and storage of propane fuel. Water supply would continue to be provided from an existing well; an existing septic system would continue to be used for sewage disposal.

Location: U.S. Route 9, Philipstown, Putnam County, New York.

Reasons Supporting This Determination: No significant environmental effects associated with the proposed physical changes to the project site are anticipated based on a review of a Long Form EAF, Parts 1, 2 and 3.

For Further Information:
Tim Miller, AICP
TIM MILLER ASSOCIATES, INC.
10 North Street
Cold Spring, NY 10516
(845) 265-4400

Copies of this Notice Sent to:
Supervisor, Town of Philipstown
Town of Philipstown Zoning Board of Appeals
Putnam County Planning Department
New York State Department of Environmental Conservation, Region 3
Planning Board Chairman
Applicant