



**TOWN OF PHILIPSTOWN CONSERVATION BOARD  
238 MAIN STREET, COLD SPRING, NY 10516**

**October 17, 2016**

**MINUTES**

The Conservation Board held its regular meeting at the Town Hall on Tuesday, October 17, 2016.

Present: Mark Galezo, (Chairman)  
Chris Robins from AKRF (Wetlands Consultant)  
Andrew Galler  
Max Garfinkle  
Lew Kingsley  
Eric Lind

Absent: M. J. Martin (leave of absence)  
Robert Repetto

**\*\* PLEASE NOTE that these minutes were abstracted in summary from the meeting and a taped recording.**

Mr. Galezo opened the meeting at 7:31 P. M.

**1. Old Business:**

***a. Edward Mackin, 547 East Mountain Road, Cold Spring (TM# 17.-3-8)***

The Board members reviewed the Survey of Property from Mr. Mackin dated October 5, 2016. Mr. Mackin noted he had a right-of-way from his neighbor for a section of the driveway including six feet beyond the driveway line. Mr. Mackin noted he will remove the stone that was placed beyond the driveway right-of-way and have it taken away. The Board suggested planting grass seed or a seed mix in the affected area. Mr. Lind suggested a seed company named ERNST SEEDS. The seeds used should be native to the New York area. The Board recommended removing a Multiflora Rose which is located inside the turn of the driveway. The Multiflora Rose should be hand cut at the base and the re-sprouting shoots should be clipped each year. Left over seed mix can be planted in the area where the Multiflora Rose is being removed.

Mr. Mackin asked about continuing the work on the deck. The Board members agreed that once the remediation work has been completed as described above Mr. Mackin is to contact the Board and one or several Board members will inspect the work. If all the work is acceptable the Stop Work Order will be released.

Mr. Mackin pointed to the location of the proposed deck on the drawing. The proposed deck will run the whole length of the house. The issue of whether or not the deck or a part of the deck is in the buffer of the intermittent stream will be reviewed by the building Department. If it is determined that any part of the deck is in the wetland buffer, Mr. Mackin will have to get a wetlands permit which will include

specific details regarding the construction and footings for the deck and mitigation will have to be done such as a native planting strip that might act as a buffer for the intermittent stream.

**b. Jessica Crofts, 54 Lyons Road, Cold Spring (TM# 27.7-1-39)**

The applicant previously proposed to build a green house within the 100 foot wetlands buffer. Mrs. Crofts has received DEC approval since the September 13, 2016 meeting. The DEC and the Town require a 100 foot setback. It was determined by the DEC that the area of disturbance is less than 1000 feet. The green house will be more than 50 feet from the wetland. A rain garden will be used to catch any runoff. The area has been delineated and tagged by DEC. Mrs. Crofts noted that the area of the location of the green house was measured by herself and Ms. Kelly McKean from the DEC. Mrs. Crofts prepared her own site drawings due to the cost of having a professional site plan. Chairman Mr. Galezo noted that the risk of not having a stamped plan is on the applicant and noted in the end she will need an as built survey showing the location of the green house. If the green house is built in the wrong place it will fail to meet the DEC requirements.

Mrs Croft reviewed the construction of the green house which will be post into gravel with a wood frame. The Board discussed and agreed that the Town permit will follow the guidelines of the DEC permit and will include the drawings in the DEC Permit as a reference.

Mr. Kingsley moved to grant the Wetlands Permit to follow the guidelines of the DEC permit and to include the drawings in the DEC Permit as a reference. Mr. Lind seconded the motion. The motion was as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Garfinkle	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Leave of absence
Mr. Repetto	Absent

The motion passed unanimously.

**2. New Business:**

**Jared and Carolino Della Valle, 117 Round Hill Road, Garrison (TM# 39.-2-21.2)**

The applicants were represented by Mr. Glenn Watson. Mr. Watson noted that this is a referral from the Planning Board for comments. The applicants proposed to construct a house which will disturb the steep slopes in the Hillside and Ridgeline Protection District. The house will be done in earth tones and cannot exceed 30 feet in height. The lot and septic system were previously approved. There is an existing driveway, and a permit has been issued by the Board of Health for the septic system. The proposed house will be a one story house on a live-in foundation. Very few trees will be removed. A Cistern Drainage System will be used and allowed to overflow so the storm water can be used for irrigation. The Conservation Board will write a memo to the Planning Board with their comments. The Board discussed having Mr. Robins from AKRF will do a site visit and issue comments to the Board as well.

**3. Previous applicants still pending information:**

**Doug Banker, Kings Dock Road, Garrison (TM# 81.-1-27.2)** Mr. Steve Marino represented the applicant. Mr. Marino reviewed the items that have been done or will be done as requested from the September 13, 2016 meeting.

- Under the patio of the Folly are dry wells The patio was built with sand and brick pavers so the water will flow through the sand into the dry wells. The original plan called for the dry wells to be placed in the basement where an oil tank used to be located. The Board members asked for details of the dry wells used and asked for an overlay of what was originally proposed.
- Mr. Hartford did an overlay of the buildings on the as built survey. The Board noted that they wanted everything including patio and the retaining wall to be shown as an overlay on the as built survey. A discussion ensued over whether or not Mr. Hartford should do the overlay on the as built survey or whether Badey and Watson should do the overlay. Mr. Galezo noted in his opinion he felt there was a conflict of interest in doing the overlay even though he trusted that Mr. Hartford would do it correctly. The Board requested the overlay so the board can determine within reason if the items previously approved were built correctly. Mr. Galezo noted he did not believe anything was done incorrectly but that the items should be reviewed and compared between what was approved to what was built.
- Runoff - gutters and leaders will be used to direct the runoff to dry wells. The Board suggested showing on the drawings what is currently there and what is being proposed.
- Mr. Marino presented photos of swales along the road. The photos show that the swale has been cleaned out. On the east side of the driveway it has been graded and reseeded.
- Periwinkle has been planted in the area of concern over erosion and stockpiling of mulch and compost has been removed.
- A permit is needed from Metro North regarding the removal of the invasive species. A letter has been received from Metro North which notes that the concept of the invasive species removal is good. The DEC agrees with the applicant regarding the Knot Weed removal which is part of the overall site mitigation plan. however at this time there is no permit do do any removal from the DEC or Metro North.
- Plantings – There is currently 42 new plants of various species that were just purchased and delivered. The plants will be planted in a day or two. The remaining silt grass will be removed during the planting process. The Mountain Laurel was out of stock and will be purchased at a later time.
- Three copies of all material sent to the DEC have been submitted to the Conservation Board by the applicant.
- The Board previously requested an as built survey showing the changes in the buffer in the 100 foot line to include the retaining wall and patio. Not just the buildings that were presented by the applicant.

The Board requested the following information for the November meeting:

- Mr. Galezo noted there are four places of concern where it looks like the runoff goes directly into the marsh from the driveway which are located at the outlet of two culverts and the base of the stairs. Mr. Galezo suggested placing stone under those pipes. Mr. Marino noted the stairs are pervious. Mr. Marino noted that the intention is the gravel will have breaks to break up the velocity of the water flow. Currently it is vegetated with grass and located at least 200 feet from the buffer zone.
- The type of dry well system used was requested.

- The Board still needs an as-built of all work that was done including the landscaping and patios.
- The plants by species will be noted on a drawing. The new plantings will be flagged.
- The invasive removal would need the Boards trust to make sure it was completed.
- Plants purchased must be planted. Mr. Marino noted there is a three year plan to make sure the plants stay alive.
- A summary of the work done in a regulated area that was not approved was requested.

Mr. Kingley noted he is not allowed on Mr. Bankers property.

#### 4. Minutes:

- The minutes of July 12, 2016 were reviewed. Mr. Garfinkle questioned the status of the permit for Robert Bresnan. It was asked by the Board to have the Board Secretary check the status of the permit and the status of the work being done. Mr. Galler moved to approve the minutes as presented and Mr. Lind Seconded the motion. The motion passed as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Garfinkle	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Leave of absence
Mr. Repetto	Absent

- The minutes of September 13, 2016 were reviewed. Mr. Garfinkle moved to approve the minutes as presented and Mr. Galler seconded the motion. The motion passed as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Garfinkle	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Leave of absence
Mr. Repetto	Absent

#### 3. Board Business:

The Board discussed and reviewed changing the date of the November regular meeting since the regular meeting is scheduled for Election Day. It was decided that the Board would hold their regular monthly meeting on Monday November 7, 2016 at 7:30 P.M.

Glenn Baumler - The Board discussed the status of the driveway being done at 5 Winston Lane. Town Councilman Mike Leonard noted The Town Engineer has been to the site. There are no issues at this time.

Susan Green – A site visit was done on the Dick’s Castle property. Mr. Galezo will contact Ms. Green regarding the findings of that site visit.

Steven Kreps – Mr. Galler noted he had been to the site and noted the pond is very low. Mr. Lind noted there's not a large number of aquatic life in that pond.

Martha Howell – The permit has not been signed so work has not yet started.

Wetlands Inspector – The Town Board is interviewing for the position of Wetlands Inspector tomorrow night (October 18, 2016). Mr. Leonard will recommend that AKRF stay on as the Wetlands Consultant during the transition.

Joint Training with the Conservation Board and the Planning Board will be rescheduled after the new Wetlands Inspector has gotten familiar with the position. Mr. Leonard thanked all involved for their help during the transition of the hiring of a Wetland Inspector and noted how important Mr. Klotzle was in his role as Wetland Inspector.

Mr. Leonard will discuss with Town Supervisor Mr. Shea signing the renewal Wetland Permits.

Mr. Galler moved to adjourn the meeting and Mr. Kingsley seconded the motion. The motion passed as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Garfinkle	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Leave of absence
Mr. Repetto	Absent

The meeting adjourned at 9:40 P. M.

**\*\*NOTE: these minutes were prepared for the Conservation Board and are subject to review, comment, emendation and approval of thereupon.**

DATE APPROVED: \_\_\_\_\_

Respectfully submitted,

Linda Valentino  
Secretary

**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: _____	
Date _____	_____ Conservation 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: Edward J. Mackin  
 Address: 547 East Mountain Rd. South, Cold Spring, NY 10516  
 Telephone: 845-265-6515

If Corporation, give names of officers:

\_\_\_\_\_  
\_\_\_\_\_

Mailing Address: \_\_\_\_\_

**2. Name of Agent (must have letter of permission from property owner .)**

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

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**3. Location of Proposed Activity:**

\_\_\_\_\_  
Tax Map #: 17. - 3 - 8

Square footage of Controlled Wetland Area Affected: \_\_\_\_\_

Square footage of soil disturbed by the entire project: 0

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

Installation of deck on rear of house.  
\_\_\_\_\_  
\_\_\_\_\_



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.
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- 

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)
- b. A completed short form environmental assessment form (*included in the application folder*)
- c. A map prepared by a licensed surveyor, landscape architect or engineer showing:
  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.

(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: \_\_\_\_\_

8/24/16

Signature of Applicant: \_\_\_\_\_

Edmund J. [Signature]

## Check List for a Complete Wetlands Permit Application

\*\*\*\* All supporting materials must be submitted to the Conservation Board/Wetland Inspector two weeks prior to the scheduled meeting date to allow to distribution to members before the meeting.

Ten (10) sets for major applications and two (2) sets for minor applications of all material as follows:

### Application Form

Environmental Assessment Form (short form), unless other agencies have requested the long form in which case that should be presented.

A plan of your site drawn by a design professional, such as an engineer, architect or land surveyor. All plans must show: wetlands delineation boundaries, 100' buffer zones from wetlands and watercourses, location of access route for construction activities, the location of any well or sewage or wastewater disposal system and, in most cases, the topography of the site. Site plans must include all proposed work within the 100' foot buffer zone and be full sized for easy reading by CB members

Copies of correspondence from all other agencies including, but not limited to; DEC, DOT, EPA, PCBOH, ACOE or other Town of Philipstown agencies; Town Board, Planning Board, ZBA, Building Dept.

A written outline of the proposed activity, along with a construction scenario that should include specific items such as the estimated quantities of material excavated or the amount of fill required and the total square footage of soil to be disturbed.

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 as well as the names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice.

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.

### § 93-8. Criteria for approval. [Amended 11-1-2001 by L.L. No. 4-2001]

A. The following are criteria applicable to the approval of permits for Proposed regulated activities in controlled areas:

- (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.
- (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.

B. In evaluating the criteria and the determination required in § 93-8A above, the Council and the permitting authority shall utilize the objective methodology for determining the functions of a wetland set out in the publication entitled "A Rapid Procedure for Assessing Wetland Functional Capacity," dated May 1998, by Magee and Hollands, a copy of which is on file in the office of the Town Clerk of the Town of Philipstown. [Amended 7-14-2005 by L.L. No. 2-2005]

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information																		
Name of Action or Project: <span style="font-size: 1.2em; margin-left: 40px;">Mackin Deck</span>																		
Project Location (describe, and attach a location map): <span style="font-size: 1.2em; margin-left: 40px;">Along length of house located at 547 E. Mtn Rd So, Cold Spring, NY</span>																		
Brief Description of Proposed Action: <span style="font-size: 1.2em; margin-left: 40px;">Build up of deck along house. Fittings already in place - (5) 10" Smtubes. Deck size - 46'6" x 16'</span>																		
Name of Applicant or Sponsor: <span style="font-size: 1.2em; margin-left: 40px;">Edward J. Mackin</span>		Telephone: 845-265-6515																
		E-Mail: edmackin@optonline.net																
Address: <span style="font-size: 1.2em; margin-left: 40px;">547 East Mountain Rd South</span>																		
City/PO: <span style="font-size: 1.2em; margin-left: 40px;">Cold Spring</span>		State: <span style="font-size: 1.2em; margin-left: 40px;">NY</span>	Zip Code: <span style="font-size: 1.2em; margin-left: 40px;">10516</span>															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action?		<u>0.154</u> acres																
b. Total acreage to be physically disturbed?		<u>0</u> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0.154</u> acres																
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">9Urban</td> <td style="width: 25%;">9Rural (non-agriculture)</td> <td style="width: 25%;">9Industrial</td> <td style="width: 25%;">9Commercial</td> <td style="width: 25%;"><input checked="" type="checkbox"/> 9Residential (suburban)</td> </tr> <tr> <td>9Forest</td> <td>9Agriculture</td> <td>9Aquatic</td> <td colspan="2">9Other (specify): _____</td> </tr> <tr> <td>9Parkland</td> <td colspan="4"></td> </tr> </table>				9Urban	9Rural (non-agriculture)	9Industrial	9Commercial	<input checked="" type="checkbox"/> 9Residential (suburban)	9Forest	9Agriculture	9Aquatic	9Other (specify): _____		9Parkland				
9Urban	9Rural (non-agriculture)	9Industrial	9Commercial	<input checked="" type="checkbox"/> 9Residential (suburban)														
9Forest	9Agriculture	9Aquatic	9Other (specify): _____															
9Parkland																		



Mr. Galezo  
October 24, 2016

**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

October 24, 2016

Mr. Mark Galezo, Chair  
Town of Philipstown Conservation Board  
Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516

**RE: Wetland Permit Application  
Banker Property  
43 Kings Dock Road, Garrison  
Tax Map # 81-01-27.2**

Dear Mr. Galezo:

As a follow up to our appearance at the Board's meeting of October 17, we offer the following responses and additional information as requested by the Board.

1. A revised "as-built" plan (on 3 sheets) has been prepared and submitted under separate cover by River Architects. These plans show the comparison of the approved plans from April 2015 and the work as completed. Specifically they show the location of the two buildings, the retaining wall at the "folly" building, and the location of the dry wells. A more general "limit of disturbance", as shown on the approved plans, is also depicted to show that additional work (e.g., the patio area around the "folly" building) fall within those limits. As you are aware, the approved plans and conditions of the permit were a little vague regarding finishes in the immediate area of the buildings, so we have included this limit of disturbance as a guide for informational purposes. A detail was provided on the approved plans that shows that a stone surface was proposed for use around the building, but the plans did not specifically show the limits of that surfacing.
2. An as-built planting plan is also provided, attached. In the last week we have completed the plantings required to supplement the original planting. A significant amount of porcelainberry, purple loosestrife and other noxious weeds were also removed as part of that effort. The approved plan shows a total of 73 shrubs to be planted, plus 11 swamp rose to be planted once the DEC permit is approved and the material is removed from the Metro North property. As a result of the recent planting, we now have 87 shrubs planted, plus the 11 roses to be planted later. Thus we have now exceeded the approved plan by 14 plants, all of which are marked in the field for future monitoring as part of our approval.

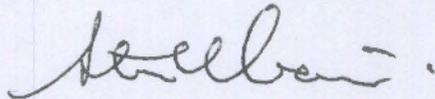


Mr. Galezo  
October 24, 2014

3. As discussed at the meeting, we have armored the outlet of the three culvert pipes with stone to prevent future erosion and reduce outlet velocities. Photos are attached.
4. Following a heavy rain event on October 22, with a second rainfall overnight on October 23, we took photos of the patio at the folly building. We also took photos at the bottom of the new stone steps and the new driveway culverts. No evidence of pooling water or scouring velocities was observed, and it appears that the methods utilized to control runoff are effective. However, we will continue to monitor this as part of our regular monitoring and maintenance and will make adjustments as required. We will report these adjustments to the Board as part of our regular monitoring reports. Photos of these areas are also attached.

I trust that this answers the questions that were raised at the Board's October meeting. We look forward to discussing this with you at the Board's next scheduled meeting on November 7th. I will be attending that meeting along with James Hartford, the project architect.

Sincerely,



Steve Marino, PWS  
Senior Wetland Scientist  
TIM MILLER ASSOCIATES, INC.

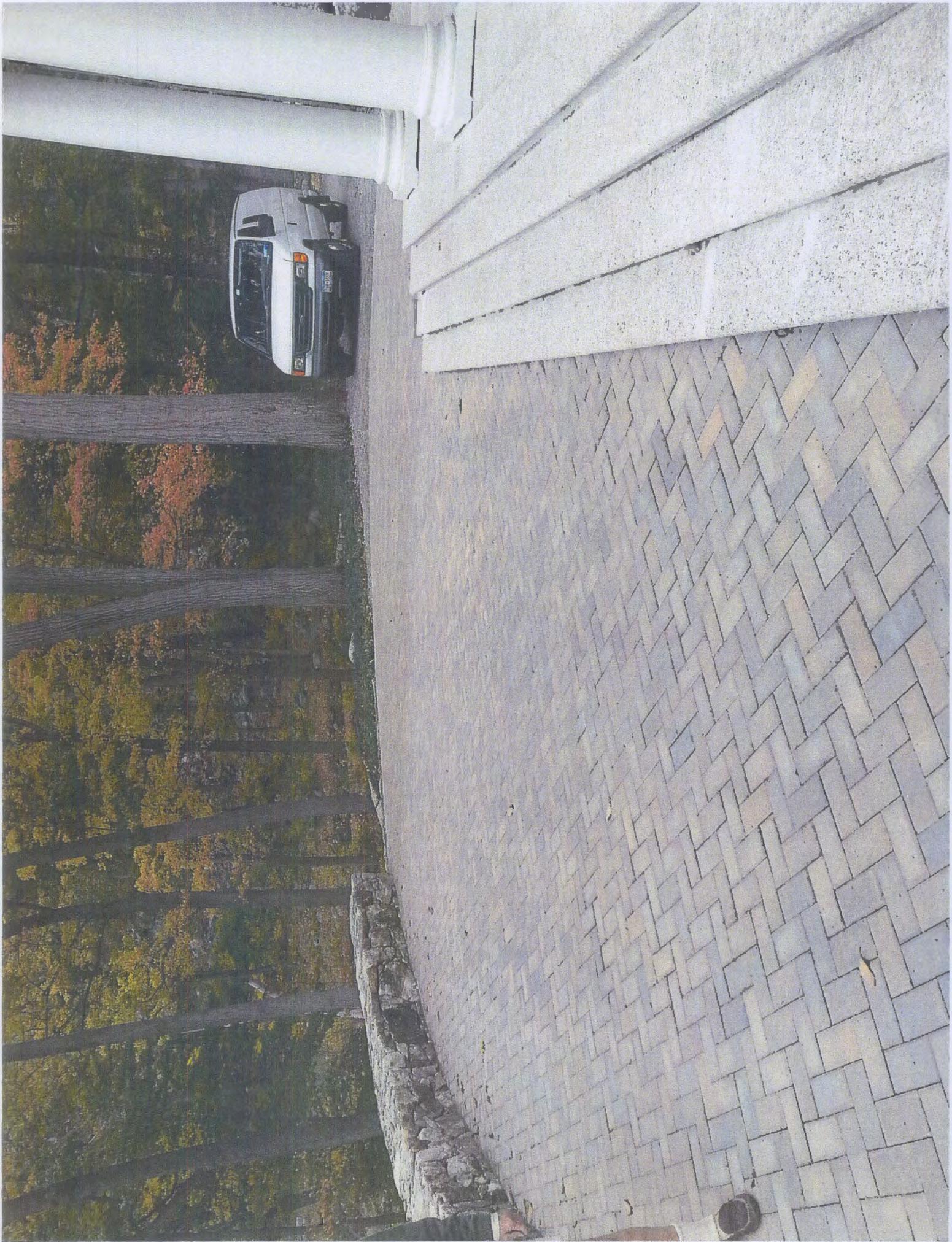
Enclosures.















# Town of Philipstown

238 Main Street

Cold Spring New York 10516

## PLANNING BOARD

### AMENDMENT of SITE PLAN

### APPLICATION PACKAGE

**Project Name:** Amended Site Plan prepared for OLSPAN, LLC

**Date:** October 6, 2016





# Town of Philipstown

Planning Board  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265-      Fax (845) 265-2687

## Application for Planning Board Special Use & Site Plan Approval

**Date:** October 6, 2016      **TM#** 38.-3-24.2

**Project Name:** Amended Site Plan prepared for OLSPAN, LLC

**Street Address:** 2700 Route 9 Cold Spring, NY 10516

**Fee Amount:** \_\_\_\_\_ **Received:** \_\_\_\_\_

**Bond Amount:** \_\_\_\_\_ **Received:** \_\_\_\_\_

### Applicant:

Name OLSPAN, LLC

Address 235 East 87th Street Apt. 1L

New York, NY 10128

Telephone 212-517-5252

### Tenant:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

### Design Professional:

Name Badey & Watson Surveying & Eng. P.C.

Address 3063 Route 9

Cold Spring, NY 10516

Telephone \_\_\_\_\_

### Surveyor:

Name Glennon J. Watson, L.S.

Address 3063 Route 9

Cold Spring, NY 10516

Telephone 845-265-9217

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

Name Same as Applicant

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

TM# 38.-3-24.2

Project Name: Amended Site Plan prepared for OLSPAN, LLC

Project Description: Modification of parking area, new highway entry and new driveway culvert and demolition and re-construction of a caretakers residence.

**ZONING INFORMATION**

175-7 Zoning District: HC

175-10 Proposed Use: Warehouse for storage of personal property, and caretakers residence.

Proposed Accessory Use(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**175-7 Overlay Districts on the property:**

	<u>Yes or No</u>
175-13 Floodplain Overlay District – NFIP Map ----- (FPO)	<u>No</u>
175-18.1 Mobile Home Overlay District ----- (MHO)	<u>No</u>
175-14 Cold Spring Reservoir Water Shed Overlay ----- (WSO)	<u>No</u>
175-15 Scenic Protection Overlay ----- (SPO)	<u>No</u>
175-16 Aquifer Overlay District ----- (AQO)	<u>Yes (Regional)</u>
175-18 Open Space Conservation Overlay District ----- (OSO)	<u>No</u>
175-35 Within 100 foot buffer of Wetlands or Watercourse -----	<u>Yes</u>
175-36 Steep Terrain -----	<u>No</u>
175-36 Ridge Line Protection -----	<u>No</u>
175-37 Protection Agricultural -----	<u>No</u>

TM# 38.-3-24.2

Town of Philipstown Town Code Chapter 175

Project Name: Amended Site Plan prepared for OLSPAN, LLC

D. Site Plan Amendments

An approved Site Plan may be amended by filing an application with the Planning Board for a Site Plan

**175-11 Density and Dimensional Regulations**

Zoning District <u>HC</u>	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road	50 ft.	N/A	N/A		
Measured from the travel way County/State	100 ft.	92.9	92.9 (pre-existing)		
Minimum side yard setback	20 ft.	73.1	19.2		
Minimum side yard setback (2)	-	-	-		
Minimum side yard setback (3)	-	-	-		
Minimum rear yard setback	35 ft.	129.2	34.3		
Maximum impervious surface coverage	60%	20%	22%		
Maximum height	40 ft	-	-		
Maximum footprint non-residential structures	200,000 sf.	10,798 sf.	19,473 sf.		

**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: \_\_\_\_\_ Received: \_\_\_\_\_
9. Escrow: \_\_\_\_\_ Received: \_\_\_\_\_

## Town of Philipstown Town Code Chapter 175

### **D. Site Plan Amendments**

An approved Site Plan may be amended by filing an application with the Planning Board for a Site Plan amendment.

1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable Special Permit approval (or if no Special Permit is required) and does not represent a substantial change from the approved Site Plan, it shall grant the amendment without a hearing.
2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable Special Permit approval (or if no Special Permit is required), but is a substantial change from the approved Site Plan, it shall follow the procedures for Site Plan approval contained in §175-66F and hold a public hearing if the amendment would be considered to be a Major Project.
3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any Special Permit approval, it shall consider the application to be one for a Special Permit amendment and proceed pursuant to §175-62.
4. Notwithstanding any other provision of this chapter, in considering any site plan amendment or any site plan approval for an existing use or structure, the Planning Board shall be limited to reviewing proposed changes and shall not require changes to any structures or conditions on the property legally in existence prior to such application, even if such structures or conditions are nonconforming.



**RONALD J. GAINER, P.E., PLLC**  
31 Baldwin Road, Patterson, NY 12563  
Mailing Address: PO BOX 417, Pawling, NY 12564

office 845-878-6507

cell 845-527-1432

---

TO: Town of Philipstown Planning Board      DATE: September 9, 2016  
FROM: Ronald J. Gainer, PE      SUBJ: Olspan LLC Amended Site Plan; NYS Route 9

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As provided in Section 175-66B of the Town Code a pre-application meeting was held on August 26, 2016 concerning Olspan, LLC's plans to amend their earlier (2013) Site Plan approval concerning an existing, developed commercial property at 2700 Route 9 (formerly CF Diversified/Cyberchron).

In attendance were the following:

Anthony Merante	—	Planning Board Chairman
Kim Conner	—	Planning Board Member
Neal Tomann	—	Planning Board Member
Greg Wunner	—	Code Enforcement Officer
Linda Valentino	—	Planning Board Secretary
Ron Gainer	—	Town Engineer
Glenn Watson	—	Applicant/Owner's representative

The following matters were discussed:

*Purpose of Application:*

The site encompasses a 5.0 acre parcel along the east side of NYS Route 9, just north of Vineyard Road. The tract is situated in an OC Zoning District. The prior "Site Plan" approval was granted in 2013. No change in use of proposed. Rather, only improvements to the site's access driveway at Route 9 is planned, as are various other aspects of the site layout/design. These would include modifications to the parking layout, further landscaping improvements, changing the loading/entry on the southerly side of the building and other site enhancements. Further, the existing caretaker's residence on the property may possibly be replaced, with a similar building in the rear of the site.

*Zoning District Information:*

The property is located in the Highway Commercial ("HC") Zoning District.

As the work at the entrance will require an NYS DEC wetlands" permit, a Town wetlands permit will likewise be required.

*Site Plan Review Required:*

With the various modifications planned to the prior Site Plan approval granted, a new site plan approval from the Planning Board is required.

*Site Plan Procedures:*

As the site has previously been granted "Site Plan" approval in 2013, at this time an "Amended" Site Plan approval application should be submitted for this latest proposal.

**RE: Olspan LLC Amended Site Plan; NYS Route 9**

The original (2013) Site Plan application represented a "Major" project. Therefore, as is specified in §175-60 C(1) (which requires consideration of all improvements over the prior 5 year period), this latest application would also represent a "major" project. Therefore, a Long Form EAF should be filed with the application. Section §175-68D covers amended site plan review procedures. Per paragraph D(2) of this section, a Public Hearing will be required (as it represents a major project).

*Site Plan Fees:*

The following fees should be posted by the applicant:

"Amended Site Plan, major"	-	\$1,000 + \$20/parking space
Escrow	-	\$5,000 (un-used monies returned to applicant)
Public Hearing fee	-	\$250

Therefore, fees of \$1,250 + \$20/parking space, and a \$5,000 escrow should be posted by the applicant as part of the Amended Site Plan application filing.

At the conclusion of these discussions, the pre-application meeting concluded.

c: Greg Wunner, Code Enforcement Officer  
Stephen Gaba, Esq.  
Applicant



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <p style="text-align: center;">Approval of Amended Site Plan prepared for OLSPAN, LLC</p>			
Project Location (describe, and attach a location map): <p style="text-align: center;">2700 Route 9D Cold Spring, NY</p>			
Brief Description of Proposed Action:  Enlargement of existing commercial building for use as a warehouse.(previously approved). Plan will add storage & utility structure (115x15) subsurface propane tanks (4x1000) gal. and subsurface water storage for fire suppression system.			
Name of Applicant or Sponsor: <p style="text-align: center;">OLSPAN, LLC</p>		Telephone: 212-348-6800 E-Mail: giorgio@olnickspanu.com	
Address: <p style="text-align: center;">235 East 87th Street Apt. 1L</p>			
City/PO: <p style="text-align: center;">New York</p>		State: <p style="text-align: center;">NY</p>	Zip Code: <p style="text-align: center;">10128</p>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: County Planning 239 Referral, Philipstown Planning Board			NO <input type="checkbox"/>
If Yes, list agency(s) name and permit or approval: County Planning 239 Referral, Philipstown Planning Board			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		6.0 acres	
b. Total acreage to be physically disturbed?		0.98 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: OLSPAN, LLC Date: Oct. 6, 2015

Signature:  Surveyor for Applicant

ADJOINERS LIST  
FOR  
OLSPAN, LLC

38.-3-63  
MILLER, AMANDA  
43 Armando Rd  
Cold Spring, NY 10516

38.-3-61  
NEGRIN, VIVIAN  
45 Hofstra Drive  
Plainview, NY 11803

38.-3-13.1  
JORDAN, ALLEN  
24 White Rocks Ln  
Cold Spring, NY 10516

39.-2-20  
COOPER, JOEL  
120 Rockwald Rd  
Cold Spring, NY 10516

38.-3- 9 & 10  
MCGUIRK, BARBARA A  
PO Box 152  
Cold Spring, NY 10516

39.-2-19  
ELDRIDGE, PAUL  
100 Rockwald Rd  
Cold Spring, NY 10516

38.-3-25  
ROCKWELL, MARION  
PO Box 985  
Fort Montgomery, NY 10922

38.-3-23  
LOIS REALTY LLC  
c/o Joseph F Lois Jr  
300 Corporate Dr. Suite 1  
Blauvelt, NY 10913

38.-3-64  
State Road Storage LLC  
3504 Rt 9  
Cold Spring, NY 10516

38.-3-58  
VIVENZIO, ARMANDO  
21 Armando Rd  
Cold Spring, NY 10516

39.-2-18  
CANFIELD, ROBERT E  
PO Box 220  
Cold Spring, NY 10516

38.-3-16  
CALIENDO, KATIE M  
339 Rt 301  
Cold Spring, NY 10516

38.-3-13.2  
DILELLO, FERNANDO  
10 White Rocks Ln  
Cold Spring, NY 10516

39.-2-21.4  
GOREVIC, ROGER  
60 Round Hill Rd  
Cold Spring, NY 10516

39.-2-21.1, 21.2 & 21.3  
FADDEN, CHRISTOPHER  
Attn.: Cyberchron  
PO Box 160  
Cold Spring, NY 10516

38.-3-62  
DELANEY, NANCY L  
2757 Rt 9  
Cold Spring, NY 10516

38.-3-59  
VILLETTO VAUGHAN  
HAMMOND CO.  
70 Frazier Road  
Garrison, NY 10524

38.-3-28  
VENTURA, RICKY NELSON  
1 Lane Gate Rd  
Cold Spring, NY 10516

38.-3-8  
SHEEHAN, ROBERT W  
1220 Park Ave  
New York, NY 10128

38.-3-14  
KIRSTEIN, CHARLES D  
349 Route 301  
Cold Spring, NY 10516

38.-3-27  
HARRISON PARK ASSOCIATES  
83 Park Lane  
West Harrison, NY 10604

38.-3-66  
ANASTASI, FRANK J  
2779 Route 9  
Cold Spring, NY 10516

38.-3-60  
THORPE, TERRANCE J  
2753 Rt 9  
Cold Spring, NY 10516

38.-3-62  
DELANEY, NANCY L  
2757 Rt 9  
Cold Spring, NY 10516

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: \_\_\_\_\_  
Date \_\_\_\_\_ Conservation 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: OLSPAN, LLC

Address: 2700 Route 9 Cold Spring, NY 10516

Telephone: 845-424-3533

If Corporation, give names of officers:

Giorgio Spanu, General Manager

Mailing Address: 235 East 87th Street Apt. 1L New York, NY 10128

2. Name of Agent

*(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)* Glennon J. Watson, L.S., Badey & Watson Surveying & Engineering, P.C.

Mailing Address: 3063 Route 9 Cold Spring, NY 10516

Telephone: 845-265-9217 x14

3. Location of Proposed Activity:

Tax Map #: 38.-3-24.2

Acreage of Controlled Area Affected: 8,323 sf = 0.2 acres

Square footage of soil disturbed by the entire project: 42,778 sf

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

Excavation, placement of fill, installation of drainage structures

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.

Town of Philipstown Planning Board, NYS DOT, (Highway Permit) NYS DEC (Wetland Permit)

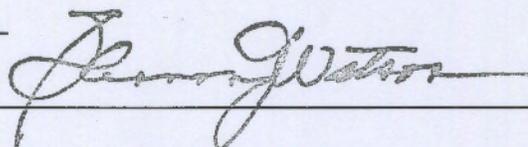
6. Each copy of this application shall be accompanied by:

- 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)
- b. A completed short form environmental assessment form (*included in the application folder*)
- c. A map prepared by a licensed surveyor, landscape architect or engineer showing:
  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.

(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: Oct. 6, 2016

Signature of Applicant:



Surveyor for Applicant

Required Statement in Support  
of an  
APPLICATION FOR A FRESHWATER WETLANDS PERMIT  
from the  
Town of Philipstown  
for the Owner & Applicant  
Olspan, LLC  
under  
Chapter 93 of the Philipstown Code

Olspan, LLC has applied for a freshwater wetlands permit to conduct activities associated with the reconstruction of the existing highway entrance onto Route 9, where there is a State- and Town-regulated wetland. Generally, this includes replacement of the existing 30" CMP culvert with a 30" HPDE culvert, and re-aligning and reconstructing the curb cut to have greater-perpendicular geometry with the highway, and installation of catch basins; where there are currently none. This is in addition to the previously approved activities, which consisted of minor grading and installation of walkways around the existing building, and installation of landscape screening. The soil disturbance proposed within the Controlled Area is 8,323 square feet.

A permit for the following regulated activities is hereby sought, per Section 93-5. of the Code:

- A. Excavation and grading around existing building, for culvert replacement, and for existing driveway re-construction;
- B. Deposition of soil and stone (building materials) for replacement of culvert and for existing driveway re-construction;
- C. Construction/re-construction of existing driveway including headwalls, curbing, free-standing walls, retaining walls; and installation of culverts, extension of culverts, and catch basins;
- L. Installation of an open (grass) swale.

Section 93-8A of the Philipstown Code provides the "criteria applicable to the approval of wetlands permits for proposed regulated activities in controlled areas". Each of the eight (8) criteria is quoted below in *italics*. Following each is our statement regarding this application.

- (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."*

The activity will not significantly alter the site from pre- to post-development conditions. The proposal merely relocates existing site improvements, or replacement in-kind.

- (2) *"The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system."*

The existing hydraulics shall remain virtually unchanged from pre- to post-development conditions.

- (3) *"The activity will not result in the degrading or pollution of waters."*

The proposed activity does not significantly alter cover characteristics from pre- to post-development conditions, including impervious surfaces.

- (4) *"The activity will not increase the potential for flooding."*

The proposed activity does not restrict the flow of any water, nor does it significantly increase the quantity of run-off from the site.

- (5) *"Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity."*

The proposed plan(s) incorporate provisions for erosion and sediment control both during and after construction

- (6) *"No practicable alternative location is available on the subject parcel."*

The site is already developed; the proposed improvements are meant to enhance the current development, and to provide the necessary infrastructure for the proposed use.

- (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."*

The plans provided by the applicant employ standard measures to protect the wetland that, if properly installed and maintained, will provide adequate safeguards for the wetland.

- (8) *"The activity will alleviate or remove a hazard to the public health or safety."*

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

Respectfully submitted,  
BADEY & WATSON,  
Surveying & Engineering, PC  
by  
Glennon J. Watson, L.S.



Dennis J Sant, County Clerk  
Putnam County Office Building  
40 Glenside Avenue, Room 100  
Camel, New York 10512



ACS-000000000336938-000000000696988-004

Endorsement Page

Document # 1501020      Drawer # 02      Recorded Date: 05/30/2014  
Document Type: DEED COM OR VACANT      Book 1951      Page 130      Recorded Time: 11:26:30 AM  
Document Page Count: 4      Receipt # 8481

PRESENTER:

GRANITE TITLE  
155 NORTH MAIN STREET  
GR-29669R  
NEW CITY, NY 10956

RETURN TO:

GRANITE TITLE  
155 NORTH MAIN STREET  
GR-29669R  
NEW CITY, NY 10956

PARTIES

GRANTOR  
CF DIVERSIFIED CORP

GRANTEE  
OLSPAN LLC

FEE DETAILS

Consideration:		\$1,250,000.00
1501020		
DEED COM OR VACANT	4	40.00
FP-584	1	5.00
CULTURAL EDUCATION		15.00
RP-5217 COMMERCIAL		250.00
RECORD MANAGEMENT		5.00
TRANSFER TAX		5,000.00
AMOUNT FOR THIS DOCUMENT:		5,315.00
RETT #	000001648	

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315  
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

DENNIS J. SANT  
PUTNAM COUNTY CLERK

①

NY 005 - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYSTU 8002)

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

THIS INDENTURE, made the 22<sup>nd</sup> day of May, in the year 2014  
BETWEEN

CF DIVERSIFIED CORP., 2700 Route 9, P.O. Box 160, Cold Spring, New York 10516, by Christopher Fadden, Secretary, pursuant to Resolution of Board of Directors of CF Diversified Corp. Authorizing Sale of Real Estate, dated May 15, 2014.

*+ a New York Corporation*

*T.T  
75000.1*

party of the first part, and

OLSPAN LLC, 1 East End Avenue, New York, New York 10075.

*or a New York limited liability company*

party of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration 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 Town of Philipstown, County of Putnam and State of New York, that is more particularly bounded and described in the annexed Schedule A.

Tax Map Designation

Dist

Sec. 38

Blk 3

L.S.(s) 24.2

Being and intended to be a portion of the premises conveyed to the party of the first part by a deed from CF Diversified and Christopher Fadden dated February 13, 1998 and recorded February 13, 1998 in Liber 1419 page 181.

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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 incumbered 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:

*Christopher Fadden*

CF Diversified Corp. by Christopher Fadden

\_\_\_\_\_

***NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.***

**Title No.:** GR2013-29669R

**SCHEDULE A**

**Parcel I**

ALL that certain plot, piece and parcel of land situate, lying and being in the Town of Philipstown, County of Putnam and State of New York that is shown and designated as Parcel A-2 on a subdivision map titled "Final Subdivision Plat Showing the Further Subdivision of Parcel A" prepared by Glennon J. Watson, LS, Badey and Watson Surveying & Engineering, P.C. dated April 30, 2013 and filed in the Office of the Putnam County Clerk on November 4, 2013 as Map No. 2714A.

TOGETHER with an unrestricted and unconditional easement for vehicular and pedestrian access over Parcel II and Road Hill Road, also known as Vineyard Road, a private road owned by the grantors and subject to the Road Maintenance Agreement, dated May 22 2014.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of Westchester ) ss.:

On the 22 day of May in the year 2014 before me, the undersigned, personally appeared Christopher Gordon Pleasant, CP Diversified Corp 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.

WILLIAM J. FLORENCE, JR. Notary Public, State of New York No. 30-1256236 in Westchester County since Dec 30, 2014 Notary Public

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:

State of New York, County of ) ss.:

On the day of in the year before me, the undersigned, 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.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

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.

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY:

(Out of State or Foreign General Acknowledgment Certificate)

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 made such appearance before the undersigned in the

(Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken.)

BARGAIN & SALE DEED

WITH COVENANTS AGAINST GRANTEE'S ACTS

TITLE No. GR2013-29669R

CF DIVERSIFIED CORP.

TO

OLSPAN LLC

DISTRICT SECTION 38 BLOCK 3 LOT 24.2 COUNTY OR TOWN of Philipstown

RECORDED AT REQUEST OF

National Granite Title Insurance Agency, Inc.

RETURN BY MAIL TO

National Granite Title Insurance Agency, Inc.

188 North Main Street New City, New York 10956 Tel. 845-639-1415 Fax 845-639-1219

Steven M. Silverstein, Esq. Schwartz and Silverstein, LLP 254 South Main Street New City, New York 10956

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

INSTRUCTIONS(RP-5217-PDF-INS) www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SWIS Code 372689  
C2. Date Deed Recorded 5/30/14  
C3. Book 1951 C4. Page 130



New York State Department of Taxation and Finance  
Office of Real Property Tax Services  
RP- 5217-PDF  
Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location: 2700 Route 9, Philipstown, NY 10516  
2. Buyer Name: OLSPAN LLC  
3. Tax Billing Address: (Indicate where future Tax Bills are to be sent...)  
4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 of Parcels  
5. Deed Property Size: 5.00 Acres  
6. Seller Name: CF DIVERSIFIED CORP.  
7. Select the description which most accurately describes the use of the property at the time of sale.

SALE INFORMATION

11. Sale Contract Date: 09/11/2013  
12. Date of Sale/Transfer: 05/22/2014  
13. Full Sale Price: 1,250,000.00  
14. Indicate the value of personal property included in the sale: 0.00

16. Check one or more of these conditions as applicable to transfer:  
A. Sale Between Relatives or Former Relatives  
B. Sale between Related Companies or Partners in Business  
C. One of the Buyers is also a Seller  
D. Buyer or Seller is Government Agency or Lending Institution  
E. Deed Type not Warranty or Bargain and Sale (Specify Below)  
F. Sale of Fractional or Lease Fee Interest (Specify Below)  
G. Significant Change in Property Between Taxable Status and Sale Dates  
H. Sale of Business is Included in Sale Price  
I. Other Unusual Factors Affecting Sale Price (Specify Below)  
J. None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Year of Assessment Roll from which information taken(TV): 14  
17. Total Assessed Value: 318,900  
18. Property Class: 710  
19. School District Name: Haldane Central  
20. Tax Map Identifier(s)/Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))  
38. -3-24.2

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subjects me to the provisions of the penal law relative to the making and filing of false instruments

SELLER SIGNATURE: Christopher J. Judd, DATE: 5-22-14

BUYER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

BUYER CONTACT INFORMATION

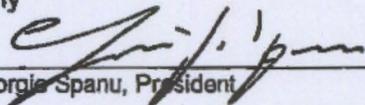
(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

\*LAST NAME: Silverstein \*FIRST NAME: Steven  
\*AREA CODE: (845) \*TELEPHONE NUMBER (8-9999): .638-9400  
\*STREET NUMBER: \_\_\_\_\_ \*STREET NAME: \_\_\_\_\_  
\*CITY OR TOWN: \_\_\_\_\_ \*STATE: \_\_\_\_\_ \*ZIP CODE: \_\_\_\_\_  
BUYER'S ATTORNEY: Steven Silverstein  
\*AREA CODE: (845) \*TELEPHONE NUMBER (8-9999): .638-9400



**BUYER:**

**OLSPAN LLC, a New York limited liability  
company**

By:   
Giorgio Spanu, President



Michael C Bartolotti, County Clerk  
Putnam County Office Building  
40 Glenside Avenue Room 100  
Carmel, New York 10512



ACS-00000000362225-00000000732072-004

Endorsement Page

Document # 1501392      Drawer # 02      Recorded Date: 06/24/2015  
Document Type: DEED COM OR VACANT      Book 1982      Page 478      Recorded Time: 8:40:58 AM  
Document Page Count: 4      Receipt # 10305

**PRESENTER:**  
GRANITE TITLE  
155 NORTH MAIN STREET  
GR-29669  
NEW CITY, NY 10956

**RETURN TO:**  
GRANITE TITLE  
155 NORTH MAIN STREET  
GR-29669  
NEW CITY, NY 10956

**PARTIES**

**GRANTOR**  
CF DIVERSIFIED CORP

**GRANTEE**  
OLSPAN LLC

**FEE DETAILS**

1501392		
DEED COM OR VACANT	4	40.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RP-5217 COMMERCIAL		250.00
RECORD MANAGEMENT		5.00
CROSS REFERENCE	1	.50
PROCESSING FEE	1	1.00
<b>AMOUNT FOR THIS DOCUMENT:</b>		<b>316.50</b>
RETT #	00001947	

**RESERVED FOR CERTIFICATION**

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315  
REAL PROPERTY LAW

**EXEMPTIONS**

**RESERVED FOR CLERKS NOTES**

Michael C. Bartolotti  
Putnam County Clerk

NY JUS - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYSTU 8002)

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

THIS INDENTURE, made the as of 29<sup>th</sup> day of April *May*, in the year 2015  
BETWEEN

CF DIVERSIFIED CORP., a New York Corporation,

2700 Route 9  
P. O. Box 160  
Cold Spring, New York 10516

party of the first part, and

OLSPAN LLC, a New York Limited Liability Company,  
1 East End Avenue  
New York, New York 10075

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by th party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns c 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 th

Town of Phillipstown, County of Putnam and State of New York, that is more particularly bounded and described in the annexed Schedule A.

THIS IS A CORRECTION DEED. This deed is intended to correct an error in the description in the deed made by CF DIVERSIFIED CORP., a New York Corporation, to OLSPAN LLC, a New York Limited Liability Company, dated May 22, 2014 and recorded May 30, 2014 as Document ID No. 1501019. Liber 1951 Page 126

BEING AND INTENDED TO BE a portion of the premises conveyed to the party of the first part by a deed from CF DIVERSIFIED CORP. and Christopher Padden dated February 13, 1998 and recorded February 13, 1998 in Liber 1419 page 181.

Tax Map Designation

Dist.

Sec. 38

Blk. 3

Lot(s) p/o  
p/o 24.2

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting th above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of th party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of th 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 sai premises have been incumbered 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 wi receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applie first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of th 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:

\_\_\_\_\_

*Christopher Padden*

CF DIVERSIFIED CORP.. BY Christopher Padden

\_\_\_\_\_

\_\_\_\_\_

**NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.**

Title No.: GR2013-29669R

**SCHEDULE A**

**Parcel II**

ALL that certain plot, piece and parcel of land situate, lying and being in the Town of Philipstown, County of Putnam and State of New York that is shown and designated as a portion of Parcel A-1 on a subdivision map titled "Final Subdivision Plat Showing the Further Subdivision of Parcel A" prepared by Glennon J. Watson, LS, Badey and Watson Surveying & Engineering, P.C. dated April 30, 2013 and filed in the Office of the Putnam County Clerk on November 4, 2013 as Map No. 2714A and more particularly bounded and described as the following:

BEGINNING at the Southeast corner of Parcel A-2 on the aforementioned subdivision map and running the following three courses and distances:

- (1) North 86 degrees 05 minutes 25 seconds East, 32.98 feet;
- (2) North 83 degrees 59 minutes 59 seconds East, 41.33 feet;
- (3) North 85 degrees 34 minutes 06 seconds East, 25.79 feet to a point on the westerly side of Round Hill Road;

THENCE along the westerly side of Round Hill Road North 02 degrees 30 minutes 00 seconds West 166.91 feet;

THENCE continuing along the westerly side of Round Hill Road on a curve to the right having a radius of 330.00 feet a distance of 41.62 feet;

THENCE North 85 degrees 16 minutes 25 seconds West a distance of 103.44 feet to a pin set in the westerly line of Parcel A-2;

THENCE along the westerly line of Parcel A-2, South 2 degrees 30 minutes 00 seconds East 225.64 feet to the point or place of BEGINNING.

TOGETHER with an unrestricted and unconditional easement for vehicular and pedestrian access over Round Hill Road, also known as Vineyard Road, a private road owned by the grantors, but SUBJECT to the access easement granted to the owner of Parcel I which said easement shall continue to remain even if Parcel I and Parcel II shall have different owners and subject to the Road Maintenance Agreement dated May 22, 2014.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of Westchester ) ss.:

On the 29 day of May in the year 2015 before me, the undersigned, personally appeared Christopher Fadden 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.

  
WILLIAM J. FLORENCE, JR.  
Notary Public, State of New York  
No. 60-1256235  
Qualified in Westchester County  
Commission Expires Nov 3, 2017

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:  
(New York Subscribing Witness Acknowledgment Certificate)

State of New York, County of \_\_\_\_\_ ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, 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.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ON

State of New York, County of \_\_\_\_\_ )

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 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.

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ON  
(Out of State or Foreign General Acknowledgment Certificate)

..... )  
(Complete Venue with State, Country, Province or Municipality)

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 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 on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the \_\_\_\_\_

(Insert the city or other political subdivision and the state or country other place the acknowledgment was taken).

BARGAIN & SALE DEED  
WITH COVENANTS AGAINST GRANOR'S ACTS

TITLE No. GR2013-29669R

CF DIVERSIFIED CORP., A NY Corporation

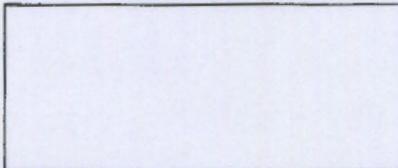
TO

OLSPAN LLC, A NY Limited Liability Company

DISTRICT  
SECTION 38  
BLOCK 3  
LOT p/o 24.2  
COUNTY OR TOWN

RECORDED AT REQUEST OF  
National Granite Title Insurance Agency, Inc.  
RETURN BY MAIL TO

National Granite Title  
Insurance Agency, Inc.  
155 North Main Street  
New City, New York 10956  
Tel. 845-639-1415  
Fax 845-639-1239



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

INSTRUCTIONS(RP-5217-PDF-INS): www.orpa.state.ny.us

FOR COUNTY USE ONLY

C1. SMS Code

372689

C2. Date Deed Recorded

6/24/15

C3. Book

1982

C4. Page

478



New York State Department of Taxation and Finance

Office of Real Property Tax Services

RP-5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location: 2700 Philipstown, Route 9, 10516

2. Buyer Name: OLSPAN LLC

3. Tax Billing Address: Indicate where future Tax Bills are to be sent

4. Indicate the number of Assessment Roll parcels transferred on this deed: 1 # of Parcels

5. Deed Property Size: X 0.50

6. Seller Name: CF Diversified Corp.

7. Select the description which most accurately describes the use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:

8. Ownership Type is Condominium

9. New Construction on a Vacant Land

10A. Property Located within an Agricultural District

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date: 09/11/2013

12. Date of Sale/Transfer: 05/22/2014

13. Full Sale Price: 0.00

14. Indicate the value of personal property included in the sale: 00

15. Check one or more of these conditions as applicable to transfer:

A. Sale Between Relatives or Former Relatives

B. Sale between Related Companies or Partners in Business

C. One of the Buyers is also a Seller

D. Buyer or Seller is Government Agency or Lending Institution

E. Deed Type not Warranty or Bargain and Sale (Specify Below)

F. Sale of Fractional or Less than Fee Interest (Specify Below)

G. Significant Change in Property Between Taxable Status and Sale Dates

H. Sale of Business is Included in Sale Price

I. Other Unusual Factors Affecting Sale Price (Specify Below)

J. None

Comment(s) on Condition:

ASSESSMENT INFORMATION - Date should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken (YY): 14

17. Total Assessed Value: 418,900

18. Property Class: 710

19. School District Name: Haldene Central

20. Tax Map Identifier(s) / Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))

38 - 3 - 24.2 p10

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE: [Signature]

BUYER SIGNATURE: [Signature]

By: Nancy Olnick Spanu, sole member

BUYER CONTACT INFORMATION

Buyer Name: OLSPAN LLC

Address: 1 East End Avenue, New York, NY 10075

Buyer's Attorney: Steven Silverstein, 845 638-9400

