



**TOWN OF PHILIPSTOWN CONSERVATION BOARD**  
**238 MAIN STREET, COLD SPRING, NY 10516**  
**February 14, 2017**

**MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, February 14, 2017.

Present: Mark Galezo, (Chairman)  
Max Garfinkle (Natural Resources Review Officer)  
Andrew Galler  
Lew Kingsley  
Eric Lind  
M. J. Martin  
Robert Repetto

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

Chairman, Galezo opened the meeting at 7:33 P. M.

**1. New Business:**

**a. *Jeremy Timmons, 90 Route 301, Cold Spring*                      *TM#38.-2-13.11*                      *WL#16-281***

Mr. Timmons proposed a garage to be added to the front of the existing house. A part of the garage will be built in the buffer zone of an existing intermittent stream. The proposal also includes putting up a silt fence and moving rocks/boulders to a different location. It was also noted that there is some buffer disturbance. There is not a lot of flow in the stream and ideally the work should be done when the stream flow is low. Mr. Lind suggested planting native grasses or native flowers from the location of the new boulders to the edge of stream. Mr. Timmons responded that he believes native plants exist in that area. Mr. Garfinkle will visit the site in the spring when the plants start to grow to determine whether the existing plants are native or if the site will require more planting. Mrs. Martin moved to approve the issuance of the wetland permit with a note that allows the Natural Resources Officer to revisit the property during the growing season to determine if the plants growing in that area are native and to see if more plantings are needed and Mr. Kingsley seconded the motion. The motion passed as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

**b. *William Herron, 563 Route 9D, Garrison*                      *TM# 81.-1-25*                      *WL#17-283***

Mr. Bryan Quinn from One Nature, LLC and Mr. Ethan Timm from the Figure Ground Studio represented Mr. Herron. Mr. Quinn noted that Mr. Herron removed some of the wetlands buffer, some

stream buffer and did cuttings on the steep slope without knowing the consequence. A lot of what was removed was not native. The proposal is to put down a three part seed mix which consists of one part agricultural crop and a two part native grass species. The area will be covered with straw as soon as the snow melts. Mr. Quinn noted they would plant a number of native plants that would be suitable for that type of steep slope and could provide the Board with a list of native plants. The new plantings in that area will be densely planted.

Mr. Quinn noted that the following will be done for the lower wetland buffer area:

- there will be soil erosion control done by installing a silt fence.
- Grasses and wildflowers will be planted as well as plant plugs that are restoration quality.
- The area will be opened for more light which would involve minimal trimming of trees.
- Rocks will be used for irrigation of the slope.
- A deer protection fence will be used.
- Irrigation will be done for the first couple of months (if the work is done during the dry season).
- All the work that is being done will be going down the hill.

Mr. Garfinkle recommended adding more detail regarding the rock piling and tree cutting. Mr. Garfinkle recommended that the maintenance plan should be reviewed so the stop work order can be lifted and the work can begin to start the restoration to stabilize the site.

Mr. Lind expressed concern over the plants that were removed regrowing back in the spring. Mr. Quinn responded that mulch will be put down to limit the regrowth. Weeds will be pulled as soon as they start to regrow. Mr. Quinn noted he hoped that a dense carpet of new plantings will be stable by the first year which should be about 50% of the plantings. Mr. Lind noted that typically the survival rate is not satisfied until the end of three years. Mr. Lind suggested adding wording to check on the survival of the plants during the growing season. Mr. Garfinkle, Natural Resource Officer will inspect the survivability of the plants for the first three years during the growing season.

Mr. Galler moved to grant the issuance of a wetlands permit and Mr. Kingsley seconded the motion. The motion passed unanimously as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

## 2. Old Business:

*Douglas Banker, 15 Kings Dock Road, Garrison TM# 81.-1-28 WL# 16-281*

Mr. Bankers Consultants, Steve Marino from Tim Miller Associates and James Hartford from River Architects reviewed the proposal. Mr. Marino reviewed a list of previous concerns that the Conservation Board had during the demolition of the current structure and the rebuilding of the proposed structure. Mr. Marino reviewed a plan that had been prepared for the protection of the street

during the demolition of the existing building which includes adding tarps to the plywood over the stream and will be incorporated to the plan. The following sequences were discussed:

- Foundation of the proposed building.
- Cutting of the culvert under the driveway.
- Decorative stone work that will be used on the face of the culvert.

Mr. Marino noted that the Board did a site visit and believed most of the Conservation Board concerns had been addressed.

Mr. Galler noted he would like to see a small part of the original existing foundation remain Mr. Galler noted that if a piece of the foundation remained the proposal would not be classified as new construction. Mr. Galler noted he did not want to set a precedence that would make it acceptable to build in a watercourse.

Mr. Lind noted that the building is existing and that the septic system, driveway and power lines are already in place.

Mr. Marino noted there had been a discussion about moving the proposed structure back 7–15 feet and reconstructing the stream bank.

Mr. Galezo noted that his understanding is that once a building is knocked down the grandfathering is lost. Mr. Galezo requested that the applicants show in writing that the proposed building could not be placed in any other location. Mr. Hartford noted he could draw something up since the wetland buffer is everywhere and the rest of the property consists of a grade that is very steep.

Mr. Galezo noted the existing structure is deteriorating and needs to be taken down.

Mr. Hartford noted that the Mr. Banker offered to slide the house a little over into the driveway and is willing to save the existing retaining wall. The proposed house will be higher than the existing structure.

Mr. Lind asked about the landscaping for mitigation of the stream banks. Mr. Marino responded that the site is very constrained. Mr. Hartford responded that they may be able to soften the area of the stream bed.

Mr. Marino noted that the DEC approved the demolition of the existing house and the shortening of the culvert. The DOT has told Mr. Banker that they are okay with the shortening of the culvert.

Mr. Lind asked about asbestos removal in case asbestos is found during the demolition of the existing house. Mr. Hartford responded that there are New York State guidelines that must be followed.

Mr. Garfinkle noted that after reviewing the demolition and construction plans he would like to see a more extensive silt fence shown on the plan that would cut the site off from the wetland since the proposal is in the wetlands buffer. Sediment removal and maintenance of the storage of the sediment

should be shown on the site plan. Mr. Garfinkle asked if the location of the dry wells that were located up hill from the house would be dug deeper. Mr. Marino responded yes.

A discussion ensued over whether or not this proposal would set a precedence or not. Mr. Hartford noted that Mr. Banker agreed to shift the house a little further from the stream and closer to the driveway.

Mr. Garfinkle noted that the plans on file with the DEC may need to be resubmitted if the house is shifted even though there is no permit from the DEC. Mr. Marino will send the revised plans to the DEC which will show the shifting of the house. Mr. Galezo asked Mr. Marino to supply copies of the materials sent to the DEC and received from the DEC. Mr. Marino noted he did not agree to that since the Wetlands Permit by the Conservation Board has nothing to do with the DEC and the DEC permit has nothing to do with the Wetlands Permit approved by the Conservation Board.

Mr. Hartford noted that a building permit has not yet been issued. There are no building department concerns as long as the setbacks have been met.

Mr. Marino noted that the Knot Weed removal is not really a part of this permit and the DEC does not regulate Knot Weed removal. The Knot Weed removal was a part of an existing permit known as permit #3 which was kept open. Mr. Garfinkle noted that in his opinion herbicide will not work and suggested hiring a professional that is licensed in Aquatic applications. Mr. Marino noted he does have subcontractors he uses occasionally and agreed that he will do the remediation suggested by Mr. Garkinkle.

Mr. Garfinkle noted that the DEC permit requires that the stream bed be dry during the demolition and asked that the remediation be done when the stream bed is low. A discussion ensued over the fact that the stream is never dry and should be looked into. Mr. Garfinkle noted that the wording in the application was in the applicants own words. A discussion ensued over the wording of the language used for the DEC permit.

Mr. Marino noted he can get a modification of the DEC permit regarding the stream being dry.

Mr. Hartford asked to have the wording changed from "The demolition of the existing structure will be accomplished during a time when the stream corridor is dry" to "The demolition of the existing structure will be accomplished during a time when the weather is dry".

Mr. Hartford will redo the drawings showing the relocation of the house.

Mr. Marino reviewed the mitigation plan as noting that the he expects 80-85% survival rate with 10% or less being invasive species over the three year period.

Mr. Garfinkle reviewed the following items that were discussed and requested by the Board:

- Demonstrate there is no reasonable alternative to the construction of the proposed new house.
- A detailed plan showing restoring the area that was disturbed where the house was setback in the stream.

- Culvert removal that conforms to the DEC plans. At lower levels of water debris and damage that should be contained and mitigated.
- Amend site plan to show improved silt fence coverage and if there is going to be any excavated material stock piled and how it will be contained on the site.
- Adapting the new drawing shown at this meeting.
- Changing the DEC permit showing the new location of the proposed building.

The Board discussed a time line of the above conditions. The Board agreed on 10 days to get the needed items and the consultants can distribute it to the Board members digitally.

Mr. Galler moved to grant the issuance of a wetlands permit to include the items listed above and Mr. Kingsley seconded the motion. The motion passed unanimously as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

### 3. New Business:

**H. J. Rossouw, 15 Ox-Yoke Road, Garrison**

**TM# 90.8-2-6**

**TM# 17-284**

The applicant is currently proposing to drill a well in the wetland buffer. The Board members reviewed previous permits which included the redirection of an existing stream. The applicant has current Putnam County Department of Health permits for the Septic System and the Well. The Board reviewed and discussed previous permits and noted that in 2010 there was a permit for the driveway, house and manipulation of the street which had expired.

Mr. Rossouw noted that an existing 4 inch pipe has to be removed and a new Curtain Drain installed as specified by the Putnam County Health Department has to be installed so it will not end up under the septic system Mr. Rossouw noted he will install the new Curtain Drain on the northern side of the property.

Mr. Rossouw noted that Mr. Klotzle previously required Fiberglas matting underneath rocks and noted the Fiberglas matting doesn't do any good. It prevents the stones from holding against the dirt and the flowing water keep rearranging it.

The Board requested new site plan drawing showing the location of the well, the silt fence and tailings from the well drilling process and noted that the new drawings must be stamped by an Architect.

Mr. Garfinkle noted that the Wetlands Permit for the house has been expired. A discussion ensued over the expired permit. Mr. Garfinkle noted there has been no changes to the plans. The Board discussed adding the house to the same Wetland Permit as the well. The Board discussed closing out the existing permits.

Mr. Kingsley moved to issue a new permit for the project pending receipt of a new drawing showing the location of the well, silt fences and Tailings pile. Mrs. Martin seconded the motion. The motion passed unanimously as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

#### **4. Board Business:**

The Board discussed a draft response letter written by Mr. Garfinkle from the Conservation Board to the Planning Board for the preliminary review of the Full Environmental Assessment Form "SEQRA" review for the Horton Road LLC Subdivision. After a brief discussion the Board requesting a positive declaration in regard to the SEQRA process. The final letter will go out to the Planning Board for their meeting on February 16, 2017. Mrs. Martin asked if Mr. Garfinkle can attend a Planning Board meeting. Mr. Leonard responded that Mr. Garfinkle would have to be invited to speak at a Planning Board meeting.

Mr. Leonard noted he is concerned about the impacts of Clove Creek.

A Positive Declaration means the Applicants have to show all net environmental impacts expound upon all planning then they would go to a public hearing.

A joint workshop meeting between the Planning Board and the Conservation Board is still being planned.

Mr. Garfinkle asked for any responses that need to be done within a certain time period to be given to him right away so the response can be started in a timely fashion.

Mr. Kingsley moved to adjourn the meeting and Mrs. Martin seconded the motion.

The motion passed unanimously and the meeting adjourned at 9:52 P. M.

Date approved \_\_\_\_\_

Respectfully submitted by  
Linda Valentino

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 \_\_\_\_\_ X 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, President

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

2. Name of Agent Glennon J. Watson, L.S. - Badey & Watson Surveying & Engineering, P.C.

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

Mailing Address: 3063 Route 9 Cold Spring, NY 10516



Telephone: 845-265-9217

3. Location of Proposed Activity:

2700 Route 9 Cold Spring, NY 10516

Tax Map #: 38,-3-24.1

Acreage of Controlled Area Affected: 1.512 (buffer & wetlands)

Square footage of soil disturbed by the entire project: 3.691 Total

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

Grading (cutting & filling), installation of culvert, removal of vegetation.

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.

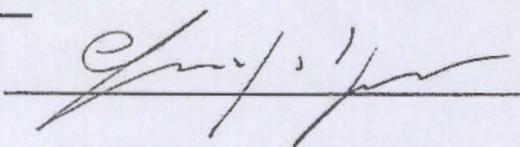
Town of Philipstown Planning Board, Town of Philipstown Zoning Board of Appeals, NYSDOT, Highway work permit PCDH- addition/change of use, NYSDEC- wetland, stream disturbance, general construction permit.

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: March 3, 2017

Signature of Applicant: 

03/03/2017

## Short Environmental Assessment Form

### Part 1 - Project Information

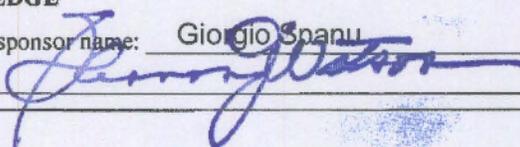
#### Instructions for Completing

**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 9 Cold Spring, NY 10516 Town of Philipstown</p>							
Brief Description of Proposed Action: Enlargement of existing commercial building for uses as a warehouse (previously approved). Amended plan also provides for the realignment of the parking and driveway and the reconstruction of the curb cut on Route 9, It will add storage & utility structure subsurface propane tanks (4x1000)gal and subsurface water storage for fire suppression system. Finally the amended plan provides for the replacement of the existing residential structure in a location northeast of present location.							
Name of Applicant or Sponsor: <p style="text-align: center;">OLSPAN, LLC</p>		Telephone: 212-348-6800 E-Mail: girogio@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.			<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: Town of Philipstown Planning Board, Zoning Board of Appeals, NYSDOT- Highway work permit, PCDH- addition/change of use, NYSDEC wetland permit stream disturbance, general construction permit			<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 type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		6.000 acres					
b. Total acreage to be physically disturbed?		3.691 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.000 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							

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ NYSDEC-WP9, unnamed Class B stream segments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? TBD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			

<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)?          If Yes, explain purpose and size: _____          _____          _____</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?          If Yes, describe: _____          _____          _____</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?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Giorgio Spanu</u> Date: <u>March 3, 2017</u></p> <p>Signature:  Surveyor for Applicant</p>		

**PRINT FORM**

Required Statement in Support  
of  
APPLICATION FOR A FRESHWATER WETLANDS PERMIT  
from  
The Town of Philipstown  
of  
OLSPAN LLC  
under  
Chapter 93 of the Philipstown Code

The property owner, Olspan LLC, has applied to the Philipstown Planning Board for approval of a "Major Site Plan". The application seeks approval to amend a 2013 site plan approval. The amended site plan includes: modification to the existing NYSDOT Highway Entrance; replacement of the existing driveway culvert; clearing/grading and planting of an orchard near the bank of a NYSDEC-regulated Class B stream segment and NYSDEC-regulated freshwater wetlands WP-9; demolition and replacement of an existing residence at a different location on the property; and the reconfiguration and expansion of the previously approved parking lot. The reconstruction of the residence and expansion of the parking lot is proposed outside of the controlled area on the property. All of the other planned activities will occur within the controlled area.

The application seeks approval, under Section 93-5. of the Code, to conduct the following regulated activities within the controlled area;

- A. Dredging, excavation, and grading associated with culvert replacement, driveway realignment, and road shoulder regrading;
- B. Deposition of earth and construction material associated with culvert replacement, driveway realignment, and road shoulder regrading;
- C. Re-construction of driveway, culvert and wingwalls;
- D. Alteration of the flow of a watercourse associated with changing a CMP culvert to an open-bottom culvert;
- G. Removal of vegetation associated with the installation of orchard, and clearing of highway shoulder and structure embankment;
- L. Installation of an open swale associated with the culvert replacement.

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 plan proposes to improve the vegetation in the wetlands by removing non-native species and planting native wetland species. The plan will improve the hydraulics of the watercourse. It includes replacement of a culvert with an open-bottom culvert, thus removing a major obstacle to wild life migration between the wetlands area on the property and those on the westerly side of Route 9. In short, the activity will have a positive affect that will outweigh the temporary adverse effects that will occur during construction.

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

The proposed activity will enhance the dynamics of the watercourse system by providing a more natural "open" channel.

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

The proposed activity will enhance the condition of the wetlands by installing vegetation that is beneficial to wetlands function. This will improve the conditions at a site that had previously been used for industrial purposes.

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

The activity will not restrict the flow of water. The increase in impervious area will be mitigated with current stormwater practices.

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

The Plan proposes both temporary erosion and sediment control, as well as post-construction stormwater mitigation.

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

The site is already developed. The proposed redevelopment will reuse and enhance the existing building and its entry. It will beautify the landscape with more appropriate vegetation. Any alternate plan will require significantly more work and disturbance than is proposed.

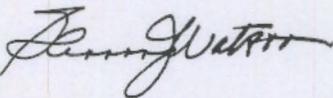
- (7) *"No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area."*

The proposed plan will comply with all current Erosion & Sediment Control and Post-Construction Stormwater mitigation standards. The replacement of the culvert with an open-bottom culvert is the preferred method of establishing a wetland stream crossing.

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

The activity includes the realignment of the driveway so that it meets the requirements of the NYSDOT. When complete, drivers leaving the site will be able to more comfortably view and assess oncoming traffic from both directions. In short, the driveway will improve public safety.

Respectfully submitted,  
BADEY & WATSON,  
Surveying & Engineering, PC



by  
Glennon J. Watson, L.S.

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



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



ACS-000000000536938-000000000696988-004

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  
OLESPAN 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 S315  
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

DENNIS J. SANT  
PUTNAM COUNTY CLERK

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

party of the first part, and

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

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

Lot(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 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:

*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 Jackson, President, C.F. 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. 30-1256235 Westchester County New York, 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 in 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 Use of 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 GRANTOR'S ACTS

TITLE No. GR2013-29669K

C.F. DIVERSIFIED CORP.

TO

OI SPAN 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. 155 North Main Street New City, New York 10956 Tel. 845-639-1415 Fax 845-639-1239

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



**FOR COUNTY USE ONLY**

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

**PROPERTY INFORMATION**

1. Property Location 2700 Route 9  
\*STREET NUMBER \*STREET NAME  
Philipsstown 10516  
\*CITY OR TOWN \*ZIP CODE

2. Buyer Name OLSPAN LLC  
\*LAST NAME/COMPANY \*FIRST NAME

3. Tax Billing Address  
Indicate where future Tax Bills are to be sent (other than buyer address) bottom of form)  
\*LAST NAME/COMPANY \*FIRST NAME

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR  Part of a Parcel  
(Only if Part of a Parcel) Check as they apply:  
 4A. Planning Board with Subdivision Authority Exists   
 4B. Subdivision Approval was Required for Transfer   
 4C. Parcel Approved for Subdivision with Map Provided

5. Deed Property Size N 5.00  
\*FRONT FEET \*DEPTH \*ACRES  
 4B. Subdivision Approval was Required for Transfer   
 4C. Parcel Approved for Subdivision with Map Provided

6. Seller Name CF DIVERSIFIED CORP.  
\*LAST NAME/COMPANY \*FIRST NAME

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 1,250,000.00  
(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

14. 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:

14. Indicate the value of personal property included in the sale 0.00

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

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

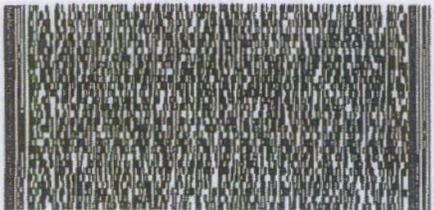
**CERTIFICATION**

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 5-22-14  
SELLER SIGNATURE DATE  
**BUYER SIGNATURE**  
 \_\_\_\_\_  
BUYER SIGNATURE DATE

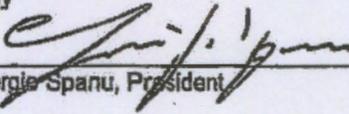
**BUYER CONTACT INFORMATION**  
(Enter information for the Buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact address of an individual/responsible party who can answer questions regarding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

\_\_\_\_\_  
\*LAST NAME \*FIRST NAME  
 \_\_\_\_\_  
\*AREA CODE \*TELEPHONE NUMBER (5- or 8-DIGIT)  
 \_\_\_\_\_  
\*STREET NUMBER \*STREET NAME  
 \_\_\_\_\_  
\*CITY OR TOWN \*STATE \*ZIP CODE  
**BUYER'S ATTORNEY**  
 Silverstein Steven  
LAST NAME FIRST NAME  
 (845) .638-9400  
AREA CODE TELEPHONE NUMBER (5- or 8-DIGIT)



**BUYER:**

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

By:   
Giorgio Spanu, President



Michael C Bartolotti, County Clerk  
 Putnam County Office Building  
 40 Glencida 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
FP-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 #	000001947	

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315  
 REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti  
 Putnam County Clerk

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 My, 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.

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.

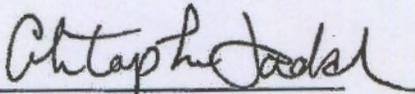
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

\_\_\_\_\_

\_\_\_\_\_



CF DIVERSIFIED CORP.. BY Christopher Padden

Tax Map Designation

Dist.

Sec. 38

Blk. 3

Lot(s) p/o  
p/o 24.2

**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 NU 3, 2017

Notary Public

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 GRANTEE'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

FOR COUNTY USE ONLY

G1. SWS Code

372689

G2. Date Deed Recorded

6/24/15

G3. Book

1982

G4. Page

478



New York State Department of Taxation and Finance

Office of Real Property Tax Services

RP-5217-PDF

Real Property Transfer Report (RTR)

PROPERTY INFORMATION

1. Property Location: 2700 Route 9  
 \*STREET NUMBER Philipstown 10516  
 \*CITY OR TOWN \*ZIP CODE

2. Buyer Name: OLSPAN LLC  
 \*LAST NAME/COMPANY FIRST NAME

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)  
 \*LAST NAME/COMPANY FIRST NAME  
 \*STREET NUMBER AND NAME \*CITY OR TOWN \*STATE \*ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on this deed: 1 # of Parcels OR  Part of a Parcel (Only if Part of a Parcel) Check as they apply:  
 4A. Planning Board with Subdivision Authority Exists   
 4B. Subdivision Approval was Required for Transfer   
 4C. Parcel Approved for Subdivision with Map Provided

5. Deed Property Size: \*ACRES X \*SQ FT OR \*SQ FT  
 6. Seller Name: CF Diversified Corp.  
 \*LAST NAME/COMPANY FIRST NAME

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  
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgage or other obligations.) Please round to the nearest whole dollar amount.  
 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 Date  
 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 - Data 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: Haldens Central  
 \*20. Tax Map Identifier(s) / Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))  
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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: [Signature]  
 DATE: \_\_\_\_\_  
 BUYER SIGNATURE: [Signature]  
 DATE: 6/10/2015  
 By: Nancy Olrick Spanu, sole member

BUYER CONTACT INFORMATION  
 (Enter information for the buyer. Note: If buyer is LLC, jointly, association, partnership, 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: OLSPAN LLC FIRST NAME: \_\_\_\_\_  
 \*AREA CODE: \_\_\_\_\_ \*TELEPHONE NUMBER (LA 0010000): \_\_\_\_\_  
 \*STREET NUMBER: 1 \*STREET NAME: EAST END AVENUE  
 \*CITY OR TOWN: New York \*STATE: NY \*ZIP CODE: 10075  
 BUYER'S ATTORNEY: STEVEN SILVERSTEIN  
 \*LAST NAME: SILVERSTEIN FIRST NAME: STEVEN  
 \*AREA CODE: 845 \*TELEPHONE NUMBER (LA 0010000): 638-9400



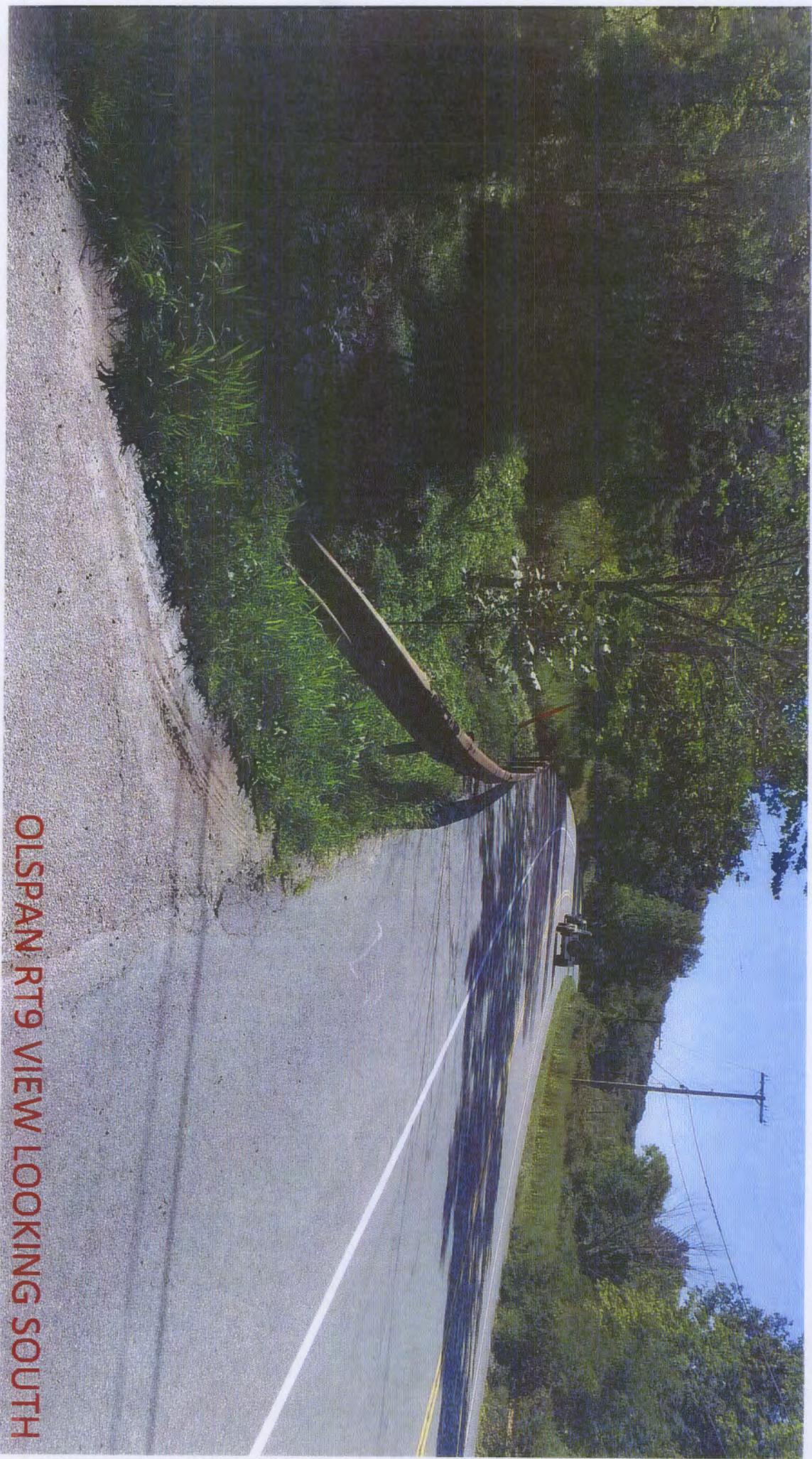


ORCHARD

OLSPAN AERIAL VIEW



OLSPAN RT9 VIEW LOOKING NORTH



OLSPAN RT9 VIEW LOOKING SOUTH