

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

**MEETING AGENDA**  
**August 12, 2014 at 7:30 pm**

- |                                 |  |                  |
|---------------------------------|--|------------------|
| <b>1.) OBERT WOOD</b>           | <b>TM# 71.-2-39.1</b>                                      | <b>WL-14-241</b> |
| <b>316 OLD WEST POINT RD</b>    | <b>INSTALL BURRIED ELECTRIC SERVICE TO A NEW RESIDENCE</b> |                  |
|                                 |  |                  |
| <b>2.) BRUCE AND DONNA KEHR</b> | <b>TM# 16.20-18,20,&amp;21</b>                             | <b>PBR</b>       |

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8/5/14  
Don

TOWN OF PHILIPSTOWN  
PUTNAM COUNTY, NEWYORK

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

**APPLICATION FOR WETLANDS PERMIT**

**Note to Applicant:**

Submit the completed application to the appropriate permitting 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 # _____	<input type="checkbox"/> Permitting Authority
Received by: _____	<input type="checkbox"/> Z.B.A
Date _____	<input type="checkbox"/> Planning Board
Fee _____	<input type="checkbox"/> 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: Obert R. Wood, III

Address: 115 East 9th Street, Apt 2M New York, NY 10003

Telephone: ~~(212) 529-8334~~ 917-640-0268

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

Name of Agent \_\_\_\_\_

If Corporation, give names of officers:

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

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

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

3. Location of Proposed Activity:  
316 Old West Point Road West, Garrison

Tax Map No.: 71.-2-39.1

Acreage of Controlled Area Affected: 0.047

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

Installation of a buried electric service to a new single-family residence.

Statement in Support  
of the  
Application  
of  
**Obert R. Wood, III**  
for a  
**FRESHWATER WETLANDS PERMIT**  
to conduct  
REGULATED ACTIVITIES  
within a  
REGULATED AREA  
as required under  
CHAPTER 93  
of the  
CODE of the TOWN OF PHILIPSTOWN

Prepared and respectfully submitted by:

**BADEY & WATSON,**

*Surveying and Engineering, P.C.*

3063 U.S. Route 9

Cold Spring, NY 10516

(845) 265-9217 (voice)

(845) 265-4428 (fax)

(877) 3.141593 (toll-free)

[www.Badey-Watson.com](http://www.Badey-Watson.com)

**Project Location**

Obert Wood is the owner of a 20.397-acre parcel in the Town of Philipstown. The property is designated on the Putnam County Tax Map for the Town as Sheet 71., Block 2, Lot 39.1. The property is located on the northerly side of Old West Point Road West, approximately 3,000 feet northwest of the Route 9 intersection. There is an existing driveway with access to Old West Point Road West that has been realigned slightly, both vertically and horizontally, to allow for a flatter grade and perpendicular angle at the entrance. The work associated with the previously approved Wetlands Permit (WP-12-219), reconstruction and extension of a driveway in a wetland buffer, has been completed.

**Regulated Activities Involved (§ 93-5)**

The permit sought will allow the installation of a new buried electric service, extending from the existing utility pole, which provides electric service for the existing cottage on the property, to the proposed single-family residence. The existing utility pole is directly across the road from the existing driveway entrance. The existing overhead service to the existing cottage will remain in place. The proposed buried service will require entrenchment of approximately 410 linear feet of cable along the existing gravel driveway. There is no new disturbance associated the excavation of the trench.

The proposed construction involves the following work:

- Excavation of the service trench along the gravel driveway (private road);
- Installation of the power cable and bedding/backfill material.

More specifically, the following Regulated Activities are necessary for the new service:

- Excavation and grading of road material (§93-5A.)
- Deposition of backfill material (§93-5B.)
- Installation of service line, cable conduit if required (§93-5I.)

Total anticipated disturbance within the controlled area is not expected to exceed 2,060 square feet.

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

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

The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourses as set forth in §93-2B.

The proposed work within the controlled area will take place entirely over the existing gravel driveway surface. No vegetation will be removed, nor will any regrading be required.

The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.

No work is proposed within a stream channel.

The activity will not result in the degrading or pollution of waters.

Temporary erosion and sediment control during construction has been proposed.

The activity will not increase the potential for flooding.

There is no proposed increase in impervious area associated with this project, nor is any work proposed in a watercourse.

Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity.

Temporary erosion and sediment control during construction has been proposed.

No practicable alternative location is available on the subject parcel.

The location of the proposed activity requires the least amount of disturbance, and is the most practical.

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 impacts to the controlled area are minimal, additional improvements or safeguards would only cause additional unnecessary disturbance.

The activity will alleviate or remove a hazard to the public health or safety.

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

Respectfully submitted on behalf of Obert Wood,  
**BADEY & WATSON,**  
Surveying and Engineering, P.C.

Wood – Freshwater Wetlands Permit Application  
Adjoining Owners List

71.-2-15  
Oslands Inc  
P.O. Box 70  
Garrison, NY 10524

71.-2-34  
Garrison Union Free School  
P.O. Box 193  
Garrison, NY 10524

71.-2-37  
Andre Grasso  
410 Old West Point Rd W  
Garrison, NY 10524

71.-2-39.2  
OWPP, LLC  
P.O. Box 349  
Garrison, NY 10524

71.-2-45  
Robert Conboy  
Ann Conboy  
350 Old West Point Rd  
Garrison, NY 10524

71.-2-46  
Dretha Lancaster  
334 Old West Point Rd  
Garrison, NY 10524

71.-2-47  
Russell Lancaster  
Dretha Lancaster  
334 Old West Point Rd W  
Garrison, NY 10524

71.-2-49  
One to One Services LLC  
31 E 28<sup>th</sup> St Apt 1  
New York, NY 10016

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: <div style="text-align: center;">Wood - Site Plan Approval</div>		
Project Location (describe, and attach a general location map): <div style="text-align: center;">316 Old West Point Road West, Garrison (see map provided)</div>		
Brief Description of Proposed Action (include purpose or need): New construction of a single-family dwelling to be served by private well and septic system. The <input checked="" type="checkbox"/> existing single-family dwelling (and existing septic and well serving it) is to remain as an accessory <input type="checkbox"/> structure.		
Name of Applicant/Sponsor: <div style="text-align: center;">Obert R. Wood, III</div>	Telephone: (212) 529-8334 E-Mail: obert.wood@morganstanley.com	
Address: <div style="text-align: center;">115 East 9th Street, Apt. 2M</div>		
City/PO: <div style="text-align: center;">New York</div>	State: <div style="text-align: center;">NY</div>	Zip Code: <div style="text-align: center;">10003</div>
Project Contact (if not same as sponsor; give name and title/role): <div style="text-align: center;">Glennon J. Watson, LS (Surveyor for Applicant)</div>	Telephone: (845) 265-9217 x14 E-Mail: gwatson@badey-watson.com	
Address: <div style="text-align: center;">Badey &amp; Watson, Surveying and Engineering, P.C. 3063 Route 9</div>		
City/PO: <div style="text-align: center;">Cold Spring</div>	State: <div style="text-align: center;">NY</div>	Zip Code: <div style="text-align: center;">10516</div>
Property Owner (if not same as sponsor): <div style="text-align: center;">Same as Applicant</div>	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

### B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board Site Plan	06/05/2014
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Road Opening, Wetlands	T.B.D
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PCDH	05/13/2014
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,		
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☒ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Rural Residential (RR)

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site?

**C.4. Existing community services.**

a. In what school district is the project site located? Garrison Union Free School District

b. What police or other public protection forces serve the project site?

Putnam County Sheriff's Department, New York State Police

c. Which fire protection and emergency medical services serve the project site?

Garrison Volunteer Fire Company and Garrison Volunteer Ambulance Corp.

d. What parks serve the project site?

Philipstown Park System, Putnam County Parks, New York State Parks, Hudson Highlands, Fahnestock

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

Residential

b. a. Total acreage of the site of the proposed action? 20.397 acres

b. Total acreage to be physically disturbed? 2.254 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 20.397 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Units:

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 12 months

ii. If Yes:

- Total number of phases anticipated

- Anticipated commencement date of phase I (including demolition) month year

- Anticipated completion date of final phase month year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	1			
At completion of all phases	1			

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: _____ <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____</span>	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

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

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
  - expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
  - purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
  - proposed method of plant removal: \_\_\_\_\_
  - if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_
- v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 900 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☒ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

A new private potable water well will be drilled on-site.

vi. If water supply will be from wells (public or private), maximum pumping capacity: 5 gallons/minute.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 900 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary wastewater.

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☒ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):  
A new private subsurface sewage treatment system will be constructed on-site.

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: None

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☒ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or  $\frac{0.160}{20.397}$  acres (impervious surface)

\_\_\_\_\_ Square feet or  $\frac{20.397}{20.397}$  acres (parcel size)

ii. Describe types of new point sources. Roof Leader drains and stone-lined swales.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

On-site stormwater infiltration system(s).

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☒ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☒ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend  
☐ Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? ☐ Yes ☒ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☒ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☒ No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☒ No

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l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8:00 am to 6:00 pm
- Saturday: 8:00 am to 6:00 pm
- Sunday: \_\_\_\_\_ to \_\_\_\_\_
- Holidays: \_\_\_\_\_ to \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ to \_\_\_\_\_
- Saturday: \_\_\_\_\_ to \_\_\_\_\_
- Sunday: \_\_\_\_\_ to \_\_\_\_\_
- Holidays: \_\_\_\_\_ to \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No

If yes:

i. Provide details including sources, time of day and duration:

\_\_\_\_\_

\_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: \_\_\_\_\_

\_\_\_\_\_

n.. Will the proposed action have outdoor lighting? ☒ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Motion-sensing security lighting of residential application.

\_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No

Describe: Barriers will be enhanced in the from of the proposed structures and landscaping that will block or soften the effects.

\_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

\_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products (185 gallons in above ground storage or any amount in underground storage)? ☐ Yes ☒ No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

\_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No

If Yes:

i. Describe proposed treatment(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial/or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

\_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

#### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☒ Rural (non-farm)

☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

Surrounding land is mostly undeveloped on larger, wooded parcels, with single-family dwelling on smaller parcels developed closer to the road.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.396	0.555	+0.159
• Forested	18.172	17.619	-0.553
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.305	1.305	0.000
• Agricultural (includes active orchards, field, greenhouse etc.)	0.000	0.000	0.000
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.000	0.000	0.000
• Wetlands (freshwater or tidal)	0.524	0.524	0.000
• Non-vegetated (bare rock, earth or fill)	0.000	0.000	0.000
• Other Describe: <u>Lawn/landscaping</u>	0.000	0.394	+0.394

<p>c. Is the project site presently used by members of the community for public recreation?  i. If Yes: explain: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  If Yes,  i. Identify Facilities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Does the project site contain an existing dam?  If Yes:  i. Dimensions of the dam and impoundment:  • Dam height: _____ feet  • Dam length: _____ feet  • Surface area: _____ acres  • Volume impounded: _____ gallons OR acre-feet  ii. Dam's existing hazard classification: _____  iii. Provide date and summarize results of last inspection: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  If Yes:  i. Has the facility been formally closed?  • If yes, cite sources/documentation: _____  ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____  iii. Describe any development constraints due to the prior solid waste activities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  If Yes:  i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  If Yes:  i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  <input type="checkbox"/> Yes – Spills Incidents database      Provide DEC ID number(s): _____  <input type="checkbox"/> Yes – Environmental Site Remediation database      Provide DEC ID number(s): _____  <input type="checkbox"/> Neither database  ii. If site has been subject of RCRA corrective activities, describe control measures: _____  iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  If yes, provide DEC ID number(s): _____  iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No



v. Is the project site subject to an institutional control limiting property uses? ☒ Yes ☐ No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): Conservation Easement
- Describe any use limitations: No Subdivision, Building Envelope
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☒ No
- Explain: Proposed work is within the constraints of the easement.

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? 0-7' feet

b. Are there bedrock outcroppings on the project site? ☒ Yes ☐ No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? < 1 %

c. Predominant soil type(s) present on project site:

Charlton-Chatfield Complex	54	%
Chatfield-Charlton Complex	41	%
Chatfield-Hollis Rock Outcrop	5	%

d. What is the average depth to the water table on the project site? Average: 0-7' feet

e. Drainage status of project site soils: ☒ Well Drained: 100 % of site  
☐ Moderately Well Drained: \_\_\_\_\_ % of site  
☐ Poorly Drained: \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 17 % of site  
☒ 10-15%: 16 % of site  
☒ 15% or greater: 67 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No  
If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No  
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

Streams:	Name _____	Classification _____
Lakes or Ponds:	Name _____	Classification _____
Wetlands:	Name <u>Town regulated freshwater wetlands</u>	Approximate Size <u>0.715 (total)</u>
Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site:  <u>Typical northeast game.</u></p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>See attachment.</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>See attachment.</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site      <input type="checkbox"/> Historic Building or District</li> <li>ii. Name: _____</li> <li>iii. Brief description of attributes on which listing is based: _____</li> </ul>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): _____</li> <li>ii. Basis for identification: _____</li> </ul>	
h. Is the project site within 5 miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: <u>Those relating to the Hudson River/Highlands</u></li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Highway overlooks, scenic byways and parks.</u></li> <li>iii. Distance between project and resource: <u>1-5</u> miles.</li> </ul>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

#### F. Additional Information

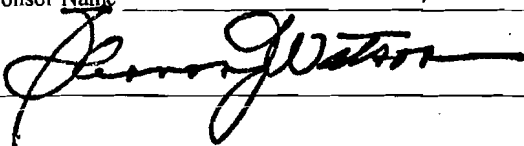
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

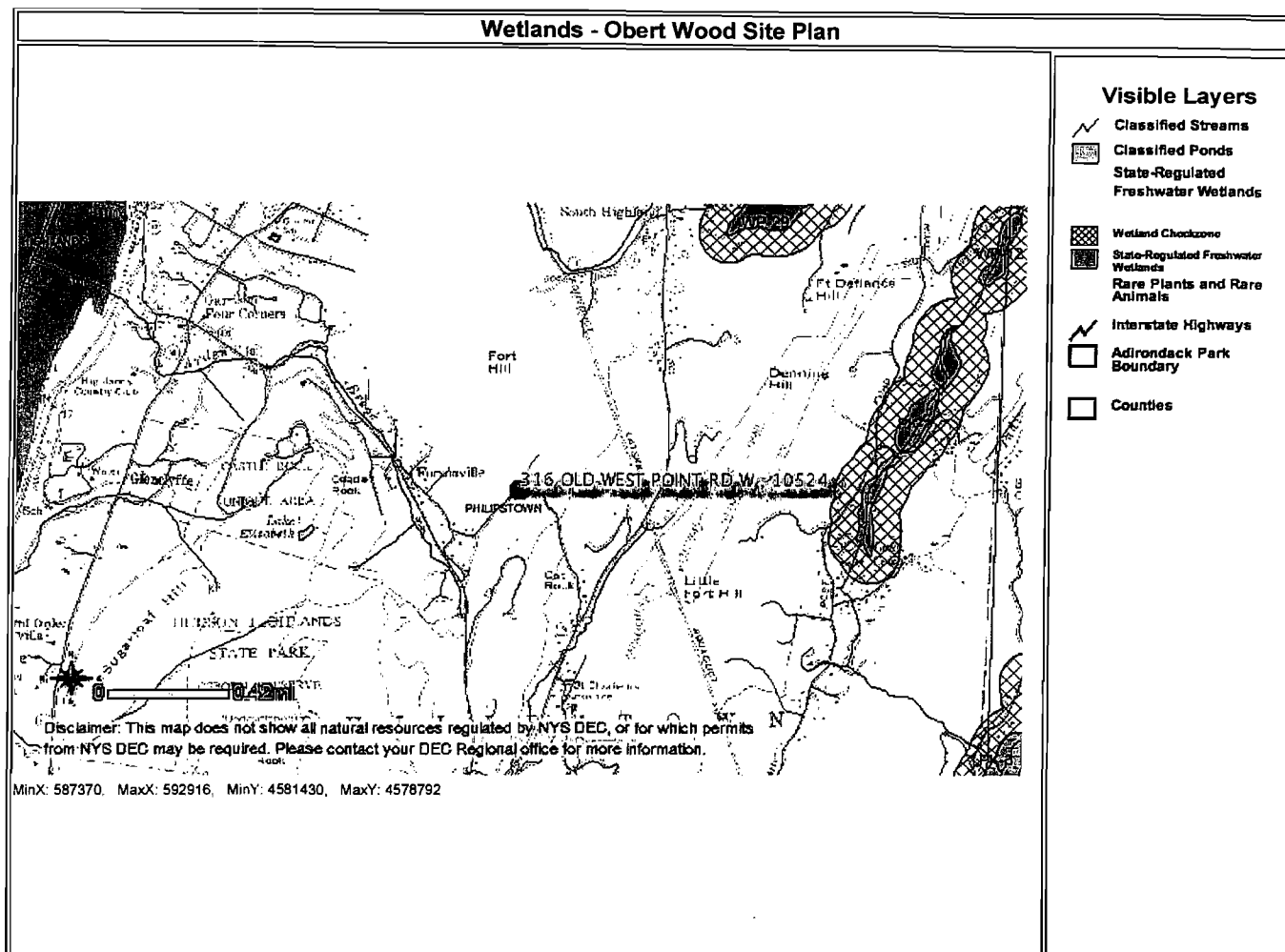
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Glennon J. Watson, L.S. Date 06/05/2014

Signature  Title Surveyor for Applicant

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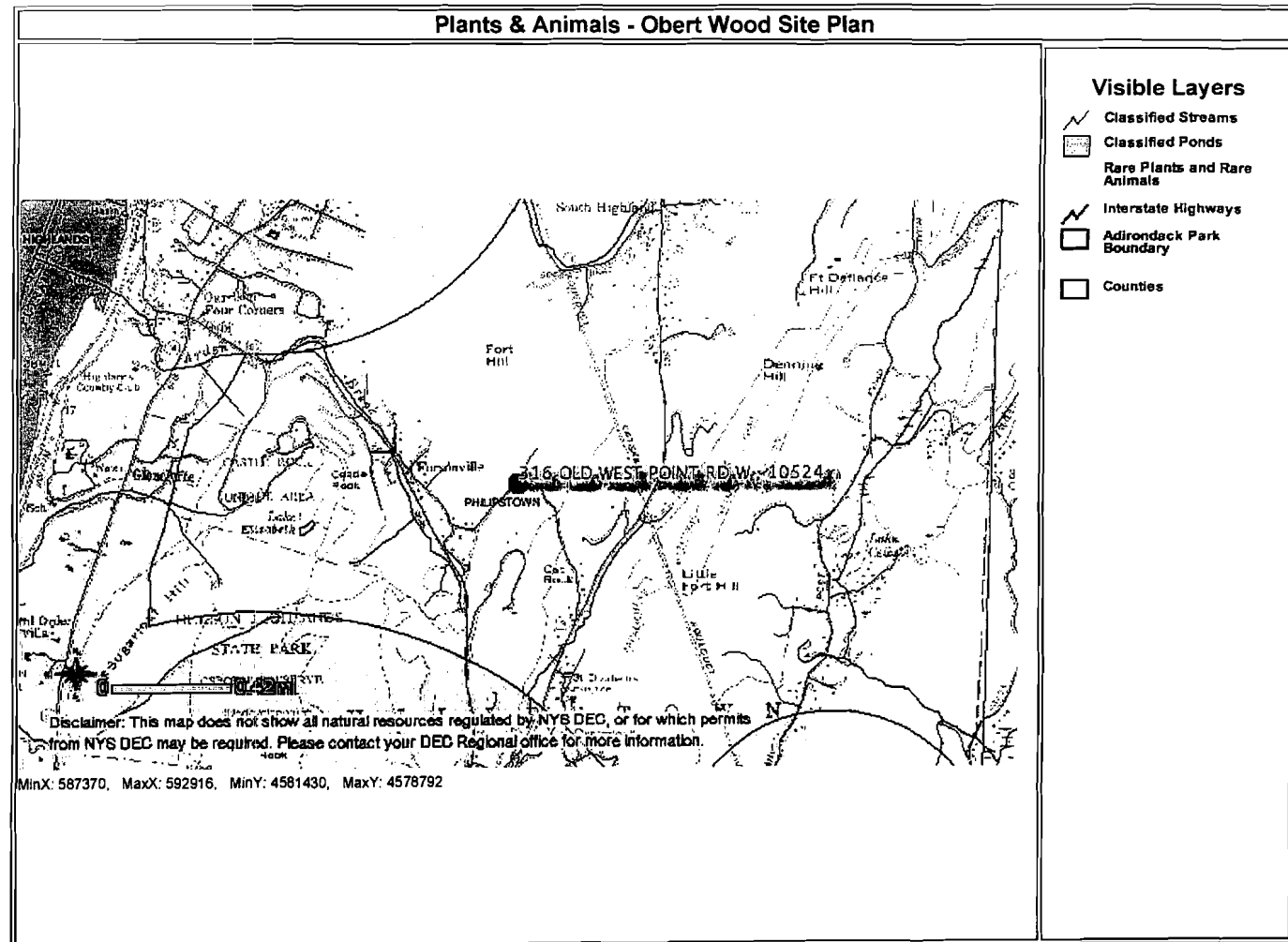
Please set your printer orientation to "Landscape".



Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

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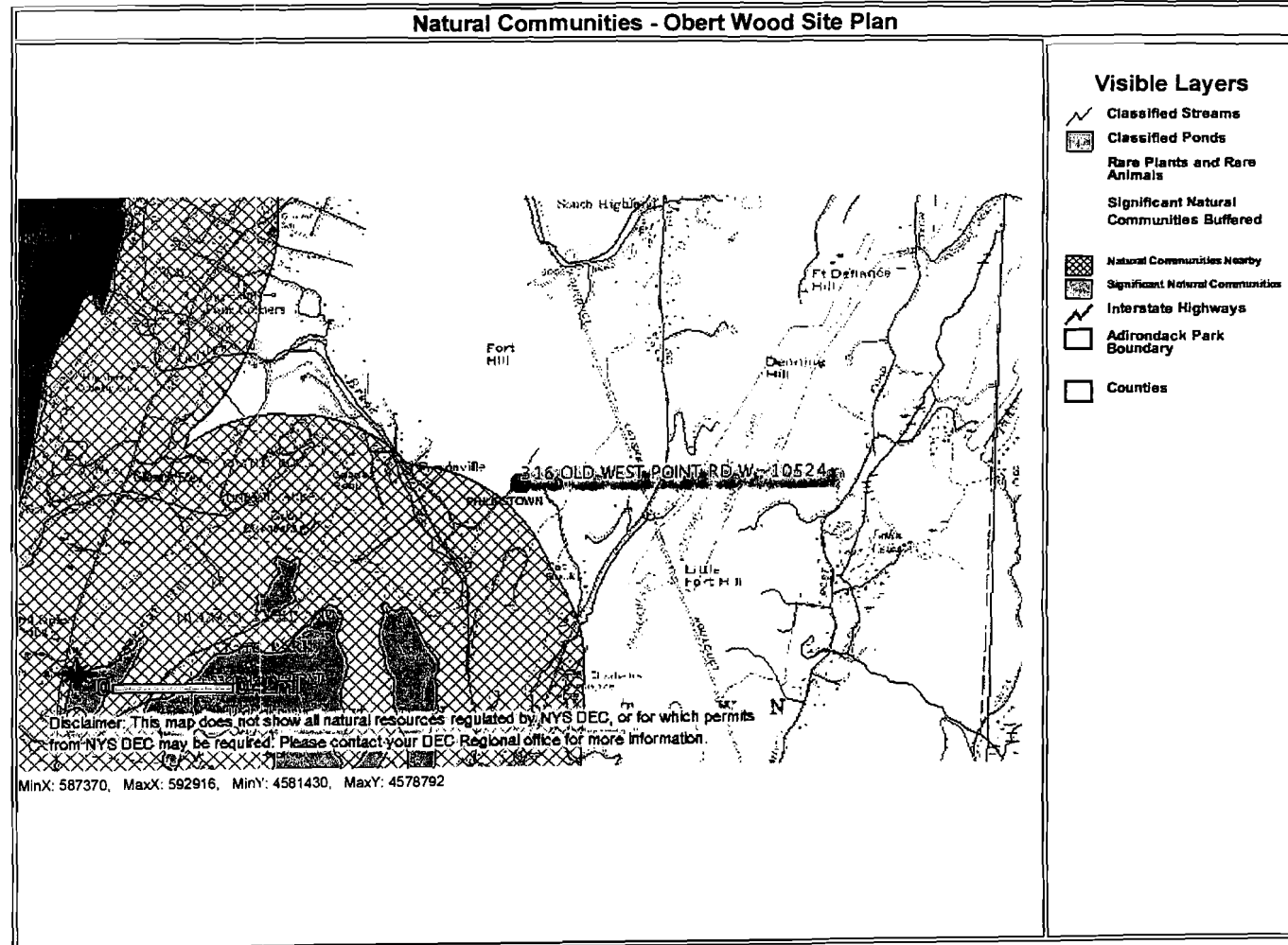
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**Town of Philipstown**  
238 Main Street  
Cold Spring New York 10516

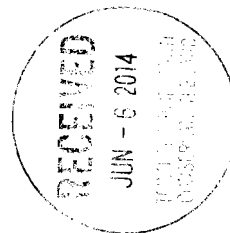
## **PLANNING BOARD**

# **SITE PLAN APPLICATION PACKAGE**

## **MAJOR PROJECT**

Project Name: Site Plan Prepared for Bruce & Donna Kehr

Date: June 5, 2014



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

Office (845) 265-5202 Fax (845) 265-2687

Application for Planning Board  
Special Use & Site Plan Approval

Date: June 5, 2014

TM# 16.20-18, 20 & 21

Project Name: Site Plan Prepared for Bruce & Donna Kehr

Street Address: Route 9 Cold Spring, NY 10516

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

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

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Applicant:

Name Bruce & Donna Kehr

Address 3330 Route 9  
Cold Spring, NY 10516

Telephone 845-265-3771

Design Professional:

Name BADEY & WATSON, Surveying & Engineering, P.C.

Address 3063 Route 9,  
Cold Spring, New York 10516

Telephone 845-265-9217

Tenant:

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

Surveyor:

Name Badey & Watson Surveying & Engineering P.C.

Address 3063 Route 9  
Cold Spring, NY 10516

Telephone 845-265-9217

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

Name Same as applicant

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_



TM# 16.20-18, 20 & 21

Project Name: Site Plan Prepared for Bruce & Donna Kehr

Project Description: Approval of Site Plan to continue the use of the Kehr property as building supply yard and sales establishment.

The intention is to eliminate non-conformities that have accumulated since the site was originally approved. Non-conformities include

expansion of the business beyond its original limits, site coverage greater than allowed and insufficient setbacks.

## ZONING INFORMATION

175-7 Zoning District: HC & RR\*

175-10 Proposed Use: Building Materials Sales and Storage Facility

Proposed Accessory Use(s): NOTE: Applicant has filed a petition with the Town Board  
to change the zoning of the lands zoned RR to HC so that, if  
approved all of the land will be zoned HC

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

Yes or No

175-13 Floodplain Overlay District - NFIP Map — — — — (FPO)	<u>Yes</u>
175-1 8.1 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>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>Yes</u>
175-36 Ridge Line Protection — — — — —	<u>No</u>
175-37 Protection Agricultural — — — — —	<u>No</u>

Project Name: Site Plan Prepared for Bruce & Donna Kehr**175-11 Density and Dimensional Regulations**

\*Required setbacks presume that all of the property will be zoned HC.

<b>Zoning District</b> <u>HC &amp; RR</u>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Complies</b>	<b>Variance</b>
Minimum front yard setback					
Measured from the travel way Town Road	N.A.	N.A.	N.A.	N.A.	N.A.
Measured from the travel way County/State	35'	162.7'	69.5	Yes	Not Required
Minimum side yard setback	15'	12.0'	15.0	Yes	Not Required
Minimum side yard setback (2)	15'	26.3'	26.3'	Yes	Not Required
Minimum side yard setback (3)	15'	44.2	44.2	Yes	Not Required
Minimum rear yard setback	35'	>720'	>720'	Yes	Not Required
Maximum impervious surface coverage	60%	29%	28%	Yes	Not Required
Maximum height	40'	20'+/-	20'+/-	Yes	Not Required
Maximum footprint non-residential Structures	40,000 S.F.	12,078	19,478	Yes	Not Required

**SUBMISSION:****13 copies with one electronic file in .pdf form 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: \$1,320.00 Received: \_\_\_\_\_
9. Escrow: \$5,000.00 Received: \_\_\_\_\_

**ARTICLE IX SPECIAL PERMITS AND SITE PLAN REVIEW**  
**§175-60 PURPOSE AND APPLICABILITY**

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

B. Accessory uses or structures used in connection with a Special Permit or Site Plan use shall be subject to the same approval requirements as the principal Structure or use. Accessory structures used in connection with an institutional use in the IC district are (governed by the provisions in § 175-10J).

**C. Minor and Major Projects**

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

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

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

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

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

## **§175-66 PROCEDURE for Major Site Plan Approval**

### **A. Applicability**

This §175-66 applies to Major Project Site Plan approval applications where no Special Permit is required. See §175-67 for Minor Project Site Plan applications.

### **B. Pre-Application Meetings**

Before filing an application, a preliminary conference with the Zoning Administrative Officer and one Planning Board Member designated by the Planning Board Chair is required to discuss the nature of the proposed use and to classify it as a Major or Minor Project. If the Zoning Administrative Officer classifies the project as a Major Project, a preliminary conference with the Planning Board is required to discuss the nature of the proposed use and to determine the information that will need to be submitted in the Site Plan.

### **C. Submission**

All Major Project Site Plans shall be submitted, with multiple 13 copies with one electronic file in .pdf format as required by the Planning Board, to the Zoning Administrative Officer, who shall distribute them to the Planning Board and such other municipal boards, officials, and consultants as the Planning Board deems appropriate. The Planning Board's consultant or a designated Town employee shall make the initial determination as to whether or not the application is complete for the purpose of accepting it for review. In addition to the Site Plan drawings, the applicant shall submit:

1. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
2. An agricultural data statement as defined in 75-74, if required by § 175-37C.
3. 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,

### **D. Application for Area Variance**

Where a proposed Site Plan contains one or more features which do not comply with the dimensional regulations of this Chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 175-59F without a decision or determination by the Zoning Administrative Officer.

### **E. SEQRA Compliance**

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

### **F. Public Hearing and Decision**

1. The Planning Board shall hold a public hearing on the Site Plan and shall follow the provisions on notice, agricultural data statements, county review, Conservation Board review, and time limits for Special Permits in §175-62 E through G.
2. Criteria for decisions on Site Plans shall be limited to those listed in §175-65D. In granting Site Plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this Chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §175-20, specifying location, character, and number of vehicle access points, requiring landscaping and/or screening, requiring clustering of

structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities, and/or requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.

3. A copy of the decision shall be immediately filed in the Town Clerk's office and mailed to the applicant. resolution of either approval or approval with modifications and/or conditions shall include authorization to the Planning Board Chairman to stamp and sign the Site Plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.

4. If the Planning Board's resolution includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.

## **§175-65 SITE PLAN REVIEW AND APPROVAL**

### **A. Applicability**

1. Site Plan approval by the Planning Board shall be required for all permitted uses listed on the Use Table as requiring Site Plan approval only. Site Plan review shall be included as an integral part of the Special Pen-nit approval process and no separate Site Plan approval shall be required for uses requiring a Special Permit.
2. The procedures for review of Site Plans for Major and Minor Projects (as defined in Article X11) are described in §175-66 and §175-66. Agricultural structures with a footprint of over 15,000 square feet shall require Minor Project site plan approval. Agricultural structures with a footprint of 10,000 square feet or less are exempt from site plan approval requirements.
3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Land Development Law (Chapter 12 of the Town Code) as well as the provisions of this Chapter.

### **B. Required Information for Site Plan**

An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant, Minor Project Site Plans shall contain the information required by §175-67C and other information listed below if the Planning Board deems such information necessary to conduct an informed review, Major Project Site Plans shall be prepared by a licensed professional engineer, architect, surveyor, or landscape architect, and shall include the following (unless waived):

### **SITE PLAN CHECK LIST**

- x   1. A location map drawn at the scale of 2,000 feet to the inch or larger (or other convenient scale acceptable to the Planning Board) that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. A vicinity map shall also be submitted that shows all properties, subdivisions, streets, and easements within 500 feet of the property. Such maps may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.
- x   2. An existing conditions map, showing existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.
- x   3. A Site Plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the Site Plan and continuation sheets.
- x   4. Name of the project, boundaries, date, north arrow, and scale of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, and/or landscape architect. If the applicant is not the record owner, a letter Of authorization shall be required from the owner.
- x   5. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations,

x   6. The location of all present and proposed public and private ways, off-street parking areas, driveways, Outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

  x   7. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures- The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

  x   8. The location, height, Size, materials, and design of all proposed signs in compliance with § 175-39. In lieu of specific sign proposals in connection with the site plan submission, the applicant may submit and the Planning Board may approve a general sign plan and program for the premises, specifying intended locations, sizes, areas, message, design, and illumination.

  x   9. The location of all present and proposed utility systems including:

    x   a. Sewage or septic system;

    x   b. Water supply system;

    x   c. Telephone, cable, and electrical systems; and

    x   d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

  x   10. Erosion and sedimentation control plan required by §175-32 to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable,

  x   11. Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood plain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.

  x   12. A landscape, planting and grading plan showing proposed changes to existing features.

  x   13. Land Use District boundaries within 200 feet of the site's perimeter shall be drawn and identified on the Site Plan, as well as any Overlay Districts that apply to the property.

  x   14. Traffic flow patterns within the site, entrances and exits, and loading and unloading well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas to satisfy the requirements of § 175-40N.

  x   15. For new construction or alterations to any structure, a table containing the following information shall be included:

    x   a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;

    x   b. Estimated maximum number of current and future employees;

    x   c. Maximum seating capacity, where applicable, and

    x   d. Number of parking spaces existing and required for the intended use.

       16. Elevations at a scale of one-quarter inch equals one foot for all exterior facades of tile proposed structure(s) and/or alterations to or expansions of existing, facades, showing design features and indicating the type and color of materials to be used.

       17. Where appropriate, the Planning Board may request soil logs, percolation test results, and storm run-off calculations.

\_\_\_\_\_ 18. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

  x   19. Part One of a long Form Environmental Assessment Form or Draft Environmental Impact Statement.

\_\_\_\_\_ 20. Where appropriate, a cultural resource survey of resources with historic or archaeological significance.

  x   21. A letter from the Zoning Administrative Officer stating either that there are no outstanding zoning violations on the property or that the requested site plan approval is needed in order to correct a violation.

  x   22. Other information that may be deemed necessary by the Planning Board.

a) Applicant has filed a petition with the Town Board to change the zoning of the  
lands zoned RR to HC so that, if approved all of the land will be zoned HC

b) Elements of this application have been completed as if the zoning change  
had already been enacted.

c) \_\_\_\_\_  
\_\_\_\_\_

### c. Waivers

The Planning Board may waive or allow deferred submission of any of the information required in Subsection B above, as it deems appropriate to the application. Such waivers shall be discussed in the course of pre-application conferences. The Planning Board shall issue a written statement of waivers for all major projects. This statement shall be filed in the permanent record of the property.

a) Applicant requests that elevations of the new building be submitted at a  
later time during the approval process,

b) Building elevations to be submitted at a later date.

c) \_\_\_\_\_  
\_\_\_\_\_

d) \_\_\_\_\_  
\_\_\_\_\_

e) \_\_\_\_\_  
\_\_\_\_\_



## D. Criteria

In reviewing Site Plans, the Planning Board shall ensure that the application complies with all applicable provisions of this Chapter, including the environmental performance standards in §175-40. The Planning Board shall also consider apply the criteria set forth below, The Planning Board may also refer for non-binding guidance to the three-volume set of illustrated design guidelines published by the New York Planning Federation in 1994, entitled *Hamlet Design Guidelines*, *Building Form Guidelines*, and *Rural Design Guidelines*. The Planning Board may also refer to the Design Handbook adopted by the Philipstown Planning Board as advisory guidelines for the Route 9 Corridor as well as any other design guidelines that it adopts from time to time as non-binding advisory material. In applying the criteria contained in this subsection and the reference documents above, the Planning Board shall take into consideration the location, character, and context of proposed development and adapt these criteria to the setting (e.g rural, hamlet, institutional, suburban, industrial) as appropriate.

### 1. Layout and Design

\_\_\_\_\_ a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, and other pertinent natural features. The Planning Board may require that an applicant prepare a conservation analysis as described in §175-20A of this Chapter.

\_\_\_\_\_ b. All structures in the plan shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses. Structures shall, where practical, be laid out in the pattern of a traditional hamlet.

\_\_\_\_\_ c. Except for retail and service businesses that require visibility, the visual impact of Structures from public roads shall be minimized through the use of vegetative screening, topography, and colors that blend with the natural surroundings. Structures that are visible from public roads shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, proportion, texture, color, and placement. Building components Such as windows, roof lines and pitch, doors, eaves, and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows and steeply pitched roofs are encouraged but will not be required. Rooftop and ground level mechanical equipment shall be screened from public view using materials harmonious with the building, or shall be located where they are not visible from any public ways or other adjacent properties.

\_\_\_\_\_ d. Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.

\_\_\_\_\_ e. The Planning Board shall encourage the creation of landscaped parks or squares easily accessible by pedestrians.

\_\_\_\_\_ f. Trademarked architecture which identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of the Town or the Building Form Guidelines.

\_\_\_\_\_ g. Impacts on historic and cultural resources shall be minimized.

\_\_\_\_\_ h. Newly installed utility service systems and service modifications necessitated by exterior alterations shall be installed underground. When feasible, existing above ground utility service systems shall be placed underground.

\_\_\_\_\_ i. Buildings shall have a finished exterior on all sides.

\_\_\_\_\_ j. Metal buildings that are principal buildings (larger than a small storage building in an unobtrusive location) shall be of color consistent with earth tones; shall have sufficient fenestration and trim to break continuums of metal wall areas; and shall have brick, stone, wood trim or composite materials providing a similar

**2. Landscaping and screening. Landscaping shall be provided and permanently maintained as follows:**

\_\_\_\_\_ a. All areas of the lot not covered by buildings and other structures, outside storage and approved paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain, if not disturbed by filling, grading or excavation.

\_\_\_\_\_ b. In the HC and OC districts, a strip of land not less than 20 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 20 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

\_\_\_\_\_ c. In the M district, a strip of land not less than 30 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 30 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

\_\_\_\_\_ d. Off-street parking and loading areas shall be provided with landscaped planting islands within or border landscaping adjacent to such area in such a manner as to enhance the appearance of the area. Any parking area accommodating 20 or more cars shall be provided with not less than one tree for each 20 cars or fraction thereof, which trees shall be not less than three inches diameter at breast height and 10 feet in height,

\_\_\_\_\_ e. Landscaping, including grading, provided in the area required for a building setback from the street line or center line of U.S. Route 9 shall be of a type, size and height as to avoid obstruction of minimum sight lines along the highway as well as from access driveways onto the highway, whether located on the lot or any other lot, as specified by the State Department of Transportation.

\_\_\_\_\_ f. All landscaping materials shall be of a type and/or species suitable for the location of the lot in the Town and suitable for the soil conditions on the lot and shall be planted and maintained in accordance with good landscaping practice. Landscaping shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides, and fertilizers.

\_\_\_\_\_ g. All landscaping, including growing materials, that are specified on an approved landscape plan for a site shall be well maintained to carry out the intent of the landscape plan. Failure to maintain healthy landscaping associated with a site plan approval will be a violation of said approval.

\_\_\_\_\_ h. Trees, shrubs and other plant materials which are or are otherwise not in a condition to fulfill the approved landscape plan shall be replaced in the next planting season by similar plant material.

\_\_\_\_\_ i. Fences and walls used for landscaping and screening shall be made of natural materials. Such as wood, stone or brick or otherwise effectively landscaped.

\_\_\_\_\_ j. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

\_\_\_\_\_ k. Existing native tree stock eight or more inches in diameter at breast height shall be protected and preserved to the extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedge rows, wetlands, and wood lots shall be encouraged and included as a design element in the development of the site.

\_\_\_\_\_ l. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall and two-inch caliper shall be planted and maintained at 20 to 40-foot intervals along roads at a setback distance acceptable to the Highway Superintendent.

### **3. Parking Circulation, and Loading**

\_\_\_\_\_ a. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.

\_\_\_\_\_ b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, set-vice roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.

\_\_\_\_\_ c. Off-street parking and loading standards in § 175-38 shall be satisfied.

\_\_\_\_\_ d. Access from and egress to public highways shall be approved by the appropriate highway department, including Town, County, and State.

\_\_\_\_\_ e. All buildings shall be accessible by emergency vehicles.

\_\_\_\_\_ f. Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.

\_\_\_\_\_ g. spaces and racks shall be provided in an area that does not conflict with vehicular traffic. Designated van/car pool parking, and other facilities for alternatives to single occupancy vehicle use shall be provided wherever possible.

\_\_\_\_\_ h. In developments where links to schools, churches, shopping areas, trails, greenbelts, and other public facilities are feasible, or where a trail connection is recommended in the Comprehensive Plan or in a Town Open Space Plan, a trail corridor shall be reserved on the approved Site Plan for this purpose.

\_\_\_\_\_ i. Reservation of Parkland

For any Site Plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law § 274-a(6).

### **5. Outside Storage**

Any areas for outside storage (including temporary storage of waste materials; storage and display of merchandise, supplies, machinery and other materials; and outside manufacture, processing or assembling of goods- but excluding areas for parking of registered motor vehicles in daily use) shall be shown on the site plan and located and screened as follows:

\_\_\_\_\_ a. In the HC and OC districts, outside storage areas shall not extend into the area required for a building setback from a street line or from the center line of U.S. Route 9, as determined under § 175-30(J), or from a residential district boundary line. Outside storage shall be enclosed (except for necessary access drives) by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other adjacent lot or any street. In no case shall the height of outside

storage exceed the height of the approved screening. Screening shall be of a density as to be at least 75% effective in screening such view, at the time of occupancy, except that when evergreens are used, such height and density shall be achieved within five years after establishment of tile outside storage area.

\_\_\_\_\_ b. Outside storage on properties in the HC or OC districts shall not exceed 20% of tile lot area located in such district.

\_\_\_\_\_ c. In the M District, outside storage areas shall not extend into the area required for a building setback from property line, or a residence district boundary line, and shall not exceed 15% of the lot area located in the industrial M District.

#### 6. Miscellaneous Standards

\_\_\_\_\_ a. Buildings and other facilities shall be designed, located, and operated to avoid causing excessive noise on a frequent or continuous basis.

\_\_\_\_\_ b. Drainage of the site shall recharge ground water to the extent practicable. The peak rate of surface water flowing off-site shall not increase above pre-development conditions and shall not adversely affect drainage oil adjacent properties or public roads.

\_\_\_\_\_ c. Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.

\_\_\_\_\_ d. No materials shall be placed below the finished grade of a site other than utilities, sand, gravel, rocks, and soil that are uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted under this Subsection (e), except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.

\_\_\_\_\_ e. Structures shall be located, constructed, and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate, and shall include fencing, walls, and natural buffers, such as berms and landscape planting with trees and large shrubs.

\_\_\_\_\_ f. Lighting shall comply with the standards in § 175-40L.

#### §175-68 IMPLEMENTATION, REVISION, AND ENFORCEMENT OF APPROVED SITE PLANS

A. Within 6 months after receiving approval of a Site Plan, with or without modifications, the applicant shall submit multiple copies of the Site Plan, as determined by the Planning Board, for stamping and signing. The Site Plan submitted for stamping shall conform strictly to the Site Plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information.

1. Record of application for and approval status of all necessary permits from Federal, State, and County officials.
2. Detailed sizing and final material specification of all required improvements.
3. An estimated project construction schedule. If a performance guarantee pursuant to Subsection B is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
4. Proof of payment of the Planning Board's reasonable review costs.

5. Upon stamping and signing the Site Plan, the Planning Board shall forward copies of the approved Site Plan to the Zoning Administrative Officer and the applicant. The Zoning Administrative Officer may then issue a Building Permit. A Certificate of Occupancy may only be issued if the project conforms to all applicable requirements of the Site Plan Approval.

**B. Performance Guarantee**

No Certificate of Occupancy shall be issued until all improvements shown on the Site Plan are installed, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in §277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Planning Board, Town Attorney, Zoning Administrative Officer, other local officials, and its consultants.

**C. As-Built Plans and Inspection of Improvements**

No Certificate of Occupancy shall be granted until the applicant has filed a set of as-built plans with the Zoning Administrative Officer, indicating any deviations from the approved Site Plan. The Zoning Administrative Officer shall be responsible for ensuring compliance with the site plan approval and for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a Certificate of Occupancy upon a finding that the project as built complies in all material respects with the Site Plan. The Zoning Administrative Officer shall also have the authority to inspect soil mines for compliance with conditions authorized by §175-17.2D throughout the life of the mine. Costs of any required inspections may be charged to the applicant as provided in section §71-3 of the Town Code.

**ADJOINERS LIST****KEHR****16.20-1-18, 20 & 21**

16.20-1-14  
DIEBBOLL, JOS F  
31 Stephanie Ln  
Cold Spring, NY 10516

16.20-1-22  
SABITUS, HEDI MUELLER  
97 Edgehill Dr  
Wappingers Falls, NY 125903633

16.-1-41.2  
CHMAR, ANDREW T  
40 Walmer Ln  
Cold Spring, NY 10516

16.20-1-24.2  
DEMILIO, WILLIAM R  
18 Walmer Ln  
Cold Spring, NY 10516

16.20-1-8  
3315 Rt 9, LLC  
3315-3319 Rt 9  
Cold Spring, NY 10516

16.20-1-5  
KLEIN, STEPHEN  
2 Ridgewood Rd  
Cold Spring, NY 10516

16.20-1-23  
MID-HUDSON CONS CORP  
7 Mayfair Rd  
Elmsford, NY 10523

16.20-1-17  
MERRIGAN, THOMAS C  
16 Stephanie Ln  
Cold Spring, NY 10516

16.20-1-25.1  
GIORDANO, ANTONIO  
3091 Route 9  
Cold Spring, NY 10516

16.-1-38  
WB PHILIPSTOWN LLC  
570 Taxter Rd Fl 6  
Elmsford, NY 10523

16.20-1-11.1  
SCANGA, MARK  
19 Scanga Ln  
Cold Spring, NY 10516

16.20-1-7  
49 Stagecoach Drive LLC  
3315 Rt 9  
Cold Spring, NY 10516

16.20-1-24.1  
RICHARDSON, SUSAN  
16 Walmer Ln  
Cold Spring, NY 10516

16.20-1-4  
LAUCH, WILLIAM P  
20 Ridgewood Rd  
Cold Spring, NY 10516

16.20-1-6  
ALTMAN, JOSEPH  
45 Stagecoach Rd  
Cold Spring, NY 10516

16.20-1-16  
M.H.C.P. REALTY, LLC  
3504 Rt 9  
Cold Spring, NY 10516

16.20-1-10  
WTP SUPPLY CO INC  
101 Lime Ridge Rd  
Poughquag, NY 12570

16.20-1-11.2  
SCANGA, JOHN PAUL  
21 Scanga Ln  
Cold Spring, NY 10516

16.20-1-26  
DAHLIA, TODD  
10 Stagecoach Rd  
Cold Spring, NY 10516

16.20-1-3  
THESING, ANTHONY  
15 Stagecoach Rd  
Cold Spring, NY 10516

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Approval of Site Plan prepared for Bruce & Donna Kehr		
Project Location (describe, and attach a general location map): 3330 Route 9 Cold Spring, NY, Town of Philipstown		
Brief Description of Proposed Action (include purpose or need):  Approval of Site Plan to continue the use of the Kehr property as building supply yard and sales establishment. The intention is to eliminate non-conformities that have accumulated since the site was originally approved. Non-conformities include expansion of the business beyond its original limits, site coverage greater than allowed and insufficient setbacks.		
Name of Applicant/Sponsor: Bruce & Donna Kehr	Telephone: 845-265-3771	E-Mail: dkehr@esp3771.com
Address: 3330 Route 9		
City/PO: Cold Spring	State: NY	Zip Code: 10516
Project Contact (if not same as sponsor; give name and title/role): Glennon J. Watson L.S.	Telephone: 845-265-9217 x14	E-Mail: gwatson@badey-watson.com
Address: 3063 Route 9		
City/PO: Cold Spring	State: NY	Zip Code: 10516
Property Owner (if not same as sponsor): Bruce & Donna Kehr	Telephone: 845-265-3771	E-Mail: dkehr@esp3771.com
Address: 3330 Route 9		
City/PO: Cold Spring	State: NY	Zip Code: 10516

**B. Government Approvals****B. Government Approvals Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Zoning Amendment	08/30/2103
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Site Plan	06/05/2014
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning-239 Referral	6/19/14
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,		
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

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**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

HC, (Highway Commercial) RR (Rural Residential) RR to be changed to HC Aquifer Overlay (Clove Creek), Flood Plain Overlay

b. Is the use permitted or allowed by a special or conditional use permit? (Not in RR) ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? HC

**C.4. Existing community services.**

a. In what school district is the project site located? Haldane Central School District

b. What police or other public protection forces serve the project site?

Putnam County Sheriff, NY State Police

c. Which fire protection and emergency medical services serve the project site?

North Highlands Fire District

d. What parks serve the project site?

Philipstown Town Park System, Putnam County Park, NYS Parks (Fahnstock)

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

Commercial, Residential

b. a. Total acreage of the site of the proposed action? 11.35 acres

b. Total acreage to be physically disturbed? 0.99 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.35 acres

c. Is the proposed action an expansion of an existing project or use? ☒ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 61 (buildings) Units: 12,078 to 19,478 SF

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction:

10 months

ii. If Yes:

- Total number of phases anticipated

- Anticipated commencement date of phase I (including demolition) month year

- Anticipated completion date of final phase month year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☐ Yes ☒ No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No  
 If Yes,

i. Total number of structures 1+/- (6400 SF) 1 additional (1000 SF)

ii. Dimensions (in feet) of largest proposed structure: 20 height; 50 width; and 128 length

iii. Approximate extent of building space to be heated or cooled: 1000 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

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**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

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b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☒ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☒ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)

ii. Describe types of new point sources. \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend  
☐ Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☒ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☒ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☒ No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: 1000 \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
 Local utility \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☒ No

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l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7 am to 5 pm
- Saturday: \_\_\_\_\_ to \_\_\_\_\_
- Sunday: \_\_\_\_\_ to \_\_\_\_\_
- Holidays: \_\_\_\_\_ to \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ to \_\_\_\_\_
- Saturday: \_\_\_\_\_ to \_\_\_\_\_
- Sunday: \_\_\_\_\_ to \_\_\_\_\_
- Holidays: \_\_\_\_\_ to \_\_\_\_\_

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Exists _____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products (185 gallons in above ground storage or any amount in underground storage)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial/or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

#### E. Site and Setting of Proposed Action

##### E.1. Land uses on and surrounding the project site

###### a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)  
☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

Projects fronts on State Highway developed commercially, land at rear is forest

###### b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	3.39	3.36	-0.03
• Forested	6.76	6.76	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.25	0.25	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Landscape	0.84	0.87	+0.03

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No  
If Yes,  
i. Identify Facilities:  
Philipstown "Quarry Pond" Park lies to the north. \_\_\_\_\_

e. Does the project site contain an existing dam? ☐ Yes ☒ No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No  
If Yes:  
i. Has the facility been formally closed? ☐ Yes ☒ No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☒ No  
☐ Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
☐ Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_



v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: \_\_\_\_\_

## E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? >7 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No

If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Riverhead Loam	17	%
Fluvaquents & UDI	83	%
Fluvaquents		%

d. What is the average depth to the water table on the project site? Average: 0 >7' feet

e. Drainage status of project site soils: ☒ Well Drained: 81 % of site  
☒ Moderately Well Drained: 0 % of site  
☒ Poorly Drained: 19 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 81 % of site  
☒ 10-15%: 5 % of site  
☒ 15% or greater: 14 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No

If Yes, describe: \_\_\_\_\_

### h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name <u>Clove Creek</u>	Classification <u>C</u>
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway? ☒ Yes ☐ No

j. Is the project site in the 100 year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500 year Floodplain? ☒ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No

If Yes:

i. Name of aquifer: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>_____</p> <p>_____</p>	<p>Site inspection-more to follow</p> <p>See attached letter</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p> </p> <p> </p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p> </p> <p> </p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: <u>Hunters frequent area near Clove Creek</u></p> <p><u>where there will be no changes.</u></p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within 5 miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify resource: Those relating to the Hudson River/Highlands	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Highway overlooks scenic byways and parks	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

#### F. Additional Information

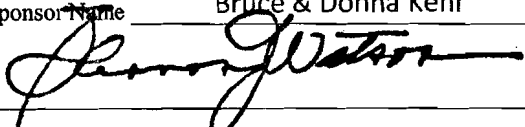
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Bruce & Donna Kehr Date 06/05/2014

Signature  Title Surveyor for Applicant



**Environmental and Planning Consultants**

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

---

**To:** Philipstown Planning Board  
**From:** Susan Jainchill, Town Planner  
**Date:** May 20, 2014  
**Re:** RDR Equities Car Wash  
**cc:** T. Wood, A. Merante, M. E. Finger, K. Conner, K. Donahue, R. Gainer,

---

As provided in Section 175-66B of the Town Code a preapplication meeting was held on **May 9, 2014** for the ESP Property located at 3330 Route 9.

**In attendance:**

Tom Wood- Applicant' Attorney  
Anthony Merante – Planning Board Chairman  
Mary Ellen Finger – Planning Board Member  
Kim Conner – Planning Board Member  
Kevin Donahue – Code Enforcement Officer  
Ron Gainer – Town Engineer  
Susan Jainchill – Town Planner

The following was discussed:

*Purpose of Application:*

The application would seek site plan approval and an amendment to the Town Zoning Code.

*Zoning District:*

The subject property is three parcels, two of which are located in the Highway Commercial District (HC) and one is located in the Rural Residential District. The Applicant would also be seeking to reclassify the RR zoned parcel to HC (see Section 175-69).

*Site Plan Review Required:*

The Applicant would propose a new structure for storage of materials to be located near Route 9 along with other site improvements. As part of this application the Applicant would seek to

change the zoning district designation for the rear lot to enlarge the project site. Thereafter the project site would be able accommodate the requirement that outdoor storage not exceed 20% of the square footage.

*Major/Minor:*

This application would be considered a major project.

*Waivers:*

The Applicant would inform the Planning Board once they determine whether they will seek waivers to the site plan requirements.

*Overlays:*

The property falls within the following any overlay districts: Floodplain Overlay District, Clove Creek Aquifer, Regional Aquifer Overlay District, Within 100 foot buffer of Wetlands or Watercourse. The Applicant will confirm whether there is steep terrain on the property.

*Stormwater/Wetlands:*

The Clove Creek runs through or near the property.

*Fees:*

Major Site Plan Application	\$1000 + \$20/parking spaces
No Violation Letter	\$175
Conservation Board	no fee
FEAF	\$300
Public Hearing	\$250
Final Approval	\$250
Fee for Zoning Amendment	not yet established
Escrow set at	\$5000

*Additional Notes:*

- The Applicant owned one of the three lots 20 years ago. At that time a site plan was approved for lot 18. Since then the additional lots were acquired.
- The Applicant has recently had violations issued and there has been a court proceeding. Once the legal issues are resolved the new application would proceed.
- The potential for amending the zoning in regards to this application has been a topic of Town Board discussion over the past 10 months and a zoning change is being considered.
- For regulations regarding outdoor storage see Section 175-65 D5
- The applicant was requested to propose a sequence for the municipal review process illustrated with a flow chart. The purpose of this would be to clarify the roles of the various municipal boards role and coordinate the review schedule. The following sequence was discussed at the pre-application meeting:

The first step would be for the Planning Board to determine whether the application is complete. Once completeness is determined the Planning Board would declare itself Lead Agency for the purposed of SEQRA review. Next the Applicant would appear before the Town Board to request a zoning code amendment. The Town Board would hold a Public hearing. The Planning Board would move forward with the SEQRA review anticipating the change in the zoning code. If the

zoning amendment is approved the Planning Board would then complete the site plan review process act on the application.

- The Applicant suggested that they would offer a conservation easement from the base flood elevation contour line to Clove Creek
- An increase in setback and a requirement of a dense vegetative buffer may be incorporated at property lines shared with residential lots.
- The rear lot would not be used for storage of materials. It may be used for stormwater. A fence would be introduced, demarcating the property line between the front and rear lots, in order to prevent storage use from 'creeping' onto rear lot.



**PUTNAM COUNTY RECORDING PAGE**  
PAGE 1 OF RECORDED DOCUMENT

DOCUMENT #: 16967

 RETT: 337 \$920.00  
 CONSIDERATION: \$230,000.00

 09/06/2005 02:56:52 P.M.  
 LIBER 1717 PAGE 479  
 RECEIPT: 16961 FEE: \$212.00  
 DENNIS J. SANT  
 PUTNAM COUNTY CLERK

RESERVE FOR RECORDING INFORMATION

RECORD &amp; RETURN TO:

TYPE OR PRINT

Thomas J. Wood, Esq.  
 153 Albany Post Road  
 Buchanan, N.Y. 10511

GRANTOR/MORTGAGOR

Thomas Braia  
 Catherine Braia  
 to  
 Bruce Kehr & Anna Kehr

DO NOT WRITE BELOW THIS LINE

 DEED ☒ MTG ☐ SAT ☐ ASMT ☐ CEM ☐ POA ☐ ESMT ☐  
 OTHER \_\_\_\_\_
RECORDING FEES# OF  
PAGES 5
 RCD FEE 17.00  
 STAT CHG 5.00  
 REC MGMT 20.00  
 CROSS REF \_\_\_\_\_  
 TOTAL 42.00

 ( ) MORTGAGE TAX AFFIDAVIT FILED  
 \$5.00
MORTGAGE/DEED TAX DISTRICTS:
 TOWN OF CARMEL  
 TOWN OF KENT  
 TOWN OF PATTERSON  
 TOWN OF PHILIPSTOWN  
 TOWN OF PUTNAM VALLEY  
 TOWN OF SOUTHEAST  
 APPORTIONMENT MORTGAGE
MORTGAGE TYPES:
 COMMERCIAL/VACANT LAND  
 1-2 FAMILY  
 CREDIT UNION/ PERSONAL MTG  
 3-6 UNITS  
 EXEMPT
RESERVE FOR CERTIFICATION
 THIS DOCUMENT WAS EXAMINED  
 PURSUANT TO §315 REAL PROPERTY LAW

A handwritten signature in cursive script, appearing to read "Dennis J. Sant".

 DENNIS J. SANT  
 PUTNAM COUNTY CLERK
RESERVE FOR CLERK'S NOTES

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

THIS INDENTURE, made the 19th day of July, 2005

**BETWEEN**

Thomas Braia and Catherine Braia, having an address at 77 Homecrest Oval, Yonkers, New York 10703

party of the first part, and

Bruce Kehr and Donna Kehr, husband and wife, having an address at 54 Innsbruck Blvd., Hopewell Junction, NY 12533

party of the second part,

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

Two Hundred Thirty Thousand and 00/100 (\$230,000.00) dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

See Attached Schedule "A"

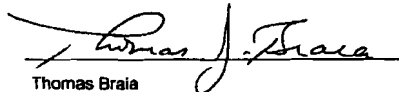
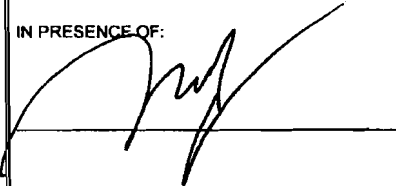
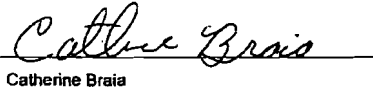
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;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

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever 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:

  
Thomas Braia  
Catherine Braia



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

Beginning at a point located on the easterly side of NYS Route 5149, also known as Albany Post Road, said point marking the northwest corner of lands now or formerly of Roder, marked by an iron pipe; thence, South 51 degrees 22' 20" East 596.45 feet through an iron pin on the west bank of Clove Brook to the center of said Clove Brook; thence along the center of said brook and along lands, now or formerly of Iannone and other land of the grantor herein, thence following courses and distances; South 83 degrees 32' 10" East 31.08 feet; South 46 degrees 32' 20" East 145.04 feet; South 12 degrees 43' 44" East 62.72 feet; South 41 degrees 03' 00" East 216.95 feet; South 70 degrees 42' 30" East 115.45 feet; North 73 degrees 00' 00" East 179.13 feet; North 13 degrees 33' 46" East 163.80 feet; thence leaving said Clove Brook, North 24 degrees 39' 24" West 755.67 feet marking the northeast corner of lands of Romito marked by an iron pipe; thence South 37 degrees 59' 03" West 280 feet to a point marked by an iron pipe; thence, North 51 degrees 34' West 20.25 feet to an iron pipe marking the northeast corner of lands now or formerly of Roder; thence, South 38 degrees 28' 50" West 300.45 feet along lands now or formerly of Roder and Selleck to an iron pipe; thence along a stone wall and line of lands now or formerly of Selleck, North 51 degrees 22' 20" East 485.77 feet to a monumented point on the easterly side of NYS Highway No. 5749; thence along said easterly side of said highway, South 20 degrees 01' 20" West 21.10 feet to the point and place of beginning.

Together with a right of way over the following two pieces and parcels of land, situate, lying and being in the Town of Philipstown, County of Putnam, State of New York, bounded and described as follows:

Beginning at a point on the easterly side of the NY-Albany Post Road known as NYS Route 5149, which point is 20 feet south from the southwesterly corner of lands now or formerly of George Hustis and the northwesterly corner of lands now or formerly of Amato; running thence, North 32 degrees 58' 44" East 20 feet along the side of said highway 20 feet to a post marking the aforesaid southwesterly corner of Hustis; thence, South 51 degrees 34' East 602 feet to a stake on the division line of George Hustis marking the northeasterly corner of lands of Ray Hustis Adams; thence, South 37 degrees 59' 03" West 20 feet; thence, North 51 degrees 34' West in a line parallel with the southerly line of George Hustis 600 feet, more or less, to an iron pipe marking the point or place of beginning.

Continued On Next Page

per CAR-2297

ALSO

Beginning at point on the line of the lands now or formerly of George Hustis 602 feet East of NYS Route 9; thence, South 24 degrees 39' 24" East 455.25 feet to an iron pipe; thence, North 38 degrees 26' East 74.64 feet to an iron pipe; thence, North 0 degrees 43' 29" West 195.28 feet; thence, North 51 degrees 34' West 282.84 feet to the place of beginning.

Together with a right of way over the lands of Joseph J. Romito and Bertolina Romito, his wife, bounded and described as follows:

Beginning at a stake marking the southeasterly corner of Lot No. 5, on a certain map surveyed by Douglas Merritt of Clod Spring, NY, LS # 25591, Recorded 04/18/1952 in the Office of the Putnam County Clerk as "Clove Brook Homesites, Ray Adams Owner, Philipstown, Putnam County, NY, 10/07/1951"; thence, South 37 degrees 59' 3" West 164.48 feet to a point marked by an iron pipe which point marks the southeasterly corner of the lands conveyed by Ella Hustis to Ray Hustis Adams (Liber 239 cp 124); thence, North 51 degrees 34' West 20 feet to a point marking the southeasterly corner of Lot No. 6, said point being marked by an iron pipe; thence, North 37 degrees 59' 3" East 164.48 feet to the southerly side of Lot No. 5; thence, South 51 degrees 34' East 20 feet to the point or place of beginning.

## ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 19th day of July in the year 2005, before me, the undersigned, personally appeared  
 Thomas Braia & Catherine Braia

, 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.

PAUL G. CONRAD  
 Notary Public  
 Qualified in Dutchess County  
 Reg. No. 01CO4867326  
 My Commission Expires 8-15-08

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS  
TAKEN IN NEW YORK STATE

State of New York, County of, ss:

On the day of in the year, before me, the undersigned, a Notary Public in and for said State, personally appeared, the  
 subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

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

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

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

## ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of, ss:

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

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

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK  
STATE

\*State of, County of, ss:

\*(Or insert District of Columbia, Territory, Possession or Foreign County)

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

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

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

Bargain and Sale Deed  
with Covenants

Title No. CAR-2297

Thomas Braia &amp; Catherine Braia

TO

Bruce Kehr and Donna Kehr

SECTION: 16.20

BLOCK: 1

LOT: 20

COUNTY OR TOWN: Putnam

## RETURN BY MAIL TO:

Thomas F. Wood, Esq.  
 Wood & Klarl, Esqs.  
 153 Albany Post Road  
 Buchanan, New York 10511

DISTRIBUTED BY  
  
 YOUR TITLE EXPERTS  
 The Judicial Title Insurance Agency LLC  
 800-281-TITLE (8485) FAX: 800-FAX-9396

1-2

Standard N.Y.S.U. Form 502

Subject and Sale Deed, with Certificate against Grantee's Acreage Indentured as Copy

1154-023a

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

F-682-354

THIS INDENTURE, made the 27th day of March, nineteen hundred and ninety-two

BETWEEN  
PAULINE SAMMUT SIEBERT as sole surviving heir of EMANUEL J. SAMMUT  
who died on December 7, 1991, having been predeceased by ROSE SAMMUT,  
residing at

Route 9  
Cold Spring, New York 10516

party of the first part, and

BRUCE KEHR and DONNA KEHR, husband and wife  
Lake Walton Road  
Hopewell Junction, New York 12533

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 PHILLIPSTOWN, County of Putnam and State of New York and being more particularly described as follows:

BEGINNING at an iron pipe found on the Easterly line of New York State Route 9 also known as State Highway number 5149, said point of beginning being the Southwest corner of other Lands of Kehr as described in recorded Deed Liber 1068 page 35, said point of beginning also being the Northwesterly corner of the herein described parcel, thence from said point of beginning and along the Southerly line of other Lands of Kehr, South 51 34' 00" East 512.83 feet to an iron pipe found; thence along the Northerly line of Lands now or formerly Merson, South 38 28' 50" West 146.15 feet; thence continuing along the Northeasterly line of said Lands North 51 22' 20" West 485.77 feet to the Easterly line of said Route 9; thence along said line the remaining three courses and distances South 23 52' 40" East 22.95 feet; thence North 38 06' 01" East 38.68 feet; thence North 24 22' 01" East 86.20 feet to the point of beginning.

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

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby it or 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:

*Pauline Sammut Siebert*  
PAULINE SAMMUT SIEBERT

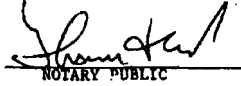
03575

1154 024

STATE OF NEW YORK, COUNTY OF Westchester ss  
On the 27 day of March 19 92 before me  
personally came

PAULINT SAMMUT SIERBERT

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
she executed the same.

  
NOTARY PUBLIC

THOMAS F. WOOD  
NOTARY PUBLIC, State of New York  
No. 4584326  
Qualified in Dutchess County  
Commission Expires March 20, 1992

STATE OF NEW YORK, COUNTY OF ss  
On the day of 19 , before me  
personally came

to me known, who, being by me duly sworn, did depose and  
say that he resides at No.

that he is the  
of

, the corporation described  
in and which executed the foregoing instrument; that he  
knows the seal of said corporation; that the seal affixed  
to said instrument is such corporate seal; that it was so  
affixed by order of the board of directors of said corpora-  
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss  
On the day of 19 , before me  
personally came

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF ss  
On the day of 19 , before me  
personally came

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 resides at No.

that he knows

to be the individual  
described in and who executed the foregoing instrument;  
that he, said subscribing witness, was present and saw  
execute the same; and that he, said witness,  
at the same time subscribed his name as witness thereto.

**Margain and Sale Verb**

WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE NO. F-582-354

SAMMUT

TO

KEHR

SECTION 16.20

BLOCK 1

LOT 19 & 20

COUNTY OR TOWN of Philipstown  
County of Putnam


RETURN BY MAIL TO:

WOOD & KLARL, ESQS.  
153 Albany Post Road  
Buchanan, New York

By No. 10511

STANDARD FORM OF NEW YORK BOARD OF REAL ESTATE  
Distributed by  
**SECURITY TITLE AND GUARANTY COMPANY**  
CHARTERED 1888 **ST** IN NEW YORK

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

<p>PUTNAM CLERK'S OFFICE RECORDED ON THE 19 DAY OF April 1992 AT 10:36 A.M. RECORDED IN BOOK No. 1154 OF SALES AT PAGE 23 AND EXAMINED</p> <p> R. CLERK</p>	<p>RECEIVED \$ 100.00 REAL ESTATE TAX 1993 TRANSFER TAX PUTNAM COUNTY</p>	<p>14.00 740.00 754.00</p> <p>26. APR 20 1992 CLERK'S OFFICE PUTNAM COUNTY</p>
--	---	--

A 291

Standard N.Y.S.T.R. Form 5001  
Rogable & sale deed, with covenant against grantor's acts - Ind. or Corp.

LIBER 1068 PG 035  
JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS

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

THIS INDENTURE, made the 25<sup>th</sup> day of August, nineteen hundred and eighty-nine  
BETWEEN BART CARBONE and DOLORES CARBONE, husband and wife, residing at  
30 Beech Court, Fishkill, New York 12524

part of the first part, and BRUCE KEHR and DONNA KEHR, husband and wife, residing at  
Lak Walton Road, Hopewell Junction, New York 12533

party of the second part,

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

ten dollars-----dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the first 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,  
bounded and described as follows:

BEGINNING at an iron pipe on the easterly side of highway no. 5149, Route 9,  
distant southeasterly along the same 300 feet from lands now or formerly of  
G.E. Hustis at the southwesterly corner of lands now or formerly of Amato;  
running thence along said lands of Amato and land now or formerly of Adams,  
South 51° 34' East 555.62 feet to an iron pipe and lands now or formerly  
of Merson; thence along the same, South 38° 28' 50" West 154.30 feet to an  
iron pipe and lands now or formerly of Eason; thence along the same, North  
51° 34' West 512.83 feet to the said easterly side of Route 9; thence along  
the same, North 13° 45' East 54.50 feet; North 26° 58' 14" East 94.22 feet and  
North 32° 58' 44" East 12.55 feet to the point and place of beginning.

4565-982

08319

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

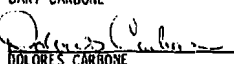
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost 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:

  
BART CARBONE

  
DOLORES CARBONE

STATE OF NEW YORK, COUNTY OF Dutchess

On the 25<sup>th</sup> day of August 1989, before me personally came

BART CARBONE & DOLORES CARBONE

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

NOTARY PUBLIC

LOUIS J. VIGLIONE  
Notary Public, State of New York  
Qualified in Dutchess County  
Commission Expires March 30, 1991

STATE OF NEW YORK, COUNTY OF LIBER 1068 PG 037

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came 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 resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed  
With Covenant Against Grantor's Acts  
Title No. 1068-982

SECTION 21  
BLOCK 1  
LOT 50  
COUNTY OR TOWN

TO

RETURN BY MAIL TO:

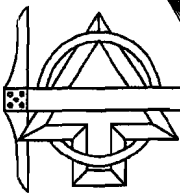
ROBERT IANELLI, ESQ.  
Route 52  
Fishkill, NY 12524

Zip No.

Reserve Mortgage (Subject to Recording Office)	AUG 20 1 13 PM '89	PUTNAM COUNTY CLERK'S OFFICE RECEIVED ON THE 24 DAY OF Aug 1989 AT 1 H. 13 M. P.M. RECORDED IN BOOK No. 1068 OF 1068 AT PAGE 035 AND EXAMINED	CLERK	<i>Robert Iannelli</i>	3-14.00 5.00 480.00 T.T.A.

RECEIVED
\$13,500.00
REAL ESTATE
AUG 29 1989
TRANSFER TAX
PUTNAM
COUNTY





# BADEY & WATSON

## Surveying & Engineering, P.C.

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

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

Glennon J. Watson, L.S.  
John P. Delano, P.E.  
Peter Meisler, L.S.  
Stephen R. Miller, L.S.  
Jennifer W. Reap, L.S.

Robert S. Miglin, Jr., L.S.  
Mary Rice, R.L.A., Consultant  
George A. Badey, L.S., (1973-2011)

June 3, 2014

NYS Dept. Of Environmental Conservation  
Bureau of Wildlife  
DEC Region 3  
21 South Putt Corners Road  
New Paltz, NY 12561

**RE: 3330 Route 9 -Endangered Species Inquiry**

Dear Sir or Madam:

We have been engaged to design and process a Site Plan of the captioned property. The project is located in the Town of Philipstown, Putnam County. The enclosed Site Plan contains a portion of the West Point Quadrangle Map on which we have marked the project's location.

We are writing to ask for your assistance. Could you check your Resource Index to see if there are any recorded indications of threatened or endangered species in the vicinity of the property?

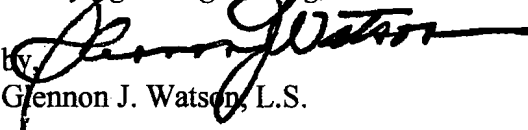
Should you have any questions or if you need additional information, please do not hesitate to call us.

Your earliest possible response would be appreciated. Thank you for your efforts.

Yours truly,

**BADEY & WATSON**

*Surveying & Engineering, P.C.*

By   
Glennon J. Watson, L.S.

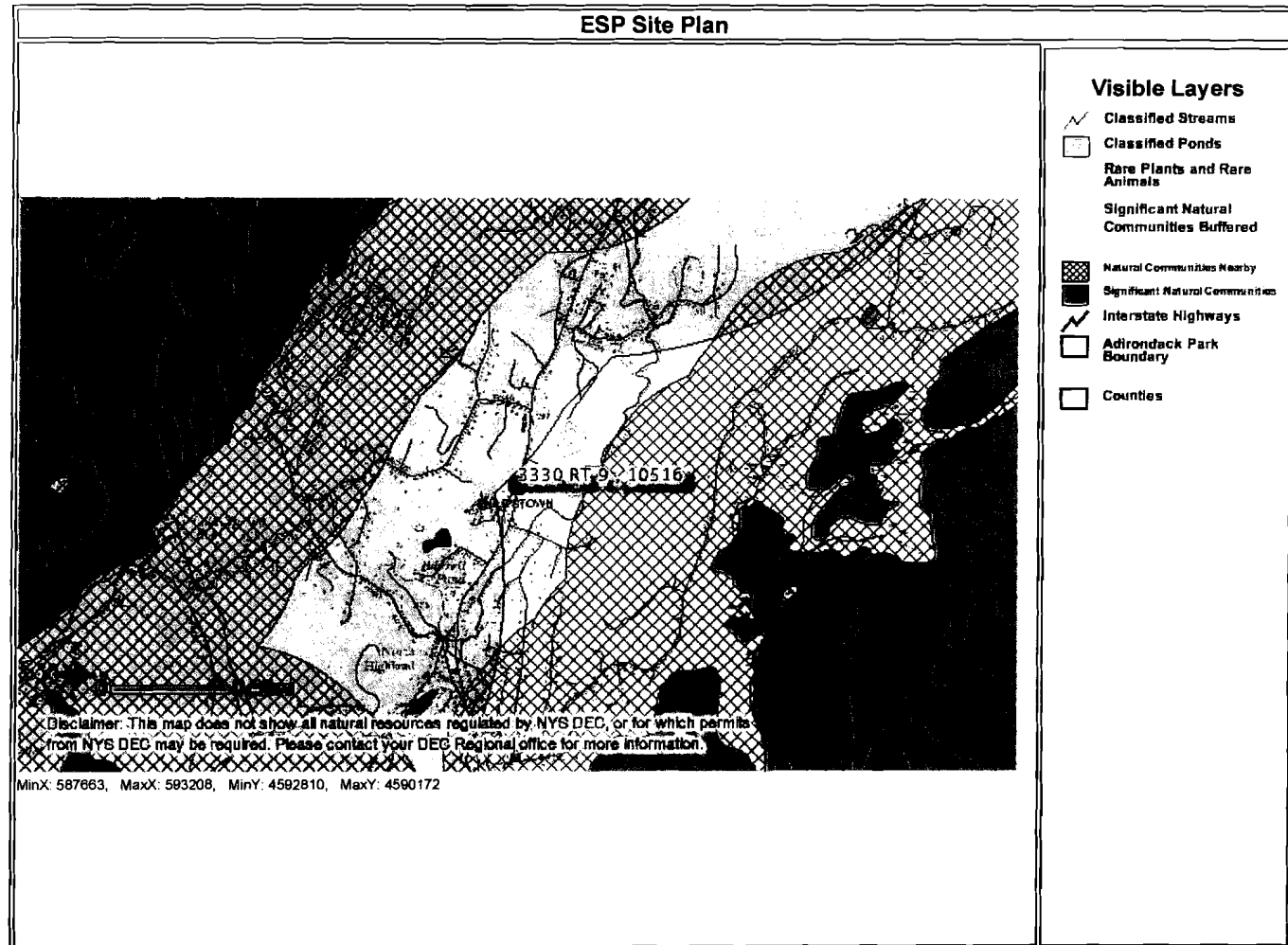
Enclosure (1)  
GJW/mew  
cc: File

Owners of the records of:

◆ Joseph S. Agnoli ◆ Barger & Hustis ◆ Burgess & Behr ◆ Roy Burgess ◆ Vincent Burrano ◆ Hudson Valley Engineering Company ◆ G. Radcliff Hustis ◆  
◆ Peter R. Hustis ◆ J. Wilbur Irish ◆ James W. Irish, Jr. ◆ Douglas A. Merritt ◆ E.B. Moebus ◆ Reynolds & Chase ◆ General Jacob Schofield ◆  
◆ Sidney Schofield ◆ Steven J. Shaver ◆ Allan Smith ◆ Tacónic Surveying and Engineering ◆ D. Walcutt ◆

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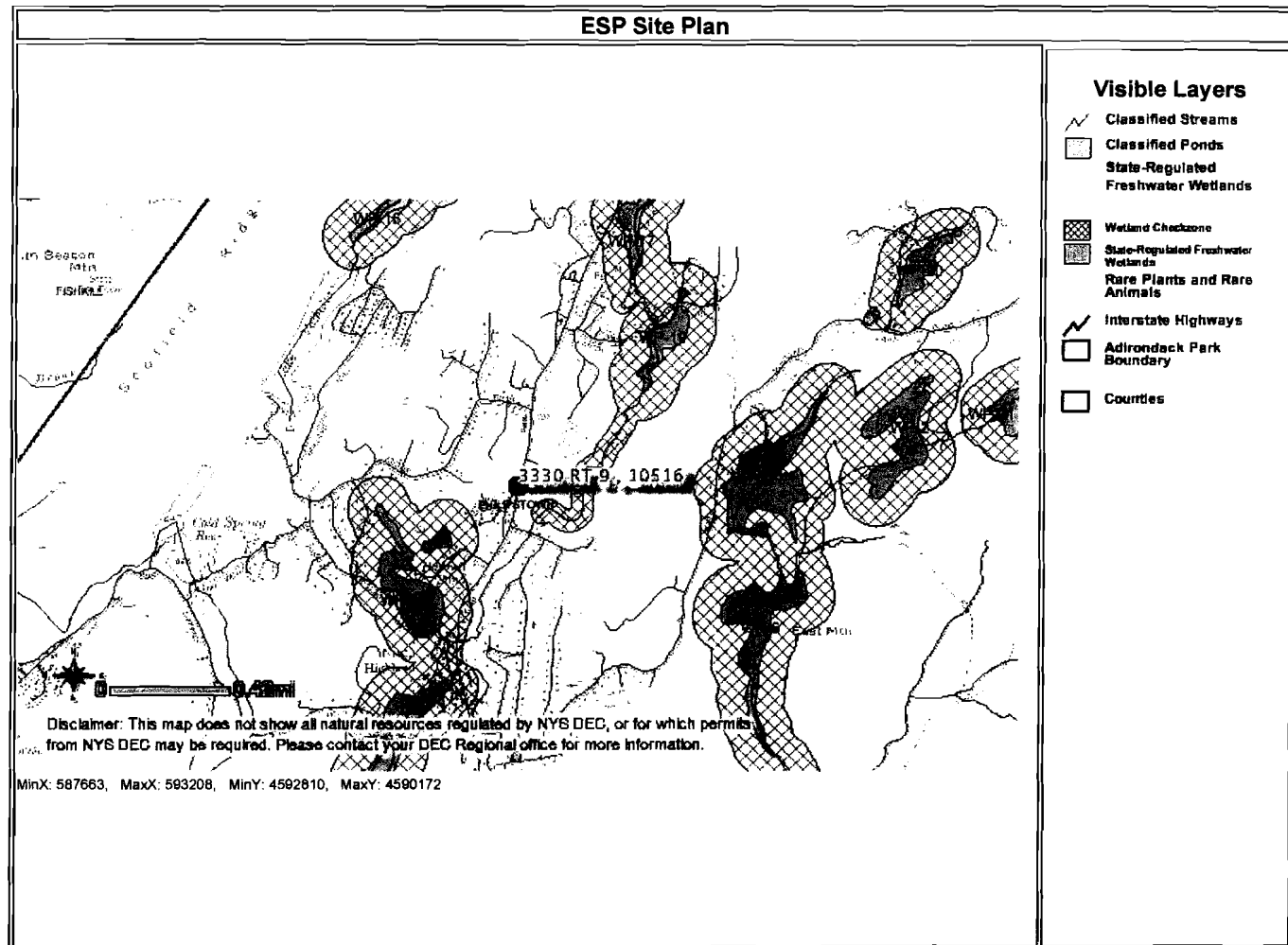
Please set your printer orientation to "Landscape".



Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

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Please set your printer orientation to "Landscape".



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