

**PHILIPSTOWN PLANNING BOARD  
MEETING MINUTES  
November 19th, 2020**

The Philipstown Planning Board held its regular monthly meeting on Thursday, November 19th, 2020 Via Zoom.

**Present:** Neal Zuckerman - Chair  
Dennis Gagnon  
Neal Tomann  
Peter Lewis  
Laura O'Connell  
Heidi Wendel  
Ronald J. Gainer, PE, Town Engineer  
Stephen Gaba, Counsel

**Absent:**

Chair Neal Zuckerman opened the meeting at 7:30 p.m. with the Pledge of Allegiance.

Roll call was taken by Mrs. MacIntyre.

**A. Minutes**

The minutes of the October Regular meeting were reviewed. The Board then approved the minutes.

**B. Correspondence**

Return of Cash Performance Bond reviewed and presented to the Planning Board. The Board approved return and referred to the Town Board for final approval.

**Roland Heitmann & Jeanne-Marie Fleming, Angel Hill Road, Garrison, TM#71.-3-15**

Chairman Neal Zuckerman recused himself from the application. Kim Conner stood in as acting Chair.

Kim Conner stated that the Board was waiting on confirmation that the Land Trust, Scenic Hudson, Open Space didn't have any problems with the changes made to the project.

Ron Gainer stated that the Board has been to the site, and the matter is ready for action. Ron Gainer has prepared draft resolutions for consideration tonight.

Kim Conner asked if anyone would like to make a motion to approve the application?

Peter Lewis made the motion, and Dennis Gagnon seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: Any opposed? Abstentions? Being none, motion passes.

**Magazzino Italian Art Foundation, 2700 Route 9, Cold Spring      TM#38.-3-24.1**

Chairman Neal Zuckerman asked if there are any questions from the Ron Gainer and Steve Gaba. They both stated that the project is ready to vote on.

Chairman Neal Zuckerman asked if he could get a motion to approve the SEQRA Declaration?

Kim Conner made the motion, and Neal Tomann seconded the motion. The Vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked if he could get a motion to approve Lot Line adjustment and the amended site plan approval?

Laura O'Connell made the motion, and Peter Lewis seconded the motion. The Vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

**Andrew Kepler, 176 Moog Road, Garrison, New York      TM#49.-3-48**

Ron Gainer stated that the Board has previously been to the site, and the applicant has amended his plan relative to the landscaping in steep slopes. That has been mitigated by the revised plans. A public hearing has been held and the Board is now ready to take action on the proposal. The Board has a negative SEQRA Declaration and site plan approval resolutions for consideration tonight.

Chairman Neal Zuckerman asked if the Board has any comments regarding the plan or the letter that the Board received from Hudson Highland Trust? The Board had no comments or questions.

Chairman Neal Zuckerman asked if he could get a motion on the SEQRA Declaration?

Peter Lewis made the motion, and Neal Tomann seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked if he could get a motion for the Site Plan Resolution?

Dennis Gagnon made the motion, and Kim Conner seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

**Joseph Pell Lombardi, 19 Fieldstone Ridge, Cold Spring, NY      TM#16.11-1-9,5&7**

Glenn Watson appeared in front of the Board on behalf of the applicant. Glenn Watson stated that the applicant is in front of the Board and the public for a public hearing regarding a lot line adjust between two properties. The two properties are between the Leach and the Lombardi parcels. The Leach parcel is about twice the size as the Lombardi parcel. Glen Watson showed on the map. The top photo of what is owned by the two parties, and the second photo is what they are looking to divide. Then on the third is what they will have once the parcels are complete. Mr. Leach's property will get smaller but still remain in conformance with Zoning. Mr. Lombardi's parcel will not yet conform, but going any further would impact Mr. Leach's property. There are no new lots conveyed and no new structures planned; it is just a lot line adjustment.

Ron Gainer stated that the board has seen this application back in the beginning of the year. It was at the point of the public hearing, and at that point the applicant withdrew the application. The new application that is now in front of the Board is identical to the last one. At this point the Board is just retracing their steps from what was done for the original application. It is in front of the Board for a Public Hearing, and then the Board can move the project towards an action.

Steve Gaba agreed with Ron Gainer and once you close the public hearing unless there are any issues then you can direct Ron to prepare approval resolutions for the December meeting.

Chairman Neal Zuckerman asked if there are anyone from the public that wanted to speak? There were no one to speak regarding the lot line adjustment. There was no one from the Board with any questions or comments.

Chairman Neal Zuckerman asked for a motion to close the public hearing.

Peter Lewis made the motion, and Dennis Gagnon seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion to direct Ron Gainer to prepare the paperwork for the December meeting.

Kim Conner made the motion, and Peter Lewis seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

**CRS International Warehouse/Office, 2761 Route 9**

**TM#38.-3-64**

Chairman Neal Zuckerman stated that the Board is going to have a discussion amongst themselves with Ron Gainer, Steve Gaba, Glenn Watson and any other agent on behalf of the applicant regarding questions the Board had drawn up that still warrant further review.

Heidi Wendel asked if the applicant has sought any information about accidents in the area of the site or nearby? Heidi Wendel stated that her second question is, that there has been an article in the PCNR due to the fact of COVID that the traffic in the region has been greatly reduced. I am wondering if the applicant has taken that into account?

John Canning (Traffic Engineer) stated that they reached out to the State DOT for the accident data for 1000 feet on either side of the driveway. There were three accidents from 2017, 2018,

2019. Each was about a tenth of a mile apart. All three accidents occurred within the time the facility would be closed. All three accidents were single vehicle accidents. John Canning explained one involved a tire failure and the others were animal-involved. We did get three years of data and that section of the roadway is generally safe. John Canning stated that in regards with the increase in the volume, they did do a study with the increase from COVID and he will look it up and get back to the Board with that information.

Heidi Wendel asked how they decide on looking only within 1000 feet on either side of the driveway?

John Canning stated they wanted to get any accidents in that section of the roadway.

Heidi Wendel stated that she wished that a longer study had been done in the area of the driveway, as there are a lot of things besides traffic that are a concern.

John Canning stated that the standard of care they perform is a 10 min observation. We did go back after the concerns that the Board had and did another study for an hour. That is more than normal for this kind of project.

Kim Conner stated that it is pretty clear what the concerns are of the Board. There is going to be a lot of traffic and are the trucks going to make the turn without things getting in the way. Kim Conner stated that the board has put limitations on other companies related to trucks coming in and out. Kim Conner asked Steve Gaba if it is possible to have certain size trucks or other limitations.

Steve Gaba stated that the Board can impose reasonable conditions. You can ask to limit the amount of truck trips per day, or at certain parts of the day. If you want to limit the size of the truck you will have to impose rational basis behind it. Steve Gaba stated that the Board should not impose conditions just because it seems like a good idea. Steve Gaba feels that Ron Gainer and the traffic engineer should look into that if they want and see if that would be helpful.

Chairman Neal Zuckerman stated that the sentiment of the Board is that the distance and the curved lines along Route 9 that cause the trucks to slow down so much that there is a concern for those driving behind them.

Glenn Watson stated that he reached out to DOT, and has sent Ron Gainer a copy of the letter where they are going to let them have a 33-foot-wide driveway throat instead of a 30-foot-wide throat. That will allow the trucks to move more freely into the driveway.

John Canning stated that there will be one to two tractor trailers in the peak hours turning into the site. From the time the truck clears the driveway, it will take 15 seconds to get off the roadway.

Kim Conner asked if there is any signage that would make people aware of trucks turning, slowing down or anything to that effect

John Canning stated that the State and Federal Government are very cautious as to the kind of signs that are put up. It was once common to put up a sign that said "truck entrance" but they are trying to move to symbols as opposed to words. John Canning stated that he will check on signs and see if they are legitimate.

Peter Lewis has a question on clarification on the sight distance calculation. It was 85 to 95 percent, was that on the measured speed of the cars that the information was gathered? Also, is there a maximum amount of footage that you have to have for a driveway?

John Canning stated that the standard is the 85<sup>th</sup> percentile, which basically, to the best of my knowledge, you look at. If you have 100 people you look at the 85<sup>th</sup> person and how fast they are going. You order the speeds of all vehicles measured, according to the speed and how fast the 85<sup>th</sup> person was going you base your speed analysis on that. The 85<sup>th</sup> percentile was slightly different in either direction, but it was about 54 miles per hour and then the 95<sup>th</sup> percentile would be the speed of the 95<sup>th</sup> person or the fifth fastest person, and that was about 57 miles per hour. So, we calculated the speed based on the 57 miles per hour where the standard dictated that it would be 54 miles per hour. John Canning stated that the DOT has standards and when they get outside the standards, they are open to liability. So, 30 feet is their maximum under normal conditions. We have sent the DOT turning movement drawings with a 33-foot opening and we are hoping that they will approve them.

Laura O'Connell asked if they have looked at potential having two entrances into the space. The second question is if a lot of this really has to do with the slowing of the traffic as they pull into the entrance of the site. Then, how are we able to mitigate and or basically control the vegetation that's limits visibility looking North on Route 9 past the entrance and down the hill.

John Canning stated that they have not asked the DOT about having two driveways. We could ask them but, would it make things better? The DOT has a preference for single driveways. The difference between one driveway with 20 trips and two driveways with 10 trips is so minor it's inconsequential. John Canning stated that it is the responsibility of the municipal agency who maintains the road to plow, mow the edge and take care of any clean-up issues. As we said in the site plan if you approve it, there is an area and a notation that the owner of this site will maintain vegetation in that area.

John Canning stated that he wanted to go back to Heidi Wendel's question on traffic volumes. We studied the morning and, in the evening, and the morning is higher. We evaluated the intersection with 1,386 vehicles passing it and the latest data that I have from DOT was from 2017 and there were 1,141 vehicles passing the site at that time. We increased it a little more than 20 percent from 2017.

Neal Tomann stated that the Board has been out to the site twice and that they have had a chance to stand at the throat and our thinking is that it is a little tight, and that you might want to think of mountable curbs. I think that they have done what we have asked. I am a little hesitant to hold the applicant responsible for what other drivers might be to them slowing down and making a right or left turn.

Chairman Neal Zuckerman stated that he wants to make sure the Board has asked and made all their comments regarding the project because, at some point they have to make a decision to approve or not approve.

Steve Gaba stated that what maybe the Board would like for a draft resolution be prepared and treat it as a rough draft. You can circulate it to the Board in advance of the meeting and at the

meeting read through it and if somebody wants to propose a condition or propose that some item be eliminated then that would be the opportunity for the Board to talk about it.

Kim Conner stated that there are not all the answers to Ron Gainer's questions regarding the Steep Slopes, Stormwater, Landscaping.

Stave Gaba stated that he is not suggesting that the resolution be adopted, he stated that he is suggestions doing a draft resolution to work off.

Glen Watson stated that he spoke with Ron Gainer regarding the enhanced landscaping plan to give more clarification to the particular issue of the neighbors seeing the building.

Ron Gainer stated that the applicant has been given the same list of the Board's concerns for the project, and that they will respond in some written- or plan-form to show the information and mitigation offered to the best of their ability. Ron Gainer stated that he expects more information to come in from the applicant.

Chairman Neal Zuckerman stated that he is inclined to not ask for a motion to prepare approval documents because there are a number of questions that have been raised. Chairman Neal Zuckerman asked Glenn Watson to go back to the applicant and see if there are any adjustments they would like to make. Neal stated that he would be happy to hear from the landscaper regarding the plans for the project.

Kim Conner stated that the board is waiting on the information from the DOT and when that information is available, they would like to see it.

Nick Pouder stated that the comment that was received in on Mr. Gainer's memo was the size of the plantings that were shown in the cross-sections, and we were asked to put them in at planting size. We have changed to show the planted size in that section that is being shown on the drawing. We are also showing a white silhouette that is showing what they will look like in five years. The solid black line is a vantage point of a person standing on the ground in front of the house to the West. When the plantings are first put in you will see a portion of the Building, but over the years it will start to cover more and more. There is one house on the Northern side, it is a little closer but has more plantings. Nick Pouder stated that the drawings that are being shown in tonight's meeting will be submitted in the final drawings for the project.

Glenn Watson stated that the stormwater pollution prevention plan has just been submitted to Ron Gainer.

Chairman Neal Zuckerman asked for a motion to have the applicant reach out to Jason Brenner from DOT and see if he would appear in front of the Board for questions or comments.

Kim Conner made the motion, and Peter Lewis seconded the motion. The Vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes

John Canning stated that he will try and reach out to Mr. Brenner from DOT and see if he will speak with the Board regarding any questions they may have.

**Christopher Flagg & Heldl Snyder, 699 Old Albany Post Road, Garrison TM#61.3-6**

Chairman Neal Zuckerman recused himself from the application. Neal Tomann stood in as acting Chair.

Ron Gainer stated that the Board recently performed a site visit. He prepared a memorandum trying to summarize the comments that were offered. The application is in front of the Planning Board for a site plan approval but, it's also in front of the Zoning Board of Appeals because there are variances required attributable to the existing house and the property. The Zoning Board made referrals to the Planning Board for comments before the ZBA takes action. The matter specifically in front of you tonight is to offer comments to the Zoning Board on your opinion on the application. The site visit memorandum identifies issues that were noted during the earlier inspection. Ron Gainer stated that he did share this information with the applicant's representative.

David Spence is the representative for the applicant. David Spence stated that he went through the items and are aware of the things they need to do before final site plan approval. David stated that they did receive approval from the Hudson Highland Conservation Commission because of the easement on the property. They are interested in the final color and materials on the barn, which we are ready to present when the time comes. We are waiting to hear from the Zoning Board that this is a viable project, so that the applicant can move forward. Davis Spence stated that the Board did a site visit and they had some questions regarding the grading. The intent of the barn is to nestle it into the landscape, So, if you recall the rear yard is slightly higher than the driveway. The Barn is meant to act as a retaining wall between the rear yard and the driveway. Once we do the grading plans, they will be able to provide more details for that but, our plan is to limit site disturbance as much as possible in terms of grading. We are just looking for a letter of your comments to the Zoning Board so we may move forward with the plans.

Kim Conner asked what the total square footage of the house is going to be?

David Spence stated that the house will be 4,650 SF after construction.

Kim Conner stated that Ron Gainer's memorandum covers everything that the Board spoke about at the site visit. The Board is concerned that the house is historical and that the addition will overtake that look.

David Spence stated that is why they took care in creating the addition in the way they did. We wanted to honor the existing house and respect its current form. We took cues from the area with the farms and such. We tried to bring the scale down by setting it into the hillside.

Kim Conner asked about the driveway and parking, as the Board doesn't usually consider parking for residential projects.

Steve Gaba stated that it would be appropriate with this project as the ZBA is asking for your opinion. So, if you have concerns regarding the driveway and parking you should raise them.

David Spence stated that they are reducing the amount of gravel that is in front of the house and in the proposed Barn area. The applicant wants to get some lawn out in front of the home. When we get into the plan of grading elements we will get into more details.

Neal Tomann stated that he feels this is a great project but he feels that the Planning Board should have some feedback regarding it becoming an Air-BNB. Neal Toman stated that the Planning Board is still waiting to hear back from the Fire Department, Health Department. Neal Tomann stated that there is a fair amount of excavation that needs to be done in order to get the addition down to existing grade. The Board spoke to Mr. Flagg and he may have to do some septic work to solve any septic issues with the additional bedroom.

The Board discussed with Steve Gaba what they are allowed to present to the ZBA Board regarding comments and or concerns.

Kim Conner asked what is the minimum lot size that you can build a new home in a rural residential area?

David Spence stated that it would be 10 acres.

Kim Conner asked if someone wants to put an addition on a house that was in a zone that was once smaller, and now it requires more acreage, are you grandfathered in?

Steve Gaba stated that if you meet the setbacks you are grandfathered in.

Steve Gaba stated that there are requirements for houses that are over 3,000 SF.

David Spence stated that when he first presented the project that the existing house has four bedrooms, but they are considered small bedrooms. We looked at trying to add on to a house that three sides have a wraparound porch and they wanted to honor all that. David stated that to achieve the fifth bedroom and the family room, it was to create this barn-like structure. We could enclose the breezeway and make it a whole room and still fall within the setback requirements. That is not what we would want to do with the project. David Spence stated that it is not in any of the talks to have an Air-BNB on the property. David Spence stated that he has concerns with the Planning Board holding up the project for that reason.

Neal Tomann stated that the Planning Board has no intention of holding up the project for that reason.

Ron Gainer stated that he and Steve Gaba will work together to generate a letter to the Zoning Board expressing the Planning Board's thoughts.

Peter Lewis asked why the Zoning Board singled out this project?

Steve Gaba stated that he believes it is because of potential environmental impacts, which they don't have a lot of expertise on.

David Spence stated that they were in front of the Zoning Board twice and the variances they seek were pretty common in terms of the existing house being over the setbacks for the front

yard, and lot size. I felt that they were moving in the direction of accepting the application but, when they opened up the matter for public comments a couple of neighbors spoke up and brought up the issue of the conservation easement on the property, and regarding an Air-BNB. The Zoning Board then sought comments from the Planning Board.

Kim Conner stated that the Planning Board should just hand the Zoning Board Ron's memorandum.

Neal Tomann asked for a motion to have Ron Gainer and Steve Gaba to send the Memorandum to the Zoning Board of Appeals?

Kim Conner made the motion, and Peter Lewis seconded the motion. The Vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Neal Tomann: Any opposed? Abstentions? Being none, motion passes

**3622 Route 9 LLC, Cold Spring, New York**

**TM#17.-1-44**

Ron Gainer stated that the Board has performed a site visit and he has prepared a memorandum for the Board summarizing their comments. Ron Gainer stated that the Board needs to review the memorandum, and see if there is anything else that they would like to ask the applicant.

Steve Gaba stated that he believes there needs to be more input from the applicant before a public hearing should be set.

Chairman Neal Zuckerman stated that he did speak to Max Garfinkle representing the Conservation Board and they have not had a chance to draft a memorandum on the application. Chairman Neal Zuckerman stated that he believes that they are will ask for a container with a top and a bottom to store salt and other items.

Adam Thyberg stated that in the plans they have added some storage units. We have spoken about a steel semi-circular frame with a canvas over the top that could potentially be used. As to potential method for storing any of the other materials that we have talked about as far as the special permit, those we can clarify and provide more details.

Kim Conner stated that in the "major" project application it says in the Highway Commercial (Part two B) District, a strip of land not less than 20 feet in width and located in the area required for a Building setback from a Residential District Boundary line, or all of that 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 go into a dense evergreen buffer strip within five years. So, that would apply to the back of this parcel.

Ron Gainer stated that is correct.

Kim Conner asked if that would apply to the North side?

Ron Gainer stated that they have identified this concern on all sides over the entire occupancy of the site and the clearing of all the vegetative growth that currently exists on the parcel boundaries, which the current site plans illustrate. It is very significant in the rear because of the residential activity which exists on that side of the property, but it pertains to all sides.

Kim Conner stated that it says in the same application packet (1J) under "layout design", Metal Buildings that are principal buildings larger than a small storage building in an unobtrusive location should be of a 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 appearance and features combined with the basic metal enclosure. So, this structure being proposed runs the entire width of the property, I think it is very important that we understand what it is going to look like.

Adam Thyberg stated that they are going to share material color swatches to make sure the Board has a clear picture of what the project will look like. Adam Thyberg stated that the Board requested an overlay of the project over an aerial photograph of the site. Adam is sharing a picture of the aerial shot, and stated that there were some questions on the site visit as to the Zoning. Based on the published Zoning map all the surrounding adjacent lots fall within Highway Commercial Zone, with the exception of the upper right corner of the map shown which is residentially zoned. Adam stated that the plant selection will be sensitive to the idea that there is residence on the lot next to the property.

Ron Gainer said that on the site walk he questioned if there was also residential property to the North.

Adam Thyberg stated that he has looked into that and there is no residential property to the North, it is still in the Highway Commercial zone and owned by the same people.

Kim Conner asked does it matter if the lot is zoned residential if there is a residence on it?

Steve Gaba stated, not for the Planning Boards purposes. If there is a residential property adjoining it your concerns are in protecting it. In the course of reviewing the site they are exactly the same. Sometimes under the code, when you have commercial properties adjoining residential properties there is a buffer requirement. Since the Zoning isn't residential, there would be no mandatory buffer required. But you can require plantings or a screening fence so there are no adverse effects on the neighboring property.

Chairman Neal Zuckerman asked if there are any other comments or question regarding the project? There were none and the representative will follow up next month with answers regarding the concerns of the Board.

**William & Laura Cumming, 71 So. Mountain Pass Spur, Garrison, NY TM#82.-1-53&53**

Glenn Watson represented the applicant. Glen Watson explained that the application is two pieces of property owned by the Cummings. There is not enough property to subdivide but there are two houses on one lot and they are looking to adjust the lot line. They will share a driveway but, the houses will be on separate lots. Glenn Watson stated that they can not make two

conforming lots, so they got a variance to reduce the frontage on the one lot and reduce the area on the other lot. That will allow them to put a property line down the common driveway and separate the facilities onto each lot.

Ron Gainer stated that the Board has received a memorandum from him. The applicant was before the Board a few months ago and required a few variances. They then went in front of the Zoning Board. Regarding SEQRA it is a Type II action as it is related to residential properties. There is a referral needed to be made to the Putnam County Planning, and a determination if the Board wants to do a site visit before scheduling a public hearing.

Steve Gaba stated that the Zoning Board of Appeals did grant a variance but the resolution has not been filed yet. Steve Gaba stated that he feels that is a straight-forward lot line change and the Board should move forward for a public hearing.

Chairman Neal Zuckerman asked if any of the Board members had any comments or questions. The Board had no comments or questions

Chairman Neal Zuckerman asked for a motion to declare this a Type II action

Kim Conner made the motion, and Peter Lewis seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes

Chairman Neal Zuckerman asked for a motion to refer this to the Putnam County Planning

Kim Conner made the motion, and Peter Lewis seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes

Chairman Neal Zuckerman asked for a motion to waive rock crops, tree's larger than eight inches, identifications of on-site soils on the plat, etc.

Dennis Gagnon made the motion, and Peter Lewis seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes

Chairman Neal Zuckerman asked for a motion to have a public hearing

Peter Lewis made the motion, and Dennis Gagnon seconded the motion. The Vote was as follows:

Kim Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Neal Tomann: Aye  
Heidi Wendel: Aye  
Neal Zuckerman: Aye

Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes

**Riverview Industries, 3012 Route 9, Cold Spring**

**TM#27.20-1-12.1**

Glenn Watson appeared for the applicant. The application was previously referred to the Conservation Board. They took a few months to look at it. We revised the plan in accordance with all of their recommendations. Glenn Watson showed a map of the property which is on Route 9. We had the wetland flagged which were along the northwesterly portion of the front of the property. We went out to the property with the wetlands Inspector, and when we showed him what we didn't think was wetlands; he agreed. The wetland flags were changed to the rear of the property. We had a roadway onto the property and truck spaces for backing onto the parking lot. The parking lot would be used in conjunction with the Reichert's other properties. The idea has not changed, but the plan has changed as a result of our meeting with the Conservation Board.

Glenn Watson put of a new revised plan for the Board to see. Because the wetlands in the northwest corner of the property, and because there was a significant concern for the damage done over the years. We agreed with the Conservation Board to make it less steep and wider. We will regrade the parking area so that it will drain to the northeast corner and into an oil separator in case there is any spills before the runoff went into the stream. We agreed to work with the wetland Inspector to develop a program to restore the area we are moving out of. Glenn Watson stated that he suggested they put a fence along the back end of the parking lot to prevent it from getting any bigger. The Conservation Board wants a curb along the back area so that the pavement wouldn't migrate into the wetland. We are going to propose a concrete retaining wall, so we think we have accomplished something that will work for everyone. The

owner is looking to put trailers on the property to put things in them to clean up the grounds and make it look neat and tidy.

Ron Gainer stated that the specific issues that the Conservation Board raised that I could not clearly establish were addressed on these latest plans were the provision that the entire parking surface be impervious. Ron Gainer asked Glenn Watson, has that been resolved?

Glenn Watson stated they are going to use the millings that are out there so it will be totally impervious. Ron Gainer questioned whether this would qualify as "impervious".

Ron Gainer asked for Glenn Watson to explain the resolution again regarding the landscaping.

Glenn Watson stated that they agreed at the Conservation Meeting with Max Garfinkle that they would work together and try and come up with a plan. There are some phragmites that Max wants taken out, a restoration of the wetlands on the rest of the area.

Ron Gainer asked if the Board was going to schedule a public hearing would the landscaping plan be ready at that point?

Glenn Watson stated that he thinks that the public hearing should be scheduled for January.

Ron Gainer stated that the referrals have been made, the DOT has not responded, County Planning Board has moved it forward. Ron Gainer asked for Glenn Watson to reiterate his conversation with DOT as to their review of the proposed entrance improvements.

Glenn Watson stated he has not had any conversations with DOT and he is not sure if anyone has. Glenn Watson stated that he will have to check.

Neal Tomann asked what are the rock walls that they are going to be using

Glenn Watson stated that they are big concrete blocks that are sculptured. He stated that CRS has them on the front part of the property.

Kim Conner stated that Max Garfinkle's memorandum stated that they wanted curbing to stop liquid from flowing out. Would the redi-rock walls stop that from happening?

Glenn Watson stated that the water is graded to run off. They were concerned about the pavement breaking off and running into the stream and the ready wall with stop that.

Kim Conner stated that she thought there were traffic issues regarding this project.

Glenn Watson stated that he will check the information regarding accidents that have occurred by the property.

Ron Gainer stated that the Planning Board did raise those traffic concerns with DOT and we hope they will respond or evaluate the applicator.

Peter Lewis stated that the wetlands in the back of the property seemed to be in bad shape when they did the site visit. Which Board is going to put together the restoration plan before the January meeting?

Glenn Watson stated that he will probably prepare the plan with Max Garfinkle. Max will probably drive the design of the plan and we will execute the plan.

Glenn Watson stated that he does have some issues with the memorandum that came from Max Garfinkle, and I think he has overstated a few things.

Chairman Neal Zuckerman stated that there is a difference between what Glenn Watson is proposing and what the Conservation Board requested, so the Planning Board needs some clarification. Neal Zuckerman stated that they have not had a site visit in many years and asked the Board if they would like to have a second site visit?

The Board agreed that they would like revisit the site.

Chairman Zuckerman asked for a motion to schedule a site visit on December 6<sup>th</sup> at 9:30 am

Kim Conner made the motion, and Dennis Gagnon seconded the motion. The Vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Neal Zuckerman: Aye

Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman moved to close the meeting, Peter Lewis seconded the motion. The vote was as followed:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Neal Zuckerman: Aye

The motion passed unanimously and the meeting adjourned at 10:11pm.

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

Respectfully submitted by,

Kelly MacIntyre

\*These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval there upon.