MEETING AGENDA TOWN OF PHILIPSTOWN PLANNING BOARD

Claudio Marzollo Community Center 107 Glenclyffe Dr., Garrison, New York 10524 March 19th, 2020 7:30 PM

Pledge of Allegiance Roll Call Approval of Minutes:

February

Correspondence:

Graymoore, 40 Franciscan Way
EBI Consulting regarding work being proposed

Return of Escrow:

James & Kristan Connolly, 51 Route 403 Garrison

TM#82.7-1-2

Glenn Ferdico, 385 Indian Brook Road, Garrison (Indian Brook Realty LLC)

TM#49-4-51.1 & 49-4-56

Old Business:

Joseph Pell Lombardi, 19 Fieldstone Ridge, Cold Spring (Public Hearing) TM#16.11-1-9,7&5

(Sub-division approval to adjust the line dividing lands of leach from lands of Lombardi)

Marzollo, Lane Gate Road

TM# 49.-3-17.4

(The applicant is seeking minor site plan approval for the construction of a new 1800 square foot, 4-bedroom single family residence to be served by private septic and well. The property is approximately 5 acres located in a "RC" (Rural Conservation) zoning district. Lane Gate Road lies along a "scenic corridor" showing on the Town's scenic overlay mapping. A site visit was performed January 12th.)

CRS International Self-Storage Warehouse/Office, 2761 Route 9

TM# 38.-3-64

(The applicant is seeking Amended Site Plan re-approval for the existing self-storage site plan, similar in scope. The property is approximately 2.47 acres located in the "HC" (Highway Commercial) zoning district.)

Magazzino Italian Art Foundation, 2700 Route 9 (Site Visit on March 8th) TM#38.-3-24.1

(Applicant seeks approval to adjust lot line between its property and that of CV Diversified such that the current configuration of applicant's property increases from 9.393 acres to 14.615 acres, while CF Diversified decreases a corresponding amount of land 63.516 acres to 58.294 acres. The approval is merely a lot line change)

New Business:

***NOTE: All items may not be called. Items may not always be called in order ***

***BEGINNING OCTOBER 1, 2019 ALL SCHEDULED PLANNING BOARD

MEETINGS WILL BE HELD AT THE CLAUDIO MARZOLLO COMMUNITY

CENTER, 107 GLENCLYFFE DRIVE, GARRISON, NY 10524***

The Philipstown Planning Board held its regular monthly meeting on Thursday, February 20, 2020 at the Claudio Marzollo Community Center, 107 Glenclyffe Dr., Garrison New York.

Present:

Neal Zuckerman - Chair

Kim Conner Dennis Gagnon Neal Tomann Peter Lewis

Ronald J. Gainer, PE, Town Engineer

Stephen Gaba, Counsel

Mr. Zuckerman (Chair) 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 December 2019 & January, 2020 Regular Monthly Meeting were reviewed and approved as submitted.

Correspondence:

David Orentreich, 855 Route 301 - Referral from Putnam Valley

Mr. Zuckerman asked if they received any response regarding the correspondence on the Orentreich property that Steve Gaba sent. Steve Gaba stated that we received a response from Badey & Watson. Mr. Zuckerman asked if there are any thoughts on it?

Jennifer Reap from Badey & Watson, stated that the Orentreich project is actually in Putnam Valley not in Philipstown. It is on 301 across from Stone Crop Gardens. What they are doing is replacing an existing storage building with another storage building. The existing building is falling apart and does not have enough storage, so they are going to replace it with a larger building. They are about 1,600 feet away from 301 so it should not be seen as something negative. It is just a replacement building in the same spot as the old building.

Ms. Conner asked if it is visible from 301? Jennifer Reap stated that she doubted it.

Ms. Conner asked if the slops go down toward 301 or up to 301, is it below the grade level? Jennifer Reap stated it is down, this is the 976 contour up here.

Ms. Conner asked did the existing building have residential uses, because this building looks like it is for trucks? Jennifer Reap stated yes, the new building is for trucks. I really don't know why it said "Lodge" on it. There is no residence proposed and I don't think there is a residence now. It is going to be torn down.

Ms. Conner stated that somewhere it stated that there are two apartment's upstairs. Jennifer Reap stated it is supposed to be a one-story building with storage and garage space.

Steve Gaba said the materials received says that the new building will provide lodging on the second floor with two two-bedroom apartments, and garage and storage space on the first floor. Jennifer Reap stated then I have the wrong information.

Mr. Zuckerman stated that we have a viewshed question right, that's your basic question? Jennifer Reap stated that the town of Putnam Valley is already about to approve it on Monday. They thought that this was more of a courtesy referral because we are right on 301, next to Philipstown.

Ms. Conner said I just want to know what it is. The only other question I have is a design question which is meaningless. Why have a Gambrel roof when you have a mansard roof next to it? Jennifer Reap had no answer.

Mr. Zuckerman stated that we have been asked for our opinion and therefore our opinion counts. We don't know if it will be seen from the road, we don't know how much higher than this new building. I think it would be fare Steve with your support to put a note to the Planning board whether Putnam Valley is about to decide, has decided, or may not decide it may value sharing a couple of thoughts on the height and visibility. Our code states as long as it is not retail it should be as unseen as possible. Jennifer Reap stated that she doesn't believe it will be seen from the road. It is pretty far back and if taller not that much taller then the other building. Can I get a motion to send a letter that we will circulate first before sending to the Putnam Valley Planning Board?

Ms. Conner made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

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

Graymoor, 40 Franciscan Way

Neal Zuckerman: We have a letter from EBI Consulting concerning proposed AT&T antennas to be mounted on the Graymoor water tower. I think it is worthy to have this discussion. Steve, why don't you give the legal parameters that we have on this project, what is in our purview and what is not.

Steve Gaba stated that there are two issues that arose in regard to this. The first one is the referral itself, which is regard to impact on historic properties for Graymoor. The town has a right to comment on pretty much visual issues. It could be traffic, noise, lights that it thinks proposed development might have on identified historic properties. In this case it is an addition to an existing water tower, which is being used for cell service. The Planning Board is the agency to which the letter was addressed. It's an existing water tower and they are going to put one array on the tower. Do you want to comment on the impact of the arrays on Graymoor and whether you feel anything should be done about it. The second issue that arose is that they are proposing to put up, technically, more cellular service equipment in the town. The Town Code says that you need a special permit from the ZBA in order to do that. But the Federal Telecommunications Act pre-empts local law in regard to minor additions to existing cell towers. So, what should happen is that they submit an application to the ZBA through the Building Department, saying we are putting an addition on to an existing water tower that's to be used for cellular service. Under the Federal Telecommunications Act the special permit that otherwise would be required is pre-empted,

however here is the information that we need to provide to you so that you can see that in fact we meet the building requirements of the town and they are pre-empted. The ZBA should then make a finding that a special permit is not required, that it is pre-empted and then make a determination as to whether the information provided to them is sufficient to let them to make a finding that they are pre-empted and the project can move forward.

Ron Gainer stated that the draft letter you have received is directed to the AT&T consultant, identifying what the Town's local ordinance requires as well as the Town's understanding that the Town's approval process for the project is pre-empted by the Telecommunications Act. The draft letter still asks the applicant to make application to the Town, so that you have a filing for the record. It's an action that ultimately is processed through the ZBA but they are not permitted under the Federal Telecommunication Act to deny the project; they can only approve it.

Ms. Conner stated that her only question about it is how much disturbance is there to add this array to the tower? How hard is it to get to it? How long ago did they put it up, that is a concern. Is that something that the ZBA would have to consider. Ron asked are you talking about the water tower or the panels themselves? Ms. Conner asked the whole process of installing them. Mr. Gainer stated that there are only three panels to be placed around the perimeter of the existing walkway. They are to be mounted to the exterior of the walkway railing; this is a very modest addition to it. It is a very high tower and they will be climbing up to the walkway, but the panels are modest. They are 20 inches wide and 8 feet tall, with 3 of them mounted around the perimeter of the walkway.

Ms. Conner asked, so not much disturbance? Ron stated no.

Mr. Zuckerman: let's take a motion about the letter, then we can discuss it more formally. Can I have a motion on a letter that we'd like to send to our colleagues on the Town Board and the ZBA to raise the question?

Ms. Conner made the motion, and Mr. Lewis seconded the motion.

Mr. Zuckerman asked if there are any thoughts?

Mr. Gagnon stated that there is a comment here that states it does require a special use permit. Steve mentioned that it does not require a special permit. Steve Gaba stated they are required to apply for it, but will claim that Federal Law pre-empts it and therefore they don't really need it. Then the ZBA will make a determination that although that applications under the Town Code requires it, they do not have authority to issue it because Federal Law says that the project doesn't need it.

Mr. Gagnon stated that, as he read it, it does need a special permit. Steve Gaba stated that an application is required, but once the application is submitted the ZBA should make a finding that the special permit requirements has been pre-empted by Federal Law. You can't make the determination until an application has been submitted and they see what the project is.

Mr. Zuckerman: All in favor to release the letter?

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Marzollo, Lane Gate Road

TM# 49.-3-17.4

Ron Gainer stated this matter is on for a Public Hearing

Kelly Macintyre read the Public Hearing Notice

David Marzollo stated this is his third meeting in front of the Planning Board, as well as the site visit. At the last meeting it was brought up that we would not come in from the road to the septic field, but rather come in from the driveway to the house, which we have added. We have also been approved by Carl Frisenda for the driveway permit and Max Garfinkle from the Conservation Board has signed off. I have collected letters from the neighbors in support of the project. Not much in the plans have changed, you were happy last time and it seems that all the concerns have been met. It is basically the same plan and I don't know if you have any questions.

Mr. Zuckerman asked if there are any concerns from the public or commentary on the Marzollo property? Does any member of the Board have any questions? Okay, being none, can I have a motion to close the public hearing?

Ms. Conner made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes and the public hearing is closed.

Ron Gainer stated that the board originally classified the project; you have already had a site walk. The Board have made a determination that it is a Type II SEQRA action, so all those procedural things have been addressed. I have not seen the latest Plan, and that should be filed so it can be reviewed. The board can direct me to prepare a resolution for the next meeting.

Mr. Zuckerman asked to make a motion to direct Mr. Gainer to prepare a resolution to approve the project.

Mr. Tomann made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

David Marzollo asked for his own clarification. Do I need to wait until the next meeting? I know there is a dead line of April 1st for the clearing of the trees because of the bat habitat. Ron Gainer stated that he can make contact with the Building Department to let them know that a resolution to approve the project will be considered at the March meeting. The CEO may permit you to at least accomplish tree clearing prior to the Board's vote. David Marzollo asked if he was approved yet. Ron Gainer stated no.

CRS International Self Storage Warehouse/Office, 2761 Route 9

TM#38.-3-64

Ron Gainer stated that there have been some additional plans filed, and I think the applicant's representative should initially make a presentation to the board.

Jaime Copeland from Hudson Design - we are here on behalf of Eric Barreveld and his family who run a fashion apparel distribution facility on Route 9. They are pursing approval for a facility at 2761 Route 9 that will accommodate vehicular traffic and tractor trailers at the location. We were asked to provide a letter from the sellers approving that we may pursue an application. We also have a visual representation of the building and an updated site plan that shows an updated parking layout. One of the key features of the site and the design for the building was to allow vehicles that have a tractor-trailer configuration to enter the site and leave the site without having to back up or turn around. The building is oriented so that the part of the building that is just to receive and send out apparel can receive tractor-trailer rigs in a oneway loop around the building. There are two features that are significant. These spurs, or scoops if you will, on the side of the building will allow a vehicle to back in to a loading dock without turning around. It allows the inflow and outflow from the vehicles at the long side of the building. We made this section an atrium which runs through the building. It allows us to bring light into the office area. It also breaks up the building and gives you almost a three-tier height effect, which should help diminish the scale of the warehouse. It also brings natural light into the office section and again it breaks down and lowers the mass of the building going forward into the office area. We have indicated that there will be some solar panels on the roof and that there will be some source of natural light entering through into the warehouse. We also have some updated engineering.

Jason Synder from Badey & Watson, I have read Mr. Gainer's concerns with the lack of detail on the plans. Jason stated that he would like to have some level comfort on the plans with the layout of the building and the parking plan and circulation patterns before we get into the Storm Water Pollution Prevention Plan and planting plan details. Is there any feedback of the structure, its location or the parking?

Mr. Gainer asked how did you determine the amount of parking? Does it conform with Code? Jason Synder stated it does. We did one space per 1,000 square feet of warehouse, and 3 spaces per 1,000 square feet of office, so that is 32 spaces total which includes two ADA complaint parking spaces which share an 8 foot access aisle and that's right In the front of the building.

Mr. Gainer stated that as far as the layout of the building, it conforms with setbacks. Jason Synder stated that they are going to include screening. Ron said that we have to see what the ultimate grading plan looks like. Significant landscaping will also be necessary to mitigate the scale of the building, and provide protection to the adjacent residential areas. Jason Synder stated that the grading in the front will not change because of the retaining wall. There is an existing highway entrance which I believe has been approved by the DOT and all that has been closed out. The septic system is existing. We did analyze the design and figured for employee's office and warehouse at 15 gallons a day per employee. It is big for 50 employees and they don't intend to have near that.

Mr. Gainer stated that this issue should be evidenced in some kind of narrative that you should file whenever you further refine the plans to address those other issues we just discussed, landscaping, stormwater management, grading, and that would be fine. At this point the applicant did file, in addition to those limited plans, a full EAF for the project that was lacking originally so, notwithstanding the incomplete nature of the details of the plan. I think it is at a point where you could consider initiating the environmental review. We were lacking that information. You should make a determination as to whether you want to have a coordinated or uncoordinated review.

Mr. Zuckerman asked if anyone had questions?

Ms. Conner stated that she has a few questions. First question is a septic that was designed for a caretaker's cottage, is it enough for 50 employees? Jason Synder stated it is designed and approved at 600 gallons per day system. Kim Conner asked do we got a memo from the County saying that is adequate?

Mr. Gainer stated that it could be addressed during the Board's environmental review. If the Board conducts a coordinated SEQRA review they would be notified. Those details would then be provided to them and you would await comments which they may or may not provide. But you would at least have a record of the Board's attempt to give them the opportunity to offer guidance if they wish. Jason Synder stated that the standard design flow for office and warehouse employees has already been established and is in State guidelines.

Ms. Conner asked on this particular drawing that the minimum road frontage 300 feet and that you have 275.4 feet. Do they have to seek a variance since they don't meet the road frontage? Steve Gaba stated that they have a legal non-conforming lot and not increasing the degree of the non-conformity in any respect because they're building on it and not doing anything in terms of the frontage on the roadway. My initial reaction would be no they don't.

Ron Gainer stated that this project has received prior approvals dating back to the mid 2000's, which is prior to the enactment of the current zoning. Mr. Zuckerman stated that is when it was a self-storage facility, and not driving semis in. Mr. Gainer stated that he is only talking about the required dimensional regulations then in effect, as it was apparently conforming with the prior zoning ordinance at the time.

Steve Gaba stated, or it was a legal non-conforming lot and they didn't consider the construction as increasing the degree of non-conformity. It was one or the other. We will look into it but I'm pretty sure they do not have to go to the ZBA.

Ms. Conner asked if there was a new EAF different than the one we have? Ron Gainer stated no; we were lacking an EAF originally. Ms. Conner has some questions regarding questions missed on EAF and would like them to be addressed. Mr. Gainer stated he will need a revised EAF from the applicant if the board chooses to initiate a coordinated review.

Mr. Tomann asked if the sweep of the entrance curb was an issue for the tractor-trailers, and are you waiting on some permitting? Jason stated that it is constructed as far as the hatching shown. The curb sweep has not been completed, but I believe this curb was constructed by Mid-Hudson, was inspected by the DOT and they got their bond back and it all has been approved.

Ron Gainer stated that has not been confirmed by my office; we will have to check into that.

Mr. Tomann stated that the board had concerns and wanted to make sure that the entrance has been calibrated for the new use. I think that we should have documentation along with everything else.

Mr. Zuckerman stated that we have a real need for understanding what kind of traffic flow will be coming in and out of the property. What can we ask the applicant to provide us with greater detail about traffic?

Mr. Gainer stated that his memorandum identifies additional technical information that the board should seek. I will attempt to obtain this from the applicant, as well as a revised EAF to address the comments raised tonight.

Mr. Zuckerman stated that he would like this data before they have a public hearing, so that the information is available to the public. Mr. Zuckerman stated that he would like to eliminate the calling of this as a self-storage facility, as the EAF specifies. This is not a self-storage facility anymore; I think it will

be deceptive to the public. I would like you to name it whatever it is going to be. Mr. Gainer has asked if you want to make a determination as to whether they want to conduct a coordinated review?

Mr. Zuckerman asked Ron Gainer to give pro's and con's of a coordinated review. Ron Gainer stated that a coordinated review is actually of assistance to the applicant if there are other involved agencies. The board would send notice to other involved agencies, in this case the DOT and Health Department, to verify what approvals are in place and whether there may be any impact from this proposed change in use. Once a coordinated review is accomplished, assuming no other agency raises an objection, you then can formally become lead agency and you are allowed to make a SEQRA declaration as soon as you obtain sufficient technical information on which to base a decision. This decision would then be binding on all other agencies. In an uncoordinated review you just make a decision whenever you feel appropriate with the information provided, and then every other involved agency would separately be required to make their own SEQRA determination.

Steve Gaba stated that Ron Gainer has pointed out that there might be an open permit from DOT, and Department of Health may or may not be involved in regard to the septic. There are grounds for this Board to undertake a coordinated review. First you would determine that it's an unlisted action and then, in this instance, I think it would be a good idea to have a coordinated review to just get the issues of the turning radii or the issue about adequacy of the septic in front of DOT or DOH. What you do is make a motion to circulate Notice of Intent to be lead agency. A letter then goes out; you have to wait 30 days or before saying they consent to it before you can take any action under SEQRA. If no one objects then you will be lead agency.

Jason Synder stated that the system was designed and approved as 600 gallons a day, but the construction compliance has not been issued. It can't be issued until the septic tank is installed. This needs a change of use with the Health Department, and so they also need to see the building plans so they can confirm the design flow. The Health Department is eventually going to approve this use and the design flow.

Mr. Zuckerman asked if he can get a motion to declare this an unlisted action?

Ms. Conner made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman asked if he could get a motion to make this a coordinated action under SEQRA?

Mr. Lewis made the motion, and Mr. Gagnon seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Ron Gainer stated he would work with the applicant to resolve the deficiencies in the EAF and the other required additions to the plans, to include in the SEQRA circulation for intent to be lead agency. As soon

as that is received, in the interim before the next meeting Kelly and I will issue those SEQRA documents to all other agencies.

Steve Gaba stated that maybe they should talk with traffic engineer about sight distances, turning radius; not saying a full report but maybe a letter would help.

Lombardi – Leach Lot Line Adjustment, 19 Fieldstone Ridge

TM# 16011-1-9,7&5

Jennifer Reap from Badey & Watson stated she is representing Mr. Leach and Mr. Lombardi who want to do a lot line adjustment. The property is up at Lake Valhalla and Mr. Leach own's one of the largest lot's and Mr. Lombardi own's the smaller lot. Looking at the representation on the plan, the yellow area is Mr. Leach's parcel and the blue is Mr. Lombardi's lot, and the green area is what they want to swap. Mr. Lombardi's will become larger and Mr. Leach's a little smaller. Mr. Leach will be a conforming lot, Mr. Lombardi will still be non-conforming. The only thing that has to move on Mr. Leach's lot is a shed from one area to another, but there are no other physical changes.

Ron Gainer asked what is the reason for the changes? Jennifer Reap stated that Mr. Lombardi just wants a little extra land in the back of his property.

Mr. Tomann asked there is no utilities to consider, no tree's, it is just the shed? Jennifer Reap stated no, there are no physical structures on there, just the shed.

Ms. Conner asked is there a septic? Jennifer Reap stated that they would have to find that out. They will make sure it is not in this area. I will get you that information before the next meeting.

Mr. Zuckerman asked what would it take to be a conforming lot for Mr. Lombardi? Jennifer Reap stated that it is 40,000 square feet. Right now, Mr. Lombardi has 12,815 square feet. He is going to end up with 19,111 sf, so then he would have to double the size of the lot in order to conform. Mr. Zuckerman asked if he was only doing this for a little more space? Jennifer Reap stated he just wants a little more of a back yard.

Mr. Conner stated she doesn't see that Mr. Gomez transferred the property to Mr. Leach. She would like the board to see some kind of document showing ownership of the property. Mr. Leach and Miss Gomez owned property together and apparently, according to the application, she's transferred the interest in that to Mr. Leach but there's no date filled in here and there's no document in here that says that.

Ron Gainer stated there is a technical review the Board has and there are some procedural things do to. It is a Minor subdivision and you should clarify it as such tonight. Relative to the required environmental review, the SEQRA regulations that became effective last year specify that these lot line adjustments are Type II actions, which doesn't warrant any further review. The nearby open space requires a referral to Putnam County Planning. We have also identified some waivers that may be appropriate if the board is so disposed since it is only a lot line adjustment. It must be confirmed that the Leach sanitary disposal system does not exist in any portion of the property to be transferred. It is a pretty minor project. I have been there and the parcel to be transferred is pretty much just open land.

Mr. Zuckerman asked can I get a motion to declare the project a minor subdivision?

Ms. Conner made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye

Neal Zuckerman

Aye

Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman: Let's classify this as a SEQRA Type II action, can I get a motion?

Mr. Lewis made the motion, and Mr. Gagnon seconded the motion. The vote was as follows:

Kim Conner Aye Dennis Gagnon Aye Peter Lewis Aye Neal Tomann Aye Neal Zuckerman

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman: Can I get a motion for the required GML 239 referral to Putnam County Planning?

Ms. Conner made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner Aye Dennis Gagnon Aye Peter Lewis Aye Neal Tomann Ave Neal Zuckerman Ave

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman asked for a motion to waive the additional plat required items Ron was talking about. Ron do you want to identify those items before we make a motion. Ron Gainer stated the land development regulations would require the plat to show rock outcrops on site, soil types, trees greater than eight inches DBH, locations of all wells and septic systems on the tract and on lands within 200 feet of the tract boundaries. We can ask the applicant to confirm in writing what waivers she is seeking, so that there is a paper trail. Jennifer Reap stated that they can do that, they are not taking down any tress or building any building. We are just changing a lot line.

Mr. Zuckerman: Can I get a motion to waive those items Ron spoke about to expedite this for the applicant?

Mr. Gagnon made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner Aye Dennis Gagnon Aye Peter Lewis Aye Neal Tomann Ave Neal Zuckerman Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Ron Gainer stated that the matter represents a subdivision per the Ordinance, so it requires a public hearing.

Mr. Zuckerman: Can | get a motion for a public hearing at the next meeting?

Ms. Conner made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner

Ave

Dennis Gagnon

Aye

Peter Lewis Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Magazzino Italian Art Foundation Lot Line Adjustment, 2700 Route 9

TM#38.-3-24.1

Jennifer Reap of Badey & Watson, representing Magazzino, stated that the applicant's property is represented by the blue color on the map, and CF Diversified is represented by the yellow color. Magazzino would like to purchase the green area shown, which is 5.22 acres. They have no plans to put anything up, they just want extra land for a buffer. They are putting in a site plan application next month, but it will not affect the land they are buying.

Ron Gainer asked what is the purpose of the upcoming site plan application? Jennifer Reap stated it is a new building coming to the south of the utility building. Ron Gainer asked if they can represent to the Board that the area affected by the lot line adjustment is going to remain in its native state as you understand it, and that there is no intention to do anything on this property? Jennifer Reap stated that there is no intention to add any structures on the parcel that will be obtained.

Ms. Conner stated that there is septic drawn on the plans and is there any intention of increasing the septic system? Jason Steiner stated the septic system was for the existing trailer on the property, and it is probably going to be abandoned.

Mr. Tomann asked Steve Gaba outside of the SEQRA requirement to avoid segmentation, is there anything in the town code or codified anywhere else where we try and do comprehensive 5-year site plans? Steve Gaba stated it only has to do with SEQRA. There is an application submitted to you. You process it based on what it is they are asking for now, and it is fair to ask are you planning on building a driveway, parking lot, etc. because that would inform your decision. If the applicant comes back and says we have no intention now, you can't say you have to give us a 5-year plan and your limited to this. Steve Gaba asked if there are any development plans for this additional lot? Jennifer Reap stated not as far as she knows.

Mr. Zuckerman stated I have a request. Let's recall the history of this, not just the prior orchard situation but the original building, which is named Magazzino because it was supposed to be a warehouse and we approved it. Then they came back to us and it is a museum, and the problem was if we knew it was going to be a museum, we would have asked different questions. I would ask that your clients put together a note explaining why they want this land and what their intentions are. I don't want something different done than what is being stated here tonight.

Mr. Zuckerman: Can I get a motion to declare this as a minor subdivision?

Ms. Conner made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman Can I get a motion to classify this as a Type II action pursuant to SEQRA?

Mr. Lewis made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman: Can I have a motion to made the required GML 239 referral to Putnam County Planning?

Steve Gaba stated that he thought the Conservation Board was going to get a referral on this plan. Ron Gainer stated yes, the Conservation Board and Putnam County Planning are required referrals, and you have to wait 30 days to give them an opportunity to respond.

Mr. Zuckerman: Asked for an amendment to the motion to add the Conservation Board.

Ms. Conner made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner Aye
Dennis Gagnon Aye
Peter Lewis Aye
Neal Tomann Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman: Let's make a motion to waive the requirement for topography on the Chris Faddens (CF Diversified) parcel, and not waive this for the Spano parcel.

Ms. Conner made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner - Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes.

Mr. Zuckerman: I think we should do a site visit due to the size and history. Can I get a motion for a site visit?

Mr. Lewis made the motion, and Mr. Gagnon seconded the motion. The vote was as follows:

Kim Conner Aye
Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann Aye
Neal Zuckerman - Aye

Mr. Zuckerman: Any opposed, abstentions? Being none, motion passes. Mr. Zuckerman stated that a site visit will be on March 8th at 9:30 Am

Mr. Zuckerman made a motion to adjourn; all in favor at 9:05 pm.

Date approved	-
	Respectfully submitted by,
	Kelly MacIntyre
*These minutes were prepared for the Philipstown Planning emendation and approval there upon.	g Board and are subject to review, comment,



Federal Communications Commission Washington, DC 20554

Informational Notice of Section 106 Filings

Date: 02/26/2020

Reference Number: 1085150

Sir Madam
Town of Philipstown Planning Board
238 Main Street
Cold Spring, NY 10516

The following new Section 106 filing has been submitted:

FILE NUMBER: 0008979986 TCNS Number: 195258

Purpose: New Tower Submission Packet

Notification Date: 7AM EST 02/19/2020

Applicant: AT&T Mobility, LLC

Consultant: EnviroBusiness, Inc. d/b/a EBI Consulting (6119005613)

Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No

Site Name: Graymoor Relo / 15055422 Site Address: 40 Franciscan Way

Detailed Description of Project: 6119005613 Collocating wireless telecommunications antennas on an existing water tank resulting

in minor ground disturbance Please see Attachment 4 of this filing for project design details

Site Coordinates: 41-20-57.6 N, 073-55-16.1 W

City: Garrison
County: PUTNAM

State: NY

Lead SHPO/THPO: New York State Historic Preservation Office

Consultant Contact Information:

Name: Alexis M Green

Title: Assistant Tech Dir, Cultural Resources

PO Box:

Address: 6876 Susquehanna Trail South

City: York State: PA Zip: 17403

Phone: (585) 815-3290

Fax:

Email: tcubie@ebiconsulting.com

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

RECEIVED MAK 03 2020

FCC 813 July 2018

Town of Philipstown Planning Board

238 Main Street P.O. Box 155 Cold Spring, New York 10516

March 1, 2020

Ms. Alexis Green, Asst. Technical Director-Cultural Resources EBI Consulting 6876 Susquehanna Trail South York, PA 17403

RE: Graymoor - AT&T facility installation

Route 9

Dear Ms. Green:

We are in receipt of your recent letter concerning the proposed installation of three (3) panel antenna arrays on the existing elevated water tower at Graymoor, including associated equipment at grade. Be advised that we have no comments concerning the potential effects of these facilities upon historic properties in the area. However, be advised that under the Town's Zoning Ordinance (specifically §175-46 "Communications Towers" of the Town Code), a "Special Use" Permit is required for the co-location of such facilities on existing towers or other tall structures.

It is recognized that Section 1455(a) of the Federal Communications Act, enacted as part of the Middle-Class Tax Relief and Job Creation Act of 2012, does establish limitations on state and local land use authority over certain wireless facilities. More specifically, under these regulations we understand that a state or local government may not deny and shall approve any "eligible facility request" for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, and defines eligible facility requests as including requests for the co-location, removal, or replacement of transmission equipment.

Nevertheless, these regulations still allow the municipality oversight on cellular communications facilities. As a result, the Town will require that the cellular communications provider make formal application to the Town of Philipstown Zoning Board of Appeals for the intended antenna co-location. This should include the filling of an "Eligibility Facilities Request" Form, completed "Special Permit" application and Building Permit Application forms, project plans, letter of authorization from the property owner, and other supporting documentation as needed to confirm that all other applicable municipal requirements are being satisfied.

To initiate this review process, our Code also specifies that a pre-application conference first be scheduled, to be attended by representatives of the Town and applicant, to discuss the proposed installation and review how the application will be processed.

Ms. Alexis Green, EBI Consulting February 7, 2020 Page 2

RE: Graymoor - AT&T facility installation; NYS Route 9

We appreciate the notice provided of the intended cellular communications installation, and look forward to meeting with you further to discuss the matter. In the interim, should you have any questions, please don't hesitate to contact our Secretary (Kelly MacIntyre; 845-265-5202) or our Town Engineer (Ronald J. Gainer, PE; 845-527-1432).

Sincerely,

Neal Zuckerman

Chairman

NZ;

cc: Robert Dee, ZBA Chairman

Neal Zuckerman

Kelly MacIntyre, Planning Board/ZBA Secretary

Ronald J. Gainer, PE, PLLC

Stephen Gaba, Esq.

LEGAL NOTICE

PHILIPSTOWN PLANNING BOARD

Public Hearing
The Philipstown Planning
Board for the Town of
Philipstown, New York
will hold a public hearing on Thursday, March 19th, 2020 starting at 7:30 p.m located at 107 Glenclyffe Dr, Garrison, New York. to consider the following

application:
Joseph Pell Lombardi,
19 Fieldstone Ridge, Cold
Spring TM#16.11-1-9, 7&5
(Sub-division approval
to adjust the line dividing
lands of leach from lands

lands of leach from lands

of Lombardi)
At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of

the Planning Board at the Philipstown Town Hall. Dated at Philipstown, New York, this 20th day of February, 2020

33 LINES 03/04/2020 **TOWN OF** PHILIPSTOWN PB



PUTNAM COUNTY - STATE OF NEW YORK MICHAEL C. BARTOLOTTI, COUNTY CLERK 40 GLENEIDA AVENUE, ROOM 100

CARMEL, NEW YORK 10512

COUNTY CLERK'S RECORDING PAGE ***THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH***



BOOK/PAGE: 2148 / 265 INSTRUMENT #: 1257-2020

Receipt#: 2020028745

Clerk: CJ

Rec Date: 02/12/2020 03:18:16 PM

Doc Grp: D Descrip: DEED Num Pgs:

Rec'd Frm: TitleVest Agency, LLC.

Party1: GOMEZ JENNIFER Party2: LEACH TODD P Town: PHILIPSTOWN

Recording:

Cover Page 5.00 Recording Fee 45.00 Cultural Ed 14.25 Records Management - Coun 1.00 Records Management - Stat 4.75 Processing Fee 1.00 **TP584** 5.00 RP5217 Residential/Agricu 116.00 RP5217 - County 9.00

Sub Total: 201.00

Transfer Tax

Transfer Tax - State 1280.00

Sub Total: 1280.00

Total: 1481.00

**** NOTICE: THIS IS NOT A BILL ****

**** Transfer Tax **** Transfer Tax #: 1532

Transfer Tax

Consideration: 320000.00

Transfer Tax - State 1280.00

Total: 1280,00

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, AS REQUIRED BY SECTIONS 315, 316-a(5) & 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILEMichael C. Bartolotti Putnam County Clerk

5:16.11 13:1

Form 8064- Quitclaim Deed - Individual (single sheet)

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

THIS INDENTURE, made as of the 20 day of ANUARY, in the year 2020

BETWEEN

JENNIFER GOMEZ, having an address of 30A Lower Harlings, Shotley Gate Suffolk, 1P9-1QE, party of the first part, and

TODD LEACH, having an address of 44 Mountainview Drive, Cold Spring, NY 10516, 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 remise, release and quitclaim unto the party of the 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:

See attached Schedule A hereto.

Being and intended to be the same property as conveyed to the grantor herein by deed from LAYNE T. AURAND, dated 11/20/2015, recorded 11/24/2015 in Book 1996 Page 364, in the Office of the Putnam County Clerk.

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

AND the party of the first part, 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:

IENNIEER COMEZ

July AA

STATE OF NEWYORK WORKS
COUNTY OF AWGRAUN

Notary Public: RSA Johnson

SCOTT-JOHNSON SOLICITOR & NOTARY PUBLIC

Printed Name:

My Commission Expires: 6-30-2024

renews



BATEMAN BATTERSBY

Lawyers 19 Lawson Street Penrith NSW 2750 PO Box 981 Penrith 2751 DX 8040 Penrith (02) 4731 5899

Quitclaim Deed

TITLE No: 435463

JENNIFER GOMEZ

TO TODD LEACH SECTION

16.11

BLOCK

1

LOT

5&7

COUNTY OR TOWN

PUTNAM

Distributed By



#201, 7 First American Finercial Corporation and/or ity sWill tes, All rights reserved. NYSE: FAF

RETURN BY MAIL TO:

TODD LEACH 44 MOUNTAINVIEW DRIVE COLD SPRING, NY 10516



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country

Australia

This public document

2. has been signed by

Scott Arthur Johnson

3 acting in the capacity of

Notary Public

4. bears the seal/stamp of

Scott Arthur Johnson, Notary Public,

Sydney

Certified

5. at Sydney Passport

6. the 22nd day of January, 2020

7. by Larissa Vassilenkova

Department of Foreign Affairs and Trade Sydney Passport Office

Australia

8. No. UPPT-96-105606

9. Seal/Stamp

10. Signature



where applicable) and the capacity of the person who has signed the public document, and, where appropriate, the identity of the This Apostille only certifies the authenticity of the signature

senl or stamp which the public document bears. This Apostille toes not certify the content of the document for which it was ntps://orao.dfat.gov.au/pages/verifyapostille.aspx



SCHEDULE A

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE VALHALLA HIGHLANDS, TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, AS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF MOUNTAIN VIEW DRIVE WHICH SAID POINT IS MARKED BY AN IRON PIPE AND WHICH SAID POINT IS NORTH 44 DEGREES 02 MINUTES 50 SECONDS EAST 228 FEET MEASURED ALONG THE SAID EASTERLY SIDE OF MOUNTAIN VIEW DRIVE FROM ITS INTERSECTION WITH THE MORTHERLY SIDE OF AUPINE ROAD, WHICH SAID POINT OF INTERSECTION IS MARKED BY AND IRON PIPE;

RUNNING THENCE NORTH 44 DEGREES 02 MINUTES 50 SECONDS EAST 75 FEET ALONG THE EASTERLY SIDE OF MOUNTAIN VIEW DRIVE TO A POINT, WHICH SAID POINT IS MARKED BY AN IRON PIPE;

RUNNING THENCE SOUTH 45 DEGREES 578 MINUTES 10 SECONDS EAST 100 FEET TO A POINT WHICH SAID POINT IS MARKED BY AN IRON PIPE;

THENCE SOUTH 44 DEGREES 02 MINUTES 50 SECONDS WEST 75 FEET TO A POINT, WHICH SAID POINT IS MARKED BY AN IRON PIPE;

THENCE NORTH 45 DEGREES 57 MINUTES 10 SECONDS WEST 100 FEET TO THE POINT AND PLACE OF BEGINNING.

THE SAID MOUNTAIN VIEW DRIVE AND ALPINE ROAD APPEARING ON MAP ENTITLED "SECOND AMENDED MAP OF PROPOSED SUB-DIVISION, VALHALLA HIGHLANDS, INC., PHILIPSTOWN, PUTNAM CO., N.Y., NOVEMBER 8, 1935," WHICH SAID MAP WAS FILED IN THE OFFICE OF THE PUTNAM COUNTY CLERK ON NOVEMBER 25, 1935.

ALSO ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE PROPERTY OF VALHALLA HIGHLANDS, INC.; IN THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY AN IRON PIPE DRIVEN IN THE GROUND IN THE SOUTHEASTERLY SIDE OF A HIGHWAY KNOWN AS MOUNTAINVIEW ROAD WHICH LEADS NORTHEASTERLY FROM ALTINE ROAD IN SAID TOWN OF PHILIPSTOWN, AND WHICH POINT IS IN THE MOST NORTHERLY CORNER OF A PARCEL OF LAND, HERETOFORE CONVEYED BY VALHALLA HIGHLANDS, INC., TO JOSEPH H. LOMBARDI BY DEED DATED MARCH 9, 1951 AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY PUTNAM IN LIBER 392 OF DEEDS AT PAGE 1 ON MARCH 22, 1951, AND WHICH POINT IS IN THE MOST WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED AND CONVEYED:

THENCE FROM SAID POINT OF BEGINNING ALONG SAID LANDS OF JOSEPH H. LOMBARDI SOUTH 45 DEGREES 57 MINUTES 10 SECONDS EAST 100.00 FEET TO A POINT MARKED BY AN IRON PIPE DRIVEN IN THE GROUND;

THENCE ALONG OTHER LANDS OF VALHALLA HIGHLANDS, INC., THE FOLLOWING COURSES AND DISTANCES: NORTH 44 DEGREES 02 MINUTES 50 SECONDS EAST 48.00 FEET TO A POINT MARKED BY AN IRON PIPE DRIVEN IN THE GROUND AND NORTH 59 DEGREES 44 MINUTES 35 SECONDS EAST 54.00 FEET TO A POINT MARKED BY AN IRON PIPE DRIVEN IN THE GROUND AND NORTH 45 DEGREES 57 MINUTES 10 SECONDS WEST 100.00 FEET TO A POINT MARKED BY AN IRON PIPE DRIVEN IN THE GROUND IN THE SOUTHEASTERLY SIDE OF SAID MOUNTAINVIEW ROAD:

THENCE ALONG THE SAID SOUTHEASTERLY SIDE OF MOUNTAINVIEW ROAD, THE FOLLOWING COURSES AND DISTANCES: SOUTH 59 DEGREES 44 MINUTES 35 SECONDS WEST 39.01 FEET TO A POINT; AND

THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 108.82 FEET A DISTANCE OF 29.81 FEET TO A POINT AND SOUTH 44 DEGREES 02 MINUTES 50 SECONDS WEST 33.00 FEET TO THE POINT AND PLACE OF BEGINNING.

SCHEDULE A (continued)

ALSO ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING AT VALHALLA HIGHLANDS IN THE TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM AND STATE OF NEW YORK AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE ON THE NORTHEASTERLY SIDE OF HIGHLAND ROAD, SAID PIPE BEING AT THE NORTHWESTERLY CORNER OF LANDS OF HERKERT;

THENCE RUNNING ALONG THE NORTHWESTERLY SIDE OF HIGHLAND ROAD NORTH 48 DEGREES 30 MINUTES 40 SECONDS EAST 112.78 FEET; NORTH 43 DEGREES 24 MINUTES 10 SECONDS EAST 112.22 FEET;

THENCE LEAVING HIGHLAND ROAD AND RUNNING NORTH 45 DEGREES 32 MINUTES 00 SECONDS WEST 116.41 FEET TO THE NORTHEASTERLY CORNER OF OTHER LANDS OF LOMBARDI;

THENCE RUNNING ALONG OTHER LANDS OF LOMBARDI SOUTH 59 DEGREES 44 MINUTES 35 SECONDS WEST 54.01 FEET TO AN ANGLE IN THE ABOVE MENTIONED LINE;

THENCE CONTINUING ALONG LANDS OF LOMBARDI AND OTHER LANDS OF VALHALLA HIGHLANDS, INC., SOUTH 44 DEGREES 02 MINUTES 50 SECONDS WEST 173.50 FEET TO AN IRON PIPE ON THE LINE OF LANDS OF HERKERT,

THENCE RUNNING ALONG THE LINE OF LANDS OF HERKERT SOUTH 45 DEGREES 57 MINUTES 10 SECONDS EAST 123.50 FEET TO THE POINT AND PLACE OF BEGINNING.

ALSO ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING AT VALHALLA HIGHLANDS IN THE TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM AND STATE OF NEW YORK, AND BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL I:

BEGINNING AT A POINT MARKED BY AN IRON PIPE SET IN THE GROUND ON THE NORTHEASTERLY SIDE OF MOUNTAINVIEW ROAD, SAID POINT BEING THE NORTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF JOSEPH LOMBARDI;

RUNNING THENCE ALONG THE EASTERLY SIDE OF MOUNTAINVIEW ROAD, NORTH 52 DEGREES 04 MINUTES 35 SECONDS EAST 101.26 FEET TO A POINT;

THENCE LEAVING THE MOUNTAINVIEW ROAD AND RUNNING SOUTH 45 DEGREES 32 MINUTES 00 SECONDS FAST 194.46 FEET TO THE WESTERLY SIDE OF HIGHLAND ROAD;

RUNNING THENCE ALONG THE WESTERLY SIDE OF SAID ROAD, SOUTH 39 DEGREES 34 MINUTES 10 SECONDS WEST 100 FEET TO AN IRON PIPE SET IN THE GROUND MARKING THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF LOMBARDI;

RUNNING THENCE ALONG THE NORTHERLY BOUNDARY OF LANDS OF LOMBARDI NORTH 45 DEGREES 32 MINUTES 00 SECONDS WEST 116.41 FEET AND NORTH 45 DEGREES 57 MINUTES 10 SECONDS WEST 100 FEET TO THE POINT OF PLACE OF BEGINNING.

PARCEL II:

BEGINNING AT A POINT WHICH IS DISTANT NORTH 52 DEGREES 04 MINUTES 35 SECONDS EAST 101.25 FEET ALONG THE EASTERLY SIDE OF MOUNTAINVIEW ROAD FROM AN IRON PIPE SET IN THE GROUND MARKING THE NORTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF 30SEPH LOMBARDI AND BEING THE POINT OF BEGINNING OF PARCEL I, LOT 103 DESCRIBED ABOVE;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG THE EASTERLY SIDE OF MOUNTAINVIEW ROAD NORTH 34 DEGREES 04 MINUTES 35 SECONDS EAST 1.00.70 FEET TO A POINT;

THENCE LEAVING MOUNTAINVIEW ROAD AND RUNNING SOUTH 45 DEGREES 32 MINUTES 00 SECONDS EAST 198.88 FEET TO THE WESTERLY SIDE OF HIGHLAND ROAD;

RUNNING THENCE ALONG THE WESTERLY SIDE OF SAID ROAD, SOUTH 36 DEGREES 34 MINUTES 10 SECONDS WEST 100 FEET TO POINT WHICH IS THE NORTHEASTERLY CORNER OF SAID PARCEL I, LOT 103;

RUNNING THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL, NORTH 45 DEGREES 32 MINUTES 00 SECONDS WEST, 194.46 FEET TO THE POINT OR PLACE OF BEGINNING.

FOR INFORMATION ONLY: Said premises also known as 44 Mountainview Drive, Cold Spring, NY 10516.

FOR CONVEYANCING ONLY, if intended to be conveyed: Together with all rights title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

Philipstown Planning Board Town Of Philipstown Town Hall 238 Main Street Cold Spring, New York 10516

Re: Return of performance bond for Indian Brook LLC Wetlands mitigation, Tax Map 49-4-51.1 & 49-4-56

Dear Mr. Zuckerman and Planning Board Members,

As per the wetlands permit issued for the Indian Brook Subdivision a cash escrow of \$112,644 for wetlands mitigation was established. A release of 60% of the escrow was returned in June 2006 and an additional 20% was released in October 2007. An additional 20% or \$22,529 was to be held for five years from the date of the wetlands mitigation completion, which was November 1, 2010. (As per the planning board resolution #8-04 granting conditional subdivision approval).

Indian Brook LLC is requesting the remaining 20% to be released . Thank You for your prompt attention of this matter

Sincerely,

Glenn Ferdico

385 Indian Brook Road

Garrison, New York 10524

(914) 584-1653

FEB 21. 2020

RECEIVED

PHILIPSTOWN PLANNING BOARD



TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

(845) 265-3329

Fax (845) 265-3958



May 18, 2006

Mr. William Mazzuca, Supervisor and Town of Philipstown Town Board Town of Philipstown Town Hall 238 Main Street Cold Spring, New York 10516

Re: Return of Performance Bond for Indian Brook Wetlands, Tax Map #40-4-51.1 & #40-4-56.

Dear Mr. Mazzuca and Town Board Members:

The Planning Board has received a letter from the Wetlands Inspector regarding the release of the performance bond in the amount of \$112,644 for proper wetlands mitigation associated with the approved subdivision of the above-referenced property. The Wetlands Inspector has indicated that the invasive species have been removed and the recommended plantings installed. However, due to the time of year the plantings were installed, he recommends monitoring of plantings through September, 2006, to ensure survival, and recommends only \$67,586, which is 60% of the total bond, be returned at this time. An additional 20%, or \$22,529, will be eligible for release after his inspections in September, while the remaining 20% must be held for five years from the date of the wetlands mitigation completion, which is November 1, 2010, as per the Planning Board Resolution #8-04 granting conditional subdivision approval.

The Planning Board has no authority in this matter as the release of the bond is entirely contingent upon the determination of the Wetlands Inspector.

Sincerely

George Cleantis, Chairman

Town of Philipstown Planning Board

 c. T. Miller, Town Planner Planning Board Wetlands Inspector Sal Ferdico, Applicant

W:\Philipstown\Town Board\Return of Bond Letters\Indian Brook Bond.lwp

TOWN OF PHILIPSTOWN

238 Main St. RO. Box 155 Cold Spring, NY 10516





WILLIAM MAZZUCA, SUPERVISOR

TINA M. MERANDO TOWN CLERK AND TAX COLLECTOR

EDWARD W. DOYLE TOWN ATTORNEY

(845) 265-3329

DAVID BROWER, COUNCILMAN BETTY BUDNEY, COUNCILWOMAN RICHARD SHEA, COUNCILMAN AL HOSMER, COUNCILMAN

June 8, 2006

Mr. Salvatore Ferdico

30 East Main St.

Elmsford, New York 10523

RE: Indian Brook Road LLC
Cash Performance Bond (Partial Return)

Dear Mr. Ferdico:

Enclosed please find cashier's check #445849153-2 in the amount of \$67,586.00. This represents the return of 60% of the above referenced Performance Bond which was approved by Town Board Resolution on June 1, 2006.

Very truly yours,

William Mazzuca

William morrison

Supervisor

WM:dt

TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516





WILLIAM MAZZUCA, SUPERVISOR

TINA M. MERANDO .
TOWN CLERK AND TAX COLLECTOR

EDWARD W. DOYLE TOWN ATTORNEY (845) 265-3329

DAVID BROWER, COUNCILMAN BETTY BUDNEY, COUNCILWOMAN RICHARD SHEA, COUNCILMAN AL HOSMER, COUNCILMAN

October 17, 2006

Mr. Salvatore Ferdico
30 East Main St.
Elmsford, New York 10523

RE: Indian Brook Road LLC
Cash Performance Bond (Partial Return)

Dear Mr. Ferdico:

Enclosed please find cashier's check #445849363-8 in the amount of \$22,529.00. This represents the return of 20% of the above referenced Performance Bond which was approved by Town Board Resolution on October 5, 2006.

Very truly yours,

William Mazzuca

Supervisor

WM:dt

PHILIPSTOWN PLANNING BOARD TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB. # -04 (Indian Brook Road, LLC) subdivision approval, property located on Indian Brook Road and U.S. Route 9 (Albany Post Road), Tax Map Designation 49-4-51.1 & 49-4-56, Town of Philipstown, New York,

WHEREAS, Indian Brook Road, LLC, and Glenn and Jodi Ferdico own two tax lots with a total area of 31.005 acres of land in the Town of Philipstown (the "Town") more particularly bounded and described as that land shown on Tax Map 49-4-51.1 & 49-4-56, on Indian Brook Road and U.S. Route 9 (Albany Post Road) Town of Philipstown, New York; and,

WHEREAS, the proposed 5-lot residential subdivision would result in lots ranging in size from 5.247 acres (Lot 4) to 7.490 acres (Lot 2). Lot 1 will contain 6.229 acres, Lot 3, which contains a residence that is currently under construction, will contain 6.807 acres, and Lot 5 will consist of 5.323 acres. Each lot will contain a residence, subsurface sewage treatment system (SSTS) and water supply well. The proposed lots will gain access from a private right-of-way from Indian Brook Road;

WHEREAS, the applicant originally requested approval to subdivide 25.763 acres of the subject site into four parcels, and the current plat, dated May 5, 2004, includes an additional 5.323-acre lot containing an existing residence that was added in April 2003 in response to a request by the Pianning Board that access be modified to make use of an existing driveway on an adjacent parcel in order to avoid construction of a new driveway through regulated wetlands;

WHEREAS, the parcel is zoned R-80 and B-1, which allow single-family residential uses on minimum sized lots of 80,000 and 40,000 square feet, respectively, and all proposed parcels conform to the requirements of the Town's Zoning Law and the Town's Land Development regulations;

WHEREAS, applicant submitted the following:

- 1) an Application for Approval of Minor Subdivision; signed by owner/applicant (with relevant appendices) and dated December 31, 2002, prepared by Badey & Watson, P.C.;
- 2) Sheet 1 of a Wetland Plan in Support of a Wetland Permit Application prepared by Badey & Watson, P.C., dated August 12, 2003 and last revised May 5, 2004; Sheet 2 Wetland Planting Plan in Support of Wetland Permit Application dated September 22, 2003 and last revised May 5, 2004; and Sheet 3 of a Wetland Plan in Support of a Wetland Permit Application prepared by Badey & Watson, P.C., dated August 22, 2003 and last revised May 5, 2004;
- 3) a Subdivision Plat (five sheets, including the following):
 - Partial Detail, Sheet 1 of 5, prepared by Badey & Watson, P.C., dated December 31, 2002 and last revised May 5, 2004;
 - a Subdivision Plat, Full Detail, Sheet 2 of 5, prepared by Badey & Watson, P.C., dated December 31, 2002 and last dated May 5, 2004;

- Profile of Justin's Way, Sheet 3 of 5, prepared by Badey & Watson, P.C., dated December 31, 2002 and last revised May 5, 2004;
- Original Conditions Slope Analysis, Sheet 4 of 5 prepared by Badey & Watson, P.C., dated April 2, 2003 and last dated May 5, 2004; and, Erosion and Sediment Control Plan,

Sheet 5 of 5, prepared by Badey & Watson, P.C., dated April 2, 2003 and last dated May 5, 2004;

4) List of Adjoining Property Owners;

1 -> + 5, 17]

5) and Full Part 1 Environmental Assessment Form (EAF), dated January 2, 2003;

WHEREAS, it was requested at the Planning Board's January 16, 2003, meeting that the applicant submit an analysis of steep slopes and a stormwater drainage report;

WHEREAS, additional items associated with this minor subdivision application package were prepared by Badey & Watson, P.C., and transmitted via letter dated February 13, 2003, including Revised Plan Set for a 5-lot subdivision with an additional lot added containing an existing single-family home; revised Environmental Assessment Form, Part 1; reduced scale drainage study maps; copies of letters to the NYS OPRHP recommending that an archeological survey be conducted; a letter from archeologist Joseph Dlamond; a copy of a Building Permit for the house on Lot 3 that was under construction at that time, a copy of a wetland permit for construction of the existing travelway issued on January 24, 2003, and a Putnam County Septic and Well Permit for the house on Lot 3 that was under construction at that time;

WHEREAS, at the Planning Board's February 27, 2004 meeting there was indication that a previously constructed driveway on the site that was proposed for access to proposed lots was constructed previously as a driveway for one single-family home, without review pursuant to creation of an ODA private roadway, and it was subsequently determined that the driveway had been constructed in violation of the Town Wetlands Law;

WHEREAS, a portion of the access drive crosses an area of regulated Class II slopes, a regulated wetland and its buffer; and,

WHEREAS, it was requested at the Planning Board's February 27, 2003 meeting that the applicant submit a map showing steep slopes as regulated under the Town Code and a stormwater drainage report;

WHEREAS, additional items associated with this minor subdivision application package were prepared by Badey & Watson, P.C., and transmitted via letter dated April 3, 2003, including Revised Plan Set; revised Environmental Assessment Form, Part 1; preliminary copy of narrative of a Drainage Study prepared by Badey & Watson, P.C.; a Management Summary and full copy of a Phase 1 Cultural Resource Investigation, dated March 12, 2003 and prepared by Joseph Diamond, Ph.D; and a copy of a complete Drainage Study prepared by Badey & Watson, P.C., dated March 6, 2003;

WHEREAS, an Application for a Wetlands Permit was submitted on April 14, 2003 for construction of a water quality/drainage basin for the subdivision and ODA road;

WHEREAS, a report summarizing an August 8, 2003 site inspection and a review of the proposed subdivision and its Drainage Basin Analysis requested by the Planning Board and submitted by

Bibbo Associates, L.L.P., was submitted on September 10, 2003, which indicated that additional erosion control measures were needed for the proposed roadway and that disturbed areas should be stabilized; that additional information was needed for the well for Lot 5, that certain wetland flags were not shown on the plans and that clarification of wetland flag locations was needed; that existing and proposed drainage features needed to be distinguished on the plans; that additional drainage structures and a roadway conveyance system were necessary; that lot line modifications were needed; that dry wells should be shown; that drainage report revisions were needed; that the Lot 5 driveway required modification, that a statement from the design engineer was needed as to the suitability of site soils for infiltration, that the project will require filing and compliance with the new NYS DEC Phase II Stormwater Regulations, and that clarifications and modifications to the plans were needed related to house footprint sizes, property data, grading, drainage and erosion control details, and stage-storage routing of the detention basin;

WHEREAS, additional items associated with this minor subdivision application package were prepared by Badey & Watson, P.C., and transmitted via letter dated November 6, 2003, including a Revised Plan Set dated November 6, 2003; Plan set for Wetlands Permit Application, revised September 22, 2003 and November 6, 2003, a Wetlands Plan in support of a Wetland Permit Application, Original Conditions Slope Analysis dated November 6, 2003; a Stormwater Pollution Prevention Plan dated November 6, 2003; and the narrative portion of a Drainage Report previously submitted to Town Planner;

WHEREAS, a report of the Temporary Town Wetlands Inspector was submitted on October 14, 2003, including a functional analysis of the wetland conditions that indicated that the upper wetland that had been previously disturbed was not of high quality or value but that mitigation measures were possible to minimize overall impact to the site's wetland system;

WHEREAS, a Wetland Advisory Council report was submitted on November 11, 2003, stating that past violations had been addressed, that the application was considered by the Wetland Advisory Committee to be ready for Planning Board consideration, that the consensus of the Wetland Advisory Committee was that the uppermost proposed lot was not acceptable due to unnecessary impacts to a Town-regulated wetland, that the wetland that had been previously disturbed was not of high quality or value but that mitigation measures were possible to minimize overall impact to the site's wetland system, and that conditions for potential approval would be included for long term monitoring and maintenance of plantings to ensure that the basin is installed and ultimately functions, with a three year period for maintenance and monitoring of vegetation recommended;

WHEREAS, a Conservation Advisory Council memorandum was submitted in January 2004 that recommended requirement of escrow for wetland and stream inspection along with mitigative measures, that a Stormwater Pollution Prevention Plan be required to address soil and sediment erosion during construction, and that evaluation of steep slope impacts was needed:

WHEREAS, neighbors located adjacent to the south of the subject site had claimed that improvements conducted on the subject site had resulted in impacts to drainage and a stone wall on their neighboring property;

WHEREAS, a site visit was conducted by the Planning Board on April 9, 2004;

WHEREAS, the applicant was requested to examine an alternative plan for Lot 4 in order to reduce wetland and steep slope impacts:

WHEREAS, the applicant examined the currently proposed plan with a driveway to Lot 4 replacing the private roadway from the point of a cul de sac terminating at approximately Lot 3 to the proposed Lot 4 home in the southeastern corner of the subject site;

WHEREAS, the applicant agreed to pave steeper portions of the proposed private roadway,

WHEREAS, the applicant agreed to measures to protect the adjacent property to the south that had been the subject of complaints as noted above, including leaving land south of a stone wall in that location undisturbed, to correct drainage problems and to rebuild a portion of a stone wall that had been impacted previously.

WHEREAS, the applicant was requested to place a note on the plat stating that no fertilizers would be applied in the area of proposed septic fields;

WHEREAS, appropriate application fees have been received by the Town;

WHEREAS, recreation fees are required for three of the five lots as two of them are the first two lots to be subdivided since the 1987 promulgation of regulations relative to recreation fees;

WHEREAS, a duly noticed public hearing was held on this application on February 24, 2004, at which time it was closed;

State Environmental Quality Review

WHEREAS, it was determined that this action is subject to SEQR review according to ECL Part 617 based on the EAF submitted by the applicant; and,

WHEREAS, pursuant to SEQRA (NYCRR Part 6 & Town of Philipstown Code), the action of subdividing the property has been identified as an "Unlisted" action by the Planning Board; and,

WHEREAS, the Planning Board declared its-intent to be the Lead Agency and did a Coordinated Review; and.

WHEREAS, the Planning Board reviewed an Environmental Assessment Form Part I, and reviewed and adopted an EAF Part 2 at its meeting of March 25, 2004, and based on said review, potentially large impacts relating to impacts on land, water, aesthetic resources and historic and archeological resources were revealed;

WHEREAS, the Applicant submitted to the Board Part 3 of the Long Form EAF dated May 7, 2004, which the Planning Board adopted as amended on May 20, 2004.

NOW, THEREFORE, BE IT RESOLVED, that:

- 1) the Planning Board approves a Negative Declaration consistent with Article 8 of Environmental Conservation Law (See Attachment 1); and,
- 2) the Planning Board grants conditional approval of the wetland permit subject to the following conditions:

- A. All work shall be done in accordance with the Wetland Plan presented on Sheets 1 to 3, Wetland Plan and Wetland Planting Plan in Support of Wetland Application, prepared by Badey & Watson, P.C., dated May 5, 2004.
- B. Sheet 1 of the aforementioned shall include a note that states that all work shall be carried out or be supervised by a landscaper with specific experience in building created wetlands.
- C. Prior to the start of any home construction (except Lot #3), the Applicant shall post a cash bond in the amount of \$112,644 to guarantee completion of the improvements associated with the wetland permit and shall place into escrow \$5,000 to cover the costs of inspection and monitoring by the Town Wetland Inspector over a five year period.
- D. The Town Wetlands Inspector shall be contacted by phone and notified in writing of proposed regulated activities at least 48 hours prior to such construction taking place and a note shall be placed on Sheet 1 of the Wetland Plan stating this condition.
- E. 80 percent of the cash bond shall be released upon receipt of a letter from the Town Wetland Inspector stating that the initial requirements associated with the wetland permit have been met (the grading and planting of the basins/wetland mitigation areas). The balance shall be released after five years (see Item F below).
- F. A wetland monitoring program shall be conducted for a period of five years to ensure maintenance of the wetland mitigation areas, as referenced in the attached Wetland Monitoring Agreement, which is made a condition of this approval.
- 3) the Planning Board grants conditional final approval of the subdivision plat subject to the following conditions:
 - Approval of the Putnam County Health Department.
 - 8. A note shall be placed on the final plat indicating that all utilities from the proposed cui de sac to the house on Lot 4 shall be placed underground.
 - C. Indication by note on the final plat stating that no fertilizers will be applied in the area of proposed septic fields.
 - D. Indication by note on the final plat that a site specific erosion control plan must be submitted with any Building Permit application to construct a house on each of the lots.
 - E. Indication by note on the final plat that the erosion control plan will be adhered to during construction and, as appropriate, after construction is completed.
 - F. Indication by note on the final plat that all erosion control plans be accompanied with due reference to authoritative guidelines such as the New York guidelines for Urban Erosion and Sediment Control published by the US Soil Conservation Service.

- G. Indication by note on the final plat that any necessary blasting be accomplished under guidelines including:
 - Blasting should be limited to times of the day and days of the week when it will be least offensive, specifically during the hours of 8:00 AM and 4:00 PM, Monday through Friday, except for legal holidays;
 - The size of charges should be limited to only such amounts as are necessary and can safely accomplish the required task;
 - Blasting should only be performed by duly licensed and experienced personnel;
 - Protective devices such as blasting mats must be used;
- H. Payment of Recreation Fees in the amount of \$10,500 by the applicant; and,
- Submission of a Road Maintenance Agreement to the satisfaction of the Town Attorney.
- J. Presentation of a tracing and print of the final plat in accordance with Section 112-14.C(1) of the Philipstown Code.
- 4) The Chairman is authorized as officer of the Planning Board to endorse the final plat when Conditions A through I have been met.
- 5) Pursuant to Section 112-47.D(5)e, conditional approval expires 180 days after the date of this resolution unless the conditions or requirements have been certified as completed. Provided however, that the Planning Board may extend the time in which the conditionally approved plat must be submitted for signature, for not to exceed two (2) additional periods of 90 days each.

Adopted at a meeting of the Philipstown Planning Board on July 15, 2004.

PHILIPSTOWN PLANNING BOARD

George Cleantis, Chairman

C. Town Wetland Inspector Town Code Enforcement Official

ATTACHMENT 1

SEQR NEGATIVE DECLARATION Notice of Determination of Non-Significance

Lead Agency:

Town of Philipstown Planning Board

238 Main Streat

Cold Spring, NY 10516

Date: July 15, 2004

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

Title of Action:

Indian Brook Road, LLC: minor subdivision, Indian Brook Road and U.S.

Route 9 (Albany Post Road, Town of Philipstown)

SEQR Status: Unlisted

Description of Action: Five-lot subdivision

Location: Indian Brook Road and U.S. Route 9 (Albany Post Road), Town of Philipstown,

Putnam County, New York.

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

For Further Information:

TIM MILLER ASSOCIATES, INC. 10 North Street Cold Spring, NY 10516 (845) 265-4400

Copies of this Notice Sent to: Supervisor, Town of Philipstown Planning Board Chairman Town Code Enforcement Official Applicant

James & Kristan Connolly 51 Route 403 Garrison NY 10524 c. (914)879-5662

To: Town of Philipstown Planning Board

We are writing to request the return of escrow fund regarding the approved site plan at 51 Route 403 in Philipstown. The site work has been completed and a certificate of occupancy has been issued.

Thank you for your consideration,

James & Kristan Connolly



February 18th, 2020

Neal Zuckerman, Chairman Town of Philipstown Planning Board PO Box 155 Philipstown, NY 10516

RE: Riverview Industries Commercial Site Plan PB Referral

Dear Chairman Zuckerman,

This letter is offered in response to the referral sent to Chairman Galezo's attention regarding the opportunity to comment on the Riverview Industries Commercial Site Plan along NYS Route 9. We recognize that this proposal will not only require approvals from your board, but will also require permitting from the Conservation Board due to the presence of regulated wetlands on the property.

The Conservation Board feels strongly that since this project aims to rectify a current use occurring without benefit of any prior proper permitting and with violations currently outstanding, it is critical that mitigation and/or restoration be considered of the areas of the property affected by its current use.

In reviewing historical photographs of the site, it is apparent that the introduction of vehicle storage and various material stockpiles onto the site has been of recent original, within the past 5-10 years. This has coincided with the filling in of the then-existing wetland boundaries, which has expanded the vehicular parking now evident at the site. The Conservation Board plans to evaluate what mitigation and wetlands restoration measures should be considered as part of the applicant's request for the Town to formally authorize this parking arrangement. We expect that the applicant will initially appear before our Board at our March 10, 2020 meeting to discuss the wetlands permitting process, after which we hope to provide your office with our preliminary thoughts on site mitigation. Any such mitigation should then be incorporated into the project drawings as this application moves through your Site Plan process.

We appreciate the opportunity to conduct a coordinated review of the project by the Planning Board and Conservation Board through the SEQRA process. This will allow for a collaborative review process, limit confusion between what each board may stipulate during their review, and alleviate natural resource related concerns by having the boards (or a representative) present during meetings discussing the project. We are enclosing the SEQRA Lead Agency Response form, authorizing the Planning Board to act as Lead Agency for the environmental review of the project. Be assured that we will provide your Board with technical comments as our review of the proposal continues.

Neal Zuckerman, Chairman, Town of Philipstown Planning Board February 20, 2020 Page 2

RE: Riverview Industries Commercial Site Plan PB Referral.

In the interim, please feel free to contact myself with any questions or concerns.

On Behalf of the Philipstown Conservation Board,

Max Garfinkle

Natural Resources Review Officer

cc:

Kelly McIntyre Greg Wunner, CEO

Ronald J. Gainer, PE, Town Engineer Philipstown Conservation Board

PUTNAM COUNTY

In the matter of the application of

Riverview Industries Site Plan Route 9, Philipstown, NY

RESPONSE TO REQUEST THAT TOWN OF PHILIPSTOWN PLANNING BOARD SERVE AS LEAD AGENCY

On behalf of the Town of Philipstown Conservation Advisory Board, I acknowledge receipt of the Lead Agency notice in this matter, which was mailed on

December 27, 2019

The above-named involved agency hereby

(Please check one)

- CONSENTS that the Town of Philipstown Planning Board serve as Lead Agency [X]in this application and requests that the undersigned continue to be notified on filings and hearings in this matter.
- DOES NOT CONSENT to the Town of Philipstown Planning Board serving as [] Lead Agency in this application and wishes that the Town of Philipstown Conservation Advisory Board serve as Lead Agency. To contest Lead Agency designation, the undersigned intends to follow the procedures outlined in 6 NYCRR 617.6 (b)(5).

DATED: 2/10/2020

SIGNATURE: 2/2020



Phone: 845-561-0550 Fax: 845-561-1235 www.drakeloeb.com

February 21, 2020

James R. Loeb
Richard J. Drake, retired
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley Aaron C. Fitch Judith A. Waye Michael Martens

Jennifer L. Schneider Managing Attorney

*LL,M, in Taxation

Attn: Tom Patterson, Chairman Planning Board 265 Oscawana Lake Road Putnam Valley, New York 10579

> Re: David Orentreich - Site Plan Our Matter ID: 6082-7020101

Dear Sirs:

I am counsel to the Town of Philipstown Planning Board and I am writing to you at the Planning Board's direction in regard to the above-referenced matter.

The Town of Philipstown Planning Board has reviewed the site plan at issue and it is concerned about potential visual impacts of the proposed building and construction. The Planning Board submits the following comments for your consideration:

- (1) Philipstown Zoning Code §175-65(D)(1)(c) provides: "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." Here, the applicant's engineers have represented that: "Because of the dense vegetation along the perimeter of the property neither the proposed building nor any of the buildings along the spline [sic] can be seen from Route 301 or Dennytown Road." It is recommended that a note be placed on the site plan requiring that the aforementioned vegetation along the perimeter of the property be maintained to such extent as the Putnam Valley Planning Board deems necessary and appropriate to screen the building and related site development; and
- (2) It is noted the adjacent structures have mansard roofs, whereas the proposed building will have a gambrel roof. Perhaps the proposed structure would be more in keeping with the character of the neighborhood if it too had a mansard roof.

The Town of Philipstown Planning Board thanks you for the opportunity to comment on this project.

STEPHEN J. GABA

SJG/ev/832870

Philipstown Planning Board

Badey & Watson Ron Gainer, P.E. FEB 25 2020

Writer's Direct: Phone: (845) 458-7310 Fax: (845) 458-7311 Email: sgaba@drakeloeb.com