

Philipstown Planning Board
VFW Hall, Kemble Avenue, Cold Spring, New York
May 17, 2012
Agenda

Pledge of Allegiance
Roll Call
Approval of Minutes – 4/19/12

1. **Entergy** – Approval of site plan - 3 Horsemen's Trail, Cold Spring: Submission of revised plans
2. **SNK Farms, Inc.** – Site plan approval - 3188 Route 9, Cold Spring: New submission
3. **County Line Equities, LLC** – Minor site plan amendment application – Route 9 and Travis Corners Road, Garrison: Revised site plan

Adjourn

Michael Leonard, Chairman

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

**McCORMACK SMITH ENGINEERING PLLC
11 BLACK DIAMOND HILL
GARRISON, NEW YORK 10524
(845) 424-3848 Fax: (845) 424-4067**

May 3, 2012

Chairman and Members of the Board
Town of Philipstown Planning Board
Town Hall Main Street
Cold Spring, N. Y. 10516

**Re: Minor Site Plan Amendment Application, County Line Equities, LLC
N. E. QUADRANT ROUTE 9 & TRAVIS CORNERS RD., Garrison, N. Y.
Tax Map 49. Block 1 Lot 44, Town of Philipstown, Putnam County**

Dear Chairman and Members of the Board:

In response to the comments expressed during the April Planning Board Meeting I have revised the site plan to show planting along the north and the east property lines.

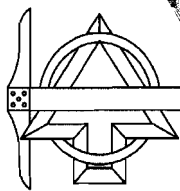
1. The site plan has been revised to show a combination screening planting for the benefit of the residential uses on the adjoining HC zoned properties to the north and east. The proposal is to screen the residential uses from the site with a combination of planting and screening fence since the areas requiring screening have mature trees along the property line. These areas are shown on the revised site plan.
2. The plan shows specifications for products used to contain potential leaks from equipment on site. The products are specifically made for outdoor use. Of major concern are leaks from damaged vehicles towed to the site for impoundment during required investigations. Please be aware that if a vehicle is leaking fluid at an accident scene the Fire Department is called to address the spill and all procedures are followed to address *Hazardous Material Spills in accordance with environmental regulations*. Vehicles leaking fluids are not towed away from the accident site, the procedure is for the Fire Department Haz Mat Team to use approved absorbent materials and contain and trap and absorb the leaks. The vehicle is wrapped, and the leak is controlled and contained prior to release to the tow operator.

Very truly yours,

Patti McCormack Smith, P. E.



14 copies enclosures plus 1 CD
PMS



BADEY & WATSON

Surveying & Engineering, P.C.

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

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

Glennon J. Watson, L.S.
John P. Delano, P.E.
Peter Meisler, L.S.
Stephen R. Miller, L.S.
Jennifer W. Reap, L.S.
Robert S. Miglin, Jr., L.S.
Mary Rice, R.L.A., Consultant
George A. Badey, L.S., (1973-2011)

May 3, 2012

Michael Leonard, Interim Chairman
Philipstown Phanning Board
238 Main Street
Cold Spring, NY 10516

RE: Entergy Site Plan - Submission of Revised Plans

Dear Mr. Leonard and Honorable Board Members:

We are enclosing with this letter 12 copies of the following revised document:

- ❑ Updated C-7 Landscaping Plan to show conversion of proposed maple trees along Horsemen's Trail to white spruce evergreens, per the Board's suggestion.

In addition, the following topics were discussed at the Board meeting on April 19 and we are providing the following clarifications and information:

1. Communications Antennae: There are currently no plans for roof-mounted antennae on the building. However, in the future there may be a need for roof-mounted dish or whip type communications antennae due to a changing regulatory environment. If these are required in the future they will be placed behind the existing rooftop equipment screen, to the maximum extent possible.
2. Exterior Lighting Approach: For building and parking security purposes Entergy would like to keep the site lighting on throughout the night. This will also discourage the nighttime vandalism that sometimes occurs at an unoccupied building. However, the exterior lighting level will be kept very low and uniform, by utilizing the latest LED lamp technology. The light level in the parking areas will average less than one foot-candle, and we will utilize full cut-off fixtures with no up-light, on low 20-foot light poles. The design will also feature minimal light intrusion onto adjacent properties. For details please refer to Lighting Plans C-6A and C-6B submitted in our January 2012 submission package. In addition, these LED fixtures provide a 65% electricity savings over conventional lamps.

Owners of the records of:

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

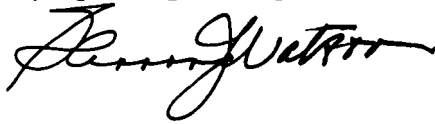
3. Diesel Generator Specifics: The 500 kW emergency generator will be housed in a sound attenuated, weatherproof enclosure and will be equipped with a Critical Grade muffler/silencer. The diesel fuel will be contained in an above ground, double walled sub-base tank with a 3,000 gallon capacity.
4. Clarification of Description of Use: As discussed, Entergy intends to utilize the building as an occasional use Emergency Operations Facility as described in the original "Statement of Use", submitted to the Board on January 6, 2012.

We trust you will find this information responsive to comments received during the April 19, 2012 meeting of the Planning Board. We look forward to further review and eventual approval of our application.

Yours truly,

BADEY & WATSON,

Surveying & Engineering, P.C.



by

Glennon J. Watson, L.S.

Enclosure (1)

GJW/bms

cc: File 91-104B\ML03MY12BP_SubmitsRevisedPlans.doc

William Josiger, Entergy

Craig MacLatchie, REL

Rob O'Donnell, PE, REL

T O W N O F P H I L I P S T O W N
P U T N A M C O U N T Y , N E W Y O R K

APPLICATION FOR APPROVAL OF SPECIAL USE PERMIT OR SITE PLAN

The undersigned hereby make application to the Planning Board of the Town of Philipstown under the Part-One Subdivision Regulations for one of the following (check one):

- ☒ for approval of a Minor Site Plan by the Planning Board under Article IX
- ☐ for grant of a Special Use Permit by the Board of Appeals under Article XI
- ☐ for grant of a Special Use Permit by the Board of Appeals under Section 175.24 and Article XI

For Office Use Only

- | | |
|----|---------------------|
| 1. | Application # _____ |
| 2. | Fee _____ |
| 3. | Rec'd by _____ |
| 4. | Date _____ |

I. Identification of Applicant:

a. Applicant (name) SNK Farms, Inc. Tel. _____
address 3188 Route 9
Cold Spring, NY 10516

b. Owner of property if not same as Applicant:

(name) 3188 Route 9, LLC Tel. _____
address 3188 Route 9
Cold Spring, NY 10516

T O W N O F P H I L I P S T O W N

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a. Applicant (name) SNK Farms, Inc. Tel. _____
address 3188 Route 9
Cold Spring, NY 10516

b. Owner of property if not same as Applicant:

(name) 3188 Route 9, LLC Tel. _____
address 3188 Route 9
Cold Spring, NY 10516

III. Plan Requests and Authorizations:

- a. As part of this Application, request is hereby made to the (X) Planning Board () Board of Appeals to determine that all or part of Site Plan and architectural plan information specified in Par. 31.2.2 and 33.2.2 and 33.2.3 is not necessary and need not be submitted


☒ None requested.

☐ Request, as set forth in Appendix FF, together with the reasons therefore.

- b. The Applicant and Owner hereby grant to the Planning Board, Board of Appeals and Zoning Administrative Officer, and their authorized agents, permission to enter upon the property that is the subject of this Application for the purpose of inspection and enforcement of the Zoning Law, including the taking of tests and materials samples.

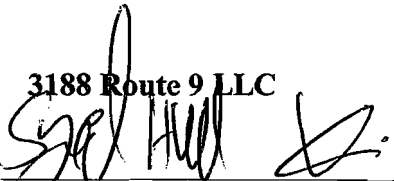
IV. Endorsements:

Date May 3, 2012

Applicant (Signed) 
by: Syed Kirmani, President & Stockholder

SNK Farms, Inc.

Date May 3, 2012

Owner (Signed) 
by: Syed Kirmani, Sole Member

3188 Route 9 LLC

A P P E N D I X A-2: AFFIDAVIT OF OWNERSHIP (Corporation)

State of New York)

ss. :

County of Putnam)

Syed Kirmani, being duly sworn, deposes and says
that he resides at _____ in the County of
Dutchess State of New York that he is
the Sole Member of 3188 Route 9 LLC
(Title) (Name of Corporation)
which is the owner in fee of all that certain lot, piece or parcel
of land situated, lying and being in the Town of Philipstown, New York, aforesaid
and known and designated on the Tax Map of the Town of Philipstown as Lot Number
23 Block 1 on Tax Map 27.11 and that said cor-
poration acquired title to the said premises by deed from Cold Spring Properties LLC
dated March 21, 2012 and recorded in the Office of the
Clerk of the County of Putnam on March 28, 2012 in Liber 1894
of Conveyances at Page 67 and that consent is hereby given to _____
SNK Farms, Inc. to make the annexed application for ap-
proval of the map (or project) entitled Site Plan prepared for SNK Farms, Inc.
and that statements of fact contained in said appli-
cation, including the statements contained in all of the exhibits transmitted
herewith, are true to the best of deponent's knowledge and belief.

Sworn to before me this

(signed)

3188 Route 9 LLC

Syed Kirmani, Sole Member

3rd

day of

May

20 12

Glennon J. Watson
Notary Public

GLENNON J. WATSON
Notary Public, State of New York
No. 4755184
Qualified in Putnam County
Commission Expires March 30, 2015

A P P E N D I X B-1: CERTIFICATE CONCERNING OWNERSHIP OF APPLICANT

1. If owner or applicant is a general or limited partnership, attach this notarized certification listing names and addresses of all partners and participants. If a partner is a partnership, corporation, association or business trust, provide the information required by this section for such partner.
2. If owner or applicant is a corporation, association or business trust attach notarized this certification listing position, name and address of all officers, directors and all shareholders owning (whether beneficially or equitable) five (5%) percent or more of any class of such party's stock.

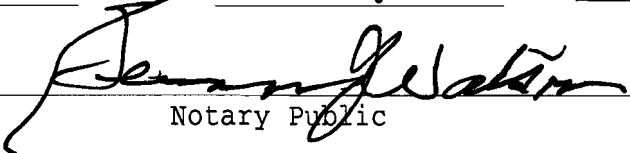
Certificate of SNK Farms, Inc.

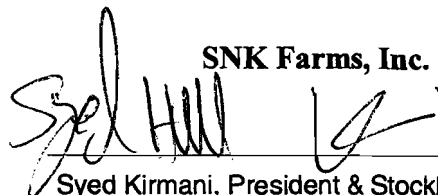
Position	Name	Address	% Ownership
President & Stockholder	Syed Kirmani		100 %
			%
			%
			%
			%
			%
			%
			%
			%

The undersigned (corporate officer) hereby certifies that the information herein-above set forth is true and correct.

GLENNON J. WATSON
Notary Public, State of New York
No. 4755184
Qualified in Putnam County

Sworn to before me this 3rd day of May, 20 12
Commission Expires March 30, 2015


Notary Public


SNK Farms, Inc.
Syed Kirmani, President & Stockholder
Signature and Title

A P P E N D I X B-2: CERTIFICATE CONCERNING OWNERSHIP OF OWNER

1. If owner or applicant is a general or limited partnership, attach this notarized certification listing names and addresses of all partners and participants. If a partner is a partnership, corporation, association or business trust, provide the information required by this section for such partner.
2. If owner or applicant is a corporation, association or business trust attach notarized this certification listing position, name and address of all officers, directors and all shareholders owning (whether beneficially or equitable) five (5%) percent or more of any class of such party's stock.

Certificate of 3188 Route 9 LLC

Position	Name	Address	% Ownership
Sole Member	Syed Kirmani		100 %
			%
			%
			%
			%
			%
			%
			%
			%

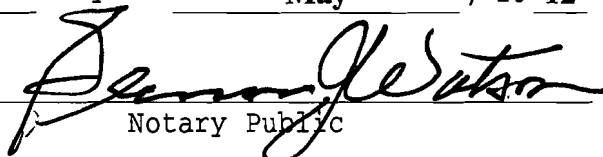
The undersigned (corporate officer) hereby certifies that the information herein-above set forth is true and correct.

GLENNON J. WATSON
 Notary Public, State of New York
 No. 4755184

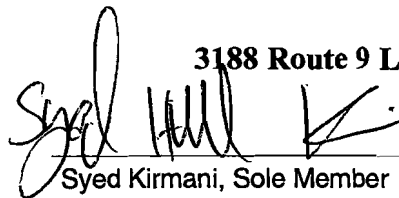
Qualified in Putnam County
 Commission Expires March 30, 2015

Sworn to before me this

3rd day of May, 20 12


 Notary Public

3188 Route 9 LLC


 Syed Kirmani, Sole Member

Signature and Title

A P P E N D I X C

T O W N O F P H I L I P S T O W N , N E W Y O R K
DISCLOSURE STATEMENT ACCOMPANYING APPLICATION OR PETITION

A. Identification of Application or Petition:

1. TO: ☐ Philipstown Town Board
☒ Philipstown Planning Board
☐ Zoning Board of Appeals
☐ Zoning Administration Officer/Building Inspector
2. NAME OF APPLICANT: SNK Farms, Inc.
3. RESIDENCE: 3188 Route 9 Cold Spring, NY 10516
4. DATE: May 3, 2012
5. NATURE OF APPLICATION OR PETITION: Approval of a Minor Site Plan prepared for
SNK Farms, Inc.

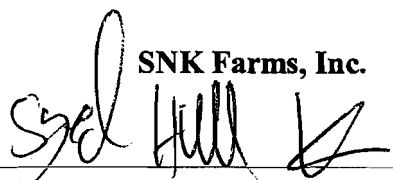
B. Nature and Extent of Interest of any State Officer or Municipal Officer or Employee in this Application (Set forth in detail).

None

C. Statement that no State Officer or Municipal Officer or Employee has an interest in this Application.

The undersigned Applicant or Petitioner certifies by signature on this Disclosure Statement that, with the exception of the information contained in Paragraph B, above in accordance with the provisions of Sec. 809 of the General Municipal Law, no State officer or any officer or employee of the Town of Philipstown or of any municipality of which the Town is a part has any interest in the person, partnership or association making the above application, petition or request.

Date : May 3, 2012

Signed 
SNK Farms, Inc.
Syed Karmani, Applicant

(Note: See reverse for the provisions of Sec. 809)

This information is provided especially for those who may be making application without assistance of counsel, so that they will be fully advised as to the purpose and requirements of this statute.

SEC. 809. DISCLOSURE IN CERTAIN APPLICATIONS

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

- (a) is the applicant, or
- (b) is an officer, director, partner or employee of the applicant, or
- (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
- (d) is a party to an agreement with such on applicant, express or implied, whereby he may receive any payment, or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

3. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

A P P E N D I X DD: IDENTIFICATION OF PROPERTY AND PROPOSAL

DD-1. Property

- a. Total acres 1.073 ; square feet 46740
- b. Does application cover all contiguous land of the owner? Yes
If no, explain any excluded area N/A
- c. Tax Map Sheet 27.11 Block 1 Parcel(s) 23
- d. Last deed: Date 3/28/12 Liber 1894 Page 67

DD-2. Location:

- a. Zoning District(s) HM (Hamlet mixed use)
- b. Property abuts (street or roads) U.S. Route 9
- c. Municipal Districts encompassing all or part of property:
School: Haldane Central School
Fire Protection: North Highlands Fire Co.
Other: -
- d. Does project involve a new vehicular access connecting directly into any State Highway or County Road? No If yes, give name and Route # N/A
- e. Does project include any land within 500 feet of any abutting municipality, the boundary of any existing or proposed County or State park or recreation area, the right-of-way of any existing or proposed County or State highway, the existing or proposed right-of-way or stream channel owned by the County and for which channel lines have been established, or the boundary of County or State land on which a public building or institution is established? Yes
If yes, specify Property abuts U.S. Route 9.
- f. Give name and address of all property owners within 500 feet of the perimeter boundary of the proposed plat (as indicated in the current Town Tax Assessor's records):

<u>Name</u>	<u>Address</u>
SEE ATTACHED LIST	

DD-2. Proposal:

- a. What is the proposed use of land and/or buildings?

Continued use for retail sales as filling station, convenience store and deli.

Conversion of existing 3 bay car wash for use as light automobile repair shop (oil changes, tire changes and wiper blade replacement).

Cite specific paragraph of Zoning Law specifying the use. (Par) _____ -

- b. Proposed total floor area of building (in sq. ft.) 5435

- c. Is any outside storage area proposed? Yes describe

Small area for propane and ice sales.

- d. Give proposed ground coverage:

	<u>square feet</u>	<u>% of lot</u>
by buildings	<u>4,740</u>	<u>10.1</u>
by outside storage	<u>695*</u>	<u>0.1</u>
by paving	<u>30,717</u>	<u>66.2</u>
Total	<u>35,686</u>	<u>76.4</u>

* All outside storage is on paved area.

- e. Number of proposed off-street parking spaces: 13 ; give basis of computation under Section 175.69:

Total retail sales area & service area= 3250 sf. Section 175.38A (3) (a) (1) requires 4 spaces for each 1000 sf. of enclosed floor space. $3250/1000 \times 4 = 13$ spaces

- f. Number of proposed off-street loading spaces: - ; give basis of computation under Section 175.38B(2): **None required.**

- g. Does applicant propose to establish any easements for access, drainage or utilities or any reserved areas for recreation or conservation purposes? No If yes, describe N/A

- h. How is water supply to be provided? **Individual Water Wells**
Has any application been made to the County of Putnam or State of New York for approval of proposed water supply? No ; if yes, give date and describe **Already existing**

- i. How is sewage disposal to be provided? **Individual SSTs**
Has any application been made to the County of Putnam or State of New York for sewage disposal systems? No
If yes, give date and describe **Already existing**

DD-3. Proposal: (cont.)

- j. Does proposed project include any wetlands and/or water courses as defined by the State of New York or any applicable Local Law? Yes;
If yes, describe Clove Creek runs through rear of property. No activity proposed within 100'.
- k. Are any signs proposed in connection with the project? Yes
Illuminated? Yes Are details and specifications shown on plans accompanying application? Existing (see photo's attached)
- l. Is any outdoor illumination proposed in connection with the project?
No If yes, are details and specifications shown on plans accompanying application? Existing (see photo's attached)

DD-4. Procedures:

- a. What is the period of time within which the project is to be completed?
6 months.
- b. Does applicant propose to develop project in stages? No
If yes, describe N/A
- c. Are any variances of the Zoning Law to be requested from Board of Appeals? No If yes, describe N/A
- d. Does applicant propose to make for () Planning Board or () Board of Appeals approval a subsequent submission of details and specifications for elements of the project? No . If yes, identify which elements N/A

DD-5. Encumbrances: If property is subject to any of the following encumbrances, describe or attach copies:

- a. easements None
- b. deed restrictions on use and development None
- c. mortgages None
- t. liens None
- e. leases None
- f. other None

EE-1. Surveyor and Designer(s) Responsible for Plans:

a. Surveyor (name) **BADEY & WATSON, Surveying & Engineering, P.C.**

Address **3063 Route 9**

Cold Spring, NY 10516

Tel. **(845) 265-9217 x14**

N. Y. License No. **48167 (Glennon J. Watson, L.S.)**

b. Engineer (name) **BADEY & WATSON, Surveying & Engineering, P.C.**

Address **3063 Route 9**

Cold Spring, NY 10516

Tel. **(845) 265-9217 x12**

N. Y. License No. **62505 (John P. Delano, P.E.)**

c. Other (name) _____

Address _____

Tel. _____

N. Y. License, if any _____

EE-2. Maps and Plans:

a. Title and Date of Proposed Plat Map: **Site Plan prepared for SNK Farms, Inc. dated, May 3, 2012**

No. of Sheets: **3**

b. Title and Date of Proposed Profiles and Construction Plans: _____

No. of Sheets: _____

c. Title, Date and Preparer of other maps and plans: _____

EE-3. Other: Give titles, dates and preparer of reports and documents accompanying application: (such as results of soils test and reports on drainage, sewage disposal and water supply):

EE-4. Attorney (if any):

a. (name) _____

Address _____

Tel. _____

Date

May 3, 2012

Project Name

Site Plan prepared for SNK Farms, Inc.

Applicant's Representative Badey & Watson Surveying & Engineering, P.C.

PHILIPSTOWN PLANNING BOARD
SUBMISSION CHECKLIST
SITE PLAN / SPECIAL USE APPLICATIONS

Indicate the following information is provided in the submission package. Explain missing information.

1. STATEMENT OF USE ☒

a. Nature and extent of use ☒

b. Utility provisions ☒

c. Number of users ☒

d. Daily vehicle trips ☒

e. Performance Standard Compliance Description ☐

f. Hazardous Materials Disclosure ☐

Lacking: ☐

Parking/Loading Requirements ☒

Peak Hour ☒

2. SITE PLAN ☒

a. Scale (must be 1" - 50" or greater) ☒

b. Lot area information ☒

c. Existing structures/improvements shown ☒

d. Existing setback/yard dimensions ☒

e. Off-street parking/loading access ☒

f. Existing wells ☒

g. Existing sewage disposal ☒

h. Land disturbance line ☐

1. Two-foot contours ☒

j. Soil test results ☒

k. Water supply facilities ☒

1. Sewage disposal ☒

m. Solid waste disposal ☒

n. Drainage ☐

o. Erosion/Sedimentation control ☐

p. Fire protection facilities ☐

q. Outdoor storage areas ☒

r. Signs ☒

s. Illumination ☒

t. Wooded areas shown ☒

u. 12" DBH trees ☐

v. Landscaping ☒

w. Recreation facilities ☐

x. 100-year flood zone ☐

y. Appropriate elevations ☒

z. Bulk Schedule ☐

Sealed by NYS-licensed surveyor, architect, landscape architect or professional engineer ☐

3. ARCHITECTURAL PLANS ☐

a. Preliminary ☐

b. Elevations ☐

c. Floor plans ☐

d. Perspectives ☐

Are the following indicated?

e. Bldg material ☐

f. Color ☐

g. Height ☐

h. Bulk ☐

i. Roofline ☐

j. Ornamentation ☐

k. Interior uses ☐

Sealed by NYS-licensed architect or professional engineer? ☐

Comments:

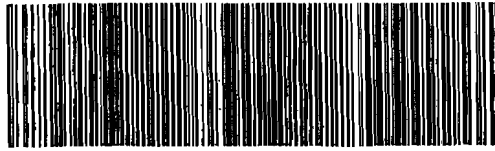
PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?**☐ Yes ☐ No**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.**☐ Yes ☐ No**C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)****C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:****C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:****C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:****C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:****C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:****C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:****C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:****D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:**☐ Yes ☐ No**E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:**☐ Yes ☐ No**PART III - DETERMINATION OF SIGNIFICANCE** (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination._____
Name of Lead Agency_____
Date_____
Print or Type Name of Responsible Officer in Lead Agency_____
Title of Responsible Officer_____
Signature of Responsible Officer in Lead Agency_____
Signature of Preparer (if different from responsible officer)



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



ACS-000000000283669-000000000618587-004

Endorsement Page

Document # 1500471 Drawer # 07 Recorded Date: 03/28/2012
Document Type: DEED COM OR VACANT Book 1894 Page 67 Recorded Time: 11:40:59 AM
Document Page Count: 4 Receipt # 5079

PRESENTER:

KEPPLER TITLE AGENCY
47 NEPPERHAN AVENUE

ELMSFORD, NY 10523

RETURN TO:

GARY BASSO ESQ
1937 WILLIAMSBRIDGE ROAD

BRONX, NY 10461

PARTIES

GRANTOR

COLD SPRING PROPERTIES LLC

GRANTEE

3188 ROUTE 9 LLC

FEE DETAILS

Consideration:	\$1,500,000.00
1500471	
DEED COM OR VACANT	4 40.00
TP-584	1 5.00
CULTURAL EDUCATION	15.00
E & A COMMERCIAL	250.00
RECORD MANAGEMENT	5.00
TRANSFER TAX	6,000.00
PROCESSING FEE	1 1.00
AMOUNT FOR THIS DOCUMENT:	6,316.00
RETT #	000001084

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

DENNIS J. SANT
PUTNAM COUNTY CLERK

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

THIS INDENTURE, made the 21 day of March, in the year 2012

BETWEEN Cold Spring Properties LLC, whose place of business is located at 3188 Route 9 Cold Spring, NY

party of the first part, and 3188 Route 9 LLC, whose place of business is located at 3188 Route 9 Cold Spring, NY 10516
party of the second part,

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

dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

SEE SCHEDULE A ATTACHED.....


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

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

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


Cold Spring Properties LLC, by Paul Vassallo
Managing member

Schedule A Description

Title Number 3124KT-P

Page 1

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

BEGINNING at a point on the easterly side of U.S. Route 9, said point being distant northerly the following courses and distances from the intersection of the easterly side of U.S. Route 9 with the northerly side of East Mountain Road :

1. South as the intersection appears on that certain map entitled: "Second Section Perks Place" which was filed in the Putnam County Clerk's Office on June 25, 1958 as Map No. 777A;
2. North 00 degrees, 33' 45" east 633.65 feet, and;
3. On a curve to the right the radius of which is 1692.52 feet, the central angle of which is 2 degrees 38' 27" 78.01 feet.

THENCE from said point of beginning continuing along the easterly side of U.S. Route 9 on the aforesaid curve to the right, the radius of which is 1692.52 feet, the central angle of which is 7 degrees 26' 51" the radius of which bears south 86 degrees 47' 48" east, 220.00 feet to a point;

THENCE through the lands of Percacciolo south 67 degrees 40' 25" east 321.08 feet to a point on the westerly line of lands conveyed to Romano by Correction Deed recorded in Liber 732 cp 247;

THENCE southerly along the said lands now or formerly of Romano south 20 degrees 15' 00" west 90.00 feet to the southwesterly corner thereof;

THENCE through the lands of Percacciolo south 87 degrees 41' 00" west 292.62 feet to the point or place of BEGINNING.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Putnam, ss:

On the 21 day of March in the year 2012, before me, the undersigned, personally appeared

PAUL VASSALLO

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

ROBERT L. PICONE
NOTARY PUBLIC, STATE OF NEW YORK
 NO. 01P16082924
 QUALIFIED IN WESTCHESTER COUNTY
 COMMISSION EXPIRES AUGUST 20, 2013

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of , ss:

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

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

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

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

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of , ss:

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

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

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of , County of , ss:

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

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

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

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

Bargain and Sale Deed With Covenants

Title No. 3124KT-P

Cold Spring Properties LLC
 TO
 3188 Route 9 LLC

KEPPLER TITLE AGENCY, LLC
 47 NEFFENHAN AVE., STE #8
 ELMSFORD, NY 10523-1836

SECTION: 27.11

BLOCK: 1

LOT: 23

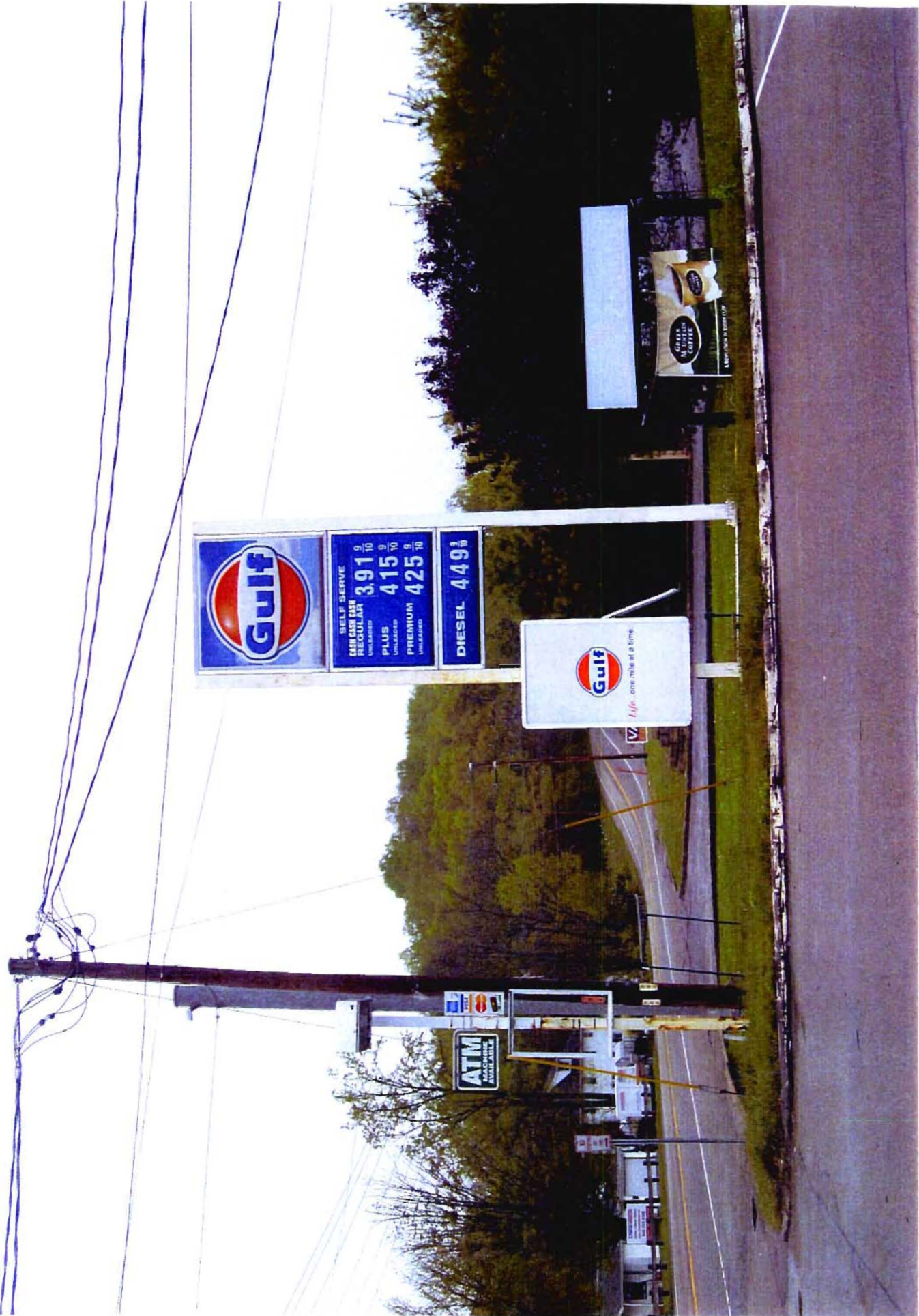
COUNTY OR TOWN: Phillipstown

RETURN BY MAIL TO:

Gary Besso, Esq.
 1937 Williamsbridge Road
 Bronx, NY 10461









Town of Philipstown

**238 Main Street
Cold Spring New York 10516**

PLANNING BOARD

SITE PLAN APPLICATION PACKAGE

MINOR PROJECT

Project Name: SNK Farms, Inc.

Date: 5/3/2012



Town of Philipstown

Planning Board

238, Main Street, PO Box 155

Cold Spring, NY 10516

Application for Planning Board Special Use & Site Plan Approval

Date: 5/3/2012 TM # 27.11-1-23

Name: SNK Farms, Inc.

Street Address: 3188 Route 9 Cold Spring, NY 10516

Fee Amount _____ Received: _____

Bond Amount: _____ Received: _____

Applicant:

Name SNK Farms, Inc.

Address 3188 Route 9

Cold Spring, NY 10516

Telephone 845-765-8507

Tenant:

Name _____

Address _____

Telephone _____

Design Professional:

Name _____

Address _____

Telephone _____

Surveyor:

Name Badey & Watson Surveying & Engineering, P.C.

Address 3063 Route 9

Cold Spring, NY 10516

Telephone 845-265-9217

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

Name 3188 Route 9, LLC

Address 3188 Route 9

Cold Spring, NY 10516

Telephone 845-765-8507

Name _____

Address _____

Telephone _____

TM# 27.11-1-23

Project Name: SNK Farms, Inc.

Project Description: _____

ZONING INFORMATION

175-7 Zoning District: HM (Hamlet mixed use)

175-10 Proposed Use: _____

Proposed Accessory Use(s): _____

175-7 Overlay Districts on the property	<u>Yes</u> or <u>No</u>
175-13 Floodplain Overlay District - NFIP Map (FPO)	_____
175-18.1 Mobile Home Overlay District (MHO)	_____
17-14 Cold Spring Reservoir Water Shed Overlay (WSO)	_____
175-15 Scenic Protection Overlay..... (SPO)	_____
175-16 Aquifer Overlay District..... (AQO)	_____
175-18 Open Space Conservation Overlay District..... (OSO)	_____
175-35 Within 100 foot buffer of Wetlands or Watercourse	_____
175-36 Steep Terrain.....	_____
175-36 Ridge Line Protection	_____
175-37 Protection Agricultural	_____

TM # 27.11-1-23

Project Name _____

175-11 Density and Dimensional Regulations

Zoning District _____	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road					
Measured from the travel way County/state					
Minimum side yard setback					
Minimum side yard setback (2)					
Minimum side yard setback (3)					
Minimum rear yard setback					
Maximum impervious surface coverage					
Maximum height					
Maximum footprint non-residential structures					

SUBMISSION:

13 copies with **one electronic file in. pdf format** of the following

1. Pre-Application meeting decision and comments
2. Application
3. Proof of Ownership
4. Site Plan
5. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
6. An agricultural data statement as defined in 175-74, if required by 175-37C.
7. The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.
8. Fee: _____ Received: _____
9. Escrow: _____ Received: _____

Town of Philipstown Town Code Chapter 175

ARTICLE IX SPECIAL PERMITS AND SITE PLAN REVIEW

§175-60 PURPOSE AND APPLICABILITY

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

B. Accessory uses or structures used in connection with a Special Permit or Site Plan use shall be subject to the same approval requirements as the principal structure or use. Accessory structures used in connection with an institutional use in the IC district are governed by the provisions in § 175-101.

C. Minor and Major Project

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

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

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

2. **A Major Project or a Special Permit or: Site Plan:** application exceeding any of the Minor project threshold.

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

175-62 A. PRE-APPLICATION MEETINGS.

Before filing an application, a preliminary conference with the Zoning Administrative Officer and/or the Town Planner is required to discuss the nature of the proposed use and to classify it as a major or minor project. If the Zoning Administrative Officer classifies the project as a major project, a preliminary meeting with the Planning Board is required to discuss the nature of the proposed use and to determine the information that will need to be submitted in the site plan.

§175-67 PROCEDURE FOR-MINOR PROJECT SITE PLAN APPROVAL

The procedure for Minor Project Site Plan approval by the Planning Board shall be the same as prescribed in §175-66 for Major Projects, except for the following:

A. A short Environmental Assessment Form (EAF) will normally be required. If the application classified as a "Type I" action under the State Environmental Quality Review Act, a long form EAF shall be required. The Planning Board, at its discretion, may require the long-form Environmental Assessment Form for any application categorized as "unlisted" under SEQRA.

B. A Minor Project application fee established by the Town Board shall be paid, and escrow deposit may be required to cover review costs at the discretion of the Planning Board.

C. A Minor Project Site Plan application shall contain the following information. For non-agricultural structures, the Planning Board may request additional information listed in §175-65B if the Board deems it essential to conduct an informed review. Minor Project Site Plan application materials may be prepared by a licensed professional engineer, surveyor, architect, or landscape architect, but the Planning Board shall not require this unless the services of such professionals are necessary to provide accurate information or otherwise required by law.

SITE PLAN CHECKLIST

_____ 1. A sketch of the parcel on a location map (e.g., a tax map) showing boundaries and dimensions of the parcel and identifying contiguous properties that are within 200 feet of the proposed structure and any known easements or rights-of-way and roadways.

_____ 2. A sketch of the parcel on a location map (e.g., a tax map) showing boundaries and dimensions of the parcel and identifying contiguous properties that are within 200 feet of the proposed structure and any known easements or rights-of-way and roadways.

_____ 3. The proposed location and arrangements of structures and uses on the site, including means of ingress and egress, parking, and circulation of traffic.

_____ 4. A sketch of any proposed structures (including signs), showing exterior dimensions and elevations of front, side and rear views; copies of available blue prints, plans, or drawings.

_____ 5. A concise description of the project describing the intended use of proposed structures (including signs), and any changes in the existing topography and natural features.

_____ 6. The name and address of the applicant and any professional advisors, and the authorization of the owner if the applicant is not the owner.

_____ 7. If the parcel contains a stream, wetland, or floodplain, a copy of the floodplain map and wetland map that corresponds with the boundaries of the property

D. No public hearing is required for a Minor Project Site Plan. The Planning Board may, in its sole discretion, hold a public hearing following the procedures in 175-66F. If no, public hearing is held, the, Planning Board shall give notice to the Putnam County Department of Planning and Development and to farm operators as required in § 175-62E and F and render a decision within 45 days of its receipt of a complete Site Plan application. In order to approve a minor project site plan, the Planning Board must find that the proposal is generally consistent with the criteria in, §175-65D and will not adversely affect neighboring properties. A minor project site plan shall be referred to the Conservation Board if it is located within the OSO, WSO, SPO, or FPO Districts, or within a Visible Ridgeline No-Build Area or a Hillside Protection Area. The Conservation Board shall have 20 days to report its recommendations to the Planning Board after which time the Planning Board may act without receiving a recommendation. The Planning Board shall take the Conservation Board's recommendations into consideration and if it does not follow such recommendations, it shall provide written explanation of its reasons for not doing so.

§175-65 SITE PLAN REVIEW AND APPROVAL

A. Applicability

1. Site Plan approval by the Planning Board shall be required for all permitted uses listed on the Use Table as requiring Site Plan approval only, Site Plan review shall be included as an integral part of the Special Permit, approval process and no separate Site Plan approval shall be required for uses requiring a Special Permit.
2. The procedures for review of Site Plans for Major and Minor Projects (as defined in Article XI 1) are described in § 175-66 and 175-67, Agricultural structures with a footprint of over 15,000 square feet shall require Minor Project site plan approval. Agricultural structures with a food print of 10,000 square feet or less are exempt from site plan approval requirements.
3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Land Development Law (Chapter 112 of the Town Code) as well as the provisions of this Chapter.

B. Required Information for Site Plan

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

- _____ 1. A location map drawn at the scale of 2,000 feet to the inch or larger (or other convenient scale acceptable to the Planning Board) that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. A vicinity map shall also be submitted that shows all properties, subdivisions, streets, and easements within 500 feet of the, property. Such maps may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.
- _____ 2. An existing conditions map showing buildings, roads, utilities and other man made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural: soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.

_____ 3. A Site Plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the Site Plan and continuation sheets.

_____ 4. Name of the project, boundaries, date, north arrow, and scale, of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, and/or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner.

_____ 5. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.

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

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

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

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

- _____ a. Sewage or septic system;
- _____ b. Water supply system;
- _____ c. Telephone, cable, and electrical systems; and
- _____ d. Storm drainage system including existing and proposed drain line, culverts, catch basins headwalls, endwalls, hydrants, manholes, and drainage swales.

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

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

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

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

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

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

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

- _____ b. Estimated maximum number of current and future employees;
- _____ c. Maximum seating capacity, where applicable; and
- _____ d. Number of parking spaces existing and required for the intended use.

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

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

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

_____ 19. Part One of a long-form Environmental Assessment Form or Draft Environmental Impact Statement.

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

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

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

- a) _____

- b) _____

C. Waivers

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

- a) _____

- b) _____

- c) _____

D Criteria

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

1. Layout and Design

_____ a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, mid other pertinent natural features. The Planning Board may require that an applicant prepare a conservation, analysis as described-in §135-20A of this chapter.

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

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

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

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

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

_____ g. Impacts on, historic and cultural resources shall be minimized.

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

_____ i. Buildings, shall have a finished exterior on all sides.

_____ j. Metal buildings that are principal buildings (larger than a small storage building in an unobtrusive location) shall be of color consistent with earth tones; shall have sufficient fenestration and trim to break continuums of metal wall areas; and shall have brick, stone, wood trim or composite materials providing a similar appearance, and features combined with the basic metal enclosure complete package of elevations shall accompany any proposal for a metal building.

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

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

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

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

_____ d. Off street parking and loading areas shall be provided with landscaped planting islands within or border

landscaping adjacent to such area in such a manner as to enhance the appearance of the area. Any parking area accommodating 20 or more cars shall be provided with not less than one tree for each 20 cars or fraction thereof, which trees shall be not less than three inches diameter at breast height and 10 feet in height.

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

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

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

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

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

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

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

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

3. Parking, Circulation, and Loading

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

_____ b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots service road, alleys, footpaths, bike paths, and new public streets to connect. Adjoining properties shall be required where appropriate

_____ c. Off-street parking and loading standards in §175-M shall be satisfied.

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

_____ e. All buildings shall be accessible by emergency vehicles.

_____ f. Parking spaces shall have. wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped island.

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

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

4. Reservation of Parkland

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

5. Outside Storage

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

_____ a. The the HC and OC districts, outside storage areas shall not extend into the area required for a building

setback from a street line or from the center line of U.S. Route 9, as determined under §175-30(J), or from a residential district boundary line. Outside storage shall be enclosed (except for necessary access drives) by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from

view from any other adjacent lot or any street., in no case shall the height of outside storage exceed the height of the approved screening. Screening shall be of a density as to be at least 75% effective in screening such view, at the time of occupancy, except that when evergreens are used, such height and density shall be achieved within five years after establishment of the outside storage area.

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

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

6. Miscellaneous Standards

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

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

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

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

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

_____ f. Lighting shall comply with the standards in 175-40L.

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

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

1. Record of application for an approval status of all necessary permits from Federal, State and County officials
2. Detailed sizing and final material specification of All required improvements.
3. An estimated project construction schedule If a performance guarantee pursuant to Subsection B is to be provided by the applicant for all or sortie portion of the work, a detailed site improvements cost estimate shall be included.
4. Proof of payment of the Planning Board's reasonable review costs.
5. Upon stamping and signing the Site Plan, the Planning Board shall forward copies of the approved site Plan to the Zoning Administrative Officer and the applicant, The Zoning Administrative Officer may- , issue a Building Permit. A Certificate of Occupancy may only be issued if the project conforms to all applicable requirements. of the Site Plan Approval.

B. Performance Guarantee.

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

C. As-Built Plans and Inspection of improvements

No Certificate of Occupancy shall be granted until the applicant has filed a set of as-built plans with the Zoning Administrative Officer, indicating any deviations from the approved Site Plan. The Zoning Administrative Officer shall be responsible for ensuring compliance with the site plan approval and for the inspection, of site improvements, including coordination with the Town's consultants and other local official and agencies, as may be appropriate, and shall grant Certificate of Occupancy upon finding that the project as built complies in all material respects with the Site Plan. The Zoning Administrative Officer shall also have the authority to inspect soil mines for compliance with conditions authorized by § 175-17,21) throughout the life of the mine. Costs of any required inspections may be charged to the applicant as provided section §71-3 of the Town Code.