

**Philipstown Planning Board Meeting
Butterfield Library
10 Morris Avenue
Cold Spring, New York
October 17, 2013
Agenda**

Pledge of Allegiance

Roll Call

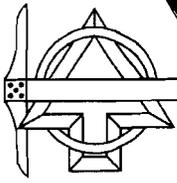
Approval of Minutes – July 25, 2013 & September 19, 2013

1. **Manitou Properties Co. LLC** – Site plan application – 1656 Route 9D, Cold Spring: Submission of revised plans
2. **Gex** – Property re-alignment – 24/4 Hummingbird Lane, Garrison: Request for 90-day extension
3. **Proposed Local Law** to establish 60-day moratorium on Major Wind Energy Conversion System – Referral from Town Board: Memo from Tina M. Merando
4. **20 Nazareth Way LLC** – Subdivision of Winter Hill Subdivision – Garrison: New application

Adjourn

Michael Leonard, Chairman

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



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)

October 3, 2013

Michael Leonard, Chairman
Philipstown Planning Board
Town Hall
238 Main Street
Cold Spring, NY 10516

RE: Manitou Learning Center – Submission of Revised Materials

Dear Mr. Leonard and Honorable Board Members:

Enclosed please find 13 copies of revised plans for the captioned project. The plans have been revised as follows:

- The swing area has been moved closer to the proposed play equipment area and an ADA compliant access walk has been provided to both areas.
- A wooden fence has been added to the plan along the eastern property line to address privately made comments by Terese Olsen (property neighbor) to mitigate visibility concerns in area of the existing garage.
- A stop sign and painted stop line have been added at the property exit drive to improve safety.
- The bank of mailboxes to the west of the exit drive has been relocated.
- A list of trees to be removed has been added to Sheet 2.
- Sundry details have been modified and added.

Also enclosed for your review is a copy of sections from both the New York State Building Code regarding elevator and sprinkler regulations, and the ADA Standard for Accessible Design regulations for elevator requirements. We believe you will agree that this project is exempt from both items based on the number of floors and floor area square footage. Further, the Architectural Plans will be required to be submitted to the Town Code Enforcement Officer and shall be reviewed for Code compliance with regard to both of these issues at that time.

Lastly, enclosed is a packet showing the proposed play equipment and swings with proposed color samples for each. The intention of the color choices is to blend in with the surrounding natural colors of the landscape.

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 ◆ Steven J. Shaver ◆ Allan Smith ◆ Taconic Surveying and Engineering ◆ D. Walcutt ◆

We trust you will find the modified plans responsive to the concerns of the Board and its consultants and look forward to presenting them to you during the scheduled meeting for October 20, 2013. As always, thank you for your continued interest in and concern for the projects brought before you.

Yours truly,
BADEY & WATSON,

by 

Mary C. Rice, RLA
mrice@badey-watson.com
845-265-9217 x15

MCR/bms
cc: File/82-125/ML03OC13BP_SubmitRevisedPlans.doc
Maria Stein Marrison, Manitou Learning

Enclosures:
(13) Copies each of:
Site Plan Set – Sheets 1-3, SP21474_R03
Elevator and Sprinkler Regulations
Proposed Play Equipment

ELEVATOR AND SPRINKLER REGULATIONS

MANITOU LEARNING CENTER:

FLOOR 1 <7500SF

FLOOR 2 <2000SF

FROM NYS BUILDING CODE (ON ELEVATOR REQUIREMENT)

SECTION 305

EDUCATIONAL GROUP E

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 and have occupant loads of less than 100, shall be classified as A-3 occupancies.

1104.4 Multilevel buildings and facilities. At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

Exceptions:

1. An accessible route is not required to stories and mezzanines above and below accessible levels that have an aggregate area of not more than 3,000 square feet (278.7 m²). This exception shall not apply to:

- 1.1. Multiple tenant facilities of Group M occupancies containing five or more tenant spaces;
- 1.2. Levels containing offices of health care providers (Group B or I);

FROM NYS BUILDING CODE (ON SPRINKLER REQUIREMENT)

03.2.2 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

FROM 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN (ON ELEVATOR REQUIREMENT)

§36.404 Alterations: Elevator exemption.

- (a) This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story, except with respect to any facility that houses a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot, or other station used for specified public transportation, or an airport passenger terminal.
 - (1) For the purposes of this section, professional office of a health care provider means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility that houses a professional office of a health care provider only includes floor levels housing by at least one health care provider, or any floor level designed or intended for use by at least one health care provider.
 - (2) For the purposes of this section, shopping center or shopping mall means –
 - (i) A building housing five or more sales or rental establishments; or
 - (ii) A series of buildings on a common site, connected by a common pedestrian access route above or below the ground floor, that is either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodation of the types listed in paragraph (5) of the definition of place of public accommodation in § 36.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.
- (b) The exemption provided in paragraph (a) of this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the accessible ground floor must be accessible regardless of whether the altered facility has an elevator.

MANITOU LEARNING CENTER
PROPOSED SWINGS-3 BAY/6 SWINGS: SUPPORT POLES TO BE BROWN



SAMPLE COLOR:



PROPOSED PLAYGROUND EQUIPMENT UNIT*:



***SEE NEXT PAGE FOR PROPOSED SAMPLE COLORS**

SAMPLE COLORS FOR PROPOSED PLAYGROUND EQUIPMENT UNIT:



Subject: October Agenda...
From: Lady Eve (evg8230@yahoo.com)
To: amgal720@yahoo.com;
Cc: sgaba@drakelob.com; chrismarconi@earthlink.net;
Date: Friday, September 20, 2013 8:30 PM

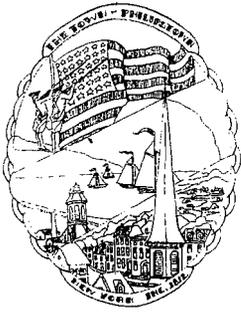
To the Planning Board
Town of Philipstown
238 Main Street
Cold Spring, New York, 10516

Dear Ms. Ann Gallagher,

I am writing and requesting to be included in the agenda for October Planning Board meeting. I am requesting a 90 day extension. This is regarding the property realignment of my property located on 24 Hummingbird Lane and 4 Hummingbird Lane. Town of Philipstown, New York. Thank you for your help and assistance.

Sincerely,

Evelyn Gex
914 329 5773



TOWN OF PHILIPSTOWN

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

RICHARD SHEA, SUPERVISOR

(845) 265-3329

TINA M. MERANDO
TOWN CLERK AND TAX COLLECTOR

BETTY BUDNEY, COUNCILWOMAN
JOHN VAN TASSEL, COUNCILMAN
NANCY MONTGOMERY, COUNCILWOMAN
DAVID MERANDY, COUNCILMAN

MEMORANDUM

TO: Michael Leonard
Members of the Planning Board

FROM: Tina M. Merando
Town Clerk

DATE: September 26, 2013

SUBJECT: Proposed Local Law to establish a 60-day Moratorium on Major Wind Energy Conversion System for your review and comments.

- A proposed Local Law to Establishing a six (6) Month Moratorium on the submission and processing of applications for Major Wind Energy Conversion Systems within the Town of Philipstown.
- Short Environmental Assessment Form.

Cc: file

TOWN OF PHILIPSTOWN LOCAL LAW NO. OF 2013

A LOCAL LAW ESTABLISHING A SIX (6) MONTH MORATORIUM ON THE SUBMISSION AND PROCESSING OF APPLICATIONS FOR MAJOR WIND ENERGY CONVERSION SYSTEMS WITHIN THE TOWN OF PHILIPSTOWN.

SECTION 1. INTENT and AUTHORITY

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York, with the procedural provisions of the Municipal Home Rule Law controlling.

SECTION 2. PURPOSE

A. The purpose of this Local Law is to enable the Town of Philipstown (the "Town") to prevent the submission and processing of any applications for Major Wind Energy Conversion Systems within the Town for a reasonable time for the Town Board to review, clarify, amend and update the Town's Special Permit and Accessory Use Regulations for Major Wind Energy Conversion Systems.

B. It is further the purpose of this Local Law to fulfill the Town's constitutional, statutory, and legal obligations to protect and preserve the public health, welfare, and safety of the citizens of the Town, as well as to protect the value, use and enjoyment of property in the Town by temporarily prohibiting the submission and processing of applications for Major Wind Energy Conversion Systems within the Town.

C. That to preserve the resources and character of the Town, to consider further the concerns of the residents and property owners of the Town, and to address further the needs of those residents and property owners, the Town finds that it will require some time to review, clarify, amend and update the Town's Special Permit and Accessory Use Regulations for Major Wind Energy Conversion Systems.

D. That the submission and processing of applications for approvals for Major Wind Energy Conversion Systems within the Town without first addressing the provisions in the Town Code pertaining to such uses may have a permanent, significant, and substantial negative impact on the nature and quality of life in the Town and on the health, safety, general welfare, and comfort of its residents.

E. The Town Board hereby finds that a moratorium of six (6) months duration, coupled with exempting pending applications from the moratorium and creating a hardship waiver procedure and mechanism for persons seeking Major Wind Energy Conversion System approvals within the Town, will achieve the balancing of interests between the public need to safeguard the resources and character of the Town, the health, safety and general welfare of its residents, and the rights of individual property owners, persons, or businesses engaging in various development activities during such period.

SECTION 3. IMPOSITION OF MORATORIUM

A. For a period of six (6) months from and after the effective date of this Local Law, except as provided in Sections 4 and 5 below, no new applications for Major Wind Energy Conversion System approvals shall be accepted or processed by the Town.

B. This moratorium may be extended by one (1) additional period of up to three (3) months by resolution of the Town Board upon a finding and a necessity for such extension, or may be terminated earlier if the Town Board determines by resolution that the purpose of the moratorium has been fulfilled.

SECTION 4. EXCEPTIONS

A. This Local Law shall not apply to the following:

1. Proposed accessory uses of Wind Energy Conversion Systems producing electricity and/or heat primarily for on-site use and not exceeding forty feet (40') in height.
2. Applications for Major Wind Energy Conversion System approvals that are pending before the Town Planning Board or Town Zoning Board of Appeals on the effective date of this Local Law.

SECTION 5. ALLEVIATION OF EXTRAORDINARY HARDSHIP

A. The Town Board may authorize exceptions to the moratorium imposed by this Local Law when it finds, based upon evidence presented to it, that deferral of action on an application for a Major Wind Energy Conversion System would impose an extraordinary hardship on a landowner or applicant.

B. An application for an exception based upon extraordinary hardship shall be filed with the Town Clerk, including a fee of five hundred and 00/100 Dollars (\$500.00) for each tax map parcel claimed to be subject to extraordinary hardship, by the landowner or the applicant, upon the consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship and shall contain such other information and/or documentation as the Town Board or its designee, shall prescribe as necessary for the Town Board to be fully informed with respect to the application.

C. A public hearing on any application for an exception to this Local Law based upon extraordinary hardship shall be held by the Town Board at a meeting of the Town Board no later than forty-five (45) days after the complete application for extraordinary hardship has been filed with the Town Clerk. The Town Board shall determine, by motion duly adopted, when an application based upon extraordinary hardship is complete.

D. In reviewing an application for an exception based upon a claim of extraordinary hardship, the Town Board shall consider the following:

1. The extent to which the proposed Major Wind Energy Conversion System presents safety concerns, would have negative visual impacts or may otherwise negatively affect public health or comfort.

2. Whether application of the moratorium will expose the property owner or applicant to substantial monetary liability to a third person.

E. Mere delay in obtaining approvals for Major Wind Energy Conversion Systems or concern that new regulations may be adopted precluding approval of a proposed Major Wind Energy Conversion System is insufficient to constitute an extraordinary hardship under this section.

F. At the conclusion of the public hearing and after reviewing the evidence and testimony placed before it, the Town Board shall, in its sole discretion, act upon the application for an exception based upon extraordinary hardship. The Town Board may approve, deny or approve in part and deny in part the application being acted upon.

SECTION 6. SUPERSEDING AND REPEALER PROVISIONS

This Local Law shall supersede the applicable sections of Article 16 of the Town Law, including, but not necessarily limited to Sections, 130, 261, 262, 263, 264, 265, 267, 268, 269 and 274-a, and Executive Law Section 381 to the extent inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other statute determined to be in conflict with the provisions hereof.

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 8. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board. _____

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I – PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR TOWN BOARD, TOWN OF PHILIPSTOWN	2. PROJECT NAME LOCAL LAW NO. ____ OF THE YEAR 2013
3. PROJECT LOCATION: Municipality: TOWN OF PHILIPSTOWN County: PUTNAM	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) THE ACTION IS THE ADOPTION OF A LOCAL LAW ESTABLISHING A SIX (6)-MONTH MORATORIUM ON THE SUBMISSION AND PROCESSING OF APPLICATIONS FOR MAJOR WIND ENERGY CONVERSION SYSTEM APPROVALS WITHIN THE TOWN OF PHILIPSTOWN.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: THE TOWN BOARD PROPOSES TO ADOPT A LOCAL LAW ESTABLISHING A SIX (6)-MONTH MORATORIUM ON THE SUBMISSION AND PROCESSING OF APPLICATIONS FOR MAJOR WIND ENERGY CONVERSION SYSTEM APPROVALS WITHIN THE TOWN OF PHILIPSTOWN.	
7. AMOUNT OF LAND AFFECTED: TOWN WIDE Initially ____ acres Ultimately ____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly: N/A	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: N/A	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY, FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permits/Approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permits/Approvals: N/A	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/Sponsor Name: TOWN OF PHILIPSTOWN Date: October , 2013	
Signature: _____ RICHARD SHEA, SUPERVISOR	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. 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 patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: **NO**

C2. Aesthetic, agricultural, archeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly: **NO**

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: **NO**

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: **NO**

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: **NO**

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: **NO**

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly: **NO**

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

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.

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:

TOWN OF PHILIPSTOWN

Name of Lead Agency

RICHARD SHEA

SUPERVISOR

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)

Date

, 2013

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 SUBDIVISION PLAT

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

- for approval of a Preliminary Plat;
- for approval of a Final Plat;
- for approval of a Minor Subdivision as a Final Plat; or
- for revision of a previously Filed Plat.

For Office Use Only

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

I. Identification of Applicant and Owner:

a. Applicant/Owner (name) 20 Nazareth Way, LLC Tel. 860-572-1242
address c/o D. Ben Benoit
7 Masons Island Road Mystic, Ct. 06355

b. Owner of property if not same as Applicant:

(name) Same as applicant Tel. _____
address _____

II. Attachments: Each of the following, when applicable, shall be attached to and are made a part of this Application (check the items attached):

- A- 1 Affidavit of Ownership, executed by the individual, or by the general partner of a partnership, that is the owner of property if not same as the Applicant; OR
- A-2 Affidavit of Ownership, executed by a corporation that is the owner of property if not same as the applicant.
- Appendix B- 1 certification executed by the Applicant if the Applicant is a partnership, corporation, association or business trust.

Attachments: (cont.)

- Appendix B-2 certification executed by the owner of property if the owner is a partnership, corporation, association or business trust
- Appendix C Disclosure Statement under Sec. 809 of the General Municipal law.
- Appendix D Identification of Property and Proposal.
- Appendix E Identification of Plans and Documents.
- EAF - Environmental Assessment Form
- Application Checklist
- Request for a Waiver of Subdivision Regulations

III. Authorization: The Applicant and Owner hereby grant to the Planning Board, the Town Board and Superintendent of Highways, 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 Subdivision Regulations, including the taking of tests and materials samples:

IV. Endorsements:

a. Applicant/Owner

20 Nazareth Way, LLC

Date September 25, 2013 Signed



Christopher Buck, Sole Member

b. Owner of Property if not same as Applicant

Date _____ Signed _____

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 20 Nazareth Way, LLC

Position	Name	Address	% Ownership
Sole Member	Christopher Buck	c/o D. Ben Benoit 7 Masons Island Road, Mystic Ct.	100 %
Manager	D. Ben Benoit	c/o D. Ben Benoit 7 Masons Island Road, Mystic Ct.	0 %
			%
			%
			%
			%
			%
			%
			%
			%
			%

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

Sworn to before me this 25th day of September, 20 13



Christopher Buck, Sole Member
Signature and Title


Notary Public

REBECCA W. LINDA
NOTARY PUBLIC, State of New York
No. 5004353
Qualified in Dutchess County
Commission Expires November 16, 2014

A P P E N D I X C

TOWN OF PHILIPSTOWN, NEW YORK
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: 20 Nazareth Way, LLC

3. RESIDENCE: 7 Masons Island Road, Mystic Ct. 06355

4. DATE: 10/3/2013

5. NATURE OF APPLICATION OR PETITION: Approval of 2 Lot Subdivision of
Winter Hill

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.

20 Nazareth Way, LLC

Date : 9/25/2013

Signed 
Christopher Buck, Sole Member

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

This informaton is provided especially for those who may be making appli-
cation 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, amend-
ment, 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 appli-
cant 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 D: IDENTIFICATION OF PROPERTY AND PROPOSAL

D-1. Property

- a. Total acres 29.300
- b. Does application cover all contiguous land of the owner? Yes
If no, explain any excluded area n/a

- c. Tax Map: Sheet 60. Block 1 Parcel(s) 78
- d. Last deed: Date 6/17/2009 Liber 1833 Page 104

D-2. Location:

- a. Zoning District(s) IC- Institutional Conservation District
- b. Property abuts (street or roads) Snake Hill Road & Philipse Brook Road

- c. Municipal Districts encompassing all or part of property:
 - School: Garrison
 - Fire Protection: Garrison
 - Other: -
- d. Does plat propose a new street or private way connecting directly into any State Highway or County Road? No If yes, give name and route # n/a

- e. Does plat involve drainage lines connecting directly into any channel lines established by the County of Putnam? No
- f. Does plat 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 Snake Hill Road, a County Road and within 500 ft. of Route 9d, a State Highway

- g. 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): SEE ATTACHED LIST

D-3. Proposal:

- a. Number of Proposed Lots: 2, number already occupied by dwellings, if any: 1
- b. Length of Proposed streets or private ways in Plat: n/a feet.
- c. Does Applicant propose to dedicate to public use all of the streets shown on the proposed plat? No, if not, describe None Shown
- d. Approximate acreage of land proposed as open space for parks and playground: 9.285 acres. Lot 2 to be conveyed to the State of New York
- e. Does applicant propose to dedicate to public use all of the open space shown on the proposed plat? No, if not, describe n/a
- f. How is water supply to be provided? Individual Drilled Well 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 n/a
- g. 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 discharge or approval of a sewage disposal system? No, if yes, give date and describe n/a
- h. Does proposed plat include any wetlands and/or water courses as defined by the State of New York or an applicable Local Law? No, if yes, describe n/a

D-4. Procedures:

- a. Does applicant (in the case of preliminary plats) propose to submit a final subdivision plat to cover entire preliminary plat or to file same in sections?
- entire;
- in sections.
- b. Does applicant intend to request any special authorization for the plat under any of the following? No If yes, specify,
- Sec 281 of Town Law (cluster)
- Waiver of Subdivision Regulation (Sec. 5)
- Alternate road standards
- See note on Appendix D-3

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

- a. easements 20 ft. access easement and 10 ft. utility easement.
Electric & telephone lines servicing Endler (see Plat)
- b. deed restrictions on use and development None
- c. mortgages None
- d. liens None
- e. leases None
- f. other None

D-6. Minor Plat: If request is made for acceptance of an application for final, approval of minor subdivision plat, complete the following:

- a. Does plat incorporate all of the tract from which lots are proposed to be divided? Yes
- b. Does the plat map show all natural water courses, ponds, swamps, flood plains or other land subject to potential flooding within the plat and any other land subject to potential flooding within the plat and any drainage onto the plat from any existing State Highway, County Road or Town Street? Yes

E-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 _____

E-2. Maps and Plans:

a. Title and Date of Proposed Plat Map: Subdivision Plat of Winter Hill, dated
September 25, 2013

No. of Sheets: 1

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

No. of Sheets: _____

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

E-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):

E-4. Attorney (if any):

a. (name) _____
 Address _____
 _____ Tel. _____

Applicant	20 Nazareth Way, LLC
Project Name	Subdivision Plat of Winter Hill
Applicant's Representative	BADEY & WATSON
Tax Map ID #	60.-1-78
Date	September 25, 2013

PHILIPSTOWN PLANNING BOARD
SUBMISSION CHECKLIST
SUBDIVISION APPLICATIONS

For all subdivision applications, the following requirements are applicable before application review.

A. Land may not be subdivided if the application will result in the following except with Planning Board Approval)

- All subdivisions require approval
- 2 or more lots located in a Business or Industrial zone
- 2 or more lots (of 10 acres or less) which have frontage on a state highway or county road located in a Res. Zone
- 3 or more lots each of which contains 10 acres or less
- The creation of a street, highway or r.o.w for vehicles

B. Land may not be divided so as to create rights-of-way for power, gas or telephone lines

C. Approved subdivision plats may not be revised

D. Subdivision plat requiring approval may not be used in connection with the conveyance of real property in the Town, or filed with the County Clerk's office until approved.

Preliminary Sketch Plans

1. Location of the plat in the neighborhood
2. Layout of lots, streets and existing contours at 10' intervals
3. Location of watercourses
4. Location of water bodies
5. Location of wetlands
6. Location of major natural features

Minor Subdivision Plat Applications

Typically, a plat of lots to which access is given by open development area private right-of-way or easements eligible for consideration as a minor plat.

I. General Submission Requirements

- 1. Application on proper forms
- 2. Forms property signed
- 3. Application Fee
- 4. Final Plat Map (5 blue or black-line prints)
 - a. Scale of 1" = 40' or 50' but not less than 1" = 100'
 - b. No less than 20" x 20" no more than 36" x 48"
 - c. Black waterproof ink on good cloth or film
- 5. Construction Plans (see Checklist VI)
- 6. Evidence that:
 - a. sewer & water supply approved by PCDH
 - b. street or drainage connections to state or county roads submitted
 - i. Connection application made
 - c. NYSDEC wetland/watercourse modifications approved
- 7. If major cuts or fills, grading plan
 - a. Five (5) blue or black line prints
- 8. Design computations and data for drainage or central water and sanitary sewer systems
- 9. Separate map for lots accessed by open development right-of-way or easement

II. Title and location information:

- 1. Scale of not less than 1" = 100 feet
- 2. Proposed layout of lots, streets and improvements
- 3. Future subdivisions on contiguous land
- 4. Title of the plat
 - a. Duplicate in Putnam Co.
- 5. Date, Town, etc.
 - a. Date d. County
 - b. Town e. North point
 - c. Scale f. State
- 6. Location map at scale of 1" = 1000 or 2000 feet
- 7. Vicinity map showing: property lines/streets within 500'
 - a. scale of 1" = 400' or 800'
 - b. adjacent owner identification
- 8. Index map if plat is divided into sections or > 1 is reg.
 - a. showing lots, lot #'s, streets, street names
 - b. delineation of areas covered
 - c. scale of 1" = 400' or 800'

III. Site conditions and land evaluations:

- 1. Existing contours not exceeding 5-foot intervals
 - a. Meeting DOT standards for maps of 1" = 200'
- 2. Appropriate benchmark
- 3. Existing permanent buildings and structures
- 4. Existing watercourses, water bodies and streams
- 5. Location and limits of wetlands
- 6. Location and limits of potential flood hazard areas
- 7. Location of drainage discharge points from any street or property

IV. Property Ownership Information

- 1. Name and address of owner
- 2. Name and address of applicant if different from owner
- 3. Perimeter boundary of tract and area to be plotted
- 4. Approx. location of prop. lines 200 feet from tract
- 5. Both street r-o-w lines of any street abutting tract
- 6. Names of owners of property abutting tract
- 7. Proposed lots and lot numbers and area of each lot
- 8. Proposed street and/or r-o-w including widths
- 9. Location & dimensions of existing & proposed easements
- 10. Existing monuments
- 11. Any municipal or taxation district boundary
- 12. Any channel and building lines
- 13. Reserved areas for watercourses or wetland conservation

V. Development Proposal Information:

- 1. For each lot near watercourses, bodies, wetlands, flood hazard area, proposed floor elevation of lowest floor.

**LIST OF ADJOINERS
WINTER HILL
60.1-78**

60.18-1-37
VAMBUTAS, EDMUNDAS
333 Snake Hill Rd
Garrison, NY 10524

60.18-1-52
HAINES, JOHN
44 Nelson Ln
Garrison, NY 10524

60.14-1-23
SULLIVAN, MARIANNE
19 Avery Rd
Garrison, NY 10524

60.14-1-19
JACOBSON, LESLIE H
400 E 52nd St Apt 3D
New York, NY 10022

60.18-1-41
OPEN SPACE CONSERVANCY
1350 Broadway Rm 201
New York, NY 10018

60.18-1-48
MROZIK, EDWARD M
22 Nelson Ln
Garrison, NY 10524

60.18-1-42
MANDY, JESSICA
1146 Rt 9D
Garrison, NY 10524

60.-1-79
HECKERT, JULIANNE ENDLER
PO Box 556
Garrison, NY 10524

60.-1-5
WILLIAMS, MARK A
1344 Lexington Ave
New York, NY 101281507

60.-1-74
TAYMOR, JULIE
874 Broadway Ste 1005
New York, NY 10003

60.14-1-2
YOO, JAMES M
1191 Rt 9D
Garrison, NY 10524

60.-2-25.3
EMRAY LAND CORPORATION
238 Snake Hill Rd
Garrison, NY 10524

60.14-1-16
DUNN, JOSEPH
305 Route 403
Garrison, NY 10524

60.18-1-43
NEILL, BENJAMIN
1140 Rt 9D
Garrison, NY 10516

60.14-1-17
HEIM, JASON
7 Avery Rd
Garrison, NY 10524

60.18-1-40
AGOSTA, MICHAEL
21 Oak Rd
Garrison, NY 10524

60.18-1-45
1130 Route 9D LLC
c/o Lawrence Downey
108 Hudson Pointe Drive
Poughkeepsie, NY 12601

60.-2-81
RANKEL, CARL
1994 Albany Post Rd
Garrison, NY 10524

60.14-1-13
O'REILLY, NOEL
1192 Rt 9D
Garrison, NY 10524

60.14-1-22 & 60.-2-24
THE WALTER HOVING HOME,
INC.
40 Walter Hoving Rd
Garrison, NY 10524

60.-2-25.4
K. J. A LAND COMPANY INC
2 Overbrook Dr
Garrison, NY 10524

60.14-1-15
TRAVIS CORNERS REALTY INC
9 East 81St St
New York, NY 10028

60.18-1-47
WHITE, RUSSELL A
PO Box 85
Garrison, NY 10524

60.18-1-38
BURTON, LEONORA
214 Oak Rd
Garrison, NY 10524

60.18-1-39
HAMEL, DAVID K
22 Oak Rd
Garrison, NY 10524

60.18-1-49
STRUCK, BUD
26 Nelson Ln
Garrison, NY 10524

60.18-1-50
BYRNES, DOROTHY D
32 Nelson Ln
Garrison, NY 10524

60.1-78
WINTER HILL
List of Adjoiners Cont'd

60.18-1-51
MINKIN, DAVID A
40 Nelson Ln
Garrison, NY 10524

60.-1-67
CONS UNION FREE SCHOOL
45-302
Route 9D
Garrison, NY 10524

60.-1-76
STATE OF NEW YORK
40 Gleneida Ave
Carmel, NY 10512

60.-2-80
PERRONE, KIMBERLY
24 Mynderse St
Saugerties, NY 12477

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Subdivison Plat of Winter Hill			
Name of Action or Project: Approval of 2 Lot Subdivision of Winter Hill			
Project Location (describe, and attach a location map): Town of Philipstown, Snake Hill Road Garrison, NY 10524			
Brief Description of Proposed Action: Approval 2 Lot Subdivision of Winter Hill			
Name of Applicant or Sponsor: 20 Nazareth Way, LLC		Telephone: 860-572-1242 E-Mail: BenB@pcwmanagement.com	
Address: c/o D. Ben Benoit 7 Masons Island Road			
City/PO: Mystic		State: CT	Zip Code: 06355
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES ✓
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES ✓
3.a. Total acreage of the site of the proposed action?		29.30 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		29.30 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Institutional Conservati</u> <input checked="" type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	✓	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Signature: 	28 Nazareth Way, LLC	Date: 09/25/2013
		Surveyor for Applicant

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		✓
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing:		
a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	



DOCUMENT # 1501064
 DEED - COMM/VACANT
 RETT: 1999 \$8,800.00
 CONSIDERATION: \$2,200,000.00
 06/26/2009 10:41:19 A.M.
 RECEIPT: 9254 FEE: \$330.00
 DENNIS J. SANT
 PUTNAM COUNTY CLERK
 LIBER: 1833 PAGE: 104

RESERVE FOR RECORDING INFORMATION



PUTNAM COUNTY RECORDING PAGE

PAGE 1 OF RECORDED DOCUMENT

RECORD & RETURN TO:

TYPE OR PRINT

Samson R. Bechhofer, Esq.
 Pryor, Cashman, LLP
 7 Times Square
 New York, NY 10036-6569

GRANTOR/MORTGAGOR
 House of Nazareth Life
 Institute Ltd.

DO NOT WRITE BELOW THIS LINE

DEED MTG SAT ASMT CEM POA ESE
 OTHER

RECORDING FEES	# OF PAGES
RCD FEE	35.00
STAT CHG	20.00
REC MGMT	20.00
CROSS REF	
TOTAL	75.00

C/R 7

RESERVE FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315 REAL PROPERTY LAW

Dennis J. Sant

DENNIS J. SANT
 PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

CVS 20284MP

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 17th day of June, 2009.

BETWEEN House of Nazareth Life Institute Ltd. (a New York Not-For-Profit) Corporation with offices at, 48 Wilson Park Drive, Tarrytown, New York 10591,

party of the first part, and

20 Nazareth Way LLC a New York Limited Liability Company, c/o Ben Benoit, 7 Masons Island Rd, Mystic, Connecticut 06355,

party of the second part;

WITNESSETH, that the party of the first part, in consideration of Two Million Two Hundred Thousand Dollars and No Cents (\$2,200,000.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever;

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Philipstown, County of Putnam, State of New York as more particularly described in **SCHEDULE A**;

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

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

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

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

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

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

S: 60 B: 1 L: 78

Schedule A Description

Title Number EVES20284NYP

Page 1

ALL the 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 and more particularly bounded and described in a certain Deed from Philipse Brook Corporation to Sisters of the Good Shepherd, Province of New York, dated January 23, 1967 and recorded in Putnam County Clerk's Office Liber 642 of Deeds at page 150 on January 26, 1967 as follows:

BEGINNING at a point on the northeasterly line of lands formerly of John Garrison, now William H Osborn, which point is the following courses and distances from the southerly corner of the school lot (now or formerly of Mesaimer) along the mean center line of a stone wall forming the boundary of William H. Osborn on the South and Philipse Brook Corporation on the North; South 47° 30' 30" East 499.62 feet; South 47° 55' 40" East 53.02 feet; and South 47° 25' 20" East 103.35 feet to the point and place of beginning.

THENCE from said point of beginning continuing along lands now or formerly of William H. Osborn, South 47° 25' 20" East 250 feet and South 47° 08' 50" East 67.74 feet to a point and the southwesterly corner of land conveyed by Philipse Brook Corporation to Boscobel Restoration Inc., by deed dated August 25, 1965 and recorded in the Office of the Clerk of the County of Putnam Liber 616 cp 298;

THENCE running along the boundaries of said premises conveyed to Boscobel Restoration, Inc. the following courses and distances: North 25° 20' 30" East 261.06 feet; North 59° 45' 10" East 123.68 feet; South 38° 34' 20" East 378.25 feet and South 34° 58' 20" West 306.49 feet to a point and lands now and formerly Gunther;

THENCE running along same and along lands formerly of John Garrison, the following courses and distances: South 47° 19' 20" East 34.44 feet; South 51° 37' 10" East 80.66 feet; South 51° 49' 10" East 35.79 feet; South 58° 13' 30" East 36.78 feet; South 50° 22' 40" East 91.98 feet and South 48° 59' 30" East 46.05 feet to a point and other lands of Philipse Brook Corporation;

THENCE running along same North 36° 35' East 1351.07 feet to a point on the southerly side of Philipse Brook Road;

THENCE running along same the following courses and distances: North 48° 06' 20" West 282.44 feet; North 51° 06' 20" West 54.58 feet; North 43° 20' 50" West 70 feet; North 43° 37' 20" West 90.41 feet; North 58° 20' 30" West 119.54 feet; North 58° 32' 10" West 42.72 feet; North 60° 01' West 33.84 feet; North 57° 14'

Continued On Next Page

20" West 23.75 feet; North 70° 26' West 17.95 feet; North 80° 28' 10" West 22.41 feet; North 63° 48' 40" West 34.10 feet; South 82° 13' 50" West 110.87 feet; South 81° 49' West 142.14 feet; South 76° 54' 10" West 45.19 feet; South 88° 39' 50" West 102.04 feet continuing along said Philipse Brook Road and crossing the entranceway to the within described property South 39° 09' West 87.10 feet, and continuing along the South side of Philipse Brook Road, North 89° 56' 10" West 52.76 feet, and North 73° 37' 20" West 44.56 feet to a point, said point being the northwesterly corner of the premises herein described.

THENCE running along other lands of Philipse Brook Corporation due South 201.65 feet; due East 125 feet; due South 75 feet; due West 125 feet and due South 635 feet to the point of BEGINNING.

EXCEPTING therefrom the premises described as follows:

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, more particularly bounded and described as follows:

BEGINNING at a point on the boundary of lands now or formerly of Boscobel Restoration, Inc. as described in deed resorded in Liber 616 cp 298 In Putnam County Clerk's Office, said point being the following courses and distances from the point of beginning for the premises described in deed to Sisters of the Good Sheperd, Province of New York as recorded in Putnam County Clerk's Office in Liber 642 cp 150; Running along lands formerly of William H. Osborn South 47° 25' 20" East 250 feet and North 47° 08' 50" West 67.74 feet to lands now or formerly of Gunther at the intersection of two stone walls and the Southwesterly corner of land of Boscobel Restoration, Inc., as described in Liber 616 cp 298; thence along land now or formerly of Boscobel Restoration, Inc., North 25° 20' 30" East 261.06 feet, North 59° 45' 10" East 123.68 feet, and South 38° 34' 20" East 378.25 feet to the point and place of BEGINNING.

THENCE running along lands now or formerly of Boscobel Restoration, Inc., North 38° 34' 20" West 327.20 feet to the point;

THENCE North 75° 21' 26" East 127.87 feet; South 38° 34' 20" East 240.82 feet; and South 34° 58' 20" West 121.87 feet to the point of BEGINNING.

SAID PREMISES also being bounded and described as follows:

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 the Northeasterly corner of lands of Endler (acquired from Stephanie Rosenfeld 9/27/71)

RUNNING THENCE along said lands, North 38° 34' 20" West 327.20 feet;

THENCE North 75° 21' 26" East 127.87 feet; South 33° 34' 20" East 240.82 feet and South 34° 58' 20" West 121.87 feet to the point of Beginning

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

Mark Lopez, President
Mark Lopez

IN PRESENCE OF:

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK)
COUNTY OF New York) ss.:

On the 17th day of June in the year 2009, before me, the undersigned, personally appeared Mark Lopez, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Bernadette Kenny
(signature and office of individual taking acknowledgment)

BERNADETTE KENNY
Notary Public, State of New York
#4807570
Qualified in Westchester County
Commission Expires 11/30/10

Bargain and Sale Deed

Title No. EVE5 20284NYP

Section 60

Block 1

Lot 78

House of Nazareth Life Institute
Ltd. (a New York Not-For-Profit)
Corporation with offices at

County or Town Putnam

Street Address 20 Nazareth Way
Philipstown, New York 10524

To

20 Nazareth Way LLC a New York
Limited Liability Company

Return By Mail To:

Samson R. Bechhofer, Esq.

Pryor, Cashman, LLP

~~410 Park Avenue~~ 7 TIMES SQUARE

New York, NY ~~10022~~ 10036-6569

Reserve This Space For Use Of Recording Office

September 12, 2013

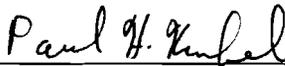
Town of Philipstown Planning Board
238 Main Street
Cold Spring, NY 10516

RE: Manitou Properties Co. LLC
Application for Site Plan Approval

Dear Chairman and Board Members:

The Cold Spring Cemetery Association, Inc. is requesting that the Planning Board consider including in the site plan review replacement of the applicants white picket fence along the Southeastern property line and the cemetery. The current fence is in disrepair and should be replaced with a chain link fence of suitable height and color to prevent intrusion onto the cemetery property. In addition a planting of evergreens along the above mentioned property line should be considered to provide a visual barrier between the different uses of the properties.

Thank you in advance.



Paul H. Kinkel, President