MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Claudio Marzollo Community Center
107 Glenclyffe Dr., Garrison, New York 10524
October 17, 2019
7:30 PM

Pledge of Allegiance
Roll Call
Approval of Minutes: September 19, 2019 – Regular Monthly Meeting

Public Hearing:

Chundu-Moth Minor Site Plan, 120 Skyline Drive **TM# 16.-1-23.13**
(The applicant is seeking site plan approval for the construction of a new, 4000+ sf, single family residence, in the same location as originally identified for development on the approved subdivision plat. The residence will be 2-story and has an approved SSTS for the tract. The property is approximately 13.26 acres situated in a "RC" (Rural Conservation) zoning district. A site visit was performed on August 25th.)

Daniel Schaublin & Mimi Fortunato, 359 East Mountain Road S **TM# 17.-3-28**
(The applicant is seeking site plan approval to construct a new single-family residence and detached garage to be served by an individual private septic system and well. The approximate 1.58-acre property is located in an "RR" (Rural Residential) zoning district and is currently vacant. A site visit was performed on April 28th. A variance for a rear-yard setback was granted by the Zoning Board of Appeals on 9/9/2019.)

Old Business:

1122 Route 9D Realty, LLC **(continued from 9/19/19)** **TM# 60.18-1-46**
(The applicant is seeking site plan approval to construct a canopy over the gasoline pumps. The property is located in an "HM" (Hamlet Mixed-Use District) and consists of approximately 1 acre. A public hearing was conducted at the September meeting and held open for written public comment for 15 days thereafter. The applicant has since formally withdrawn their request for the Accessory Use of used car sales.)

New Business:

Jolie Hunt & William Potter Site Plan, 201 Moog Road **TM# 49.-3-47**
(The applicants are seeking site plan approval for the construction of a pool, the enlargement and reconstruction of a deck and to develop the surrounding landscape adjacent to the existing residential structure. The property is approximately 11.86 acres located in a "RC" (Rural Conservation) zoning district.)

RECEIVED 10/15/19

CRS International Self-Storage Warehouse/Office, 2761 Route 9 **TM# 38.-3-64**
(The applicant is seeking Amended Site Plan re-approval for the existing self-storage site plan, similar in scope. The property is approximately 2.47 acres located in the "HC" (Highway Commercial) zoning district.)

*****NOTE: All items may not be called. Items may not always be called in order *****
*****BEGINNING OCTOBER 1, 2019 ALL SCHEDULED PLANNING BOARD MEETINGS WILL BE HELD AT THE CLAUDIO MARZOLLO COMMUNITY CENTER, 107 GLENCLYFFE DRIVE, GARRISON, NY 10524*****

PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
September 19, 2019

The Philipstown Planning Board held its regular monthly meeting on Thursday, September 19, 2019 at the Old VFW Hall, 34 Kemble Ave., Cold Spring, New York.

Present: Anthony Merante, Chairman
Kim Conner
Neal Tomann
Peter Lewis
David Hardy
Dennis Gagnon
Ronald Gainer, Town Engineer
Stephen Gaba, Counsel

Absent: Neal Zuckerman

Chairman Merante opened the meeting at 7:30 p.m. with the Pledge of Allegiance. Roll call was taken by Ms. Percacciolo.

A. Minutes

The minutes of the August 15, 2019 Regular Monthly Meeting were reviewed.

Mr. Gagnon moved to adopt the minutes of August 15, 2019 and Mr. Tomann seconded the motion. The vote was as follows:

Anthony Merante	-	Aye
Kim Conner	-	Aye
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Absent
David Hardy	-	Aye

B. Public Hearing

1122 Route 9D Realty, LLC **TM# 60.18-1-46**

Ms. Percacciolo read the legal notice.

Bart Lansky was in attendance representing the applicant and apologized for his absence from the August meeting.

Mr. Lansky explained this has been a gas station since 1960 and is a 1500 square foot building. He stated the applicant is here to get approval for a canopy. The gas station world has changed and canopies have now become 'de rigueur'; literally every station has one and those that don't currently are seeking them out. He explained that motorists are no longer interested in getting out of their cars in inclement weather and they have been found to be a safety feature as well. Mr. Lansky claims this station received approval for a canopy in 2011 with a previous owner but that canopy was never constructed. He noted they are also seeking approval for limited used car sales (3 cars) incidental to the service station which is already in use.

Mr. Lansky acknowledged that there has been a number of concerns expressed by the neighborhood and the neighborhood association and stated they believe they have done a good job of addressing those concerns. This canopy is not a typical ACM canopy, metal with lots of colors and lighting and things of that nature. They are now proposing a canopy with a mansard roof on it with slate grey shingles. He stated they are now also proposing a stone veneer on the front of the building, which he brought a sample of this evening. Mr. Lansky informed the board they have also removed the chain link fence from the plan and are now proposing some plantings there to screen the cars.

Mr. Gainer stated the board has a technical memorandum from his office for tonight's meeting. He stated the applicant submitted revised plans and a revised long form EAF. He stated many of the prior issues raised previously have been addressed. The required referral to Putnam County Planning went out some months ago and they responded by identifying that the project was "approved as submitted". There are still some technical plan issues to be resolved that are noted in the provided memorandum and, once the public hearing is closed, there's still a requirement to first make a SEQRA declaration before moving forward with any action on the application itself.

Ms. Conner stated she had some questions and comments. She pointed out that the name of the project was incorrect on the EAF and there are some spelling errors, along with other errors, throughout the document itself, such as an incorrect zoning designation. She stated that when describing the lighting, what is on page 8 doesn't add up with what the plans say; they are different. She questioned what the actual lumens are going to be for each individual light and the size of each. Ms. Conner stated he real concern there is how much light is going to come down from this canopy and questioned if there is a standard for this kind of light. Mr. Gainer responded the standard relates to light splash at the property line and the plans do indicate illumination from those lights that doesn't extend as far as the property line.

Ms. Conner stated on page 9 of the EAF it says to check all existing land uses that occur on adjoining property and property near the project site. She stated commercial is checked along with "other", but she suggested there is also residential in this neighborhood and that is not checked. She continued, on page 10 it states there was a previous petroleum spill at the property approximately 2007 but Mr. Gainer's memo states 1987 and suggested that be corrected. She stated one other thing she wished to discuss is the landscaping, which will probably be addressed going forward, but suggested the stream is clearly delineated so no planting occurs in the buffer and that whatever is planted is actually going to act as screening.

Mr. Lansky stated he would like to address the EAF comments. He stated the lights are 1500 lumens and the architectural plan is incorrect. He stated that information comes directly from the canopy provider; they have standards and as the canopy size changes, they change the quantum of lumens and number of lights to be added. Mr. Lansky stated this canopy has (6) 1500's which is pretty standard for this size canopy which is one of the most common canopies out there. As for landscaping, he continued, they are happy to change from white pines and use something which would grow a little differently and may be more appropriate. He also stated they would certainly stay outside of the wetland buffer.

Chairman Merante questioned what the dimensions of the canopy itself are. Mr. Gainer explained it is shown as 24 foot by 32 foot. Mr. Lansky confirmed that is correct.

The Chairman stated that there is a sign-in sheet for anyone who wishes to speak this evening and requested that speakers limit their comments to 3 minutes. Member of the audience Joan Turner expressed her objection to the time being limited. She argued that the room is not full and that everyone should be allowed the time to express their views. She stated there are many people present this evening who have great health and safety concerns about this application. The Chairman questioned how much time she would like. Ms. Turner stated she would need about 10 minutes. She stated the Planning Board certainly can indulge them. She stated they have a comprehensive review of material that they think the board needs to hear. Chairman Merante explained that the public hearing does not have to be closed this evening if everyone does not get a chance to speak. He stated he would let Ms. Turner finish but that means that there may be other people in attendance who will have to return next month. He asked the other board members their opinion on the matter. Mr. Gagnon stated there should be some sort of limit. Ms. Conner stated that one of the things that was useful about limiting the amount of time for each person to speak is that the board found that people tended to be more clear about what they wanted to address, because sometimes when there is no limit people tend to go on for a long time and they repeat themselves. Ms. Turner stated she understands that point very well, she had been on a board for many years but this is a group of people who have spent weeks preparing and researching on this particular site plan and therefore are not rambling. She stated they are precise, methodical, logical and intelligent. Chairman Merante stated he would extend the time to 5 minutes.

Mr. Tomann questioned how we are doing here procedurally and looked to Mr. Gaba for some guidance. Mr. Gaba stated there is no rule that says that time can or cannot be limited. The board does, however, have to give the public a fair opportunity to express themselves. He suggested that five minutes is reasonable and it could be waived if someone is carrying on or you can allow someone to dedicate their time over, assuming they've signed up to speak. The Chairman stated they would have to decide as they go along. Mr. Gaba suggested if people have written statements, they could hand them in for the record as opposed to reading them word for word.

Daniel Potts: Mr. Potts stated he is present as a member of the vestry of St. Philip's in the Highlands. He stated their concern is not about the canopy but the used car sales. He stated it is a very big concern because of the kindergarten and the ambience of the area of the church, this has caused great disquiet amongst the vestry.

Wally Schaeffer: Mr. Schaeffer stated he lives in the hamlet of Garrison. He stated that at the Planning Board meeting on February 21st there was a conversation between Mr. Gaba, town council, and Mr. Ibrahim, the property owner, regarding the proposal to sell used cars. He claims Mr. Gaba clarified that this was to be strictly an accessory use for the repair garage to dispose of cars abandoned by their owners. Mr. Ibrahim confirmed that and stated at the most he would have one or two at a time for sale but in his application the number was increased to five. Mr. Schaeffer continued, in a letter to the Planning Board Mr. Gainer, the Town Engineer, stated the property owner seeks to sell a small number of vehicles from the property, sometimes vehicles which have been repaired or never picked up by the owner. Mr. Schaeffer suggested again, this seems to run counter to what has actually happened. He stated that as of yesterday there were 8 vehicles on that lot that appeared to be unregistered and some have been there for a long time. He stated they have seen no documentation regarding how the current vehicles were obtained or how they will be disposed of and suggested that should be required before this proposal is even considered. He continued, if there is a legitimate need to dispose of abandoned vehicles, no mention has been made of alternative methods. If a limit of 2 or more vehicles were allowed to be sold for the reason mentioned, how would that be enforced when a limit of zero has gone unenforced for years. Even after a violation notice was issued over half a year ago the vehicles remain. Mr. Schaeffer claims that the definition of junkyard in our code seems to describe what the backlot has become. He stated they've shown photos of vehicle parts lying in and next to the stream that runs through it. He claims they have learned that the owner has purchased used cars that were not abandoned. On the business card of the owner are the words "auto sales" in capital letters. He stated a variance request for the sale of used vehicles at this site was unanimously denied by the ZBA because the zoning code specifically prohibited car sales there. Though that part of the code has since become more ambiguous, this precedent should be heavily considered because the nature of this special hamlet has not changed. He claims a variance for a canopy at this site was also denied unanimously, which happens to be the only thing on record about a canopy at this site that they have found. In the notes the Zoning Board stated the neighborhood resembles a small hamlet with Route 9D meandering its way through the middle. The feeling is very raw and country, unlike a village or center of town. Mr. Schaeffer stated that is exactly how it is today and that is how they wish to keep it. He stated that no mention has been made as to how used vehicles would be advertised and questioned if there would be even more signs, prices on their windshield, shuttling between the screened area and spots more visible to traffic and neighbors. He claimed that the accumulation of used vehicles is an eyesore that degrades the beautifully historic and largely residential hamlet. He requested the unregistered cars on the site be removed immediately.

Jeff Grocut: Mr. Grocut stated the Garrison Hamlet Association had submitted a letter back in March and questioned if that would be made a part of this record. He was informed by the Chairman that all correspondence is made part of the record. He stated there were other residents in attendance who would be speaking about zoning, environmental concerns, light and pollution issues. He stated he would like to speak about a document that was designed to help the boards in their decision making, the Philipstown Comprehensive Plan, which was adopted in 2006. He called it a common blueprint for the sort of community that we want to build. He explained the plan came about with the realization that Philipstown stands apart because it has managed to avoid the kind of overdevelopment that a person can drive 15 minutes in any direction to find (four lane highways, subdivisions, strip malls, sprawling commercial areas). Mr. Grocut

explained the first among the plans goals is "to conserve Philipstown's rural, historic, and river community character. Philipstown is a unique place characterized by great natural beauty, historic places, and a sense of small-town community. This uniqueness is fragile and could be lost through a rapid influx of development. Development should be done in a manner that is sensitive to the town's special rural and historic qualities." Mr. Grocut stated the plan speaks directly to why we are here tonight and the overarching theme of these goals is that residents would like Philipstown's traditional qualities to be maintained and enhanced. He claims the Garrison hamlet mixed-use zone has been in danger in recent years of veering into the sort of development we do not want. The post office, for example, has become an eyesore and an early morning noise problem, though that is a federal government issue and not that of the town. Mr. Grocut stated Mr. Ibrahim is here with his representatives representing one business while there are many homeowners here representing dozeus of concerned homes and that balance of one business to multiple homeowners is telling and is reflected to in the comprehensive plan when there's a question between the interests of residents and the interests of businesses, the plan makes that pretty clear. Philipstown draws the vast majority of its tax revenues not from businesses bnt from homeowners. Mr. Grocut stated the focus must be on the preservation of the area and the home values of taxpaying residents. He suggested the approval of used car sales at this site will result in clear degradation of the property, the neighborhood and one of the most character-filled byways in Philipstown which is a state designated scenic zone. He urged the board to reject this proposal.

Baldev Raju: Mr. Raju stated he is in favor of the canopy project and it should be approved. He stated they cannot run their business without it and many of the people speaking here tonight are quite new to the community. He stated he has been a member of the community for almost 45 years and that station has been in business for longer. He suggested one could move if they do not like what is happening in their neighborhood. The post office was mentioned earlier and Mr. Raju stated the post office has been there since the 60's and was there when these people purchased their homes. Mr. Raju suggested the people in the neighborhood were tliscriminating against him.

Alister Sanderson: Mr. Sanderson stated he and his wife live on Grassi Lane which is about 100 or so yards up 9D from the Gulf Gas Station. He claims this proposal gravely impacts road safety. On the already hazardous short stretch of 9D between the post office and the Garrison Union Free School, which has no sidewalks or crosswalks for pedestrians, a driver encounters the intersections with Nelson Lane, Grassi Lane, residential driveways and the entrances and exits of vehicles and pedestrians into and out of the post office, the garrison café, a real estate office, a Pilates snidio, the Garrison school, St. Philips Chnrch & its nnrsery school and the Gulf Gas Station. He claims a bend in the road and a couple of hills offer still more challenges to the driver gauging a complex and distracting situation, as at many times of the day does the heavy volume and speed of the traffic. Mr. Sanderson stated a 2005 study by NYSDOT found that 65% of vehicles in this stretch of road exceed the 40 MPH speed limit by at least 5 miles per hour. He stated the 25 MPH speed limit set up in part of the stretch of road there needs to also be taken into account; it's there to safeguard the children of the 2 schools, yet astonishingly large numbers of drivers pay little or no attention to it. There is a high potential for accidents in that stretch of road. He claims that legitimizing the used car business would increase the likelihood of accidents.

Margaret Yoco-Haines: Ms. Yoco-Haines stated she has lived on Nelson Lane for 25 years and would be reading a statement from her neighbor, Barbara Tierney. The statement from Ms. Tierney is attached in its entirety to these minutes. Ms. Yoco-Haines requested to make a comment on her own behalf and stated she has been to many of the meetings where this subject has come up and the petitioner continues to mention an alleged approval of this canopy but has yet to provide record of such. She stated that many of her neighbors have scoured the records and cannot find such approval. She stated the board has never asked for any evidence of such. She suggested the board request proof of this prior approval be provided to the board.

Joan Turner: Ms. Turner apologized for being so insistent about time but suggested the issues she is going to address tonight are critical for the boards understanding. Ms. Turner read a lengthy statement which is attached in its entirety to these minutes.

Mr. Gaba agreed with Ms. Turner that in fact, interpretations of the zoning code are to be made by the ZBA. He clarified, his advice to the Planning Board was if they find that it's established, absolutely clear, no question about it that used car sales is a permitted accessory use with a gas station then they can proceed. If that determination can not be made then they should refer to the ZBA. The board has to make that decision.

Ms. Turner continued reading her statement.

Lauren Biniaris: Ms. Biniaris stated she is a Garrison resident with 2 children in the Garrison School. She stated she picks her children up from school everyday by driving south on 9D, turning left onto Nelson Lane and then turning right to go up to the Garrison School pickup line. She stated that directly across from this entrance to the school, which the busses as well as every parent picking up their child from school use, is the entrance to this gas station. She stated it is an extremely heavily congested area. She stated that adding more traffic to the area would be negligent and a recipe for disaster. In terms of the canopy, she stated she hasn't heard enough about the environmental impact of such and is concerned about possible contamination of water sources, which has happened in the past.

Baldev Raju: Mr. Raju stated his canopy had been previously denied and claimed it was because a member of the board at the time wanted to rent from him and he wouldn't rent to her. He stated there are other canopies at other gas stations in Philipstown and questioned why this owner would be denied.

Melissa Harris: Ms. Harris stated she lives on Nelson Lane in Garrison and is also speaking on behalf of her husband who is ill and could not speak this evening. She stated their concerns have to do with the drilling and construction process for a new canopy and the potential of a negative impact on the well water of the surrounding homes. She stated in 2005 her well water was contaminated with MTBE which is a carcinogenic gasoline additive. It was subsequently proven to be a result of 2 oil spills one from the station in question and one from across the street at the time. She is concerned with this new construction in the area that any residual MTBE or new contaminants could expose their groundwater and wells. She stated she is not opposed to an aesthetically pleasing canopy but asked that if it does go forward that they would be eligible to

have their well water tested frequently during the process and after. Ms. Harris stated she also has correspondence determining that there are town regulated wetlands on this site and noted that any activity within 100 feet of such would require a permit. Ms. Harris reported that her husband Steve Harris is very concerned about the used car situation. He stated they have been selling used cars there for the five years or so that they have been in business. The problem she and her husband have experienced on Nelson Lane is they allow potential customers to test drive the vehicles on this road with no tags, unregistered and uninsured and they are frequently speeding. She stated there are several young children who live on the road, along with animals, and the school right there and it is a very unsafe situation. They strongly oppose a used car lot being approved at this site.

Shahla Jannetta: Ms. Jannetta stated Garrison is a very tight community that she has lived in for 13 years. She stated she's lived in this new neighborhood for 2 years and has 2 children who attend the Garrison School. She stated she is also pro-business and frequents this station every day. She stated there are safety issues that she is concerned about. She stated there have been multiple accidents in that little stretch of roadway and everyone speeds through there.

Jolene Cuyler: Ms. Cuyler stated she lives at 1136 Route 9D, about 100 yards away from this gas station. She read a written statement which she had prepared and is attached at the end of these minutes.

Mr. Gaba reminded the public that all comments should be adthressed to the board and not to other speakers or anyone else in attendance.

Mr. Lansky stated he would like to address a few of the comments made. He stated he has owned property here in Philipstown for 17 years bnt reminded everyone it is not a competition; the goal is to get along with our neighbors. He stated there were a couple questions about the canopy and stated he learned about the canopy being approved in 2011 from a memo from the Town Engineer, Mr. Gainer. Mr. Gainer responded that the applicant's representatives have made that representation before. However, he stated he has been through the record and there was no such approval previously given for the canopy. The 2011 approval permitted only the replacement of the underground fuel storage tanks then in place. So, new underground facilities were installed at that time. There was no approval of a canopy given at that time.

Mr. Lansky stated he works for a lot of gas stations and the canopy is an essential service. Times have changed and people nsed to look at canopies as strictly an aesthetic concern and now they are a safety concern and having them is something that virtually every town is approving. It is very rare to find a gas station today without a canopy. Regarding the used car sales, he stated that has also occurred at a number of other gas stations, several in Philipstown, of which he has represented in the past.

Mr. Lansky reported he does not see the location of the used car sales and the canopy impacting the safety and traffic. They don't intend on having them right up against the road with big stickers on them trying to get people to slow down and pull in there. The idea is that somebody who is already at the gas station may go and walk and look at a car after they go inside and buy a snack or stop for gas. The idea is not to drive traffic into the station. Traffic is not going to

change. Regarding the environmental impact of the construction of the canopy, there are (2) 5x5 foot footings. Everything is shut off. The worst thing that can happen is to find previously contaminated soil that will then be removed and essentially actually make the environment a little cleaner. There will be virtually no environmental impact.

Chairman Merante stated he did a brief tour around Philipstown and is unaware of any other gas station in town that is selling used cars. He also stated that the latest EAF has now lowered the number of cars to 3 and questioned what kind of financial contribution that would make to the business owners' income. He asked the rest of the board how they feel about the matter.

Ms. Conner stated there are 5 gas stations in Philipstown and none of them sell used cars currently. Mr. Lansky replied that in Cold Spring, what is now Dunkin Donuts used to be a station that also sold used cars. Ms. Conner clarified, they don't anymore. She stated that is also Cold Spring, which is different zoning. Mr. Lansky stated that what used to be the Beverage Mart up on Route 9 used to sell used cars. The Chairman stated again, they are not there anymore and used vehicles are no longer sold there.

Ms. Conner moved to close the public hearing with the exception of written comments to be accepted for 15 days from this evening, and Mr. Gagnon seconded the motion. The vote was as follows:

Anthony Merante	-	Aye
Kim Conner	-	Aye
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Absent
David Hardy	-	Aye

Mr. Gaba stated, as has been discussed at some length, there are basically 3 issues here. The first is Site Plan in regard to the canopy and that is pretty straight forward. Secondly, there's the issue of the accessory used car sales. Again, the question of whether something is a permitted accessory use or not is basically a factual determination because the code says an accessory use is something that is usually and customarily used and is clearly secondary to the primary use on the property. Sometimes you can clearly tell that, but other times you have something that is a bit more unusual, in this case car sales. When there is a question about the accessory use and the board can't make that determination clearly based on dispositive proof before it, the matter should be sent to the ZBA for an interpretation. The third thing is, in the event that the Planning Board determines, or there is an interpretation from the ZBA, that car sales are permitted accessory uses then this board has to consider how that would fit into the Site Plan and meet those site plan requirements.

Ms. Conner moved to have the matter sent to the ZBA for an interpretation and Mr. Tomann seconded the motion. The vote was as follows:

Anthony Merante	-	Aye

Kim Conner	-	Aye
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Absent
David Hardy	-	Aye

Mr. Gaba stated they would send a referral letter for the applicant to get a determination from the ZBA and once that is done come back to this board to complete Site Plan review.

The board took a 5-minute break at this time.

C. Old Business

Daniel Schaublin & Mimi Fortunato, 359 East Mountain Rd S TM# 17.-3-28

Ms. Conner recused herself.

Glenn Watson was present representing the applicants. He stated he was here a couple months ago and pointed out to the board that the house was placed within the rear setback and they were referred to the Zoning Board. He stated they have gone in front of the ZBA and have been granted the variance.

Mr. Watson stated this is a very small house, 1600 sf on 2 floors altogether. He stated this is a passive solar house and was placed in the setback to get the most solar gain possible and also to avoid some re-grading. He clarified the plan being displayed this evening is the same plan and has not changed since first appearing. He explained it is a fairly simple site plan and has maintained the distances from the pond. Septic system testing has been done but is still a pending issue.

Mr. Gainer stated he was unaware that this project was on for this evening and has not been through the project files to know the status of those referrals that are needed so, it is possible they have already been done. Mr. Gaba stated there are no referrals that would prevent the board from scheduling a public hearing on the matter.

Mr. Gagnon moved to send referrals to Putnam County Board of Health, Putnam County Planning, the Conservation Board, and the local Fire Department, if they have not already been made, and Mr. Tomann seconded the motion. The vote was as follows:

Anthony Merante	-	Aye
Kim Conner	-	Recused
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Absent
David Hardy	-	Aye

Mr. Lewis moved to schedule the matter for a public hearing for the October meeting and Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	Aye
Kim Conner	-	Recused
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Absent
David Hardy	-	Aye

Chairman Merante announced that beginning in October all meetings will be held at the Recreation Center in Garrison. Ms. Percacciolo reported that information is posted on the website, the municipal channel, has been in the paper, and is written at the bottom of all Planning, Conservation & Zoning agendas.

Chundu-Moth Minor Site Plan, 120 Skyline Drive **TM# 16.-1-23.13**

Glenn Watson was in attendance representing the applicants and stated that this again is a project that the board has had before them previously. A site visit was performed at the end of last month. He stated the property is 13 acres located at the north end of Philipstown roughly opposite Pidala's yard on the former Lyons property. Skyline Drive is a private road that winds its way up the hill. It is a very oddly shaped lot that was really dictated by where the road could go.

Mr. Watson explained that since the first plan the board saw, they have reoriented the house and pulled it back to avoid any disturbance in the steep slope area. They've oriented the garage differently so as to shorten the driveway and create an easier way into the site. A proposed pool has also been added to the plan, out of the steep slopes area. He reported the septic system has already been approved and came with the lot. Mr. Watson stated some work has already been done on the stormwater pollution prevention plan. Mr. Watson stated there is a ridgeline running through the property and the house has been designed to fall within those additional regulations that are imposed when in that situation.

Mr. Gainer stated that at the initial meeting with the board the original proposal did propose some disturbance to steep slopes, and at that time the board suggested the applicant reconsider the driveway placement so as to avoid disturbance of those slopes. At the site visit at the end of August the applicant acknowledged that they would plan to pull the house and site disturbance back, so that no disturbance of regulated steep slopes would occur. The plans now evidence that so consideration of the need for a special permit to permit these disturbances is no longer necessary. He explained that under SEQRA this should be classified as a Type-2 action and suggested that action be taken at tonight's meeting as it was not done at last month's meeting.

Mr. Gainer reported that all referrals had been made. The Conservation Board responded and many of their comments were already included in his technical comments. The only entity that

has not yet responded is the fire department. He suggested the last thing the board needs to consider is whether they would like to hold a public hearing on the matter.

Ms. Conner questioned if there is any lot in Philipstown that is not an approved lot. Mr. Gaba responded that if you have a single-family home on an approved lot it's going to be a Type-2 action. She then questioned how that impacts other DEC issues such as the Timber Rattlers and such. Mr. Gainer explained, the issue of any applicable environmental regulations will still apply. In the technical comments that he and the CB have offered, one comment is they would like them to acknowledge in the site plan that there are statutory limitations to address concerns over potentially endangered species on the property. He stated that will have to be evidenced on the site plan before the plans can be endorsed.

Ms. Conner asked for clarification on how the Scenic Ridgeline works. Mr. Watson explained it is 50 feet down but is very difficult to define. The ridgeline is running left and right and it's running up and down. He explained, where it is is usually pretty evident, where the nose of the contour line sticks out, and what they do is draw a line following that topographic data and then at each of the contours draw a perpendicular line to where 50 feet below that particular contour is and then go to the next one and continue. Then essentially take that like and think about dropping it into the ground and then extruding it left and right, where it comes out at the ground is the end of the controlled area. Ms. Conner stated there are 2 lines and questioned if this house is entirely below the Town line. Mr. Watson stated it is and he put that Town line on there because that is what on the Town maps but if you read the code about defining a ridgeline it says that it is supposed to be developed intlividually from actual topography; the town line is really irrelevant. Ms. Conner questioned who did the Town maps. Mr. Watson stated he believes it was the Land Trust.

Mr. Gainer stated, getting specific to this project, the ridgeline regulations totally encompass the development proposed and essentially places restrictions on visibility and height of structures within the regulated area.

Ms. Conner questioned if this road is already in existence. Mr. Watson stated it is and this will be the fourth house on that road.

Mr. Tomann moved to schedule the matter for a public hearing for the October meeting and Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	Aye
Kim Conner	-	Aye
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Absent
David Hardy	-	Aye

Mr. Gagnon moved to adjourn the meeting and Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	Aye
Kim Conner	-	Aye
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Absent
David Hardy	-	Aye

The motion passed unanimously and the meeting adjourned at 9:25 pm.

Date approved _____

Respectfully submitted by,

Tara K. Percacciolo

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

Margaret Yoco-Haines

Dear Members of the Planning Board,

I am a resident of Grassi Lane.

First let me say that the workers at the Garrison Gulf station are very nice people. Once in a bad snowstorm my husband, son and I were trying to get to the Metro North station on foot and one of the guys there drove us down instead. They are pleasant when you buy gas. I'm sure the owner, Arafat Ibrahim, is a nice person as well.

Yet our central question remains: Why does this stretch of 9D in Garrison need a used-car lot? Are there not spots in Wappingers or Fishkill that are more appropriate for such a use?

There are eight children residing in homes in the immediate vicinity of the gas station, on Nelson Lane, 9D, and Grassi Lane. These children, most of whom go to the Garrison School, are not allowed to walk along that stretch of road to school. Some of the kids are in 6th grade and still their parents view the road as too dangerous. There were two bad accidents right in front of the gas station this summer. The curves in the road, to the south and the north, make it a challenge for anyone on foot. There are no sidewalks.

Now we want to have people test-driving cars on Nelson Lane, next to the school, adding to the danger? This is a bad accident waiting to happen. What will you say if a child gets struck by someone test-driving a car, who doesn't know the area and doesn't care about the school or tha nearby residents, but rather wants to see how fast the car can go?

Please also note that according to an interview with the Highlands Current in 2013, Mr. Ibrahim was quoted saying this:

"Ibrahim's visions for the Gulf include the addition of a used car lot, as well as a shuttle service that transports patrons between the garage and train station while their cars are having work done. Regarding making a transition to a 24-hour service, Ibrahim said he'd consider it if sales comply."

https://highlandscurrent.org/2013/06/15/garrison-gulf-gets-makeover/

So if the canopy delivers Mr. Ibrahim more sales, will he then transition to a 24-hour service? Will you say OK to that as well, because he deserves to make good money as a business man while the residents endure all-night traffic and lighting? Are we to trust a person who is already selling used cars there, has "used car sales" emblazoned on his business card, and has been cited by the building inspector for violations? Would you, if this was your neighborhood?

I'd close by quickly noting the broader context here:

We all bought homes in Garrison because of something special the area has to offer: lots of green space and smart limits on development. We are not anti-business at all. We are pro-business if it makes sense for our neighborhood, which has a church, a school, many residences

and many children. When we have fought changes in our hamlet area, it's because the business didn't make sense for the neighborhood.

We are all affected by the blighted properties on the other side of the road – the dilapidated Garrison Café (where a renter told us bats live inside) and the post office, now with giant tubes coming out the side, a back parking lot strewn with trash, and mail trucks arriving as early as 4 a.m.

You are probably aware that the post office routes were placed there without any kind of impact study on the largely residential area (with some mixed-use plots, not the other way around). The trucks, noise and filth are an eyesore and earsore that we have all been forced to live with for years.

Here's a small but telling example of how we've reached a tipping point. The Garrison Realty office next to the gas station now puts toilets and used stoves out front for days and sometimes weeks. They have gotten the idea that it's OK to do that, since the area looks so seedy now. Can you blame them?

You on the board have the power to be sure no part of Garrison starts to look like a strip mall or a particularly ugly part of Route 9. We detect this feeling of, oh, you moved in there, you deserve what you get. But we don't. We all keep our homes up beautifully, we all are friends, we all pay taxes and we all vote.

I feel I have to be blunt here: To ignore the concerns of a community for the sake of one man's business plan is to be derelict in your duties, even if certain codes are met. You are stewards of a special community, not a rubber stamp for a used-car lot.

Thank you for this opportunity to share my views.

Barbara Tierney

Joan Turner

PUBLIC HEARDING 1122 ROUTE 9D,GARRISON,NY:SEPTEMBRT 19, 2019

I want to address the zoning issues concerning the filing of 1122 Route 9d's site plan. I think they are extremely important to consider, and I do so in the hope that an understanding of them will alleviate some of the confusion, misunderstandings and mistakes made with this filing. So please bear me.

I appreciate the difficulty in reviewing this application. I was a member of the Zoning Board of Appeals for over 10 years, and I recognize the difficulties that exist when the interests of property owners, especially business owners, come into conflict with zoning laws. The Planning Board's responsibility to serve the interest of the applicant must also consider the interests of the community as defined in our zoning code. A mixed-use hamlet (HM), as defined in the Code, "allows for expansion in the traditional scale, density, architectural style and mixed-use character of the existing hamlets..." [1] A commercial size canopy as well as a used car lot inserted on scenic Route 9D can hardly be considered if one takes seriously this definition. In reviewing this site plan (an abstract design), it is easy to overlook the neighborhood characteristics of the Garrison hamlet, and the deleterious effects this proposed project would have on its unique character.

There are three zoning regulations that are relevant to this application, and must be considered in your decision. They are its non-conforming status; existing precedents, and code interpretations.

NON-CONFORMING STATUS

Prior to 1957, Philipstown had no zoning code. This changed in 1957 when the town adopted its first Zoning Code systemizing rules for its future growth. Properties that did not meet these new guidelines were "grandfathered" which meant owners did not lose their property rights and could continue as they were. However, certain conditions were attached to these properties. Hence, the non-conforming statutes found in Article VI, Sections 175-23 to 175-28 that prohibit owners from enlarging, moving or changing the use of their property.

1122 Route 9D, falls into this non-conforming state. The property was owned by James Bosco in 1942. He operated a gas station consisting of 1 sign, 2 pumps, 1 island light and 1 post lift (Town Assessor's records). The property was sold over the years, but its non-conforming status never changed. As such it continues to operate for over 60 years without a certificate of occupancy because of these restrictions. Moreover, it now operates as a 3 in 1 business: repair garage, gas station and convenience store, contrary to zoning regulations as noted above..

When the Philipstown Zoning Code was amended in 2011, to bring it into conformity with the recently adopted Comprehensive Plan, it did not remove, negate or in any way invalidate the non-conforming regulations. They were specifically carried over to the newly amended code. These statutes were recently upheld in a lawsuit initiated by the Town against the rock-crushing business located at 1 Lane Gate Road in Cold Spring. The appellate court stated "Philipstown

[1] Chapter 175. Town of Philipstown General Code

authorities established beyond a reasonable doubt that the non-conforming use was illegal in 1983 and thereafter."[2]

The confusion or misunderstanding on the part of the applicant and the code enforcement officer, and perhaps members of this board, result from the 2011 amended code's Use Table which permits the canopy with a minor site plan application, and which the applicant subsequently presented to the Planning Board. Unrealized by the applicant, the zoning board official and this board, this site is encumbered by its pre-existing non-conforming status. A diligent search through the Building Departments and the Assessor' files would have clarified this. A diligent search through the Building Departments and the Assessor' files would have clarified this. The use of these regulations in the Town's lawsuit, mentioned above, reinforces and employs in its lawsuit these non-conforming regulations. it is to the applicant's advantage to ignore these statues. However, the planning board cannot do so. Ignoring their applicability for 1122 Route 9D when it was applied in the Town's lawsuit could be construed as "spot zoning", another zoning infraction.

While sympathetic to the business interests of the present owners as well as its preceding ones, the owners are not denied the reasonable use of their property. In fact, the Zoning Code's statutes allow owners the right to convert their property to a legal non-conforming use by applying for a use variance (179-59 C. (1). In some cases, a special use permit may achieve this goal as well. Alternatively, a gas station attendant could be hired to assist customers thus avoiding a canopy altogether. While canopies have become the recent custom and increase profitability for owners, they do not supersede zoning laws I want to stress that there are alternatives available to the applicant to insure his property rights are not forfeited by the Town's zoning code.

PRECEDENTS

There are four relevant precedents that bear directly on this application.

1) In 1973, Irving Cohen leased the gas station at 1122 Route 9D from Arnold Oil Co. and filed for a variance to operate a used car lot. The Zoning Board of Appeals denied that variance. The minutes of these deliberations provide the reasons for that ZBA denial which include its non-conforming status as well as its precedent setting effect ("A Zoning Board may be ordered by the courts to issue variances and/or permits based on precedent. See, Knight v. Amelkin, 68NY2d 975 1986"). These reasons are as pertinent today as they were 46 years ago.

2) In 1995, Spain Oil Co. applied for a variance (#545) at the same location for a canopy over its new dispenser pumps. The ZBA denied the variance. Noteworthy, the ZBA gave as one of its reasons for denying the variance was that the service station is a pre-existing non-conforming site (Sections 175-23 to 175.28).

[2] Highlands Current. May 10, 2019

3) In 2000, Appeal #617 was filed by Manjit Raju for a canopy over the existing gas pumps located at 1135 Route 9D. This appeal was denied by the ZBA, once again reinforcing many of the same reasons given for the other denials mentioned above. It is inconceivable that another request for a canopy for a gas station diagonally across Route 9D from this one would be granted given that so many of the same conditions exist today as in the past.

4) In 2013, Philipstown began enforcement of its zoning code regulations against an illegal business in Cold Spring as I mentioned above. This case illustrates once again the validity of the code's non-conforming regulations and its legal status.

INTERPRETATIONS

Mr. Gaba advised the planning board members at its July 19, 2019 meeting that "what the board needs to do is to make a determination as to whether or not accessory sales of 5 vehicles are a usual and customary use with a filling station like this. Continuing, "Mr. Gaba stated it is a factual determination for the board to make and he does not see any reason that it can't be made after a public hearing."[3] This advice is questionable because the Planning Board has no jurisdiction in interpreting whether used car sales are an accessory use.

Interpretations are the domain of the Zoning Board of Appeals. Section 175-59 of the Philipstown Code states "The Zoning Board of Appeals shall have all the power and duties prescribed by law and this chapter in connection with appeals to review any order, requirement, decision, interpretation, or determination made by the administration official charged with the enforcement of this chapter, generally the Zoning Administrative Officer."[4]

"The Court of Appeals has upheld that a zoning board of appeals performs a "quasi-judicial" function when it renders an interpretation of a zoning provision, and as such should act according to its own precedents."[5] In numerous case law, " the Court has reinforced the principle that a board of appeals is the sole interpreter of the ordinance....."[6]

The legal status of the ZBA to render an interpretation of used car sales as an accessory use as proposed by the applicant is undeniable and is upheld by case law. Therefore, this application must be referred to the ZBA for its determination. To do otherwise is to negate the principles upon which the reasonable and orderly development of Philipstown are founded.

In closing, I cite Section 175-65 (D) (Site Plan Review and Approval): Criteria that states "In reviewing site plans, the Planning Board shall ensure that the application complies with all applicable provisions of this chapter....."[7]

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[3] Philipstown Planning Board minutes July 18, 2019
[4] Zoning, Chapter 175, Town of Philipstown 175-59 and 175-59 A.
[5] http://www.ongov.net/planning/documents/A.ZBAOverview.pdf
[6] Https:/w.w.w.llandusandzoning.com/2018/08/19
[7] Zoning, Chapter 175, Town of Philipstown 176-65 (D)

My Name is Jolene Cuyler, I live two lots or approximately 100 yards away from the Gas Station.

I am here to give testimony to my personal experience as a neighbor of the Gulf Gas Station.

My mission is not to put the Gas Station out of work but to hopefully incourage their commitment to enhance our community and support it's health; both environmentally, and as a partner in the welfare of our community inhabitants. That might be a condition to be met in the final resoluion.

I have a few experiences to recount that might help you when you deliver your recommendations.

About a year and a half ago, I was working in my garden and I could smell very TOXIC fumes; like deisel truck emmissions. At first I thought it was a truck that frequently sits across the road from my home idling for much longer than the 3 minute NY STATE law allows. I believe it is not defiance but just non-informed driver that a company is responsible for educating their emplnyees and complying to the state laws. After about 20 minutes maybe longer I discovered it was coming from the Gas Station. I got in my car and drove over and found a van in the back of the gas station running, no one in it. I found the mechanic, who was very polite, and told him the fumes where toxic and overwhlemimg. He said someone had filled their gas tank with deisel rather than gas and they had to run it until it was empty. I told him to turn it off. He said it only had another 15 (?) minutes to run dry. Instead of turning it off he moved it to the other side of the Gas Station.

I just think this situatuion was due to an uninformed employee and owner who has no idea of the impact they have on the community and the environment. Profits and maintaining employment take precidence, like most businesses.

IF . . . they are given permission to expand with a lighted canopy how do we guard against even worse; like adding music, light emmiting all night long; perhaps the canopy getting an alcohnl license etc? What ever additional marketing devices they may may see as an increase for profit. Who will oversee and monitor your permissions to insure that they are being inforced?

We are policed by Carmel and when you call them for any issue you get a message " please leave a message and we will get back to you as soon as possible" To my knowledge the Cold Spring police are not responsible to respond to our calls.

The Gas Station also has a tanker coming in at the early morning hours; 3:00 AM to re-stock their tanks, not often. The tight space for backup takes several tries approx 15 minutes to finally settle in. Besides the sleep deprivation it causes, I think the owner should be there to oversee the safety of the tankers restocking their tanks to the completion. Explosions can happen and the expression "that would never happen" as we all know is an oxymoron. They don't live here with their families.

Lastly, the day before the board did an on-site review of the Gas Station the owners brought in a team to sweep and clean the grounds around the station. I have never witnessed that before and I have been living in the same place as long as they have owned the gas station.

I thank you for your time listening to our concerns and I hope that when you come to your resolution of permissions please consider making it clear what the limitations for noise, light and pollutants into the wetland and the community are.

Thank you again for your attention.

PHILIPSTOWN PLANNING BOARD
Public Hearing – October 17, 2019

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, October 17, 2019 starting at 7:30 p.m. at the Philipstown Recreation Department, 107 Glenclyffe, Garrison, New York to consider the following application:

Chundu-Moth, Skyline Drive, Cold Spring, NY - The applicants are seeking Site Plan approval for the construction of a 2-story, 4,000+ sf residence. There is an approved subsurface sewage treatment system for the tract.

The property consists of approximately 13.26 acres and is situated in an RC (Rural Conservation) Zoning District in the Town of Philipstown. TM# 16.-1-23.13. There is a delineated "scenic ridge" which traverses the higher elevations of the tract. The proposed house location lies below the ridge, but is impacted by the Town's ridgeline protection regulations.

At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of the Planning Board at the Philipstown Town Hall.

Dated at Philipstown, New York, this 27th day of September, 2019.

Anthony Merante, Chairman

PHILIPSTOWN PLANNING BOARD
Public Hearing – October 17, 2019

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, October 17, 2019 starting at 7:30 p.m. at the Philipstown Recreation Department, 107 Glenclyffe, Garrison, New York to consider the following application:

Daniel Schaublin & Mimi Fortunato, 359 East Mountain Rd S, Cold Spring – The applicants are seeking Site Plan approval for the construction of a 2-story, 4-bedroom, passive solar, residential structure with a detached garage. Private on-site well and sanitary disposal systems are proposed to be constructed on the lot. The applicants have received a variance from the ZBA to construct into the rear setback area of the parcel.

The property consists of approximately 1.67 acres and is situated in an RR (Rural Residential) Zoning District in the Town of Philipstown. TM# 17.-3-28. The site includes a scenic ridgeline identified on the Town's "Ridgeline Protection Overlay" mapping, running north/south across the tract's frontage.

At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of the Planning Board at the Philipstown Town Hall.

Dated at Philipstown, New York, this 27th day of September, 2019.

Anthony Merante, Chairman

Bart Lansky Esq.
28 Ridge Way
Purdys, NY 10578

October 3, 2019

Town of Philipstown
Attn: Tara Percacciolo
238 Main Street
Cold Spring, NY 10516

RE: Application for Site Plan Approval by 1122 Route 9D Realty, LLC ("Applicant") for tax map #60.18-1-46 ("subject premises")

Greetings,

The above-named Applicant appeared by the undersigned at the September 19, 2019 for a public hearing on the Site Plan Application. After the closure of the public hearing the Planning Board referred Applicant to the Zoning Board of Appeals for a determination as to whether Applicant's proposed use case sales was an accessory use to the automobile service station at the subject premises.

Applicant is hereby withdrawing the portion of his application which proposes used car sales at the subject premises. Along with this letter, Applicant is submitting the revised plans illustrating said change and Applicant asks to be placed on the agenda for the October meeting.

Thank you for your time and consideration.

Yours truly,

Bart Lansky Esq.

914-269-8529 voice, bartlansky@gmail.com email

Town of Philipstown

238 Main Street
Cold Spring New York 10516

PLANNING BOARD

SITE PLAN APPLICATION PACKAGE

MAJOR PROJECT

Project Name: Site Plan Approval for Jolie Hunt and William Potter

Date: October 2, 2019

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

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

Application for Planning Board
Special Use & Site Plan Approval

Date: October 2,2019 TM # 49.-3-47

Project Name: Site Plan Approval for Jolie Hunt and William Potter

Street Address: 201 Moog Road, Garrison, New York 10524

Fee Amount: $1,500.00 Received:

Bond Amount: $5,000.00 Received:

Applicant:

Name William Potter

Address 201 Moog Road,
Garrison, New York 10524

Telephone 251-250-2456

Tenant:

Name

Address

Telephone

Design Professional:

Name Granoff Architects

Address 330 Railroad Avenue
Greenwich, CT. 06830

Telephone 203-625-9460

Surveyor:

Name Badey & Watson

Address 3063 Route 9
Cold Spring, NY 10516

Telephone 845-265-9217

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

Name William Potter

Address 201 Moog Road
Garrison, New York 10524

Telephone 251-250-2456

Name Jolie Hunt

Address 201 Moog Road
Garrison, New York 10524

Telephone 251-250-2456

TM # 49.-3-47

Project Name: Site Plan Approval for Jolie Hunt and William Potter

Project Description: Application to install a pool, enlarge and reconstruct a deck, and develop surrounding landscape adjacent to existing residential structure.

ZONING INFORMATION

175-7 Zoning District: RC

175-10 Proposed Use: Single Family Residence

Proposed Accessory Use(s): Pool, Outdoor Living Space

175-7 Overlay Districts on the property:

		Yes or No
175-13) Floodplain Overlay District - NFIP Map	(FPO)	No
175-18.1 Mobile Home Overlay District	(MHO)	No
175-14 Cold Spring Reservoir Water Shed Overlay	(WSO)	No
175-15 Scenic Protection Overlay	(SPO)	No
175-16 Aquifer Overlay District	(AQO)	Yes
175-1 8 Open Space Conservation Overlay District	(OSO)	Yes
175-35 Within I 00 foot buffer of Wetlands or Watercourse		No
175-36 Steep Terrain		Yes
175-36 Ridge Line Protection		No
175-337 Protection Agricultural		No

TM# 49.-3-47

Project Name: Site Plan Approval for Jolie Hunt & William Potter

175-11 Density and Dimensional Regulations

Zoning District RC	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback		House	Pool		
Measured from the travel way Town Road	60	204.2	130.0	Yes	N.A.
Measured from the travel way County/state	60	N.A.	N.A.	N.A.	N.A.
Minimum side yard setback	30	164.1	66.1	Yes	N.A.
Minimum side yard setback (2)	30	N.A.	N.A.	N.A.	N.A.
Minimum side yard setback (3)	30	N.A.	N.A.	N.A.	N.A.
Minimum rear yard setback	50	372.2	477.7		
Maximum impervious surface coverage	10%			Yes	N.A.
Maximum height	40	25'+/-	N.A.	Yes	N.A.
Maximum footprint non-residential structures	6000	N.A.	N.A.	N.A.	N.A.

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: $1,500.00 Received:
9. Escrow: $5,00.00 Received:

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

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

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

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

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

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

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

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

§175-66 PROCEDURE FOR MAJOR PROJECT SITE PLAN APPROVAL

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

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

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

1 - A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
2. An agricultural data statement as defined in 75-74, if required by § 175-37C.
3. The Site Plan application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.

D. Application for Area Variance
Where a proposed Site Plan contains one or more features which do not comply with the dimensional regulations of this Chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to § I 75-59F without a decision or determination by the Zoning Administrative Officer.

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

F. Public Hearing and Decision

1. The Planning Board shall hold a public hearing on the Site Plan and shall follow the provisions on notice, agricultural data statements, county review, Conservation Board review, and time limits for Special Permits in §175-62 E through G.

2. Criteria for decisions on Site Plans shall be limited to those listed in §175-65D. In granting Site Plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this Chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §175-20, specifying location, character, and number of vehicle access points, requiring landscaping and/or screening, requiring clustering of

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

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

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

§175-65 SITE PLAN REVIEW AND APPROVAL

A. Applicability

1. Site Plan approval by the Planning Board shall be required for all permitted uses listed on the Use Table as requiring Site Plan approval only. Site Plan review shall be included as an integral part of the Special Pen-nit approval process and no separate Site Plan approval shall be required for uses requiring a Special Permit.

2. The procedures for review of Site Plans for Major and Minor Projects (as defined in Article X11) are described in §175-66 and §175-66 Agricultural structures with a footprint of over 15,000 square feet shall require Minor Project site plan approval. Agricultural structures with a footprint of 10,000 square feet or less are exempt from site plan approval requirements.

3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Land Development Law (Chapter I 12 of the Town Code) as well as the provisions of this Chapter.

B. Required Information for Site Plan

An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Minor Project Site Plans shall contain the information required by § I 75-67C and other information listed below if the Planning Board deems such information necessary to conduct an informed review, Major Project Site Plans shall be prepared by a licensed professional engineer, architect, surveyor, or landscape architect, and shall include the following (unless waived):

SITE PLAN CHECK LIST

✓ 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 existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.

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

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 lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

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

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

___ 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 Site Plan, 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 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. Nnnuber of parking spaces existing and required for the intended use.

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

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

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

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) _____

0) _____

c. Waivers

The Planning Board may waive or allow deferred submission of any of the information required ill 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 wavers for all major projects. This statement shall be filed in the permanent record of the property.

a) _____

b) _____

c) _____

d) _____

e) _____

D. Criteria

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

1. Layout and Design

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

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

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

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

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

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

___ g. Impacts on historic and cultural resources shall be minimized.

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

___ i. Buildings shall have a finished exterior on all sides.

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

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

___ a. All areas of the lot not covered by buildings and other structures, outside storacre 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 Hi width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to prow into a dense evergreen buffer strip within five years.

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

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

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

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

___ h. Trees, shrubs and other plant materials which the 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-foot intervals along roads at a setback distance acceptable to the Highway Superintendent.

3. **Parking Circulation, and Loading**

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

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

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

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

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

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

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

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

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 motor vehicles in daily use) shall be shown on the site plan and located and screened as follows:

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

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

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

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

6. Miscellaneous Standards

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

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

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

___ d. No materials shall be placed below the finished grade of a site other than utilities, sand, gravel, rocks, and soil that are uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted under this Subsection (c), 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. Strucures shall be located, constructed, and insulated to prevent on-site noise froin interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate, and shall include fencing, walls, and natural buffers, such as berms and landscape planting with trees and large shrubs.

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

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

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

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

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

B. Performance Guarantee

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

C. As-Built Plans and Inspection of Improvements

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

TOWN OF PHILIPSTOWN
CODE ADMINISTRATOR

238 MAIN STREET
P.O. BOX 155
COLD SPRING, NY 10516

Greg Wunner, Code Enforcement Officer
(845) 265-5202
(845) 265-3929
(845) 265-2687 FAX

DATE: October 4, 2019

TO: Bailey & Watson
3063 Rt 9
Cold Spring, NY 10516

REF: William Porter
201 Moog Rd.
Garrison, NY 10524
TAX MAP # 49-3-47

IN RESPONSE TO YOUR REQUEST FOR "NO VIOLATION LETTER" ON ABOVE MENTIONED PROPERTY PLEASE BE ADVISED THAT AFTER REVIEWING PROPERTY RECORDS THERE WERE NO VIOLATION NOTED.

SINCERELY

GREG WUNNER
ZONING ADMINISTRATOR

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Site Plan Approval for Jolie Hunt and William Potter		
Project Location (describe, and attach a general location map): 201 Moog Road, Garrison, New York 10524 (See location map on plat & directions attached)		
Brief Description of Proposed Action (include purpose or need): The application is for the construction of a swimming pool, installation of landscaping and reconstruction of an existing deck in a manner that will allow outside storage below its surface. The purpose of the project is to enhance the grounds and provide outdoor residential amenities for the owners. With the exception of the existing tennis court, which is some distance from the house, there are no features that allow the occupants to enjoy their property.		
Name of Applicant/Sponsor: William Potter	Telephone: 251-250-2456 E-Mail: willpotter@outlook.com	
Address: 201 Moog Road		
City/PO: Garrison	State: New York	Zip Code: 10524
Project Contact (if not same as sponsor; give name and title/role): Badey & Watson Surveying & Engineering, PC (Glennon J. Watson)	Telephone: 845-265-9217 E-Mail: gwatson@badey-watson.com	
Address: 3063 Route 9		
City/PO: Cold Spring	State: New York	Zip Code: 10516
Property Owner (if not same as sponsor): Same	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes☑No		
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Philipstown Planning Board Site Plan Approval	03 October 2019
c. City, Town or Village Zoning Board of Appeals ☑Yes☐No	Philipstown Zoning Board of Appeals Variance	10 October 2019
d. Other local agencies ☐Yes☑No		
e. County agencies ☐Yes☑No		
f. Regional agencies ☐Yes☑No		
g. State agencies ☐Yes☑No		
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑Yes☐No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
RC - Rural Conservation - Generally a low density (10-Acre) single family residential zone .The property is within the Aquifer Overlay District (AQD) that covers all of the Town, except those areas where stricter regulations apply such as the Cold Spring Watershed Overlay District (WSO).

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

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
Putnam County Sheriff, New York State Police

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

d. What parks serve the project site?
Philipstown Park at the former Malcolm Gordon School, Philipstown Park at Glasbury Court, Hudson Highlands State Park, Philipstown Recreation Center at Glenclyffe.

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 11.86 acres
b. Total acreage to be physically disturbed? 0.62 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.86 acres

c. Is the proposed action an expansion of an existing project or use? ☑ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: N.A.

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

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

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

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

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐Yes ☑No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes ☐No
ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

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

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

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

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

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

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐No

If, Yes:

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

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

_____

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

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

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

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

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

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

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

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

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

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

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

_____

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

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

If Yes:

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

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

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

_____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes☐No

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

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

If Yes, identify:

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

_____

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

_____

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

_____

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

If Yes:

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

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

_____

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

If Yes:

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

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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

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

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

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

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

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

If Yes:

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

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

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

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

i. During Construction:

- Monday - Friday: 8 AM until 5 PM
- Saturday: 8 AM until Noon
- Sunday: None
- Holidays: None

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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

If yes:

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

Construction Machinery, Construction Tools - Weekdays between 8 AM & 4 PM, as required.

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

Describe: _____

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

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Outdoor, night sky compliant (downward directed) residential scale patio, pool and pathway lighting

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

Describe: _____

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☐ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.523	0.544	+0.021
• Forested	10.656	10.379	-0.277
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0		0
• Non-vegetated (bare rock, earth or fill)	0.179	0.179	0
• Other Describe: Open Space	0.501	0.757	+0.256

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 0 to >6' feet

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

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

CrC Charlton-Chatfield complex	24.2 %
CuD Charlton-Hollis Rock	26.6 %
CsD Charlton-Chatfield complex	43.2 %

d. What is the average depth to the water table on the project site? Average: >6 feet feet

e. Drainage status of project site soils:
☑ Well Drained: 100 % of site
☐ Moderately Well Drained: ____ % of site
☐ Poorly Drained ____ % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 12.6 % of site
☑ 10-15%: 20.9 % of site
☑ 15% or greater: 66.5 % of site

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

h. Surface water features.

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

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

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

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

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

- Streams: Name Outfall of State Wetlands WP-8 is approximately 700' away Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name State Wetlands WP-8 is approximately 2500 feet away Approximate Size 44 acres
- Wetland No. (if regulated by DEC) _____

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

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

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site:
Deer

n. Does the project site contain a designated significant natural community? ☑ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation):
Brackish Tidal Marsh, Brackish Intertidal Mudflats

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: 135.46, 113.76 acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened):
Bald Eagle, Least Bittern, Northern Long-eared Bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site?

ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name:

ii. Basis for designation:

iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

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

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

G. Verification

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

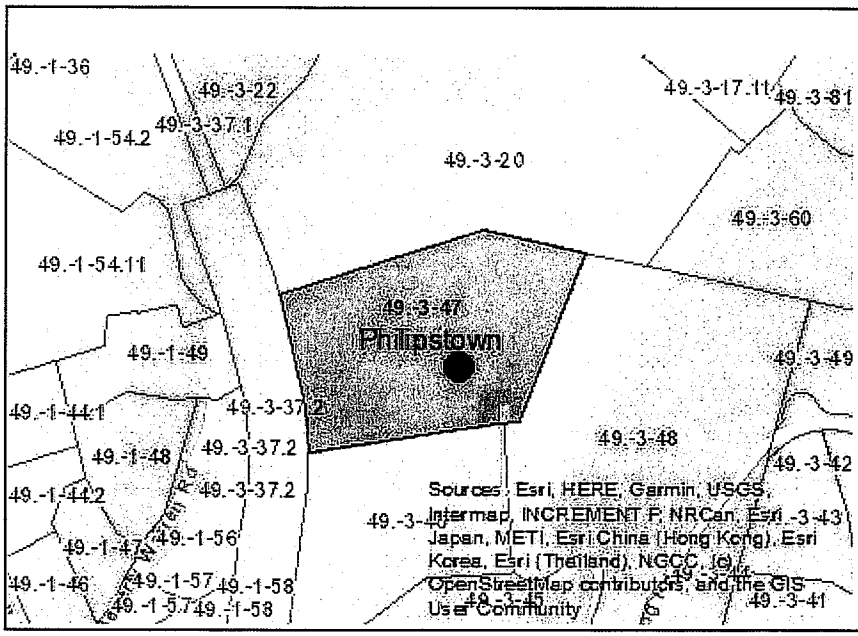
Applicant/Sponsor Name William Potter Date October 2, 2019

Signature _____ Title Glennon Watson - Surveyor for Applicant

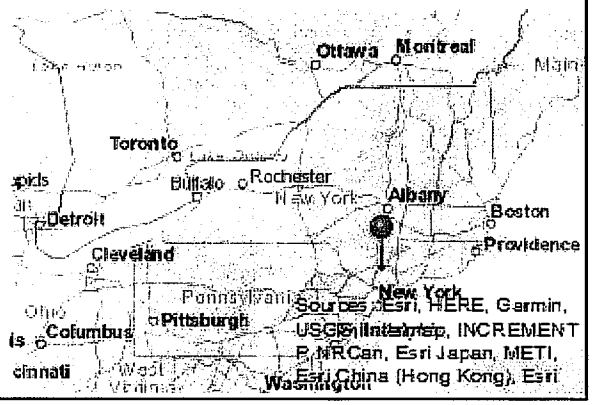
PRINT FORM

EAF Mapper Summary Report

Friday, September 27, 2019 9:00 AM



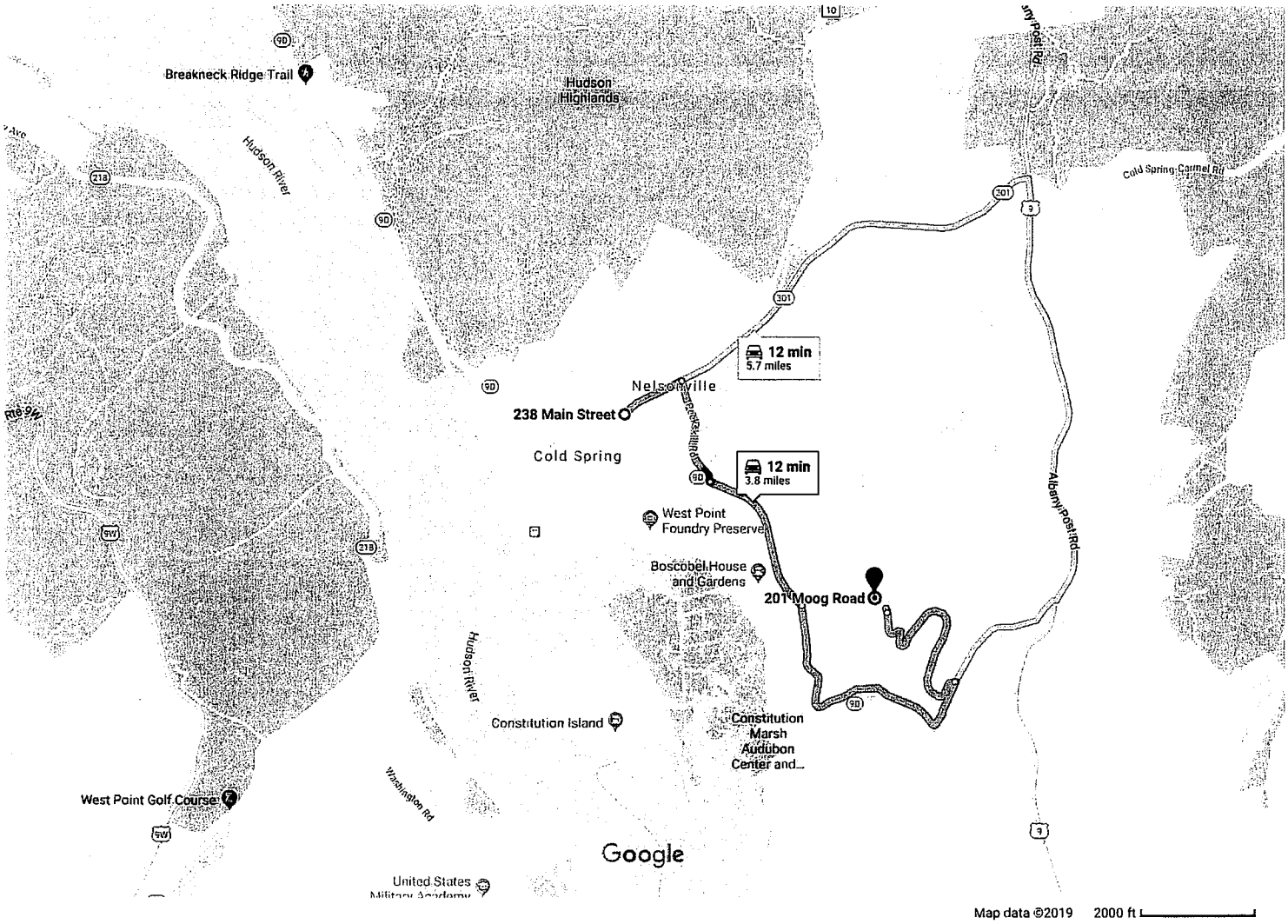
Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Brackish Tidal Marsh, Brackish Intertidal Mudflats
E.2.n.i [Natural Communities - Acres]	135.46, 113.76

E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle, Least Bittern, Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Google Maps 238 Main St, Cold Spring, NY 10516 to 201 Moog Rd, Garrison, NY 10524 Drive 3.8 miles, 12 min



238 Main St

Cold Spring, NY 10516

1. Head northeast on NY-301 E/Main St toward Parsonage St

0.3 mi

2. Turn right onto Peekskill Rd

0.5 mi

3. Turn left onto NY-9D S

0.7 mi

4. Turn right onto Indian Brook Rd

1.3 mi

5. Turn left onto Moog Rd

1.0 mi

6. Slight left to stay on Moog Rd

108 ft

201 Moog Rd

Garrison, NY 10524

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan

RONALD J. GAINER, P.E., PLLC
31 Baldwin Road, Patterson, NY 12563
Mailing Address: PO BOX 417, Pawling, NY 12564

office 845-878-6507 cell 845-527-1432

TO: Town of Philipstown Planning Board DATE: August 19, 2019

FROM: Ronald J. Gainer, PE SUBJ: 201 Moog Road Site Plan (off Indian Brook Road)

As provided in Section 175-66B of the Town Code a pre-application meeting was held August 16, 2019 at Philipstown Town Hall concerning site improvements planned on a residential property owned by Jolie Hunt & William Potter, which is located at 201 Moog Road. In attendance were the following:

Allan Broadbent & Jeff Scherr	–	Granoff Architects (applicant's Landscape Architect)
Anthony Merante	–	Planning Board Chairman
Greg Wunner	–	Code Enforcement Officer
Max Garfinkle	–	Town Natural Resource Review Officer
Tara Percacciolo	–	Planning Board Secretary
Ron Gainer	–	Town Engineer

The following matters were discussed:

Purpose of Application:

The property owners plan to construct an in-ground pool in the vicinity of the residential dwelling on the lot; Tax Map No. 49.-3-7. The tract lies at the end of the roadway. Granoff has been retained to develop concept plans for the pool and adjacent spa, to be constructed within an area to the south of the exterior deck which lies off the rear of the house. The area will be cleared, and the entire area landscaped. The site was chosen as it provides a beautiful view of the Hudson River. Due to grades in the area, a retaining wall will be constructed around the lower side of the pool, to construct a flat area for the pool construction.

As the landscape architect's plan generally indicates topography, it appears that the pool and retaining wall improvements will be placed in an area of >20% slopes. Therefore, pursuant to §175-36(7) (*"Steep Terrain and Ridge Protection Regulations"*) of the Zoning Ordinance, this will require a Special Permit from the Town Planning Board. However, this is only granted upon a showing by the applicant that constructing the planned improvements within other flatter areas of the site (which are less than 20%) would actually create greater disturbance.

While the drawing provided did not illustrate the applicant's entire property boundaries, the plan did identify the lot's southern boundary. From this, Greg Wunner felt that the applicant will also require a variance from the Zoning Board of Appeals as a portion of the retaining wall and other site improvements in the vicinity of the pool will lie within the required "yard" setback. *(NOTE: it was subsequently pointed out by Glenn Watson's office that §175-30H ("Supplementary Dimensional Regulations") of the Zoning Ordinance does specifically exempt retaining walls and fences from the setback requirements of the Code. Therefore, if the Town CEO concurs, a ZBA variance may not be required)*

RE: Residential Pool Construction; 201 Moog Road

Lastly, it was explained that the homeowner will be constructing a security fence enclosure around the general area of the pool, and below the retaining wall. The exact layout of the fencing planned has not yet been laid out.

Zoning District Information:

The property is located in the Rural Conservation ("RC") Zoning District.

Approvals Required:

As noted above, due to the planned disturbance of slopes >20%, a "Special Permit" approval from the Town Planning Board is required.

"Major/Minor" Classification:

The applicant was uncertain the extent of site disturbances which will result, but generally estimated to be around 9.000±sf. However, we advised that the disturbance must also include the entirety of the fence construction. It was explained that, per the provisions of Section 175-60C(1) of the Town Code, it would appear that the proposed activity will exceed the following threshold criteria:

- Alteration and active use of 10,000 square feet of land, with or without structures.

If so, the project would then appear to represent a "Major" project. It is noted that a public hearing for "Minor" projects is discretionary, while they are mandatory for "Major" projects. However, if the disturbance could be limited to <10,000 sf, it would qualify as a "Minor" project.

Waivers:

No waivers were identified by the applicant during the pre-application meeting.

Sensitive Environmental Areas/Overlay Districts:

It was noted that a town-designated ridgeline does exist on the adjacent property to the northeast. However, as the Town's applicable "ridgeline" controls predominantly regulate building heights to avoid visual impacts to the community, this would not likely impact the applicant's proposal.

Site Development issues:

The application package which must be filed with the Planning Board must include an application form, EAF, Site Plan complying with all plan requirements of §175-65B and required fees. The site plans should include the survey plan of the overall property, and should show all "existing" and "proposed" structures planned, along with square footage of all structures planned.

The Site Plan drawings should specify the amount of impervious coverage, as well as any overall site disturbance planned, to confirm what SWPPP requirements will apply. Further, given the residential nature of the area, the landscaping ultimately considered should respect the neighboring properties and minimize views of the improvements planned.

Site Plan Fees: As described above, it would appear that "Special Permit" fees would apply. Based upon review of the Town's fee schedule, the following fees may potentially apply:

RE: Residential Pool Construction; 201 Moog Road

"Special Use Permit & Site Plan", if Major	-	$1,500 + $20/parking & loading space + escrow
"Special Use Permit & Site Plan", if Minor	-	$500 + escrow
Public Hearing fee	-	$250 (mandatory for "Special Permit" projects)
Escrow	-	$5,000 (un-used monies returned to applicant)

It should be noted that the application fees and escrow deposit should be posted with separate checks.

The Zoning Board of Appeals process, if determined to be necessary, will involve a separate application and fee. Their fee is $100 per each "area" variance required.

Expected Referrals:

Per §175-36B(4), activities, uses, and construction which involve land disturbance on slopes 20% or greater and which are subject to authorization or approval under either the Zoning or Land Development Ordinance must be referred by the Planning Board to the Town's Conservation Board for review and advice with regard to the effects of the land disturbance, alternatives for development, and mitigation measures consistent with the purpose of this chapter. No other referrals were readily apparent. It was explained that Max Garfinkle would be involved in this aspect of the work planned.

As the conclusion of these discussions, the pre-application meeting concluded.

c: Greg Wunner, Code Enforcement Officer
Max Garfinkle, NRRO
Stephen Gaba, Esq.
Applicant (Granoff Architects)

Endorsement Page

Document # 1503157 Drawer # 07 Recorded Date: 11/30/2018
Document Type:DEED Book 2097 Page 1 Recorded Time: 2:01:08 PM
Document Page Count: 4 Receipt # 19295

PRESENTER:
RG AGENCY
1000 NORTH DIVISION STREET
P.O. BOX 431
PEEKSKILL,NY 10566

RETURN TO:
STEPHEN G. TOMANN, ESQ.
PO BOX 313
1705 ROUTE 9D
COLD SPRING,NY 10516

PARTIES

GRANTOR
JACQUELINE T LOIS

GRANTEE
JOLIE HUNT

FEE DETAILS

Consideration:		$1,800,000.00
1503157		
DEED	4	40.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RECORD MANAGEMENT		5.00
RP-5217 RESID/AGRIC		125.00
TRANSFER TAX		25,200.00
AMOUNT FOR THIS DOCUMENT:		25,390.00

RETT # 000000913

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315 REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti
Putnam County Clerk

Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 27th day of November in the year 2018,

BETWEEN

JACQUELINE T. LOIS, residing at 201 Moog Road, Garrison, New York 10524
parties of the first part,

and

JOLIE HUNT AND WILLIAM POTTER,
as husband and wife,
residing at 622 Greenwich Street, Apt 4D, New York, New York 10014
party of the second part,

WITNESSETH, that the party of the first part, in consideration of **TEN and No/100 ($10.00) DOLLARS**, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected situate, lying and being in the Town of Poughkeepsie and more particularly described in the attached "Schedule A"

BEING and intended to be the same premises described in the Deed to the grantor herein dated July 2, 1998 and recorded in the Putnam County Clerk's office on July 16, 1998 in Liber 1434 cp 270.

SUBJECT to certain covenants, restrictions and agreements as imposed by a certain Declaration by Paul H. Kinkel dated May 10, 1984 and recorded on May 11, 1984 in Liber 811 cp 331 in the Putnam County Clerk's office, and to any modifications thereof as may be hereafter recorded.

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.

Title No. **RGP 21778**

Schedule A
(description)

All that certain piece, plot or parcel of land situate lying and being in the **TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM**, State of New York, known and designated as Lot No. 5 on a certain map entitled, "Open Area Development Subdivision Plat Woodmere – Map 2, situate in the Town of Philipstown, Putnam County, New York", dated November 15, 1982, last revised February 8, 1984, and filed in the Putnam County Clerk's Office on May 11, 1984 as Map No. 1865C.

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:

JACQUELINE T LOIS HER AGENT

Jacqueline T. Lois by Joseph Lois, her agent

State of New York, County of Dutchess , ss:

On the 27 day of November, in the year 2018, before me, the undersigned, personally appeared **Joseph Lois,** 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/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

NIKI PAGONES QUINN
Notary Public, State of New York
Qualified in Dutchess County
Commission Expires February 13, 2019

Record and Return:
Stephen G. Tomann, Esq.
P.O. Box 313
1705 Route 9D
Cold Spring, NY 10516

RECORDED AT REQUEST
OF RG AGENCY
PO BOX 431
PEEKSKILL, NY 10566
914-739-2700
RETURN BY MAIL TO

RhP 21778

1. Property Location: 201 (* STREET NUMBER) MOOG ROAD (* STREET NAME)
PHILIPSTOWN (* CITY OR TOWN) (VILLAGE) 10524 (* ZIP CODE)

2. Buyer Name: HUNT (* LAST NAME/COMPANY) JOLIE (FIRST NAME)
POTTER (LAST NAME/COMPANY) WILLIAM (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form) (LAST NAME/COMPANY) (FIRST NAME)
(STREET NUMBER AND NAME) (CITY OR TOWN) (STATE) (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR ☐ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:
4A. Planning Board with Subdivision Authority Exists ☐
4B. Subdivision Approval was Required for Transfer ☐
4C. Parcel Approved for Subdivision with Map Provided ☐

5. Deed Property Size: (* FRONT FEET) X (* DEPTH) OR 11.86 (*ACRES)

6. Seller Name: LOIS (* LAST NAME/COMPANY) JACQUELINE T. (FIRST NAME)
(LAST NAME/COMPANY) (FIRST NAME)

*7. Select the description which most accurately describes the use of the property at the time of sale:
A. One Family Residential

Check the boxes below as they apply:
8. Ownership Type is Condominium ☐
9. New Construction on a Vacant Land ☐
10A. Property Located within an Agricultural District ☐
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

SALE INFORMATION

11. Sale Contract Date: 10/04/2018
* 12. Date of Sale/Transfer: 11/27/2018
*13. Full Sale Price: 1,800,000.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) *Please round to the nearest whole dollar amount.*

14. Indicate the value of personal property included in the sale: .00

15. Check one or more of these conditions as applicable to transfer:
☐ A. Sale Between Relatives or Former Relatives
☐ B. Sale between Related Companies or Partners in Business.
☐ C. One of the Buyers is also a Seller
☐ D. Buyer or Seller is Government Agency or Lending Institution
☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
☐ G. Significant Change in Property Between Taxable Status and Sale Dates
☐ H. Sale of Business is Included in Sale Price
☐ I. Other Unusual Factors Affecting Sale Price (Specify Below)
☒ J. None

Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY): 18
*17. Total Assessed Value: 848,900
*18. Property Class: 210
*19. School District Name: GARRISON UNION FREE
*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
49.-3-47

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE: JACQUELINE T. LOIS BY HER AGENT — DATE: 11/27/18

BUYER SIGNATURE: — DATE: 11/27/18

BUYER SIGNATURE: — DATE: 11/27/18

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC,society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

POTTER (* LAST NAME) WILLIAM (FIRST NAME)
(845) (*AREA CODE) 265-9231 (*TELEPHONE NUMBER (Ex: 9999999))
~~201~~ 602 (* STREET NUMBER) ~~MOOG ROAD~~ Greenwich Street Apt 4D (* STREET NAME)
~~GARRISON~~ New York (*CITY OR TOWN) NY (*STATE) ~~10524~~ 10014 (*ZIP CODE)

500' ADJOINERS LIST
49.-3-47
Potter

49.-1-58
De Rham Emily Foster
66 Indian Brook Rd
Garrison, NY 10524

49.-3-46
Provet, John
340 Riverside Dr Apt 13B
New York, NY 10025

49.-1-56
Harris, Frederick S
21 Beverly Warren Rd
Garrison, NY 10524

49.-1-49.-1 & 2
Ailes, Elizabeth
6 Ocean Lane
Palm Beach, FL 33480

49.-1-54.2
Morris Gerald
435 52nd St Apt 14B
New York, NY 10022

49.-3-45
Alex Berenson
171 Moog Rd
Garrison, NY 10524

49.-3-20
Greenfield Barry
200 Park Ave S Fl 8
New York, NY 10003

49.-3-22
Joter Industries Ltd
5 Macri Ave
West Harrison, NY 10604

49.-1-54.11
Chapman, Joseph C
PO Box 59
Garrison, NY 10524

49.-3-48
Andrew Kepler
169 E 78th St Apt 4B
New York, NY 10075

49.-3-37.1 & 2
City of New York Dep
71 Smith Ave
Kingston, NY 12401

49.-1-48
Beverly Warren LLC
26-30 Beverly Warren Rd
Garrison, NY 10524

49.-3-60
Detweiler, Michael Ressor
50 Woodland Dr
Garrison, NY 10524

Town of Philipstown

238 Main Street
Cold Spring New York 10516

PLANNING BOARD

SITE PLAN APPLICATION PACKAGE

MAJOR PROJECT

Project Name: CRS INTERNATINAL - SELF-STORAGE WAREHOUSE/OFFICE

Date: 10/2/19

Town of Philipstown

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

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

Application for Planning Board
Special Use & Site Plan Approval

Date: 10/2/19 **TM#** _____

Project Name: CRS INTERNATINAL - SELF-STORAGE WAREHOUSE/OFFICE

Street Address: 2761 RT 9, COLD SPRING, NY 10516

Fee Amount: _____ **Received:** _____

Bond Amount: _____ **Received:** _____

Applicant:

Name CRS INTERNATIONAL
Address ERIC BARREVELD
3027 RT 9
COLD SPRING, NY 10516
Telephone 914-589-6485

Tenant:

Name _____
Address _____
_____
Telephone _____

Design Professional:

Name HUDSON DESIGN
Address JAMES M. COPELAND
1949 RT 9
GARRISON, NY 10524
Telephone 845-424-4810

Surveyor:

Name _____
Address _____
_____
Telephone _____

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

Name IN NEGOTIATION
Address PENDING PLANNING
BOARD APPROVAL
_____
Telephone _____

Name _____
Address _____
_____
Telephone _____

TM# _____

Project Name: CRS INTERNATINAL - SELF-STORAGE WAREHOUSE/OFFICE

Project Description: SEEKING 'AMMENDED SITE PLAN' RE- APPROVAL FOR EXISTING SELF-STORAGE SITE PLAN, SIMILAR IN SCOPE. NEW CONSTRUCTION WAREHOUSE/OFFICE SPACE SITE PLAN, INDICATING STRUCTURE, HARDSCAPES, STORMWATER HANDLING & SEPTIC

ZONING INFORMATION

175-7 Zoning District: HC - HIGHWAY COMMERCIAL

175-10 Proposed Use: WAREHOUSE/WHOLESALE BUISNESS

Proposed Accessory Use(s): _____

175-7 Overlay Districts on the property:

	Yes or No
175-13 Floodplain Overlay District – NFIP Map ---------- (FPO)	NO
175-18.1 Mobile Home Overlay District ---------- (MHO)	NO
175-14 Cold Spring Reservoir Water Shed Overlay ---------- (WSO)	NO
175-15 Scenic Protection Overlay ---------- (SPO)	NO
175-16 Aquifer Overlay District ---------- (AQO)	YES
175-18 Open Space Conservation Overlay District ---------- (OSO)	NO
175-35 Within 100 foot buffer of Wetlands or Watercourse ----------	YES
175-36 Steep Terrain ----------	NO
175-36 Ridge Line Protection ----------	NO
175-37Protection Agricultural----------	NO

TM# _____

Project Name: CRS INTERNATINAL - SELF-STORAGE WAREHOUSE/OFFICE

175-11 Density and Dimensional Regulations

Zoning District HC	**Required**	**Existing**	**Proposed**	**Complies**	**Variance**
Minimum front yard setback	35 FT	N/A	165'-5.5"	YES	YES
Measured from the travel way Town Road	N/A		N/A		
Measured from the travel way County/State	35 FT		165'-5.5"		
Minimum side yard setback	15 FT		35'-10"		
Minimum side yard setback (2)	15 FT		43'-6.25"		
Minimum side yard setback (3)	15 FT		N/A		
Minimum rear yard setback	35 FT		117'-10.75"		
Maximum impervious surface coverage	60%		50%		
Maximum height	40 FT		40 FT		
Maximum footprint non-residential structures	40,000 SF		40,000 SF		

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: _____

RONALD J. GAINER, P.E., PLLC
31 Baldwin Road, Patterson, NY 12563
Mailing Address: PO BOX 417, Pawling, NY 12564

office 845-878-6507 cell 845-527-1432

TO: Town of Philipstown Planning Board DATE: July 19, 2019

FROM: Ronald J. Gainer, PE SUBJ: MHCP Self-Storage Site; NYS Route 9

As provided in Section 175-66B of the Town Code a pre-application meeting was held July 19, 2019 at Philipstown Town Hall. In attendance were the following:

Eric Barreveld	–	applicant
Jamie Copeland	–	applicant's Architect
Dennis Gagnon	–	Planning Board Member
Neal Tomann	–	Planning Board Member
Greg Wunner	–	Code Enforcement Officer
Tara Percacciolo	–	Planning Board Secretary
Ron Gainer	–	Town Engineer

The following matters were discussed:

Purpose of Application:

The property concerns the MHCP self-storage site along NYS Route 9, for which Joe Giachinta originally obtained Site Plan approval for a self-storage facility in 2006. The applicant proposes to utilize the property for "warehouse/ office" and modify the overall layout/design of the proposed site improvements, to expand the applicant's current wholesale/distribution business which is currently located at 3027 Route 9 (at Jaycox Road). He has little ability to expand at his present location, and so seeks to develop another warehouse locally to increase his business, while continuing his other business in his present location.

The property lies along the west side of NYS Route 9, between Lane Gate Road and NYS Route 301. In 2009, Giachinta obtained amended Site Plan approval for a similar self-storage concept, but with a modified stormwater treatment design. While some improvements have been constructed on the property, the site plan was never completed. Further, it was previously confirmed that no Building Permits were ever issued for the property.

It is uncertain whether the SSTS designed for the original approved use is in place. It was recommended that the applicant contact PCDOH to confirm whether a "completed works" approval was ever granted for the original system, which would then confirm whether the SSTS were ever constructed and signed off by their department. As the original self-storage concept envisioned few employees at the site, and this proposed activity could involve 30 staff, the applicant will need to evaluate expected wastewater generation volumes for the extent of development planned. In all likelihood, this will require new approvals from the Putnam County Department of Health.

Currently, site access from NYS Route 9 has been constructed, as has a pre-cast concrete block retaining wall along the frontage and along a portion of the north side of the lot. The status of the NYS DOT approval of all Highway Work Permit-required entrance improvements should also be confirmed. If any

RE: Barreveld/MHCP Self-Storage Site Plan; NYS Route 9

required access improvements have not yet been built, it will be necessary to complete this work and, if so, determine whether any new or revised permitting from DOT may be required.

The applicant indicated that he would plan to develop a 21,600± sf building (5,600 sf office and 16,000 warehouse) on the site for his fashion & merchandizing activities. A paved circular driveway will ring the building. Expected traffic would involve 3-4 tractor-trailers along with the staff vehicles arriving daily. Parking for 25-30 vehicles will be provided.

Zoning District Information:

The property is located in the Highway-Commercial ("HC") Zoning District.

Site Plan Review Required:

In reviewing the Town of Philipstown "Use Table" contained in the Zoning Ordinance, both "warehouse" and "office" uses are permitted in the HC zone, subject only to receipt of "Site Plan" approval from the Planning Board.

As noted above, a "Site Plan" approval has previously been granted to the property. Therefore, an "Amended Site Plan" application and associated fees will be required for this application.

"Major/Minor" Classification:

With the building size proposed, and since similar stormwater controls would still be required, per the provisions of Section 175-60C(1) of the Town Code, the proposed activity will clearly exceed the following threshold criteria:

- Alteration and active use of 10,000 square feet of land, with or without structures.

Therefore, given the project as described above, the project would therefore appear to represent a "Major" project. It is noted that a public hearing is mandatory for "Major" projects.

Waivers:

No waivers were identified by the applicant during the pre-application meeting.

Sensitive Environmental Areas/Overlay Districts:

It does not appear that the property falls within any of the Town's environmental overlay districts. However, as there is a NYS DEC-regulated wetland across Route 9 south of the property, the applicant should confirm whether the site lies within 100 feet of the DEC-mapped wetlands boundary. If so, the extent of any 100-foot wetlands control zone which may extend into the property should be denoted on the Site Plan drawings prepared.

Site Development issues:

The necessary application documents and Site Plan drawings required by §175-65 (*"Site Plan review"*) & §175-66 (*procedures for "major projects"*) must be submitted & followed in full in order for the application to be deemed "complete". This would include a Full Environmental Assessment Form and a "no violations" letter from the CEO.

RE: Barreveld/MHCP Self-Storage Site Plan; NYS Route 9

The Site Plans should specify the amount of impervious coverage, as well as overall site disturbance planned, to confirm what SWPPP requirements will apply. Stormwater management facilities will likewise be required to attenuate run-off from the impervious surfaces to be created. The extent of stormwater controls showing on the original site plan drawings were identified, for the applicant's knowledge and information. Since much of the site will be covered by the building and traffic aisles, it was suggested that pervious pavers be considered for the parking areas to reduce impervious coverage, and hopefully assist in making the stormwater design work.

Further, given the residential uses surrounding the site, all landscaping shown on the original Giachinta-approved plans would likely continue to be required by the Planning Board. The building's architecture should also be aesthetically pleasing from both the property frontage as well as the portions facing the adjacent residentially-developed properties.

Site Plan Fees: As described above, it appears that "Amended Site Plan" fees would apply. Based upon review of the Town's fee schedule, the following fees would apply:

"Amended Site Plan, major"	-	$1,000 + $20/parking & loading space + escrow
"No Violations" letter from Town CEO	-	$175
Public Hearing fee	-	$250 (mandatory for "major" projects)
Final Approval or Conditional Final Approval fee	-	$250
Escrow	-	$5,000 (un-used monies returned to applicant)

It should be noted that the application fees and escrow deposit should be posted with separate checks. Further, the fee for the "No Violations" letter is paid directly to the Town Building Department.

Expected Referrals:

Due to the site's location on Route 9, referral to the Putnam County Department of Planning (per GML 239m) will be necessary, which will be done by the Town Planning Board. Further, and as noted above, the applicant should contact both the NYS DOT and the Putnam County Department of Health to determine whether any new or revised permitting will be required from either office. It was also suggested that the former MHCP files be reviewed to determine what, if any other referrals would be appropriate.

As the conclusion of these discussions, the pre-application meeting concluded.

c: Greg Wunner, Code Enforcement Officer
Max Garfinkle, NRRO
Stephen Gaba, Esq.
Applicant (Jamie Copeland, AIA)