

Town of Philipstown Planning Board

Meeting Agenda

VFW Hall, Kemble Avenue, Cold Spring, New York 10516

October 18, 2012

7:30 PM

Revised Agenda

Pledge of Allegiance

Roll Call

Approval of Minutes: 09-20-12

Public Hearing:

SNK Farms, Inc. – Minor site plan amendment and special permit application - 3188 Route 9, Cold Spring: Submission of revised and addition materials/discussion

Applications:

Cold Spring Fuel Corp. – Minor site plan amendment to allow installation of 18,000-gallon propane tank – 3524 Route 9, Cold Spring: Submission of EAF, revised and additional plans

E. Polhemus Enterprises, LLC – Site plan approval – Horsemen’s Trail, Cold Spring: Submission of additional materials

Viletto Vaughn Hammond Corporation – Site plan approval – Route 9, Cold Spring: Request for second one-year extension of site plan approval

The New Friary at Graymoor – Special Use Permit and Site Plan – P.O. Box 300, Garrison: New Submission

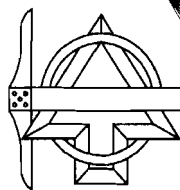
Referral of Local Law to amend Chapter 175: Memo from Tina M. Merando, Town Clerk dated October 5, 2012: Proposed Local Law to amend Zoning Law Sections 175-59 G.4 and 175-62 F (2) of the Code of the Town of Philipstown regarding Notice and Hearing: Discussion

Referral of Local Law to amend Chapter 112: Memo from Tina M. Merando, Town Clerk dated October 5, 2012: Proposed Local Law to amend Chapter 112, “Land Development”, Section 112-15, “Final Plat Endorsement and Filing”, Paragraph “A” “Expiration of Final Approval”, to permit multiple extensions of time to obtain final subdivision approval: Discussion

Adjourn

Michael Leonard, Chairman

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



BADEY & WATSON

Surveying & Engineering, P.C.

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

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

October 4, 2012

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

RE: Application of Cold Spring Fuel Corp. – Submission of EAF, Revised and Additional Plans

Dear Mr. Leonard and Honorable Board Members:

Enclosed are 13 copies each of the following documents:

- ❑ “Site Plan for Cold Spring Fuel Corp.” dated July 12, 2012, last revised October 3, 2012;
- ❑ Full EAF, Part 1 and suggested Parts 2 and 3, dated October 4, 2012;
- ❑ Plan by TransTech Energy for the installation of the tank at Cold Spring Fuel, dated October 2, 2012.

The site plan has been revised in the following manner:

- ❑ On both sheets
 - i. Adjoining owners have been added.
- ❑ On Sheet 1 only
 - i. Soils and slope information have been added.
- ❑ On Sheet 2 only
 - i. The tank size has been revised,
 - ii. The fence surrounding the tank has been revised to accommodate the longer tank.
 - iii. The notes suggested by Mr. Gainer have been added.
 - iv. The existing fill station has been removed.
 - v. The height of the relocated and new fencing has been checked and noted.
 - vi. A storage area for empty 100 lb cylinder tanks has been added inside the fence.

The new tank has a radius that is 2 feet smaller than the tank that was originally proposed, effectively lowering the tank, making it less visible above the chain link fence.

Owners of the records of:

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

Please include this item in the agenda for the Planning Board meeting scheduled for October 18, 2012, at which time we are hopeful that this application can be approved. Thank you for your consideration of this request.

Yours truly,

BADEY & WATSON,

Surveying & Engineering, P.C.

A handwritten signature in black ink, appearing to read "Glennon J. Watson", written in a cursive style.

by

Glennon J. Watson, L.S.

Enclosure (3)

GJW/bms

cc: File 77-113B\ML04OC12BP_SubmitsEAF_RevPlans.doc
Cold Spring Fuel Corp.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Site Plan Approval for Cold Spring Fuel Corp.

Name of Action

Philipstown Planning Board

Name of Lead Agency

Michael Leonard

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART 1 --PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Site Plan Approval for Cold Spring Fuel Corp.

Location of Action (include Street Address, Municipality and County)

3524 Route 9, Cold Spring, Town of Philipstown, Putnam County, NY

Name of Applicant/Sponsor Cold Spring Fuel Corp.

Address 3524 Route 9, P.O.B. 349

City / PO Cold Spring State New York Zip Code 10516

Business Telephone (8 4 5) 2 6 5 - 2 0 7 3

Name of Owner (if different) Same as Applicant

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone () -

Description of Action:

Approval of a Site Plan that will allow the installation of a 18,000 gallon propane storage tank and related equipment and improvements

Please Complete Each Question- Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: 1.667 acres.

APPROXIMATE ACREAGE

	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0.0</u> acres	<u>0.0</u> acres
Forested	<u>0.5</u> acres	<u>0.5</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0.0</u> acres	<u>0.0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0.0</u> acres	<u>0.0</u> acres
Water Surface Area	<u>0.0</u> acres	<u>0.0</u> acres
Unvegetated (Rock, earth or fill)	<u>0.1</u> acres	<u>0.1</u> acres
Roads, buildings and other paved surfaces	<u>1.0</u> acres	<u>1.0</u> acres
Other (Indicate type) <u>Lawns & Landscaping</u>	<u>0.1</u> acres	<u>0.1</u> acres
Total	<u>1.7</u>	Total <u>1.7</u>

3. What is predominant soil type(s) on project site? CrC - Charlton Chatfield Complex

a. Soil drainage: ☒ Well drained 100 % of site ☐ Moderately well drained _____ % of site
☐ Poorly drained _____ % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? ZERO acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No

a. What is depth to bedrock 0->7' (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% 69.7 % ☒ 10 - 15% 6.5 % ☒ 15% or greater 23.8 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?

☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? 0->7' (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

- 11 . Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Site is fully developed

Identify each species:

n/a

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

Clove Creek is near but not on or contiguous to site.

a. Name of Stream and name of River to which it is tributary

Clove Creek, Hudson River

16. Lakes, ponds, wetland areas within or contiguous to project area:

None

b. Size (in acres):

n/a

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a) If Yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b) If Yes, will improvements be necessary to allow connection? ☐ Yes ☒ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets law, Article 25-AA, Section 303 and 304?
☐ Yes ☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?
☐ Yes ☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

- a. Total contiguous acreage owned or controlled by project sponsor 1.67 acres
- b. Project acreage to be developed: 1.0 acres initially; 1.0 acres ultimately.
- c. Project acreage to remain undeveloped 0.67 acres.
- d. Length of project, in miles: n/a (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed? 0 %
- f. Number of off-street parking spaces existing 14, proposed 11
- g. Maximum vehicular trips generated per hour 2 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> |
| Ultimately | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> |
- i. Dimensions (in feet) of largest proposed structure 40 height; 9 width; 12 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 554 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? Zero tons/cubic yards?

3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ N/A

a. If yes, for what intended purpose is the site being reclaimed?

Lawns & Landscaping

- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? Zero acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 6 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated n/a (number)

b. Anticipated date of commencement phase 1: n/a month n/a year, (including demolition)

c. Approximate completion date of final phase: n/a month n/a year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 3, after project is complete

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☐ Yes ☒ No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☒ No

c. If yes, give name _____, location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☐ Yes ☒ No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity n/a gallons/minute.

23. Total anticipated water usage per day n/a gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Site Plan Approval	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	County Planning 239	TBD
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. ZONING AND PLANNING INFORMATION

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

- | | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

HC - Highway Commercial

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

60% of site, 57% is utilized

4. What is the proposed zoning of the site?

No change proposed

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

n/a

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

Use complies with new zoning law which was adopted as a response to the Town's Comprehensive Plan

7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?

Commercial, Industrial, Residential mix

8. Is the proposed action compatible with adjoining/surrounding land uses with a 1/4 mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? n/a

a. What is the minimum lot size proposed? n/a

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☒ Yes ☐ No

Installation will reduce current traffic to/from site.

D. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

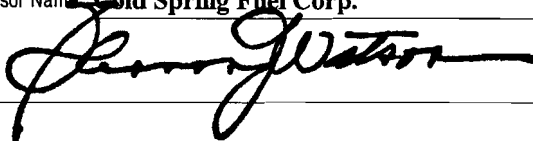
E. VERIFICATION

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

Applicant/Sponsor Name Gold Spring Fuel Corp.

Date 10/4/2012

Signature



Title Surveyor for applicant

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

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

Suggested by Badey & Watson _____

Recommended Date _____ by _____ (int.)

Adopted Date _____ by _____

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- ! The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a.
- b. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

1. Will the Proposed Action result in a physical change to the project site?

NO ☒ YES ☐

Examples that would apply to column 2

Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.

☐
☐

☐ Yes ☐ No

Construction on land where the depth to the water table is less than 3 feet.

☐
☐

☐ Yes ☐ No

Construction of paved parking area for 1,000 or more vehicles.

☐
☐

☐ Yes ☐ No

Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.

☐
☐

☐ Yes ☐ No

Construction that will continue for more than 1 year or involve more than one phase or stage.

☐
☐

☐ Yes ☐ No

Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.

☐
☐

☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site?
(i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

Specific land forms: ☐ ☐ ☐ Yes ☐ No

IMPACT ON WATER

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

Developable area of site contains a protected water body. ☐ ☐ ☐ Yes ☐ No

Dredging more than 1 00 cubic yards of material from channel of a protected stream. ☐ ☐ ☐ Yes ☐ No

Extension of utility distribution facilities through a protected water body. ☐ ☐ ☐ Yes ☐ No

Construction in a designated freshwater or tidal wetland. ☐ ☐ ☐ Yes ☐ No

Other impacts: ☐ ☐ ☐ Yes ☐ No

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. ☐ ☐ ☐ Yes ☐ No

Construction of a body of water that exceeds 10 acres of surface area. ☐ ☐ ☐ Yes ☐ No

Other impacts: ☐ ☐ ☐ Yes ☐ No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action will require a discharge permit. ☐ ☐ ☐ Yes ☐ No

Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. ☐ ☐ ☐ Yes ☐ No

Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. ☐ ☐ ☐ Yes ☐ No

Construction or operation causing any contamination of a water supply system. ☐ ☐ ☐ Yes ☐ No

Proposed Action will adversely affect groundwater. ☐ ☐ ☐ Yes ☐ No

Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. ☐ ☐ ☐ Yes ☐ No

Proposed Action would use water in excess of 20,000 gallons per day. ☐ ☐ ☐ Yes ☐ No

Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. ☐ ☐ ☐ Yes ☐ No

Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. ☐ ☐ ☐ Yes ☐ No

Proposed Action will allow residential uses in areas without water and/or sewer services. ☐ ☐ ☐ Yes ☐ No

Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. ☐ ☐ ☐ Yes ☐ No

Other impacts: ☐ ☐ ☐ Yes ☐ No

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water run off?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action would change flood water flows

☐
☐

☒ Yes ☐ No

Proposed Action may cause substantial erosion.

☐
☐

☐ Yes ☐ No

Proposed Action is incompatible with existing drainage patterns.

☐
☐

☐ Yes ☐ No

Proposed Action will allow development in a designated floodway.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action will induce 1,000 or more vehicle trips in any given hour.

☐
☐

☐ Yes ☐ No

Proposed Action will result in the incineration of more than 1 ton of refuse per hour.

☐
☐

☐ Yes ☐ No

Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.

☐
☐

☐ Yes ☐ No

Proposed Action will allow an increase in the amount of land committed to industrial use.

☐
☐

☐ Yes ☐ No

Proposed Action will allow an increase in the density of industrial development within existing industrial areas.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.

☐
☐

☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.

☐ ☐ ☐ Yes ☐ No

Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.

☐ ☐ ☐ Yes ☐ No

Other impacts:

☐ ☐ ☐ Yes ☐ No

--	--	--	--

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

☐ ☐ ☐ Yes ☐ No

Construction activity would excavate or compact the soil profile of agricultural land.

☐ ☐ ☐ Yes ☐ No

The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.

☐ ☐ ☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>			

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☒ NO ☐ YES

Examples that would apply to column 2

Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.

☐ ☐ ☐ Yes ☐ No

Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.

☐ ☐ ☐ Yes ☐ No

Project components that will result in the elimination or significant screening of scenic views known to be important to the area.

☐ ☐ ☐ Yes ☐ No

Other impacts:

☐ ☐ ☐ Yes ☐ No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.

☐ ☐ ☐ Yes ☐ No

Any impact to an archaeological site or fossil bed located within the project site.

☐ ☐ ☐ Yes ☐ No

Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.

☐ ☐ ☐ Yes ☐ No

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

Other impacts:

☐
☐
☐

Yes

☐

No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?



NO



YES

Examples that would apply to column 2

The permanent foreclosure of a future recreational opportunity.

☐
☐
☐

Yes

☐

No

A major reduction of an open space important to the community.

☐
☐
☐

Yes

☐

No

Other impacts:

☐
☐
☐

Yes

☐

No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?



NO



YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

Proposed Action to locate within the CEA?

☐
☐
☐

Yes

☐

No

Proposed Action will result in a reduction in the quantity of the resource?

☐
☐
☐

Yes

☐

No

Proposed Action will result in a reduction in the quality of the resource?

☐
☐
☐

Yes

☐

No

Proposed Action will impact the use, function or enjoyment of the resource?

☐
☐
☐

Yes

☐

No

Other impacts:

☐
☐
☐

Yes

☐

No

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

Alteration of present patterns of movement of people and/or goods.

☐
☐

☐ Yes ☐ No

Proposed Action will result in major traffic problems.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

☐
☐

☐ Yes ☐ No

Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

Blasting within 1,500 feet of a hospital, school or other sensitive facility.

☐
☐

☐ Yes ☐ No

Odors will occur routinely (more than one hour per day).

☐
☐

☐ Yes ☐ No

Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

☐
☐

☐ Yes ☐ No

Proposed Action will remove natural barriers that would act as a noise screen.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☐ NO ☒ YES

Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.

☐ ☒ ☐ Yes ☒ No

Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)

☐ ☐ ☐ Yes ☐ No

Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.

☐ ☐ ☐ Yes ☐ No

Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

☐ ☐ ☐ Yes ☐ No

Other impacts:

☐ ☐ ☐ Yes ☐ No

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.

☐ ☐ ☐ Yes ☐ No

The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.

☐ ☐ ☐ Yes ☐ No

Proposed Action will conflict with officially adopted plans or goals.

☐ ☐ ☐ Yes ☐ No

Proposed Action will cause a change in the density of land use.

☐ ☐ ☐ Yes ☐ No

Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.

☐ ☐ ☐ Yes ☐ No

Development will create a demand for additional community services (e.g. schools, police and fire, etc.)

☐ ☐ ☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☐ NO ☒ YES

Neighbors expressed concern about the possibility of explosion.

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

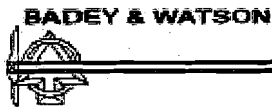
Neighbors expressed concern about the possibility of explosion caused by leakage from the proposed tank. This possibility cannot be eliminated, but it can and will be minimized.

The plan has been modified to specifically require that the propane tank be installed and maintained in strict accordance with NFPA 58, the rules governing the installation of these types of tanks. During the Public Hearing the applicant described the various safety measures and rules that must and will be followed when installing, putting into service and maintaining the tank.

Bollards have been placed in front of the tank to stop vehicles in the parking area from running into the tank.

The applicant has asked the tank provider to describe the various safety measures and devices that will be utilized in both the installation and maintenance of the tank. The provider did so via email that is attached to this EAF. The provider also provided a layout of the facility, which has been submitted to the Planning Board.

Following NFPA 58 rules minimizes the likelihood that an explosion and thus, that the related impact will occur. Since the potential impact will be minimized to the greatest possible extent, it is not an impediment to the approving the application.



Glenn Watson <gwatson@badey-watson.com>

Fw: Narrative

1 message

Richard Pidala Jr <pidalaoilco@yahoo.com>

Thu, Oct 4, 2012 at 8:20 AM

Reply-To: Richard Pidala Jr <pidalaoilco@yahoo.com>

To: "gwatson@badey-watson.com" <gwatson@badey-watson.com>

----- Forwarded Message -----

From: Christian Branchi <cbranchi@transtechenergy.com>

To: Richard Pidala Jr <pidalaoilco@yahoo.com>

Sent: Wednesday, October 3, 2012 6:52 PM

Subject: Narrative

Jim:

Listed below is my narrative for the new facility.

The new propane distribution facility for Pidala Oil will be built to the highest standards and will meet all NFPA 58 standards and local codes. As required by NFPA 58 a Fire Safety Analysis will be performed upon submittal of the application for a building permit which provides several important benefits:

- 1) A structured assessment by which each facility can be evaluated for conformity of installed equipment with code requirements.
- 2) A means to evaluate the capability of systems and equipment installed to control and contain potential LP-Gas releases during day-to-day operations.
- 3) An approach to evaluate the informational needs of the facility, based on factors such as the type and frequency of transfer operations, size of the storage containers, location of the facility with respect to other buildings and the existing procedures and systems in place.
- 4) A means to describe product control and fire protection features which exceed the comprehensive requirements of NFPA 581.
- 5) A tool for facilitating a cooperative and effective dialogue with local emergency response agencies and authorities having jurisdiction.

TANK:

The tank will be equipped with a pneumatic emergency shut down system, appropriate relief valves, and manual valves. The tank will be located in area which satisfies the separation distances from buildings, property lines, etc to the tank. The system will have a pneumatically controlled emergency shutdown system that will self activate in the event of a fire or a cargo tank vehicle pull away. When the system is activated all the openings on the tank that are directly involved with the transfer of the product (including the vapor) will be equipped with a pneumatic emergency shut down valve. These valves act as both a shut off valve and excess flow valve. The shut off valve can be activated either manually through activation of the pneumatic

emergency shut down system or thermally when a fusible link melts from heat resulting from a fire.

LOAD/OFFLOAD STATION:

The truck load/offload station is also integrated into the system and is equipped with emergency shut down valves as well that will close in the event of a pull away or a fire. There will be minimum of (2) emergency stop stations that will be located within 25ft but no more than 100 feet from the load/offload station and in the line of egress. The station will have breakaway risers installed so that if a cargo tank vehicle pull away should occur while hoses are connected to the truck while a transfer operation is occurring minimal damage to the pipe system will occur and the emergency shut down system will be activated at both station and the tank in order to ensure that there is a total product containment with a minimal amount of product release.

PIPING:

The piping on the system will be fabricated with carbon steel pipe and will be welded as much as possible to reduce the chances of any leaks.

Operations & Maintenance:

There will be regularly scheduled inspections of the system for leaks and compliance issues as outlined by NFPA 58. The emergency shut down system will be tested on a regular basis as well.

Let me know if you have any questions.

Christian Branchi
(252)885-6181

From: Richard Pidala Jr <pidalaoilco@yahoo.com>
Reply-To: Richard Pidala Jr <pidalaoilco@yahoo.com>
Date: Monday, September 24, 2012 1:36 PM
To: Christian Branchi <cbranchi@transtechenergy.com>

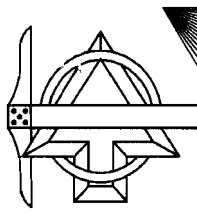
Hi Christian,

The board needs to see the piping & safety provisions. Maybe we could show a tank with the piping from the tanker truck to the tank, bobtail to bulk tank, piping to transfer pump & small cylinder pump. Also, show all safety valves, lighting protection grounds & vehicle grounding. Anything you show is not going to be set in stone, you can relocate on the job. This is just to give them an idea and also state that this meets with NY State & NFPA58 code.

I need to have this in by October 4th, 2 weeks before the next planning board meeting on October 18th.

Thanks,

Jim Pidala



BADEY & WATSON

Surveying & Engineering, P.C.

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

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

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

October 2, 2012

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

RE: Application of SNK Farms, Inc. - Submission of Revised & Additional Materials

Dear Mr. Leonard and Honorable Board Members:

Attached are 13 copies each of the following documents:

- ❑ Sheets 2 and 3 of our Site Plan prepared for SNK Farms, Inc., last revised October 2, 2012;
- ❑ Police Accident Report dated August 30, 2012;
- ❑ Police Accident Report dated September 13, 2012;
- ❑ Revised Full EAF, with correction recommended by Mr. Gainer; and
- ❑ Letter from Kevin Donohue dated September 17, 2012, stating that there are no violations of record against the SNK Farms site.

The site plan has been modified in two places. First, as requested by the Planning Board, the track of the fuel delivery truck as determined by the computer-aided program "AutoTurn" has been added to Sheet 3. Second, notes specified in Mr. Gainer's memo dated September 19, 2012, regarding lighting, signage and fuel deliveries have been added to Sheet 2.

We call your attention to the accident report dated August 30, 2012. It reports that a delivery truck was backing across Route 9 and into SNK Farms to position itself for delivery of fuel. The plan, if approved, will provide a clockwise circular path for the fuel delivery truck and eliminate the need to back into the site from Route 9.


Owners of the records of:

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

Local Codes
12-5703
11548P000005

POLICE ACCIDENT REPORT
MV-104A (3/04)

☐ AMENDED REPORT

Accident Date: Month: 8 Day: 30 Year: 2012		Day of Week: Thursday		Military Time: 21:38		No. of Vehicles: 2		No. Injured: 0		No. Killed: 0		Not Investigated at Scene: <input type="checkbox"/>		Left Scene: <input type="checkbox"/>		Policies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photos: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																																																										
VEHICLE 1						VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN																																																																																																						
VEHICLE 1 - Driver License ID Number: 829746521 Driver Name - exactly as printed on license: BAKER, CELIA L Address (Include Number and Street): 6104 JACOBS HILL RD City or Town: CORTLANDT MNR State: NY Zip Code: 10567						VEHICLE 2 - Driver License ID Number: L96726687302752 Driver Name - exactly as printed on license: LYONS, RONALD L Address (Include Number and Street): 23 SARATOGA CT City or Town: TINTON FALLS State: NJ Zip Code: 07753																																																																																																						
Date of Birth: Month: 2 Day: 16 Year: 1937 Sex: F Unlicensed: <input type="checkbox"/> Name - exactly as printed on registration: BAKER, CELIA L Address (Include Number and Street): 6104 JACOBS HILL RD City or Town: CORTLANDT MNR State: NY Zip Code: 10567						Date of Birth: Month: 2 Day: 19 Year: 1975 Sex: M Unlicensed: <input type="checkbox"/> Name - exactly as printed on registration: PUNJAB ENTERPRISES INC. Address (Include Number and Street): 16 HYACINTH DR City or Town: FORDS State: NJ Zip Code: 08863																																																																																																						
Plate Number: EJT53C9 State of Reg. NY Vehicle Year & Make: 2003 TOYT Vehicle Type: 4DSB						Plate Number: AN936T State of Reg. NJ Vehicle Year & Make: 2003 PTRB Vehicle Type: TRAC																																																																																																						
Title/Arrest Number(s): Violation Section(s):						Title/Arrest Number(s): Violation Section(s):																																																																																																						
Check if involved vehicle is: <input type="checkbox"/> more than 88 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit. VEHICLE DAMAGE CODES: Box 1 - Point of Impact: 2 1 2 Box 2 - Most Damage: Enter up to three more damage codes: 3 4 5 Vehicle Rv: CLASSY CHASSIS Towed To: CLASSY CHASSIS						Check if involved vehicle is: <input type="checkbox"/> more than 88 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit. VEHICLE DAMAGE CODES: Box 1 - Point of Impact: 5 1 5 Box 2 - Most Damage: Enter up to three more damage codes: 3 4 5 Vehicle Rv: Towed To:						Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.  ACCIDENT DIAGRAM See the last page of the MV-104A for the accident diagram. Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to determine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																																																																
Reference Marker: 9 1 0 1 1 1 0 0						Coordinates (if available): Latitude/Northing: Longitude/Easting:						Place Where Accident Occurred: County PUTNAM City Village Town of PHILIPSTOWN Road on which accident occurred ROUTE 9 at 1) intersecting street _____ or 2) 50 feet _____ of 50 FEET SOUTH OF FISHKILL RD (Mileage, Nearest Intersecting Route Number or Street Name)																																																																																																
Accident Description/Officer's Notes: DRIVER 1 STATES THAT SHE DIDN'T SEE VEHICLE 2 BACKING ACROSS ROUTE 9. VEHICLE 2 BACKING ACROSS ROUTE 9 INTO ENTRANCE TO GAS STATION.																																																																																																												
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>#</th> <th>9</th> <th>10</th> <th>11</th> <th>12</th> <th>13</th> <th>14</th> <th>15</th> <th>16</th> <th>17 BY</th> <th>TO 18</th> <th>Names of all involved</th> <th>Date of Death Only</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1</td> <td>1</td> <td>4</td> <td>1</td> <td>75</td> <td>F</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>BAKER, CELIA L</td> <td></td> </tr> <tr> <td>B</td> <td>2</td> <td>1</td> <td>4</td> <td>1</td> <td>37</td> <td>M</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>LYONS, RONALD L</td> <td></td> </tr> <tr> <td>C</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>D</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>E</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>F</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>																		#	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only	A	1	1	4	1	75	F	-	-	-	-	BAKER, CELIA L		B	2	1	4	1	37	M	-	-	-	-	LYONS, RONALD L		C													D													E													F												
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ALL INVOLVED

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (3/04)

Local Codes
12-5997
1LM232000148

☒ **AMENDED REPORT**

1	Accident Date Month: 9 Day: 13 Year: 2012	Day of Week Thursday	Military Time 20:45	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene <input type="checkbox"/> Accident Reconstructed <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	20			
2	VEHICLE 1 VEHICLE 1 - Driver License ID Number: 583916778 Driver Name - exactly as printed on license: LUOMA, STEPHANIE M Address (include Number and Street): 109 CHELSEA CAY City or Town: WAPPINGERS FLS State: NY Zip Code: 12590				VEHICLE 2 VEHICLE 2 - Driver License ID Number: 661751706 Driver Name - exactly as printed on license: TATAVITTO, DARLENE M Address (include Number and Street): 15 LARISSA LN City or Town: WAPPINGERS FALL State: NY Zip Code: 12590						21		
3	Date of Birth: Month 7 Day 4 Year 1983 Sex: F Unlicensed: <input type="checkbox"/> No. of Occupants: 02 Public Property Damaged: <input type="checkbox"/>				Date of Birth: Month 1 Day 24 Year 1976 Sex: F Unlicensed: <input type="checkbox"/> No. of Occupants: 01 Public Property Damaged: <input type="checkbox"/>						22		
4	Name - exactly as printed on registration: LUOMA, JAMES E Address (include Number and Street): 6 HAVEN LANE City or Town: COLD SPRING State: NY Zip Code: 10516				Name - exactly as printed on registration: SILVESTRI, MARION E Address (include Number and Street): 459 VASSAR ROAD City or Town: POUGHKEEPSIE State: NY Zip Code: 12603						23		
5	Plate Number: DRP2243 State of Reg: NY Vehicle Year & Make: 2009 NISS Vehicle Type: SUBV Int. Code: 100				Plate Number: ESC7542 State of Reg: NY Vehicle Year & Make: 2008 MERC Vehicle Type: 4DSD Int. Code: 341						24		
6	Ticket/Arrest Number(s): M23200SN1L				Ticket/Arrest Number(s):						25		
7	Violation Section(s): 5091				Violation Section(s):						26		
8	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.				Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.				Circle the diagram below that describes the accident, or draw your own diagram in space #8. Number the vehicles.				27
9	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact: 9 Box 2 - Most Damage: 9 Enter up to three more damage codes: 77				VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact: 11 Box 2 - Most Damage: 11 Enter up to three more damage codes: 77				ACCIDENT DIAGRAM See the last page of the MV-104A for the accident diagram.				28
10	VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				Place Where Accident Occurred: County: PUTNAM City: <input type="checkbox"/> Village: <input type="checkbox"/> Town: <input checked="" type="checkbox"/> PHILIPSTOWN Road on which accident occurred: GULF PARKING LOT at 1) intersecting street: 20 of ROUTE 9 or 2) 20 of ROUTE 9 (Milepost, Nearest intersecting Route Number or Street Name)				Cost of repairs to any one vehicle will be more than \$1000. <input checked="" type="checkbox"/> Unknown/Unable to determine <input type="checkbox"/> Yes <input type="checkbox"/> No				29
11	Accident Description/Officer's notes: OPERATOR OF V1 STATES SHE WAS BACKING OUT OF PARKING SPOT AND DID NOT SEE V2 AT GAS PUMP. OPERATOR OF V2 STATES SHE WAS PARKED WAITING TO FUEL VEHICLE AT GAS PUMP WHEN V1 BACKED INTO HER VEHICLE.										30		

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	1	1	4	1	29	F	-	-	-			LUOMA, STEPHANIE M	
B	1	3	4	1	X	F	-	-	-			TIMKE, TAYLOR	
C	2	1	4	1	36	F	-	-	-			TATAVITTO, DARLENE M	
D													
E													
F													

Officer's Rank and Signature: DEPUTY	Badge/ID No.: PC89	NCIC No.: 03900	Precinct/Post Troop/Zone: 2	Station/Beat Sector: D	Reviewing Officer: MCMANUS, K	Date/Time Reviewed: 9/14/2012 16:16
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**REVISED
FULL ENVIRONMENTAL
ASSESSMENT FORM
PART 1**

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☒ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Approval of a Minor Site Plan/Special Use Permit prepared for SNK Farms, Inc.

Name of Action

Philipstown Planning Board

Name of Lead Agency

Michael Leonard

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART 1 --PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Approval of a Minor Site Plan/Special Use Permit for SNK Farms, Inc.

Location of Action (include Street Address, Municipality and County)

3188 Route 9 Cold Spring, NY 10516

Name of Applicant/Sponsor SNK Farms, Inc.

Address 3188 Route 9

City / PO Cold Spring State NY Zip Code 10516

Business Telephone (8 4 5) 7 6 5 - 4 3 6 4

Name of Owner (if different) 3188 Route 9 LLC

Address 3188 Route 9

City / PO Cold Spring State NY Zip Code 10516

Business Telephone (8 4 5) 7 6 5 - 4 3 6 4

Description of Action:

Approval of a Minor Site Plan/Special Use Permit for SNK Farms, Inc., which, if approved would allow the continued use of retail sales as filling station, convenience store/deli. Approval would also allow the conversion of existing 3 bay car wash to use as light automobile repair shop (oil changes, tire changes, wiper blade replacement).

Please Complete Each Question- Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☒ Other

Mixed uses along Route 9, including retail sales, contractors yards, auto repair shop. Lands to the rear are suburban single family residential uses

2. Total acreage of project area: 1.073 acres.

APPROXIMATE ACREAGE

	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	<u>0</u> acres
Forested	<u>0.09</u> acres	<u>.09</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0</u> acres	<u>0</u> acres
Water Surface Area	<u>.03</u> acres	<u>.03</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>0.81</u> acres	<u>0.81</u> acres
Other (Indicate type) <u>Lawns, Gardens and Landscape</u>	<u>0.14</u> acres	<u>0.14</u> acres
Total	<u>1.073</u>	<u>1.073</u>

3. What is predominant soil type(s) on project site? Udorthents smoothed

- a. Soil drainage: ☒ Well drained 90 % of site ☒ Moderately well drained 16 % of site
☒ Poorly drained 10 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock 0>2' (in feet)

5. Approximate percentage of proposed project site with slopes:

- ☒ 0-10% 100 % ☐ 10 - 15% % ☐ 15% or greater %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?

- ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? 0>5' (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☐ No

According to:

UNKNOWN - The proposal does not include any disturbance beyond the limits of the existing development.

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

N/A

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

N/A

15. Streams within or contiguous to project area:

Yes

a. Name of Stream and name of River to which it is tributary

**Clove Creek runs through rear of property. It is tributary to the Fishkill Creek, which is tributary to the Hudson River.
No activity is proposed within 50' of Creek.**

16. Lakes, ponds, wetland areas within or contiguous to project area:

NONE

b. Size (in acres):

NA

17. Is the site served by existing public utilities? ☒ Yes ☐ No

a) If Yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No

b) If Yes, will improvements be necessary to allow connection? ☐ Yes ☒ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets law, Article 25-AA, Section 303 and 304?

☐ Yes ☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?

☐ Yes ☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

a. Total contiguous acreage owned or controlled by project sponsor 1.07 acres

b. Project acreage to be developed: .81 already developed acres initially; .81 already developed acres ultimately.

c. Project acreage to remain undeveloped 0.26 acres.

d. Length of project, in miles: NA (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed? NA %

f. Number of off-street parking spaces existing 10, proposed 13

g. Maximum vehicular trips generated per hour 156 (upon completion of project)?

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Ultimately	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>

i. Dimensions (in feet) of largest proposed structure NA height; NA width; NA length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 220 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? ZERO tons/cubic yards?

3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ N/A

a. If yes, for what intended purpose is the site being reclaimed?

Landscaping as shown on plan

b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? ZERO acres.

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

See letter report of VBH Engineering by John Canning, PE, dated August 27, 2012.

D. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.


E. VERIFICATION

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

Applicant/Sponsor Name SNK Farms, Inc.

Date 10/4/2012

Signature



Title Surveyor for Applicant

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

**REVISED
FULL ENVIRONMENTAL
ASSESSMENT FORM
PART 2**



e. If yes, explain:

Recyclables will be segregated for that purpose. Waste oil will be collected and removed by licensed contractor

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? NA tons/month.

b. If yes, what is the anticipated site life? NA years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

Minor increase in consumption of heating fuel, electricity

22. If water supply is from wells, indicate pumping capacity 5 (in place) gallons/minute.

23. Total anticipated water usage per day 550 includes existing demand gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

See letter report of VBH Engineering by John Canning, PE, dated August 27, 2012.

D. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. VERIFICATION

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

Applicant/Sponsor Name SNK Farms, Inc.

Date 10/4/2012

Signature



Title Surveyor for Applicant

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

2. What is the zoning classification(s) of the site?

HM (Hamlet mixed use)

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

0.7 acres (30,300 s.f.) of lot coverage, 10,000 square feet of building footprint

4. What is the proposed zoning of the site?

No change proposed

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

No change proposed

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?

Uses along Route 9 is a mix of retail and commercial (semi-industrial) uses such as a contractor's yard and concrete redi-mix yard. Uses to the rear of the property that use other roads for access are suburban type single family residential lots on 1 to 2 acres+ lots.

8. Is the proposed action compatible with adjoining/surrounding land uses with a 1/4 mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

See letter report of VBH Engineering by John Canning, PE, dated August 27, 2012.

D. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

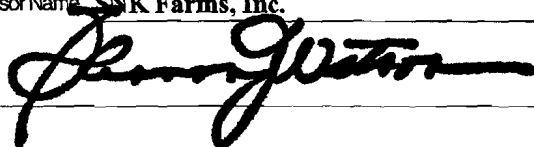
E. VERIFICATION

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

Applicant/Sponsor Name SNK Farms, Inc.

Date 10/4/2012

Signature



Title Surveyor for Applicant

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

**REVISED
FULL ENVIRONMENTAL
ASSESSMENT FORM
PART 2**



PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE Responsibility of Lead Agency

Suggested by Badey & Watson October 4, 2012

Recommended Date _____ by _____ (int.)

Adopted Date _____ by _____

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- ! The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a.
- b. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be any impact.
Maybe answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the Proposed Action result in a physical change to the project site?

NO ☒ YES ☐

Examples that would apply to column 2

Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.

☐ ☐ ☐ Yes ☐ No

Construction on land where the depth to the water table is less than 3 feet.

☐ ☐ ☐ Yes ☐ No

Construction of paved parking area for 1,000 or more vehicles.

☐ ☐ ☐ Yes ☐ No

Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.

☐ ☐ ☐ Yes ☐ No

Construction that will continue for more than 1 year or involve more than one phase or stage.

☐ ☐ ☐ Yes ☐ No

Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.

☐ ☐ ☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site?
(i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

Specific land forms:

☐ ☐ ☐ Yes ☐ No

IMPACT ON WATER

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Dredging more than 1 00 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action will require a discharge permit.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Construction or operation causing any contamination of a water supply system.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will adversely affect groundwater.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action would use water in excess of 20,000 gallons per day.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will allow residential uses in areas without water and/or sewer services.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water run off?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action would change flood water flows

☐
☐

☐ Yes ☐ No

Proposed Action may cause substantial erosion.

☐
☐

☐ Yes ☐ No

Proposed Action is incompatible with existing drainage patterns.

☐
☐

☐ Yes ☐ No

Proposed Action will allow development in a designated floodway.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action will induce 1,000 or more vehicle trips in any given hour.

☐
☐

☐ Yes ☐ No

Proposed Action will result in the incineration of more than 1 ton of refuse per hour.

☐
☐

☐ Yes ☐ No

Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.

☐
☐

☐ Yes ☐ No

Proposed Action will allow an increase in the amount of land committed to industrial use.

☐
☐

☐ Yes ☐ No

Proposed Action will allow an increase in the density of industrial development within existing industrial areas.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.

☐
☐

☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☐ NO ☐ YES

If Any Action in Part 2 is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

Other impacts:

☐
☐
☐

Yes

☐ No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO ☐ YES

Examples that would apply to column 2

The permanent foreclosure of a future recreational opportunity.

☐
☐
☐

Yes

☐ No

A major reduction of an open space important to the community.

☐
☐
☐

Yes

☐ No

Other impacts:

☐
☐
☐

Yes

☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

Proposed Action to locate within the CEA?

☐
☐
☐

Yes

☐ No

Proposed Action will result in a reduction in the quantity of the resource?

☐
☐
☐

Yes

☐ No

Proposed Action will result in a reduction in the quality of the resource?

☐
☐
☐

Yes

☐ No

Proposed Action will impact the use, function or enjoyment of the resource?

☐
☐
☐

Yes

☐ No

Other impacts:

☐
☐
☐

Yes

☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div></div>			

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☐ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

Public health and safety?

☐ YES

Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.

☐
☐

☐ Yes ☐ No

Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)

☐
☐

☐ Yes ☐ No

Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.

☐
☐

☐ Yes ☐ No

Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.

☐
☐

☐ Yes ☐ No

The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.

☐
☐

☐ Yes ☐ No

Proposed Action will conflict with officially adopted plans or goals.

☐
☐

☐ Yes ☐ No

Proposed Action will cause a change in the density of land use.

☐
☐

☐ Yes ☐ No

Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.

☐
☐

☐ Yes ☐ No

Development will create a demand for additional community services (e.g. schools, police and fire, etc.)

☐
☐

☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☐ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

TRAFFIC REPORT

**PREPARED BY
VHB ENGINEERING, SURVEYING AND
LANDSCAPE ARCHITECTURE, P.C.**



VHB Engineering, Surveying and Landscape Architecture, P.C. | Affiliated with Vanasse Hangen Brustlin, Inc.

Planning
Transportation
Land Development
Environmental

August 27, 2012

Ref: 28812.00

Mr. Glennon J. Watson, LS
Badey & Watson Surveying & Engineering, P.C.
3063 Route 9
Cold Spring, NY 10516

Re: Kirmani – Gas Station and Ancillary Activities
3188 Route 9
North Highland, NY

Dear Mr. Watson:

I am a professional engineer, licensed to practice in the State of New York and have over 20 years of traffic engineering and transportation planning experience. I was also the engineer responsible for the design of the traffic signal at the intersection of Fishkill Road with US Route 9 by the subject site.

I have visited the site and am familiar with its surroundings. I have also reviewed the following documents relating to the above project for issues relating to traffic and parking:

- Existing Conditions Plan (sheet 1 of 4), prepared by Badey & Watson, last revised 8/27/12;
- Site Layout & Planting Plan (sheet 2 of 4), prepared by Badey & Watson, revised 8/27/12;
- Pavement Striping (sheet 3 of 4), prepared by Badey & Watson, last revised 8/27/12;
- Site Details (sheet 4 of 4), prepared by Badey & Watson, last revised 8/27/12;
- Review Memorandum, prepared by AKRF, dated July 23, 2012;
- Site Walk Memorandum, prepared by Ronald J. Gainer, P.E., PLLC, dated July 23, 2012;
- Review Memorandum, prepared by Ronald J. Gainer, P.E., PLLC, dated July 24, 2012;

50 Main Street, Suite 360
White Plains, New York 10606
914.761.3582 • FAX 914.761.3759
email: info@vhb.com
www.vhb.com

A. Existing Conditions

The subject site is currently developed as a gas station which has a convenience store and a 3-bay car wash as ancillary activities. Access to US Route 9 is provided by two driveways (both of which permit traffic to enter and exit), one unsignalized driveway at the south end of the site and the second driveway at the north end of the site. The driveway at the north end of the site is opposite to but offset by 19 feet from Fishkill Road. The intersection of Fishkill Road is controlled by a traffic signal (installed within the past couple of years) but there is no signal indication facing vehicles exiting the gas station. The stop line on northbound US Route 9 is just to the south of the site's north driveway, preventing queued vehicles on US Route 9 from blocking the driveway and allowing vehicles to enter and exit the site during the Fishkill Road portion of the signal phase. A third access point connects the property to the abutting property to the south. The tank filling caps are located on the south side of the site adjacent to this cross access driveway.

The site has been used as a gas station for approximately 20 years and the ancillary convenience store and car wash were added somewhat more recently. Operation of the car wash has recently become intermittent due to issues not relating to traffic. When in use, cars visiting the car wash would go around the back of the building and form a queue. After entering the car wash bays and being washed, they would exit the front of the building and depart. A total of approximately 10 parking spaces are striped along the north side of the building and along the northern half of the front of the building.

B. Proposed Action

It is proposed to replace the three car-wash bays with three automobile light repair bays (oil, tire and similarly simple service). This capital investment also provides an opportunity to make some other minor changes to the Site Plan to improve the site's operation. Specifically, it is proposed to:

- Provide a loading zone and delivery and auto-service queuing/circulation lanes around the rear of the building;
- Provide delineators to identify a raised curb which runs along the bulk of the south side of the property; and
- Restripe the site with 13 parking spaces.

C. Potential Traffic Impacts

Traffic count data for Self-Service Car Washes (Land Use Code 947), Quick Lube Vehicle Shops (Land Use Code 941) and Automobile Care Centers (Land Use Code 942), which have been compiled by the Institute of Transportation Engineers (ITE) and are presented in their publication, *Trip Generation, 8th Edition*, indicate that the proposal to convert the 3 car wash bays to 3 automobile light service repair bays will result in a reduction of the site's trip generation potential.

A review of the data, which are attached, indicates that Self-Service Car Wash facilities generate between 1.1 and 3.2 times more traffic than Quick Lube Vehicle Shops during all times for which data is available and that, over the course of an entire week, Self-Service Car Washes generate 2.8 times more traffic than Quick Lube Vehicle Shops.

A review of the attached data also indicates that Self-Service Car Wash facilities generate between 2.6 and 10.6 times more traffic than Automobile Care Centers during all times for which data is available and that, on average, Self-Service Car Washes generate 5.1 times more traffic than Automobile Care Centers.

Since the site is developed with and the Applicant has the right to operate the existing 3-bay, self-serve car wash, it is, therefore, concluded that the proposed conversion of the bays for use as automobile light service repair bays will result in an overall reduction of the Site's traffic potential (estimated at 35 and 60 percent).

Based on available ITE data (also attached), it is calculated that the existing service station and convenience store generate a maximum of 138 trips in the busiest hour of the day. Assuming that 15 percent of the automobile repair customers will decide to get some quick auto repair work done when they stop for gas, it is projected that the 3 auto-repair bays will add a maximum of 18 trips to the gas station and convenience store traffic, a 13 percent increase over existing conditions, where the car wash is not in operation. This is substantially fewer than the maximum 53 trips which the 3-bay car wash would add in its busiest hour.

The empirical data indicate that the conversion of the 3 bays from car wash to auto repair will reduce the site's traffic potential and since the auto-repair-related traffic activity will be just a small component of Site activity, it is concluded that the proposed action will not have any significant adverse traffic impacts.

A review of the Site Plan indicates that the new circulation patterns, including signing and pavement markings directing car-care customers and deliveries around the back of the building, will provide improved traffic circulation over the existing conditions. Providing separate, designated paths for various on-site activities, such as deliveries and the auto service component of the business (which are predominantly all in the same direction of flow) will substantially simplify on-site operations, resulting in a safer driving environments. Fuel deliver vehicles will no longer back out of the site onto US 9. Striping at the site driveways will provide better-defined/separated travel paths for entering and exiting vehicles.

The revised plans will also increase the number of striped parking spaces from 10 to 13 (with employee parking confined to the rear of the building), and, with the installation of new bollards, will eliminate a condition wherein access to and from the vehicle fueling position closest to the building parking conflicted with the door exiting the building.

D. Response to Comments

7/23/12 AKRF Memorandum

Comment: The proposed addition of oil change services and the improvements to the existing gas filling station/retail store would likely cause an increase in the volume of traffic to the property.

Response: While the proposed addition of oil change services and other improvements would modestly increase the volume of traffic to the property with the existing car-wash facility closed, the proposed action actually results in a reduction in the site's traffic potential with the car wash operational (a much greater reduction than the modest increase).

Comment: The proposed improvements will change the vehicular and pedestrian circulation patterns on the site.

Response: The proposed parking and circulation improvements will better define and separate various activities on the site, thereby improving conditions.

Comment: The proposed additional service would introduce a new vehicular flow to a site with complex and undirected vehicular flow pattern.

Response: It is proposed to replace an existing, approved service with similarly-operating service which has a lower traffic potential. The proposed new striping will provide direction to this flow pattern.

Comment: Existing site complexities which would be exacerbated include the operation of the site's north driveway, cross access with the property to the south, confusing on-site circulation, unpredictable pedestrian movements, high speed of entering traffic, deliveries.

Response: The reviewer's comments create an image of the gas station as a veritable safety hazard ("hazardous, dangerous, confusing, unpredictable"). In point of fact, the gas station has been in operation, pretty much in its present configuration, for almost 20 years and is presently one of the most successful businesses in the North Highland community. The current and former owners have testified that there have been no accidents at the property that they can recall. Absent any evidence of actual patterns of safety incidents, it is reasonable to conclude that reducing the site's long-term traffic potential while approving a modest increase in traffic activity in the near term, along with implementing other measures to improve site circulation, will permit the site to continue to operate safely and successfully in the future.

In response to specific concerns, it is noted that the location of the stop line on northbound US Route 9, which is south of the north driveway, makes it easier for motorists to enter and, particularly, exit the site at that location. What little cross traffic activity there is between the site and the property to the south occurs at very low speeds and poses little, if any, risk to anyone. Striping is now proposed to improve and better define on-site pedestrian and vehicular circulation. Fuel deliveries are infrequent, can be scheduled for off hours and where fuel transfer occurs will not change appreciably as a result of the proposed action. The curb cut on the south US Route 9 driveway is proposed to be reduced from 36 to 33 feet which will have the effect of reducing the speed at which vehicles enter the site, albeit modestly. Reflective delineators are proposed to rectify a deficient site condition along that portion of the northern border of the property immediately abutting to the south. These delineators will alert motorists who might try to drive between the two properties to the presence of a raised curb.

Comment: The Applicant should refer to the Putnam County Main Street Partnership Planning Study for guidance.

Response: The Putnam County Main Street Partnership Planning Study was reviewed and its recommendations are laudable. However, the cost of implementing the Study's improvements may be beyond the ability of the subject project to support, particularly in light of the scale of the proposed site improvements. The site improvements will not preclude the future implementation of the plan's recommendations.

Comment: The Applicant's traffic engineer should propose potential improvements at the north access point.

Response: Absent any evidence to suggest that the north access point is not functioning satisfactorily, and considering the scale of the proposed project which will actually reduce the site's traffic potential, no changes to the north access point, other than minor striping or curb improvements, are proposed. Establishing a one-way traffic pattern, enter-only at the north access point and exit-only at the south access point, which would make it significantly more difficult to exit the site safely, is not recommended.

7/23/12 Site Walk Through Memorandum

Comment: The site plans should be revised to illustrate vehicle travel paths and queuing for the auto service bays with access to the bays from the rear and with vehicles exiting through the front garage doors.

Response: The site plans have been revised accordingly.

Comment: The applicant should review whether a one-way traffic flow configuration, making one access in-only and the second access exit-only, would be beneficial for the site.

Response: After review, it is concluded that making a one-way traffic flow configuration would not be beneficial to the site. Making an entrance-only at the north access point and an exit-only at the south access point would make it significantly more difficult to exit the site safely. Making an exit-only at the north access point and an entrance-only at the south access point would make it significantly more difficult for Fishkill Road traffic to enter the site. Both driveways are proposed to be striped with stop lines and double yellow lines to better define entering and exiting movements thereat.

Comment: The handicapped parking spaces on the 7/12/12 site plan are too close to the gas pumps and should be moved elsewhere.

Response: The handicapped parking spaces have been relocated as shown on the revised site plans.

Comment: Revised delivery procedures and hours of operation should be considered

Response: The site plan has been revised to direct delivery vehicles to the rear of the site and the owner has indicated that he will request overnight fuel deliveries or, when overnight deliveries are not feasible, will specify that daytime deliveries take place between the hours of 10:00 a.m. and 2:00 p.m.

Comment: The Board reviewed the curbing and landscaping improvements to be done at the internal lot access between Philipstown Square and the gasoline station sites, and felt that this would provide the necessary improvements to make this safe.

Response: Comment noted. Delineators have subsequently been added to the plan to better identify the curbing.

Comment: The County's recommendations for the area of NYS Route 9 & Fishkill Road could be of interest in the Board's review of the Site Plan.

Response: See the response to the corresponding AKRF comment.

7/24/12 Ronald J. Gainer, P.E., PLLC Memorandum

Comment: The plans should review parking layout and access circulation within the site, re-configuration of the auto repair use building ingress and egress, and pavement delineation/lanes/arrows to direct customers through the site to support the circulation intended.

Response: The plans have been revised to reflect the enumerated items, which are described in more detail above.

Comment: Off-street loading occurring for the convenience store and layout for the gasoline delivery vehicles should be identified on the site plan. Further any commitments by the applicant to require gasoline deliveries on off-peak hours should be specified.

Response: The plans have been revised to reflect directional striping for loading and deliveries, and the applicant should specify commitments, if any, to require gasoline deliveries during off-peak hours.

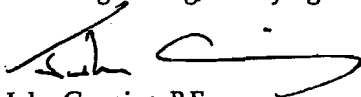
Comment: It would appear appropriate to require technical quantification of the additional traffic which may be expected for the proposed auto repair use, as well as expected hours of operation.

Response: The proposed automobile light repair component of the business is projected to add, at most, 18 trips to the surrounding roadways during the peak hours. This is just a modest increase over the traffic activity associated with the gas station and convenience store and is considerably less than the traffic which would be generated by an active 3-bay, self-serve car wash. It is, therefore, concluded that no mitigations are warranted as no environmental concerns will result from the change in use.

I trust that this information will assist you. Should you require any additional information or clarification, please do not hesitate to contact me.

Very truly yours,

VHB Engineering, Surveying and Landscape Architecture, P.C.

A handwritten signature in dark ink, appearing to read 'John Canning', with a long horizontal flourish extending to the right.

John Canning, P.E.

Director of Transportation

TRIP GENERATION

An ITE Informational Report

8th Edition • Volume 3 of 3

Trip Generation Rates, Plots and Equations

- Institutional (Land Uses 500 - 599)
- Medical (Land Uses 600 - 699)
- Office (Land Uses 700 - 799)
- Retail (Land Uses 800 - 899)
- Services (Land Uses 900 - 999)



Institute of Transportation Engineers

Land Use: 941

Quick Lubrication Vehicle Shop

Independent Variables with One Observation

The following trip generation data are for independent variables with only one observation. This information is shown in this table only; there are no related plots for these data.

Users are cautioned to use data with care because of the small sample size.

<u>Independent Variable</u>	<u>Trip Generation Rate</u>	<u>Size of Independent Variable</u>	<u>Number of Studies</u>	<u>Directional Distribution</u>
Servicing Positions				
Weekday	40.0	2	1	50% entering, 50% exiting
Weekday a.m. Peak Hour of Adjacent Street Traffic	3.0	2	1	67% entering, 33% exiting
Weekday a.m. Peak Hour of Generator	4.0	2	1	50% entering, 50% exiting
Saturday	42.0	2	1	50% entering, 50% exiting
Saturday Peak Hour of Generator	7.0	2	1	50% entering, 50% exiting
Sunday	28.0	2	1	50% entering, 50% exiting
Sunday Peak Hour of Generator	4.5	2	1	56% entering, 44% exiting

Quick Lubrication Vehicle Shop (941)

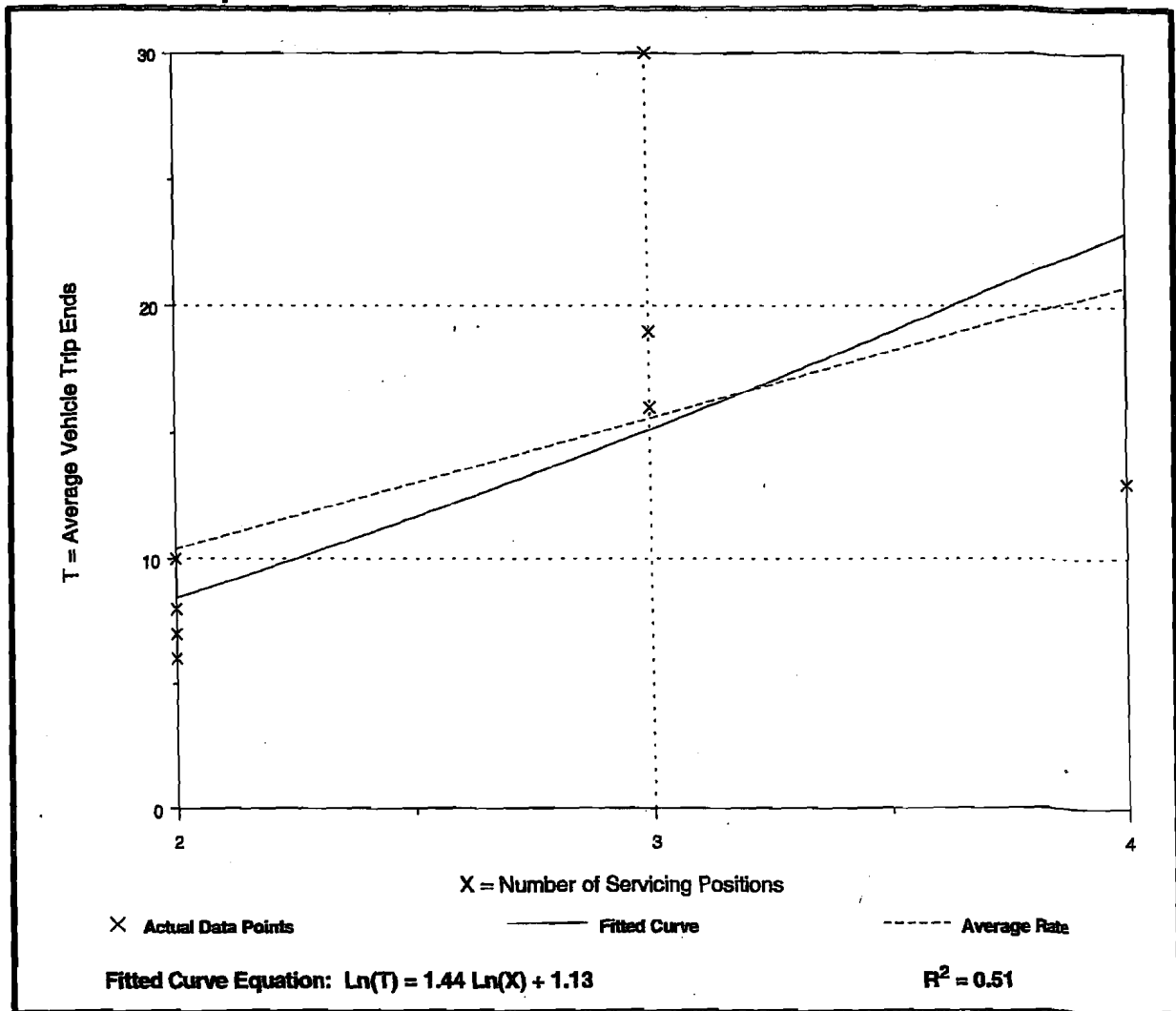
Average Vehicle Trip Ends vs: Servicing Positions
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 8
 Avg. Num. of Servicing Positions: 3
 Directional Distribution: 55% entering, 45% exiting

Trip Generation per Servicing Position

Average Rate	Range of Rates	Standard Deviation
5.19	3.00 - 10.00	2.96

Data Plot and Equation



Quick Lubrication Vehicle Shop (941)

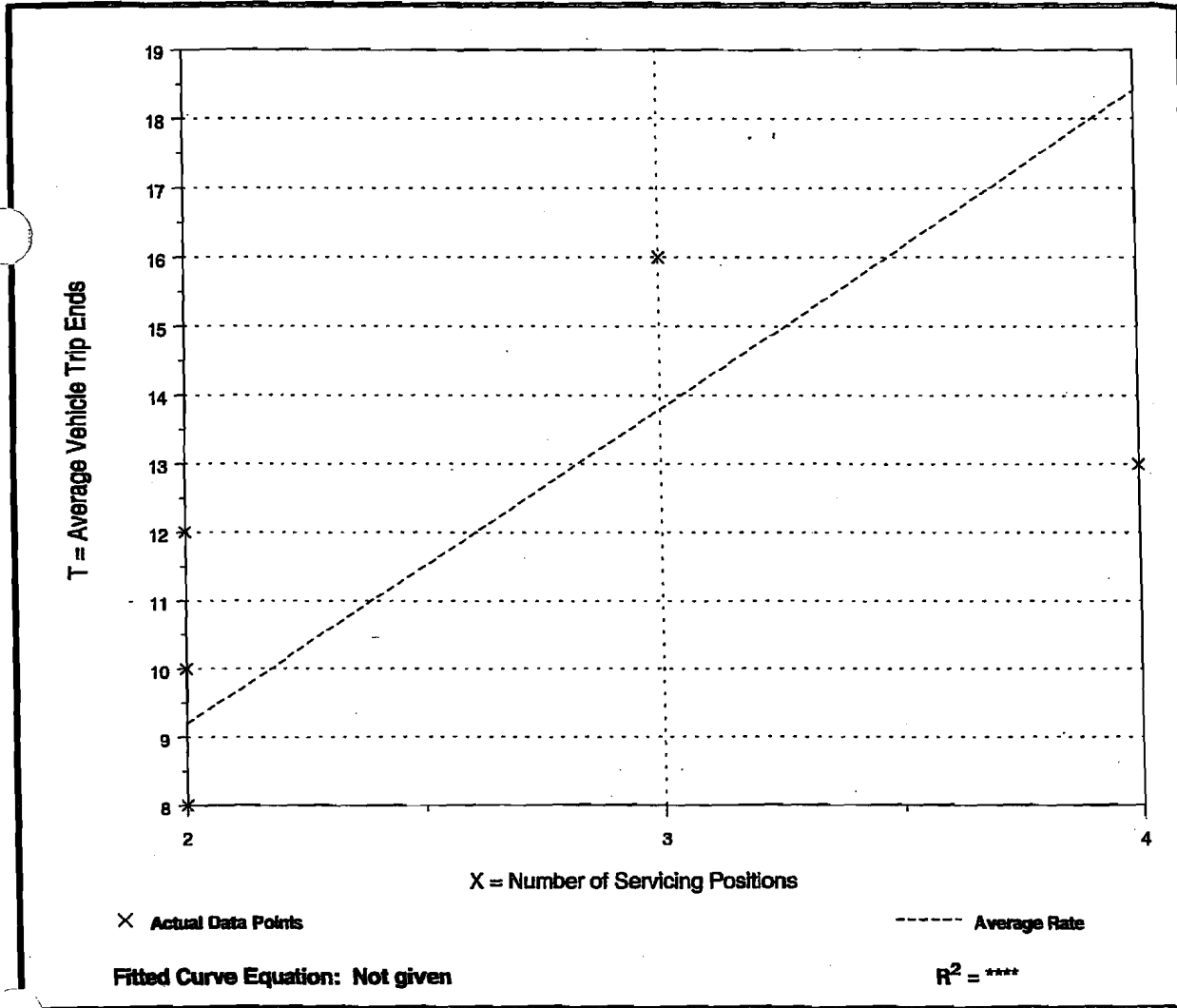
Average Vehicle Trip Ends vs: Servicing Positions
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 6
 Avg. Num. of Servicing Positions: 3
 Directional Distribution: 55% entering, 45% exiting

Trip Generation per Servicing Position

Average Rate	Range of Rates	Standard Deviation
4.60	3.25 - 6.00	1.97

Data Plot and Equation



Land Use: 942

Automobile Care Center

Independent Variables with One Observation

The following trip generation data are for independent variables with only one observation. This information is shown in this table only; there are no related plots for these data.

Users are cautioned to use data with care because of the small sample size.

<u>Independent Variable</u>	<u>Trip Generation Rate</u>	<u>Size of Independent Variable</u>	<u>Number of Studies</u>	<u>Directional Distribution</u>
1,000 Square Feet Occupied Gross Leasable Area				
Saturday	15.86	23	1	50% entering, 50% exiting
Sunday	2.59	23	1	50% entering, 50% exiting
Employees				
Weekday a.m. Peak Hour of Adjacent Street Traffic	1.00	44	1	68% entering, 32% exiting
Weekday p.m. Peak Hour of Adjacent Street Traffic	1.43	44	1	Not available
Weekday a.m. Peak Hour of Generator	1.00	44	1	68% entering, 32% exiting
Weekday p.m. Peak Hour of Generator	1.43	44	1	Not available
Saturday	8.23	44	1	50% entering, 50% exiting
Sunday	1.34	44	1	50% entering, 50% exiting
Service Stalls				
Weekday a.m. Peak Hour of Adjacent Street Traffic	1.52	29	1	68% entering, 32% exiting
Weekday p.m. Peak Hour of Adjacent Street Traffic	2.17	29	1	Not available
Weekday a.m. Peak Hour of Generator	1.52	29	1	68% entering, 32% exiting
Weekday p.m. Peak Hour of Generator	2.17	29	1	Not available
Saturday	12.48	29	1	50% entering, 50% exiting
Sunday	2.03	29	1	50% entering, 50% exiting

Land Use: 947

Self-Service Car Wash

Independent Variables with One Observation

The following trip generation data are for independent variables with only one observation. This information is shown in this table only; there are no related plots for these data.

Users are cautioned to use data with care because of the small sample size.

<u>Independent Variable</u>	<u>Trip Generation Rate</u>	<u>Size of Independent Variable</u>	<u>Number of Studies</u>	<u>Directional Distribution</u>
Wash Stalls				
Weekday	108.00	5	1	50% entering, 50% exiting
Weekday a.m. Peak Hour of Generator	8.00	5	1	50% entering, 50% exiting
Weekday p.m. Peak Hour of Generator	8.00	5	1	50% entering, 50% exiting
Saturday	132.80	5	1	50% entering, 50% exiting

Self-Service Car Wash (947)

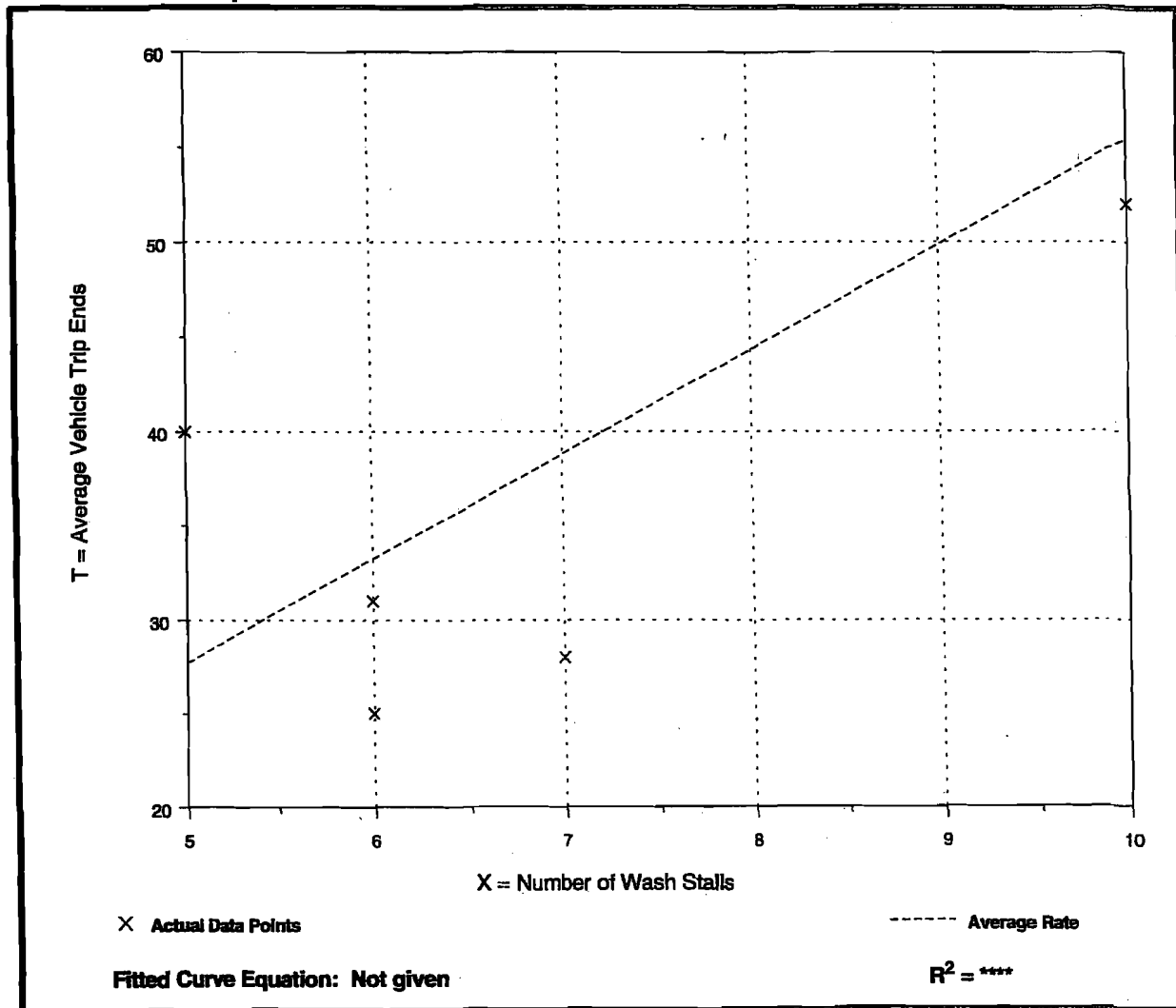
Average Vehicle Trip Ends vs: Wash Stalls
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 6
 Average Num. of Wash Stalls: 7
 Directional Distribution: 51% entering, 49% exiting

Trip Generation per Wash Stall

Average Rate	Range of Rates	Standard Deviation
5.54	4.00 - 8.00	2.67

Data Plot and Equation



Self-Service Car Wash (947)

Average Vehicle Trip Ends vs: Wash Stalls
On a: Saturday,
Peak Hour of Generator

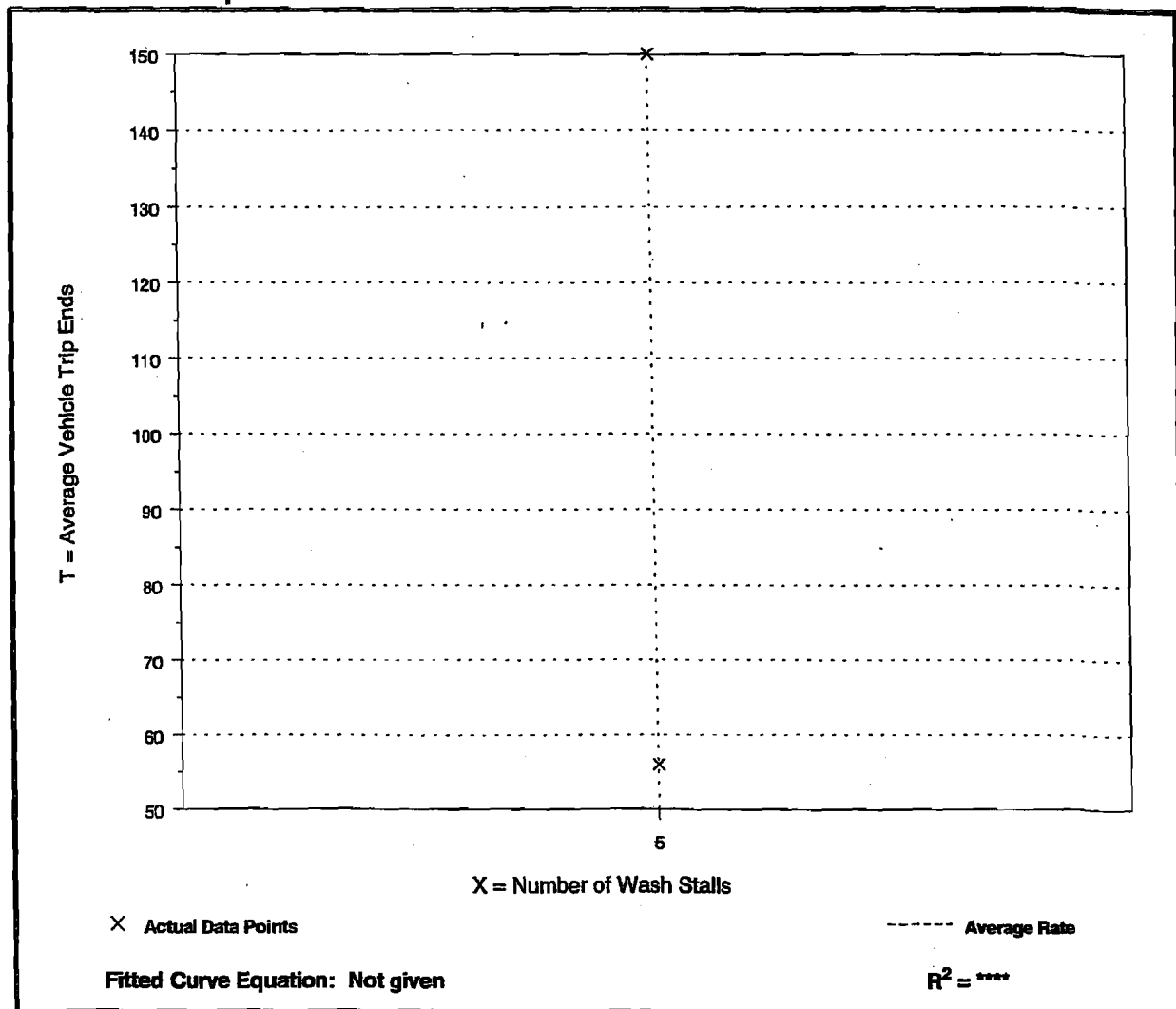
Number of Studies: 2
Average Num. of Wash Stalls: 5
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Wash Stall

Average Rate	Range of Rates	Standard Deviation
20.60	11.20 - 30.00	*

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Gasoline/Service Station with Convenience Market (945)

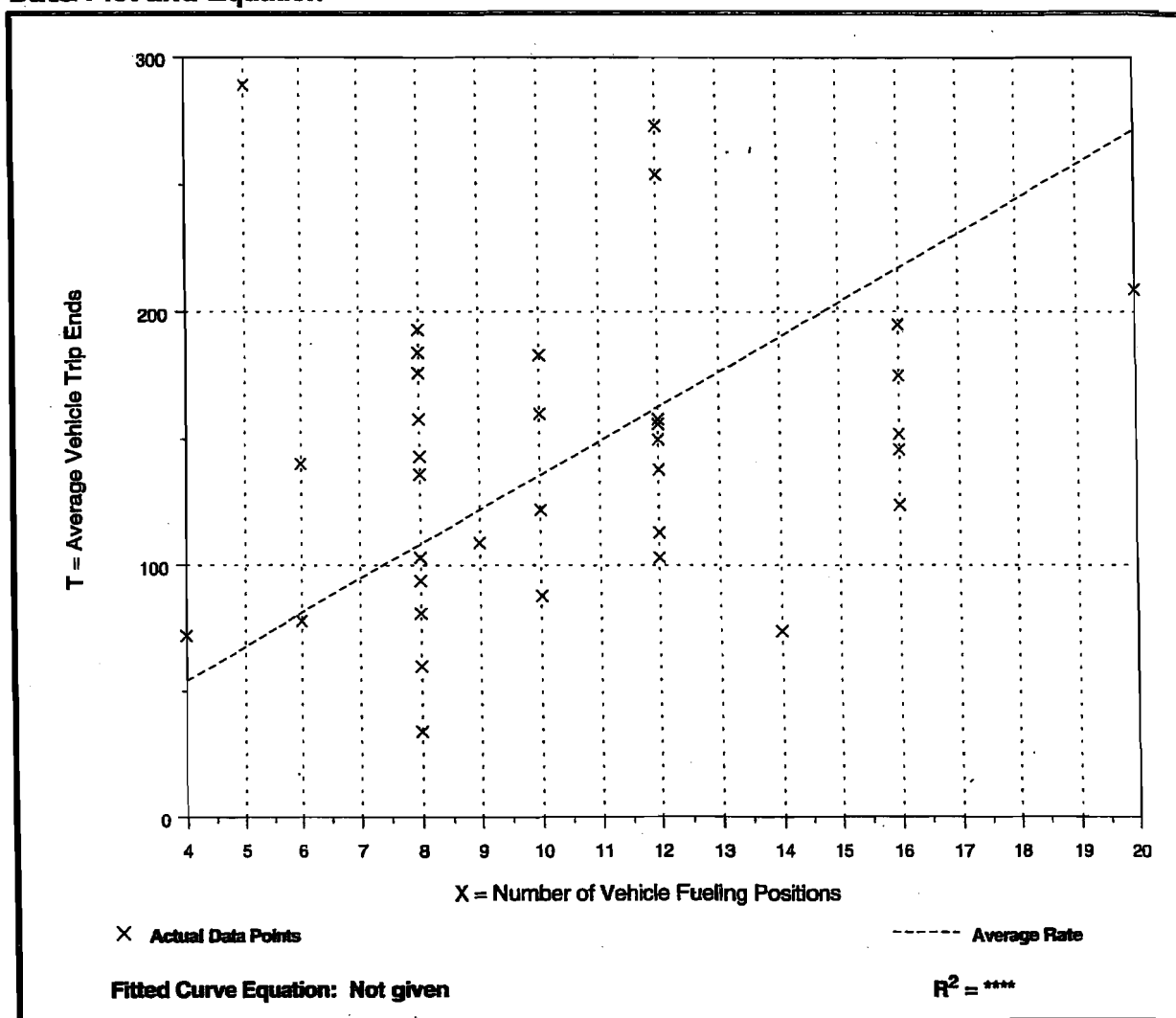
Average Vehicle Trip Ends vs: Vehicle Fueling Positions
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 37
 Average Vehicle Fueling Positions: 10
 Directional Distribution: 50% entering, 50% exiting

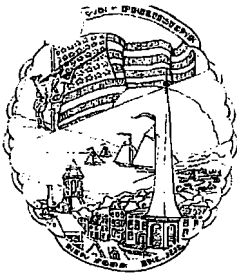
Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
13.57	4.25 - 57.80	7.94

Data Plot and Equation



“LETTER OF NO VIOLATIONS”



Town of Philipstown

Code Enforcement Office
238 Main Street, PO Box 155
Cold Spring, NY 10516

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

September 17, 2012

Badey & Watson
3063 Route 9
Cold Spring, NY 10516

Re: Request for "Letter of No Violation"
Property: Cold Spring Properties LLC, SNK Farms
3188 Route 9
ID# 27.11-1-23

To whom it may concern,

A request for a "Letter of No Violation" has been received as part of the Town of Philipstown Site Plan Approval process, Chapter 175-65 B.21;

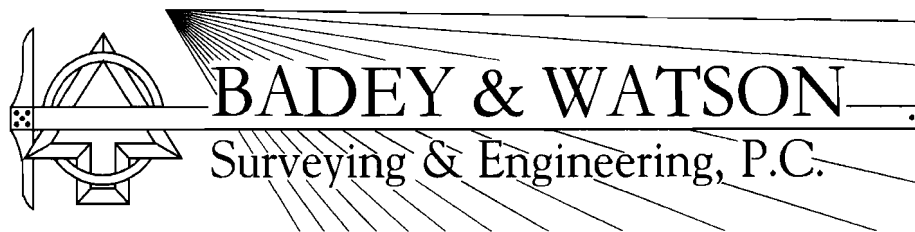
A letter from the Zoning Administrative Officer stating either that there are no outstanding zoning violations on the property or that the requested site plan approval is needed in order to correct a violation.

Please be advised that having checked the records of this office we find the above mentioned property has no outstanding violations of record.

Further be advised, that a Building Permit is required for the change in location of the exit and the installation of bollards protecting the LP Gas from vehicle impact.

Sincerely,

Kevin Donohue
Building Inspector



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

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

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

October 4, 2012

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

RE: Application of E. Polhemus Enterprise, LLC - Submission of Additional Materials

Dear Mr. Leonard and Honorable Board Members:

You probably will remember that the Noise Impact Evaluation prepared by Soundsense, LLC was attached to the corrected EAF that we submitted last month. You may also remember that Ms. Jainchill mentioned that the visual showing the location of the sound receptors was missing from her package. As it turns out there were 4 pages missing from the study, including the location map. Accordingly, we submit 13 copies of the complete Noise Impact Evaluation and ask that it be attached to the Full EAF submitted last month.

We apologize for our oversight.

Please place this matter on the agenda for the October 18, 2012 meeting of the Planning Board, at which time we are hopeful that the matter will be brought to a satisfactory conclusion. As always, thank you for your attention to and concern for this project.

Yours truly,
BADEY & WATSON,
Surveying & Engineering, P.C.

by
Glennon J. Watson, L.S.

Enclosure (1)
GJW/bms
cc: File 90-130B\ML05SP12BP_SubmitRevMaterial.doc
Edgar B. Polhemus, Jr., w/o enclosures.

Owners of the records of:

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



**E. POLHEMUS ENTERPRISE, LLC
GARRISON TREE, Inc.
HORSEMAN'S TRAIL and U.S. ROUTE 9
Town of Philipstown, NY**

NOISE IMPACT EVALUATION

As requested by:

Badey & Watson, Surveying & Engineering

3063 US Rt 9

Cold Spring, NY 10516

Prepared by:

SoundSense, LLC

Engineers: Bonnie Schnitta, PhD

Melissa Russo

Greg Greenwald

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

I. INTRODUCTION

SoundSense, LLC was contracted to perform a Noise Impact Evaluation for the proposed E. Polhemus Enterprise, LLC and Garrison Tree, Inc. site on Horseman's Trail near Route 9 in the Town of Philipstown, New York. The evaluation was conducted in four stages as follows:

- 1) Identify sensitive receptor locations in the vicinity of the proposed facility.
- 2) Determine ambient noise levels and operational noise levels at the receptor locations.
- 3) Model the projected noise levels from the equipment activity to the receptor locations using maximum operational noise levels and determine the effect on the existing ambient noise levels.
- 4) If operational noise levels are determined to be in violation of local noise code, outline one or more possible solution sets.

II. SUMMARY

The operation of the equipment (inclusive of the soil screener, the mobile rock crusher, the wood grinder, the front-end loaders and dump trucks) and the processing of materials will be in violation of the noise code for the town of Philipstown, New York. In many cases, it is in excess of 20 decibels above the ambient conditions and code limitations at the various receptor locations. In order to sufficiently protect the neighboring residences, an enclosure must be constructed on the property. Processing activities must be contained to such a structure. Alternatively, a berm can be constructed at the site in coordination with direct acoustic treatment of each piece of equipment. Several options are presented in Section F of the report, inclusive of detailed construction criteria and placement.

III. BACKGROUND

A. Surrounding Area

The surrounding area consists of residential, commercial and vacant commercial parcels. Commercial properties are situated to the north and east of the subject property along Skyline Drive and Route 9. Residential receptors were located to the south and southwest on Horseman's Trail, as shown on the attached Receptor Location Map.

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

B. Proposed Activity

The owner, E. Polhemus Enterprise, LLC intends to jointly use the property with the tenant, Garrison Tree, Inc. The sound levels from the onsite activity will include the use of a variety of front-end loaders and dump trucks, as well as a soil screener (McCloskey 407), a mobile rock crusher (Komatsu BR380JG-1), and a wood grinder (Bandit 3680 Beast Recycler), ("Noise") were analyzed. This equipment will be used to process and stockpile soil, stone, and forest products (trees, etc). There is no proposed activity between the hours of 6PM and 7 AM on any day of the week.

IV. ACOUSTIC CRITERIA AND STANDARDS

Noise is unwanted sound. In order to evaluate the impact that the Noise from the proposed activities will have on the surrounding receptors, we first have to establish the criteria to which these levels will be compared.

A. Annoyance

Annoyance by sound is a response to auditory experience. The standard acoustic ruler is that any noise that exceeds the background noise level by 5 dB(A) or more is perceivable and significant (see Section B below) and should be considered as a potential disturbance to the comfort of a person.

B. Subjective Perception of Actual Sound Energy Change

Sound or noise is measured by decibels (dB). As sound increases or decreases, decibels increase or decrease logarithmically - not arithmetically. The doubling of the volume of a sound only shows a ten point increase in dB. For example, one TV set at a normal conversational level is about 60 dB. Ten TV sets at the same volume will sound twice as loud and register about 70 dB.

TABLE 1. SUBJECTIVE PERCEPTION OF ACTUAL SOUND ENERGY CHANGE

dB Change	Subjective Perception	% Sound Energy Change
0	3 dB Barely perceivable	50 %
4 - 5 dB	Perceivable and significant	69 %
6 dB	Double sound pressure	75%
7 - 9 dB	Major perceived increase	87 %
10 dB	Double loudness, 10x power	90 %

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

C. Chapter 175: Zoning Code for the Town of Philipstown

- 1) § 175-63 Performance Standards: Standards Enumerated
 - A. Section F. Noise: With the exception of time and emergency signals and noise necessarily involved in the construction or demolition of buildings and other structures, no continuous sound or frequent impulse sound shall be transmitted outside the lot where it originates:
 - (1) So as to be a hazard to public health and safety;
 - (2) Exceeding 55 decibels between 7:00 a.m. and 10:00 p.m. and 45 decibels between 10:00 p.m. and 7:00 a.m., or greater than five decibels above the ambient noise at the point on the boundary of the lot where measured, whichever is greater.

V. METHODS, PROCEDURES AND RESULTS

A. Determine Existing Ambient Noise Levels for Receptor Locations

In order to determine if the proposed activities will impact the surrounding receptors, it is paramount to any investigation to determine the existing ambient noise levels for the receptor locations. Six receptor locations were chosen along the boundary lines of the subject property. These receptor locations, identified as "A-F," were chosen in order to cover a broad area of the property. Receptors "A," "D" and "E" are of particular significance as they are close to nearby residences. These locations are depicted on the attached map.

B. Equipment

The acoustic readings obtained during the monitoring activities were acquired using a Larson Davis System 824 Precision Sound Level Meter with a Real-Time Frequency Analyzer.

The System 824 features high speed data gathering and recording. The time history record records different broadband and spectral parameters such as spectral Ln's, RTA Leq, RTA Max or RTA Min (SSA), and includes 1/1 and 1/3 true digital octave analysis capabilities. The readings presented throughout this document are A-weighted, since this is most similar to how a human perceives noise, as well as the required weight for Code readings. The microphone is Type-1 per ASTM standards and was calibrated for the readings.

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

C. Noise Level Monitoring

Noise level monitoring of the site occurred on January 22, 2010 between the hours of 9:30am and 12:30pm. Readings were taken of the ambient conditions, individual equipment operation, and simultaneous equipment operation at the various receptor locations. Temperature ranged between 25 and 38 degrees F, with relative humidity between 60% and 80%, and winds typically between 5mph and 10mph. In preparation for the monitoring events, the equipment was calibrated prior to obtaining the readings.

D. Ambient Noise Level Results

In order to accurately describe the ambient noise environment of each location, we monitored the ambient noise level at each receptor location. The following table displays the results.

TABLE 2. AMBIENT NOISE LEVELS AT RECEPTOR LOCATIONS

Receptor Location	[9:45am] L _{EQ} dB(A)	[12:30pm] L _{EQ} dB(A)	Average L _{EQ} dB(A)	Standard Deviation dB(A)
A	56.6	50.1	53.4	4.6
B	66.2	66.9	66.6	0.5
C	50.4	50.6	50.5	0.1
D	55.2	51.5	53.4	2.6
E	56.0	49.7	52.9	4.5
F	54.4	50.1	52.3	3.0

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

Referencing Table 2, the Leq, or, Equivalent Continuous Sound Level, is the equivalent sound pressure level of a fluctuating noise over a period of time, in terms of a constant noise level. This level tells us how the residences within the area would be affected by the overall Noise during that time period.

The data displayed in Table 2 tells us the following about the typical daytime acoustical environment of the site:

- With the exception of Receptor "B," the typical daytime ambient conditions at the site are approximately between 50-55 dB(A). It is important to note that this is greater than the typical ambient noise levels of a quiet community.
- The ambient sound pressure level at Receptor "B" is approximately 66 dB(A), roughly 10-15 dB higher than the others. This can be attributed to its proximity to Route 9 and the neighboring concrete facility.

E. Operational Noise Level Results

The operational Noise levels of the proposed equipment were taken at various locations on the property. Individual readings of each piece of equipment during both idle conditions and operational conditions were taken to specifically identify the projected Noise across the full auditory spectrum. The individual readings are listed in Table 3 below.

TABLE 3. INDIVIDUAL EQUIPMENT NOISE LEVELS

Equipment	Leq - Sound Level dB(A)				
	Idling @ 20'	Idling @ 40'	Operating @ 40'	Operating @ Receptor A	Operating @ Receptor E
Soil Screener [McCloskey 407]	68.3	64.1	76.3	63.6	66.8
Mobile Rock Crusher [Komatsu BR380JG-1]	63.7	59.7	79.7	71.2	72.5
Wood Grinder [Bandit 3680 Beast Recycler]	66.7	65.6	83.5	72.0	72.2

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

Simultaneous equipment operational Noise levels were also taken at each receptor location ("A"-"F"). During these readings, the Soil Screener, the Mobile Rock Crusher, and the Wood Grinder were all in full operation, with individuals operating the onsite pay-loading equipment. The simultaneous equipment readings are listed in Table 4 under this section of the report.

TABLE 4. SIMULTANEOUS EQUIPMENT NOISE LEVELS

Receptor Location	L _{Eq} dB(A)
A	74.9
B	73.7
C	78.7
D	72.6
E	74.8
F	72.2

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

F. Projected Noise Levels at Receptor Locations

In addition to the readings taken at the site, SoundSense engineers virtually modeled the source and receptor information using a computer simulation of the location. There are various methods of calculating the path of an acoustic wave from the Source (proposed activities) to the Receiver (sensitive receptors). The computer algorithm used to determine the main acoustic paths and the main reflected paths of the noise from the Source to the Receiver is one that has been used by Bonnie Schnitta, PhD for over 30 years and has been well tested for known acoustic environments. The algorithm models the projected noise levels for each activity and calculates the resultant noise levels at the receptors. We then compared the projected noise levels to the existing noise levels (operational and ambient) to determine the resultant effect on the sensitive receptors.

The algorithm for total attenuation (A_{TOTAL} in dB) incorporates the cumulative attenuation effects of geometric divergence, air absorption, ground attenuation and other miscellaneous factors such as existing foliage and topography.

$$A_{TOTAL} = A_{div} + A_{air} + A_{ground} + A_{misc}$$

$$A_{div} = 20 \log_{10} r + 0.6 - C$$

Where r = distance of point source to receiver in feet

C = the correction factor as a function of temperature for varying values of atmospheric pressure.

$$A_{air} = ad / 100 \text{ dB}$$

Where a = air attenuation coefficient in dB per kilometer

d = distance in meters

$$A_{ground} = 4.8 - (2h_m/r) (17 + 300/r) \text{ dB}$$

Where r = distance between source and receiver in meters

h_m = the mean height of the propagation path above the ground in meters

$$A_{misc} = \text{dB/m}$$

This is based on frequencies of concern for each activity.

Reference: Harris, Cyril M (1998) *Handbook of Acoustical Measurements and Noise Control*. Woodbury, NY: Acoustical Society of America.

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

In addition, the sound waves being emitted from the various sources are directly influenced by thermal gradients in the atmosphere and wind shear. This effect is known as refraction, and will cause the path of the sound waves to bend. Generally, refraction is a major concern across distances greater than 300 feet, but in some rare cases can have a significant effect at distances as short as 50 feet. Sound projections are refracted downward in the direction of the wind, increasing downwind sound levels. Due to nighttime temperature inversion, sound levels are increased at ground level, when the ground itself is cooler than the atmosphere (at night). During the daytime the ground is heated by the sunlight, bending the sound waves upwards. Since the focus is daytime only this variable was not modeled. These factors are not taken into account in the projected sound level analysis due to their irregularity, and can have a significant positive or negative effect depending on weather conditions. The ambient data collected was done so under low wind conditions and significant cloud cover, providing estimated mean values with regards to atmospheric refraction.

All information regarding elevations, property boundaries, and proposed construction is based on the plan developed by Badey and Watson Surveying and Engineering. This noise impact study incorporated the contour data depicted on the most recent survey prepared by Badey and Watson, dated September 3, 2009.

G. Conclusions

On average, the operation of the proposed equipment is roughly 20 dB above code and ambient conditions at the receptor locations. The breakdown of this noise across the auditory spectrum is fairly broad, with high energy levels in most octaves. This Noise will not be in violation of the noise code in the Town of Philipstown when properly treated with acoustically rated materials. This Noise will not be a significant disturbance to the nearby residents, inclusive of the properties to the south, east, and west of the site, with the proper acoustic treatment.

There are several options with regards to mitigating the elevated Noise issue. These options are outlined below and the second option is supported with the attached graphical representations.

OPTION 1:

Solution #1 involves the installation of a full enclosure, including a roof, four walls, and a closable door or gate. Each major interior surface (including walls, door, and ceiling) must be lined with a material exhibiting the following

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

minimum acoustical properties: STC: 30, NRC: 1.0. The STC rating represents the Sound Transmission Loss, or how much sound can pass through the surface. The NRC rating represents the acoustical absorptivity of the surface, or how much sound energy is reflected back into the space. The recommended material is **SoundSense QB14** (*STC: 32, NRC: 1.05*, or equivalent). The space must also include vertically hung baffles (from the ceiling) with a *minimum NRC: 1.0*. These baffles must be at least 9'0" tall, must run the length of the footprint of any machinery below it, and must be spaced a *maximum* of 4' apart. The recommended material is **SoundSense QA4** (*NRC: 1.05*), or equivalent. The building(s) may be sized to house one or all of the proposed equipment as long as it meets the above conditions. The suggested form is a pre-engineered steel structure with a large bi-fold, top hinged door (similar to a typical airplane hangar). The door must be closed during operation of the Rock Crusher, Wood Grinder, and Soil Screener. Due to the fact that the door must remain open during the transportation of material into and out of the structure, the doorway should face northeast to use the rest of the structure as a noise barrier.

OPTION 2:

Solution #2 involves the installation of a three-sided barrier wall, with a rooftop and vertical baffles. A series of sketches are attached in the appendix of the report, representing the shape and approximate dimensions of such a structure. The longest wall must run parallel to Horseman's Trail, and must be at a minimum distance of 170' from Horseman's Trail. Allowing 15' for clearance between the equipment and such wall, the shorter side walls must be a minimum length of 40'. The structure must incorporate a complete roof, including vertical baffles (40' long by 9' tall) positioned above the footprint of any machinery below it. The baffles must be spaced a *maximum* of 4' apart. Each major interior surface (including walls, door, and ceiling) must be lined with a material exhibiting the following *minimum* acoustical properties: STC: 30, NRC: 1.0. The recommended material is **SoundSense QB14** (*STC: 32, NRC: 1.05*) or equivalent. The baffles must exhibit a *minimum NRC: 1.0*. The recommended material is **SoundSense QA4** (*NRC: 1.05*) or equivalent. The open side of the structure must incorporate vertically hung, flexible barrier strips that allow access to the equipment. These strips must have a 100% overlap, implying no gap between seams and a second row of strips, offset horizontally by ½ the width of a strip, as well as a minimum STC of 25. We recommend **SoundSense LV-1 Clear** (*STC: 26*), offered in a reinforced ½ lb/sq. ft. variation, or equivalent. The attached sketches display one of the short walls in red. This wall may be an actuated doorway for easier equipment positioning, but must be closed during equipment operation.

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E. Polhemus Enterprise, LLC and Garrison Tree

OPTION 3:

Solution #3 represents a similar method to Solution #2, only it is designed for the operation of only one piece of equipment at a time. A series of sketches are attached in the appendix of the report, representing the shape and approximate dimensions of such a structure. Allowing 15' for clearance between the equipment and such wall, the shorter side walls must be a minimum length of 40'. The structure must incorporate a complete roof, including vertical baffles (40' long by 9' tall) positioned along the entire length of the structure. The baffles must be spaced a *maximum* of 4' apart. Each major interior surface (including walls, door, and ceiling) must be lined with a material exhibiting the following *minimum* acoustical properties: STC: 30, NRC: 1.0. The recommended material is **SoundSense QB14** (STC: 32, NRC: 1.05), or equivalent. The baffles must exhibit a *minimum* NRC: 1.0. The recommended material is **SoundSense QA4** (NRC: 1.05), or equivalent. The open side of the structure must incorporate vertically hung, flexible barrier strips that allow access to the equipment. These strips must have a 100% overlap, implying no gap between seams and a second row of strips, offset horizontally by ½ the width of a strip, as well as a minimum STC of 25. We recommend **SoundSense LV-1 Clear** (STC: 26) offered in a reinforced ½ lb/sq. ft. variation. The attached sketches display one of the short walls in red. This wall may be an actuated doorway for easier equipment positioning, but must be closed during equipment operation.

OPTION 4:

There is also an alternate design option for mitigating the Noise created by the operation of the soil screener (McCloskey 407), the mobile rock crusher (Komatsu BR380JG-1), and the wood grinder (Bandit 3680 Beast Recycler. The details are listed below:

- (1) If only a berm is used as the noise mitigation method, it WILL NOT provide sufficient acoustic attenuation. On the other hand, if a berm is used in combination with direct acoustic treatment to the equipment, the noise from the equipment will meet Code. The design of the berm itself, inclusive of placement, height, etc, will be finalized between SoundSense and the landscape designer if the client proceeds with this option. These treatments are as follows:
- (2) The Soil Screener (McCloskey 407)
 - a. The majority of the disturbing noise coming from the Soil Screener is a result of both the material being loaded into the hopper and the rocks tumbling in the trommel drum. We propose the following treatment:
 - i. Lining of the interior of the hopper with 1" thick 60 Durometer rubber.

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

- ii. Replacing the screen cloth with a 1/2" thick polymer screen material (such as Durex Eurethane Armor).
- b. We have been in contact with Durex Products, Inc. (www.durexproducts.com) and they can provide both solutions for the McCloskey 407 at a reasonable cost.

(3) The Mobile Rock Crusher (Komatsu BR380JG-1)

The majority of the disturbing noise coming from the Rock Crusher is a result of both the material being loaded into the hopper and the rocks exploding in the crusher's jaws. We propose the following treatment:

Create a vertical acoustic barrier, attached directly to the perimeter of the hopper. The barrier must be continuous around the perimeter of the hopper, and must be a minimum height of 4'. This barrier must have a minimum STC of 30, with a minimum NRC of 0.85. We recommend **SoundSense QB12-EXT**. Due to the geometry of the hopper, the best fit will occur if the material is ordered in raw form, as opposed to prefabricated panels. The solution will require two full rolls, with a grommet kit and edge-binding kit. Steel framework will have to be attached to the hopper in order to support the material. Because the solution will be integrated into the product owned by Pine Bush Equipment Co., Inc., treatment must be reviewed and discussed with their local representative.

(4) The Wood Grinder (Bandit 3680 Beast Recycler)

The majority of the disturbing noise coming from the Wood Grinder is a result of the radiator fan, the grinding wheel, the grinding impact noises, and the engine noise. Due to the wide range of noise sources, we propose the following treatment:

The treatment will be based on the creation of a smaller, individual canopy. A sketch is attached detailing the dimensions and placement with respect to the unit. A structure must be designed and installed to support an acoustic barrier on the top and two sides. This barrier should have a minimum STC of 30 and a minimum NRC of 0.85. We recommend **SoundSense QB12-EXT**, if the design is inclusive of the frame and the acoustic material alone. We recommend **SoundSense QB112**, if the design is a plywood canopy to which the acoustic material is attached. Since a great deal of the noise emanates from the grinding wheel, an acoustic barrier curtain must be included in this acoustic canopy. In this design, the curtain is comprised of 8' long strips of **SoundSense LV-1 Clear**, suspended from the 17' tall roofline of the structure.

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

H. GLOSSARY OF TERMS

A. Standards

The information within this findings sheet is based on the ASTM Standards. Any variation to the ASTM criteria is based on additional research that focuses on the well being of humans in the presence of noise.

B. Sound Transmission Class (STC)

Definition: STC is the rating that identifies the ability of an object to block sound. Specifically, STC is a single-number rating calculated in accordance with ASTM classification E413 by using values of sound transmission loss. This is a single-number rating for sound insulation. Generally, STC ratings can be interpreted as follows:

- 25 Normal speech can be understood quite clearly
- 30 Loud speech can be understood fairly well
- 35 Loud speech is audible but not intelligible
- 45 Loud speech is very faint
- 48 Some loud speech is barely audible
- 50 Normal speech is not audible, but amplified sound will be audible
- 60 Minimum requirement for amplified sound

C. Decibel (dB)

Definition: The term used to identify ten times the common logarithm of the ratio of two like quantities proportional to power or energy. Thus one decibel corresponds to a power ratio (10 to the 0.1 power) to the n power. Since the decibel expresses the ratio of two like quantities, it has no dimensions.

D. Ambient

Definition: In this document ambient refers to that sound level in the residence when there are no noises of concern. This is a critical value, since it is level that determines the degree of annoyance that a noise is.

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

E. Reflection Amplification

Not all noise will be stopped by an acoustic barrier. The residual noise that passes over the barrier can then reflect off the nearest structure, which in this case is the building. This would then reflect off the barrier, amplifying the noise, unless the barrier has an absorptive or diffusive surface.

F. Noise reduction coefficient (NRC)

Definition: The rating that identifies the ability of an object to absorb rather than reflect sound. Specifically, NRC of a material is the average of the sound absorption coefficient for 250, 500, 1000, and 2000 Hz rounded to the nearest multiple of .05.

G. Equivalent-Continuous Sound Level (Leq)

Definition: Equivalent-continuous, frequency-weighted sound pressure level over a specified averaging time is the equivalent steady level, in that time interval, of the time-mean-square, frequency-weighted sound pressure produced by the sources of steady, fluctuating, intermittent, irregular, or impulsive sounds.

A-frequency-weighting is most commonly selected for a measure of equivalent-continuous, frequency-weighted sound pressure level. Unless otherwise stated, A-weighting is understood. Decibels measured with A-frequency weighting are indicated as dB (A).

The equivalent-continuous sound level of a time-varying sound is equal to the level of an equivalent steady sound at a measurement location for the same measurement duration. Specifically, Leq is 10 times the common logarithm of the ratio of the time-mean-square, A-weighted sound pressure $p^2(t)$ over time period $T = T_2 - T_1$ to the square of the standard reference sound pressure $p_0^2(t)$. Measured in dB (A) the Leq is

$$L_{eq} = 10 \cdot \log_{10} \left(\frac{\int_{T_1}^{T_2} p^2(t) \cdot dt}{p_0^2(t)} \right)$$

Noise Impact Evaluation

E. Polhemus Enterprise, LLC and Garrison Tree

H. (Ln)

Definition: Percentile levels are used greatly when measuring environmental noise. Ln, where n may be anything from 1 to 99, is that noise level exceeded for n% of the measurement time. By definition of percentiles, L1 must be greater than or equal to L2, which must be greater than or equal to L3, etc. L90 represents that noise level that was exceeded 90% of the time and is indicative of the typical ambient environment for the location.

I. Sound Pressure Level (SPL)

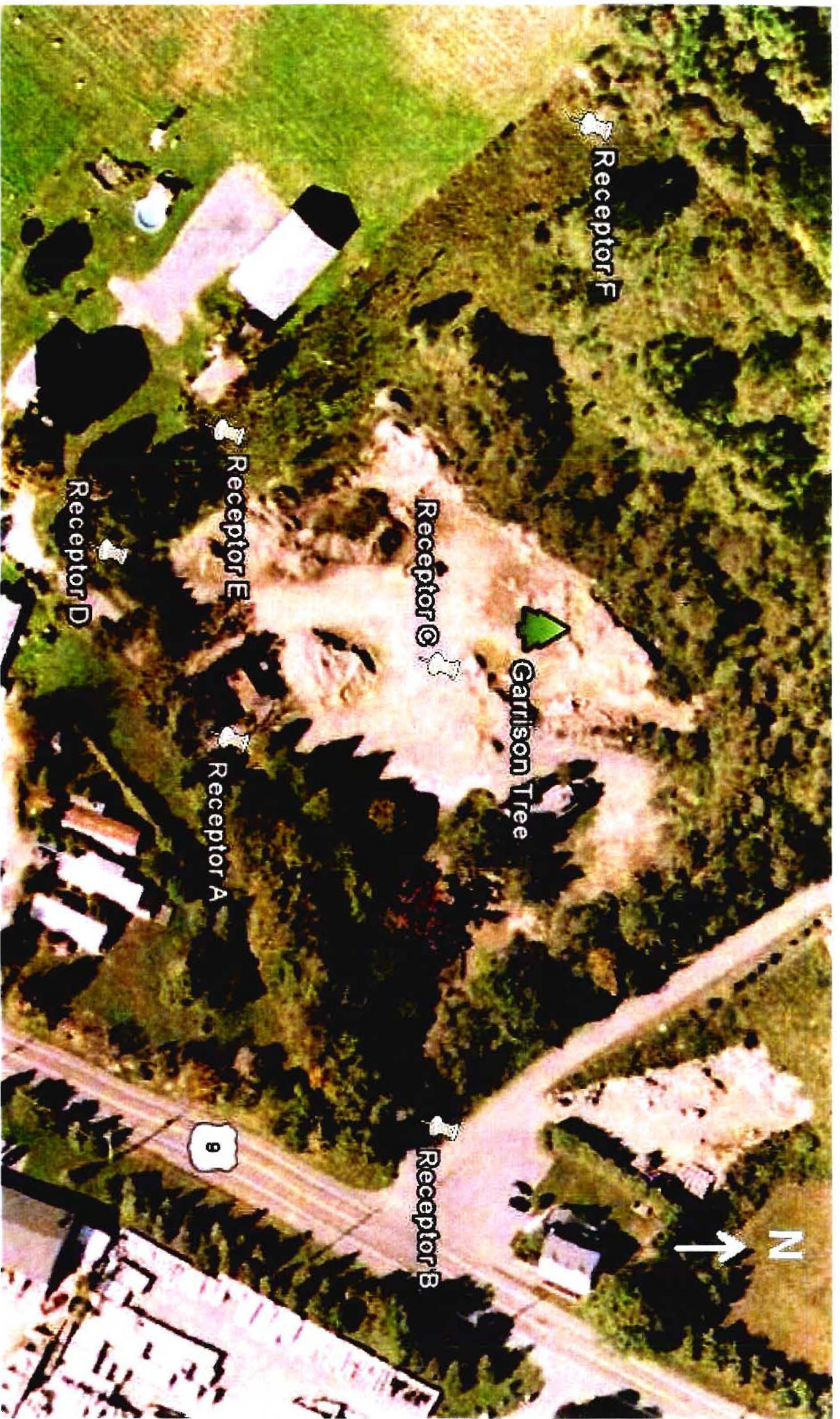
Definition: a Bell (named for Alexander Graham Bell) scale is the log base 10 of the ratio of some measurement divided by a reference value. A decibel is one tenth of a Bell. Three scales are commonly used for sound pressure levels. They are called the linear scale (measured in dB), the A-weighted scale (measured in dBA), and the C-weighted scale (measured in dBC). The linear scale is directly related to the mean square pressure differential, p^2 , by the following equation

$$SPL = 10 \log \left[\frac{p^2}{p_0^2} \right]$$

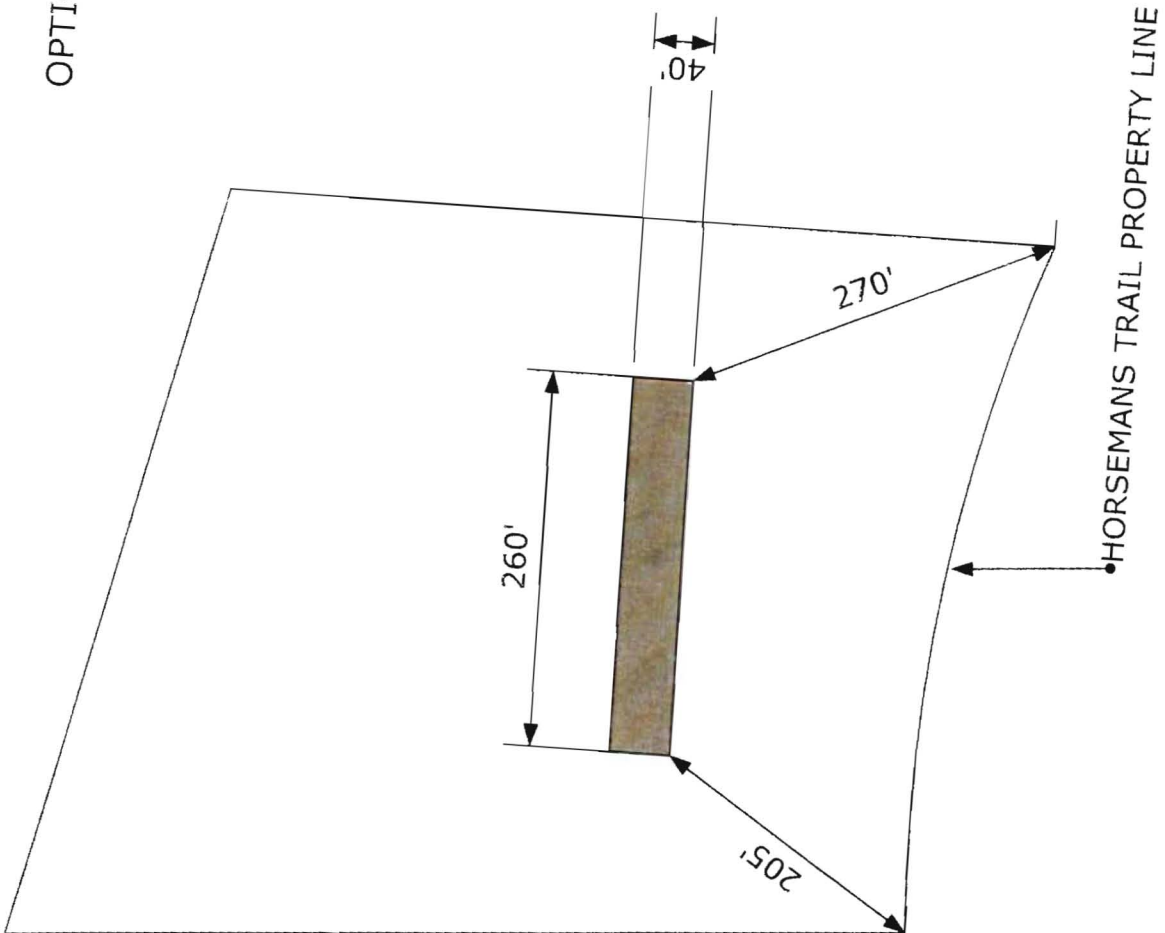
J. Table of Comparative Noise Levels

TABLE 4. PROPOSED SOLUTIONS AND RELEVANT COMPARATIVE SOUND LEVELS

<u>Location</u>	<u>Leq, Average Sound Pressure Level, A weighted</u>
Quiet Library	30-35 dB
<i>Existing Average Ambient at Garrison Tree Site</i>	54-55 dB
<i>Equipment Average Noise @ Boundary Line w/ Proposed Treatment (Option 1 - 4)</i>	52-55 dB
<i>Town of Philipstown Noise Limit</i>	55 dB
Typical Conversational Speech	55 - 65 dB
Typical Business Office	65 dB
<i>Existing Average Equipment Noise @ Boundary Lines</i>	74-75 dB
Bulldozer at 50'	87 dB
Train Whistle at 500'	90 dB
Home Lawn Mower	98 dB
Jet Aircraft at 500' overhead	115 dB

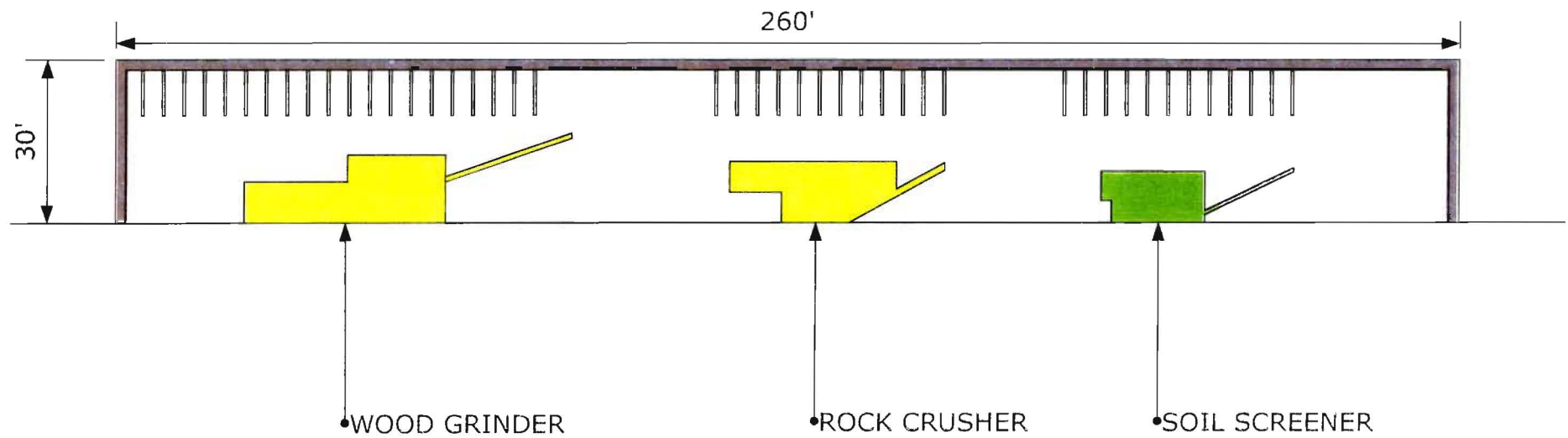


OPTION 2



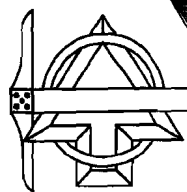
PLAN VIEW

OPTION 2



SOUTHEAST ELEVATION VIEW

SCALE: 1" = 30' (1:360)



BADEY & WATSON

Surveying & Engineering, P.C.

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

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

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

October 4, 2012

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

Re: Villetto Vaughn Hammond Corp. – Request for 2nd 1-Year Extension of Site Plan Approval

Dear Mr. Leonard and Honorable Board Members:

Our client, Villetto Vaughan Hammond, Corp. received conditional Site Plan approval for its property on N.Y.S. Route 9 on October 21, 2010. The approval was extended 1 year and will now expire on October 21, 2012. This letter is to formally request, on behalf of our client, that the approval granted by Planning Board Resolution PPB#12 be extended for an additional period of 1 year.

The reason for the delay in completing the conditions of the original approval revolved around our client's ability to deliver a drainage easement to the Town. The difficulty centered on the demands of Villetto Vaughn Hammond's mortgagee to release the easement from the mortgage it holds. That obstacle has very recently been overcome and we have been told that the easement has been delivered to the Town. In fact, the Town has recently begun installing the drainage through the property. The applicant is now in the process of making the final arrangements to submit evidence that all conditions met. At needs the additional time to complete that work.

Thank you for your consideration in this matter and thank you for your patience in dealing with it.

Yours truly,
BADEY & WATSON,
Surveying & Engineering, P.C.

by
Glennon J. Watson, L.S.

Enclosures (3)
GJW/bms
cc: File 09-110B\ML05OC12BP_Req_2nd_Ext.doc
Villetto Vaughan Hammond Corp.

Owners of the records of:

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

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 12 Villetto Vaughn Hammond Corp Site Plan. 4.506 Acres of Land located on NYS Route 9. Tax Map # 38-3-59.

WHEREAS, Villetto Vaughn Hammond Corp owner of a parcel located on NYS Route 9 in the "I" Zoning District; and

WHEREAS, an application was made to the Planning Board of the Town of Philipstown by Villetto Vaughn Hammond Corp for Site Plan approval concerning the property, which is currently improved with an 800 sf commercial (retail) building, known as '*Post Road Hardware*', a residential dwelling containing 3 rental apartments, and a barn used for storage for the hardware store, and which under this application the applicant proposes to:

- enlarge the barn (to approx 2,600 sf) to establish a formal restaurant in this building, with the existing "storage" use continued on the second floor of the premises;
- construct a 30' x 40' open pavilion for use by the restaurant's patrons; and
- Formal parking/access areas (gravel) will be constructed. parking on site utilities and drainage facilities; and

WHEREAS, while the Town of Philipstown Zoning Ordinance requires a 100 foot setback from the centerline of NYS Route 9, which is not met by the existing structures and parking on the site, this represents a "pre-existing" condition which is not being expanded or increased by the application and so the Planning Board may entertain this development proposal; and

WHEREAS, the Planning Board has completed SEQRA review for this project; and

WHEREAS, a duly advertised public hearing on the application has been held; and

WHEREAS, referral of the application pursuant to GML §239-m has been duly made to the County Planning Department, which has responded with approval of the project; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials; and

WHEREAS, the applicant has submitted the following materials for consideration:

Author	Title	Last Revision Date
Badey & Watson Surveying & Engineering, PC	Existing Conditions & Slope Analysis	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Site Plan & Planting Plan	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Drainage Plan & SSTS Plan	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Sight Distance Study & Lighting Plan	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Site Details	October 1, 2010

WHEREAS, the Town Planning Board has been duly authorized to grant site plan approval for property located within the Town; and

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

NOW, THEREFORE, BE IT RESOLVED, that:

I. Site Plan Approval:

- 1) The Planning Board finds that the applicant has met the requirements of Town of Philipstown Article 175 for granting of site plan approval; and
- 2) The Planning Board grants Site Plan approval of the improvements depicted on the plans listed above subject to the following conditions:
 - A. Approval of the Putnam County Department of Health for the required expansion of the on-site SSTS necessary to serve the expanded building and use
 - B. To address concerns of the Planning Board, the Site Plan shall incorporate the following:
 - Provision of an erosion/sediment control plan conforming to applicable NYS and Town Stormwater Pollution Prevention Plan (SWPPP) requirements, and including all necessary construction details required therein, acceptable to the Town Engineer and Wetlands Inspector, with details of, and maintenance responsibilities of the owner noted for, the proposed stormwater treatment devices and infiltration system proposed
 - Identification of the size and materials of construction for all drainage piping proposed on site, including a construction detail for all piping installations; and notation that all drainage structures to be utilized on site shall be designed to support highway loadings
 - Identification on the site plan of the location of all regulated steep slopes that may exist on the property on the "Site Plan and Planting Plan" drawing
 - Provision of timers on all exterior site lighting not needed for security purposes to extinguish such lighting when the commercial uses are not active
 - The Landscaping Plan shall be enhanced to incorporate a staggered row of trees to the north of the pavilion site, so as to provide appropriate screening from the adjacent residential property to the north

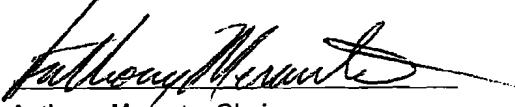
- The Site Plans shall incorporate by notation the limitations agreed to be the applicant as to the days and hours of construction to be imposed on all site activities
 - A note should be added to the Site Plan specifying that no roof-mounted mechanical equipment shall be provided on the buildings.
- C. Resolution of all issues that may be raised by the CAC in their review of the application; and
- D. Payment of all outstanding fees for review and approval of this application.
- 3) The Chairman is authorized as officer of the Planning Board to endorse the site plans when Conditions A through D have been met.
- 4) This conditional Site Plan approval shall expire in one year from the date of this resolution, unless such improvements shall have been certified as completed.

II. Wetlands/Watercourse Permit Approval:

- 5) The Planning Board is satisfied that the criteria set forth in Town Code §93-8 has been met and that, inter alia, the proposed activity will not have a substantial adverse effect upon any wetlands or watercourse if the protections required by the Town are properly adhered to by the applicant during construction;
- 6) A formal wetlands/watercourse permit evidencing this approval shall be issued by the Wetlands Inspector, based upon the criteria set by the Planning Board with reference to any CAC reports and standard wetlands protection procedures required by the Wetlands Inspector, which shall only be valid upon its execution by the applicant, to be filed with both the Planning Board and Wetlands Inspector upon the applicant's endorsement, for the purpose of confirming the specific conditions applicable to work in the vicinity of Town-regulated wetlands and/or watercourses, including prior notification to the Wetlands Inspector before any construction can take place.
- 7) Prior to the start of construction, the applicant shall deposit in escrow with the Town an fee to be established by the Town, which funds shall be used to pay the Town's consultants for all reasonable costs of the Wetlands Inspector and/or Town Engineer for such inspection services deemed necessary by the Town to monitor construction activities on the site. In the event that the escrow account is subsequently reduced by more than half, the applicant shall replenish the account to its original balance. At the completion of construction, n the event the amount remaining in escrow by the Town is more than the amount of the actual billing or invoicing from the Town's consultants, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after they have certified that all construction activities have been completed, and the site has been restored in accordance with the terms of this approval.

Adopted at a meeting of the Philipstown Planning Board on October 21, 2010.

PHILIPSTOWN PLANNING BOARD

A handwritten signature in black ink, appearing to read "Anthony Merante", written over a horizontal line.

Anthony Merante, Chairman

cc: Richard Shea, Town Supervisor
David Klotzle, Wetlands Inspector
Bob Emerick, Building Inspector

Town of Philipstown
238 Main Street
Cold Spring New York 10516

PLANNING BOARD

SPECIAL USE PERMIT/SITE PLAN APPLICATION PACKAGE

MAJOR PROJECT

Project Name: Special Use Permit & Site Plan for The New Friary at Graymoor

Date: October 4, 2012

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 4, 2012**

TM# **82.-2-41**

Project Name: **Special Use Permit & Site Plan for The New Friary at Graymoor**

Street Address: **P.O. Box 300 Garrison, NY 10524**

Fee Amount: _____

Received: _____

Bond Amount: _____

Received: _____

Applicant:

Name **Franciscan Friars of the Atonement, Inc.**

Address **P.O. Box 300
Garrison, NY 10524**

Telephone **845-424-3671**

Design Professional:

Name **Alfandre Architecture, P.C.**

Address **22 N. Front Street Suite 201
New Paltz, NY 12561**

Telephone **845-255-4774**

Tenant

Name _____

Address _____

Telephone _____

Surveyor & Design Professional:

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

Address **3063 Route 9
Cold Spring, NY 10516**

Telephone **845-265-9217**

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

Name **Franciscan Friars of the Atonement, Inc.**

Address **P.O. Box 300
Garrison, NY 10524**

Telephone **845-424-3671**

Name **N/A**

Address _____

Telephone _____

TM# 82.-2-41

Project Name: Special Use Permit & Site Plan for The New Friary at Graymoor

Project Description: _____

ZONING INFORMATION

175-7 Zoning District: 1C

175-10 Proposed Use: Religious Institution

Proposed Accessory Use(s): N/A

175-7 Overlay Districts on the property:

Yes or No

175-13 Floodplain Overlay District - NFIP Map — — — — (FPO) No

175-1 8.1 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* * Regional

175-18 Open Space Conservation Overlay District — — — — — (OSO) Yes

175-35 Within 100 foot buffer of Wetlands or Watercourse — — No

175-36 Steep Terrain — — — — — — — — Yes

175-36 Ridge Line Protection — — — — — — — — Yes

175-37 Protection Agricultural — — — — — — — — No

Project Name: Special Use Permit & Site Plan for The New Friary at Graymoor**175-11 Density and Dimensional Regulations**

Zoning District	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road	50'	97'	> 600'	Yes	
Measured from the travel way County/State	100'	N/A	N/A	N/A	
Minimum side yard setback					
Minimum side yard setback (2)	50'	N/A	N/A	N/A	
Minimum side yard setback (3)	50'	N/A	N/A	N/A	
Minimum rear yard setback	50'	30'	> 600'	Yes	
Maximum impervious surface coverage	10%	17.0	17.0	No	
Maximum height	40'	110'	37'	Yes	
Maximum footprint non-residential Structures	N/A	N/A	N/A	N/A	

SUBMISSION:**13 copies with one electronic file in .pdf form of the following.**

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

Town of Philipstown Town Code Chapter 175

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

A. It is the policy of the Town of Philipstown to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural and historic character of the Town. Many uses are therefore permitted only upon issuance of a Special Permit by the Planning Board, in order to ensure that these uses are appropriate to their surroundings and consistent with the purposes of this Chapter. Some uses are allowed by right, subject only to Site Plan approval (see Use Table in §175-10). Communication towers, soil mines, and certain solar and wind energy facilities (see §175-30E(2)) require a Special Permit issued by the Zoning Board of Appeals. Adult entertainment uses and uses not listed on the Use Table (if not prohibited by § 175-10C) 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 §166 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 1 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 § 175-67C and other information listed below if the Planning Board deems such information necessary to conduct an informed review, Major Project Site Plans shall be prepared by a licensed professional engineer, architect, surveyor, or landscape 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,

X 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,

X 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:

X a. Sewage or septic system; (Graymoor Sewage Treatment Plant)

X b. Water supply system; (Graymoor Village Water Co.)

X c. Telephone, cable, and electrical systems; and

X d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

X 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,

X 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.

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

X 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.

X 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.

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

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

_____ b. Estimated maximum number of Current and future employees;

_____ c. Maximum seating capacity, where applicable, and

_____ d. Number of parking spaces existing and required for the intended use.

X 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.

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

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

X 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.

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

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

- a) _____

b) _____

c) _____

c. Waivers

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

- a) _____

b) _____

c) _____

d) _____

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 storage and approved paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain, if not disturbed by filling, grading or excavation.

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

_____ c. In the M district, a strip of land not less than 30 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 30 feet 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.

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

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

☒ f. All landscaping materials shall be of a type and/or species suitable for the location of the lot in 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 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.

_____ 1. 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.

☒ c. 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.

_____ 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 HC 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 (e), except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.

☒ e. Structures shall be located, constructed, and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on 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

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

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

Certificate of Franciscan Friars of the Atonement, Inc.

Position	Name	Address	% Ownership
Minister General	Very Rev. James F. Puglisi, SA	Piazza Sant' Onofrio Rome, Italy	%
1st Councilor Vicar General	Rev. Timothy I. MacDonald, SA	Franciscan Friars of the Atonement, P.O. Box 300 Garrison, NY 10524	%
2nd Councilor	Rev. Elias D. Mallon, SA	Franciscan Friars of the Atonement, P.O. Box 300 Garrison, NY 10524	%
3rd Councilor	Rev. Charles Sharon, SA	Franciscan Friars of the Atonement, P.O. Box 300 Garrison, NY 10524	%
4th Councilor	Rev. V Paul Ojibway, SA	Franciscan Friars of the Atonement, P.O. Box 300 Garrison, NY 10524	%
			%
			%
			%
			%

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

Franciscan Friars of the Atonement, Inc.

by: Charles Sharon SA

Fr. Charles Sharon, SA

Signature and Title

Sworn to before me this

3rd day of October, 20 12

Ann Marie Riano
Notary Public

ANN MARIE RAIANO
Notary Public, State of New York
No. 4727628
Qualified in Westchester County
Commission Expires Nov. 30, 2014

A P P E N D I X C

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

A. Identification of Application or Petition:

1. TO: ☐ Philipstown Town Board
☒ Philipstown Planning Board
☐ Zoning Board of Appeals
☐ Zoning Administration Officer/Building Inspector
2. NAME OF APPLICANT: Franciscan Friars of the Atonement, Inc.
3. RESIDENCE: P.O. Box 300 Garrison, NY 10524
4. DATE: October 3, 2012
5. NATURE OF APPLICATION OR PETITION: Site Plan of The New Friary at Graymoor

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

None

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

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

Franciscan Friars of the Atonement, Inc.

Date : October 3, 2012

Signed Charles Sharon, S.A.
Fr. Charles Sharon, SA

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

III. Plan Requests and Authorizations:

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

☒ None requested.

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

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

IV. Endorsements:

Franciscan Friars of the Atonement, Inc.

Date October 3, 2012

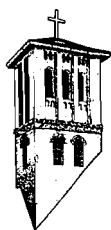
(Signed) Charles Sharon, SA
Applicant/Owner

by Fr. Charles Sharon, SA
(authorized Agent)

Date _____

(Signed) _____
Owner

by _____
(authorized Agent)



Franciscan Friars of the Atonement-Graymoor

October 3, 2012

Kevin Donohue, Code Enforcement Officer
Town of Philipstown
Town Hall
238 Main Street
Cold Spring, New York 10516

Dear Mr. Donohue:

In 2008, the Friars of Atonement applied to the Zoning Board of Appeals (ZBA) for a Special Use Permit to construct a new friary and chapel on the Mount of Atonement, TM 82.-2-41. For several reasons the application did not move forward and the ZBA closed the file later in 2008.

The Friars have been advised that an escrow balance of \$3020 remains on deposit with the Town to cover the cost of its consultant's charges for review of the application and that there have been no charges against the account since 2008.

The Friars are submitting a new application to the Planning Board for a Major Special Use Permit to construct a new and redesigned friary and chapel in approximately the same location as shown on the earlier plans.

This letter is to request that the \$3020 escrow balance be transferred to the account that will cover the new application. Accordingly, we will be depositing \$1980 when we submit the new application on October 4, 2012, to bring the opening escrow balance to the full \$5000 that is required

Thank you for your anticipated cooperation.

Very Truly Yours,

Georganne Dotto
Chief Financial Officer
Friars of the Atonement, Inc.

OFFICE OF THE TREASURER

PO Box 300 • Garrison NY 10524-0300 • 845-424-3671 ext. 3428 • fax 845-424-2167

www.atonementfriars.org

82.-2-17
Gaines Jeremiah Jamel
103 Old Highland Tpke
Garrison, NY 10524

82.-2-2
Kelley , Thomas W.
22 Rt 403
Garrison, NY 10524

82.-2-18
Tsagarakis, Pete K.
221 So Riverside Ave
Croton, NY 10520

82.-2-4
Tsagarakis, Peter K.
221 South Riverside Ave
Croton-On-Hudson, NY 10520

82.8-1-3
Cotic, Michael S.
155 Old West Point Rd E
Garrison, NY 105241902

82.-2-37
Rodriguez, Jose A.
7 Wild Turkey Run
Garrison, NY 10524

82.7-1-15
Pediatrics PC Gergely
34 Rt 403
Garrison, NY 10524

82.-2-6
United States Of America ,
Attn: Chief Land Acq Nps
PO Box 908
Martinsburg, WV 25401

82.-2-14.2
United States Of America,
Attn: Chief Appalachian Tra
P.O.Box 508 Acquisition Office
Martinsburg, WV 25401

82.8-1-5
Campbell, Thomas G.
159 Old West Point Rd E
Garrison, NY 10524

82.8-1-14
Carriera, Modesto G.
5 So Garden Rd
Granite Springs, NY 105279801

82.8-1-35
Hard, Robert
1536 Rt 9
Garrison, NY 10524

82.8-1-13
Hard, Robert
1536 Rt 9
Garrison, NY 10524

82.7-1-13
Smith, Pearl Cooke
Attn: Ed Springer
134 Macintosh Trl
Griffin, GA 30223

82.7-1-8
Cook, Thaddeus
782 Rt 9D
Garrison, NY 10524

82.-2-15
United States Of America,
PO Box 908
Martinsburg WV, 25401

82.7-1-10
Cartalemi, Kenneth Jon
1555 Rt 9
Garrison, NY 10524

82.8-1-45
Friars Of The Atonement,
Attn: Facilities Management
PO Box 300
Garrison, NY 10524

82.7-1-9
Abrams, Lydia Joy
1551 Route 9
Garrison, NY 10524

82.8-1-15
Constantino, Alice F.
18 Buena Vista St
Garrison, NY 10524

82.7-1-7
Zaklad, Rafael
1050 Park Ave
New York, NY 10128

82.8-1-6
Zern, Joyce M.
165 Old West Point Rd E
Garrison, NY 10524

82.8-1-32
Galligan, James J.
1550 Rt 9
Garrison, NY 10524

82.8-1-46
Friars Of The Atonement,
Attn: Facilities Management
PO Box 300
Garrison, NY 10524

82.8-1-48
Cococcia, Eleanor
160 Old West Point Rd E
Garrison, NY 10524

82.8-1-33
Clark, Charles F.
1544 Rt 9
Garrison, NY 105240000

82.8-1-1
Friars, Of The Atonement
Attn: Facilities Management
PO Box 300
Garrison, NY 10524

82.8-1-49
Waitkins, Mark C.
150 Old West Point Rd E
Garrison, NY 10524

82.-2-20
Nothing be Lost , Society Union That
Attn: Friars Of Atonement
PO Box 300
Garrison, NY 10524

82.7-1-14
RDR Equities LLC
115 Fields Ln
Peekskill, NY 10566

82.8-1-50
Friars Of The Atonement,
Attn: Facilities Management
PO Box 300
Garrison, NY 10524

82.-2-5
Portas, Manuel Jr
3266 Baker St
Mohegan Lake, NY 10547

82.-2-16
Burruano, Patricia
99 Old Highland Tpke
Garrison, NY 10524

82.-2-7
Nolte, Paul C.
Attn: Catherine Nolte
PO Box 143
Garrison, NY 10524

82.-2-14.1
Probeyahn, Thos
71 Old Highland Trnpk
Garrison, NY 10524

82.-2-13
Colasurdo, Jonathan A.
67 Old Highland Tpke
Garrison, NY 10524

82.-2-8
Freeman, William E.
59 Old Highland Trmpk
Garrison, NY 10524

82.-2-12
Vespo, Martin J.
63 Old Highland Tpke
Garrison, NY 10524

82.-2-9
Thomashower, James E.
1437 Rt 9
Garrison, NY 10524

82.-2-10
Sisters Of The Atonement,
41 Old Highland Trmpk
Garrison, NY 10524

82.-2-11
Sisters Of Atonement,
Graymoor
Garrison, NY 10524

82.8-1-2
Harnett, Gregory
151 Old West Point Rd E
Garrison, NY 10524

82.-2-19
Friars Of The Atonement,
Attn: Facilities Management
PO Box 300
Garrison, NY 10524

82.-2-38
Rajkov, Stanislav
6 Wild Turkey Run
Garrison, NY 10524

82.-2-36
Tock, Edward J. III
51 Old West Point Road E
Garrison, NY 10524

82.-2-33
Bradley Jordan
50 Orchard St. Apt 3A
Garrison, NY 10524

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☐ Part 2

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Approval of a Special Use Permit and related Site Plan for construction of The New Friary at Graymoor

Name of Action

Philipstown Planning Board

Name of Lead Agency

Michael Leonard

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART I - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Approval of a Special Use Permit and related Site Plan for the construction of The New Friary at Graymoor			
LOCATION OF ACTION (include Street Address, Municipality and County) Old West Point Road, Garrison Town of Philipstown, Putnam County			
NAME OF APPLICANT/SPONSOR Franciscan Friars of the Atonement, Inc		BUSINESS TELEPHONE 845-424-3671	
ADDRESS P.O. Box 300			
CITY/PO Garrison		STATE New York	ZIP CODE 10524
NAME OF OWNER (if different) Same as above		BUSINESS TELEPHONE	
ADDRESS			
CITY/PO		STATE	ZIP CODE
DESCRIPTION OF ACTION The Friars of the Atonement seek approval to demolish an old friary with a footprint of approximately 21,750 square feet and replace it with a new friary with a footprint of approximately 29,270 square feet in approximately the same location. The project also involves related infrastructure improvements for parking, drainage and fire truck access.			

Please Complete Each Question - Indicate N. A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☒ Rural (non-farm)
☐ Forest ☐ Agriculture ☒ Other Institutional

2. Total acreage of project area: 112.8 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Bushland (Non-agricultural)	<u>2.0</u> acres	<u>2.0</u> acres
Forested	<u>83.5</u> acres	<u>83.4</u> acres
Agricultural (Includes orchards, cropland, pastures, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24, 25 or ECL)	<u>0.5</u> acres	<u>0.5</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>0.5</u> acres	<u>0.5</u> acres
Roads, buildings and other paved surfaces	<u>19.3</u> acres	<u>19.6</u> acres
Other (Indicate type) <u>Lawns and gardens</u>	<u>7.0</u> acres	<u>6.8</u> acres
TOTALS	<u>112.8</u> acres	<u>112.8</u> acres

3. What is predominant soil type(s) on project site? Charlton-Chatfield Complex

- a. Soil drainage: ☒ Well Drained 96 % of site ☒ Moderately well drained 2 % of site
☒ Poorly Drained 2 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres. (See 1 NYCRR 3700.)

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No

- a. What is the depth to bedrock? 0->7' (in feet)

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Special Use /Site Plan Application	October 04, 2012
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Capacity of sewer plant must be verified	TBD
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	239 Referral	TBD
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If yes, indicate decision required:

☐ zoning amendment ☐ zoning variance ☒ special use permit ☐ subdivision ☒ site plan
☐ new/revision of master plan ☐ resource management plan ☐ other

2. What is the zoning classification(2) of the site? IC- Institutional Conservation

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Perhaps 5 single family residential lots.

4. What is the proposed zoning of the site? No change

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a 1/4 % mile radius of proposed action?

rural residential, commercial, institutional

8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 % mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name Franciscan Friars of the Atonement, Inc. Date October 04, 2012

Signature  Title Surveyor for Applicant

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



STEPHEN W. COLEMAN
ENVIRONMENTAL CONSULTING.

Environmental Planning & Site Analysis
Wetland Mitigation & Restoration Plans
Wetland Delineation & Assessment
Natural Resource Management
Pond & Lake Management
Wildlife & Plant Surveys
Breeding Bird Surveys
Landscape Design

June 19, 2007

Mr. Glennon J. Watson
Badey & Watson P.C.
3063 Route 9
Cold Spring, New York 10516

Re: Friars of the Atonement, Graymoor Property - Wetlands Delineation and Preliminary Natural Resource Assessment, Route 9, Town of Philipstown

As per your request, an assessment of the existing wetlands and watercourses present on the subject parcel was completed on 05-14-07, and 05-15-07. The wetland area was flagged in accordance with the Freshwater Wetlands Code of the Town of Philipstown, and supplemented by the technical criteria for routine determinations as outlined in the 1989 Army Corps of Engineers Wetland Delineation Manual. Vegetation, soils and hydrological parameters were used to determine the outer wetland boundary limits. The wetland/upland boundary was field determined and orange surveyors flagging labeled "Wetland Boundary" were hung along the respective boundary. (Note: the field survey was based upon only sections of the property demarcated by the applicant's consultant, and does not include all of the property holdings of the subject parcel within this area).

A preliminary natural resource assessment was also completed of the property to determine potential species of plants and animals that may be present. The specific habitat and plant communities were examined to determine suitability for supporting sensitive populations of wildlife species.

Wetland Delineation

The property consists of a moderate to mature mixed deciduous forest with a prominence of steep slopes; old rock walls, rocky knolls, and areas maintained as mowed open fields. The center of the property is fairly well developed with large buildings, parking lots, an extensive road network, and scattered rock outcroppings throughout. The site is dominated by several typical upland tree species including sugar maple, striped maple, black birch, white and red oak, eastern hemlock, white pine, red maple, American beech, yellow birch and chestnut oak. The parcel consists of a large hill that slopes down from the center area on all sides.

On the southern most side of the parcel a large forested wetland with two distinct lobes are present immediately adjacent to the land area demarcated by the applicant as part of this application. Two stream systems that are located on the subject parcel flow into the forested wetland.

The western lobe of the forested wetland complex is dominated by red maple and green ash with some understory wetland shrub species including spicebush, highbush blueberry and summersweet. The understory is dominated by skunk cabbage and ferns. The western section

was flagged with wetland flag numbers A-01-A-88. Wetland soils were evident within the wetland proper and exhibited a matrix of 10YR 3/1. Organic streaking and low chroma colors were the key descriptive features. The site also showed hydrological evidence of inundation or saturation to the surface, and clear drainage patterns. The section of the wetland where the stream flows into it (approx. flag # A-67) exhibited a matrix of 2.5Y 2/1 with mottles present.

The eastern section of the forested wetland complex consists more of a ravine type of habitat with the swamp at the bottom of the ravine. This lobe of the wetland appears to flatten out and exhibit more ponded conditions. The area has standing water and shows evidence of a higher degree of wetness with moss-strewn hummocks of tussock sedge. The tree canopy is similar and consists of yellow birch, red maple, green ash and American elm. Other tree species mixed within this area included silver maple, pin oak, chestnut oak, and other typical upland species. The shrub layer was dominated by summersweet and spicebush, with witch hazel present in drier more upland areas. The understory consists primarily of tussock sedge, cinnamon and sensitive ferns, and skunk cabbage. Soils within this area consist of an organic histic epipedon with saturation at the surface. Hydrological features include inundation and saturation within the upper 12 inches, water-stained leaves, and buttressed tree trunks. This section of the wetland was flagged with numbers B-01-B-17.

Immediately northeast of the eastern section of the forested wetland (approximately 300-400 feet) is a vernal pool habitat that intermittently drains south towards the forested wetland. The vernal pool habitat consists of a closed canopy with standing water with some deeper areas within the middle of the pool. The vernal pool is covered with algae and contains a few shrubs species such as winterberry and summersweet. Skunk cabbage and tussock sedge are the dominant understory herbaceous vegetation present. This area was flagged with numbers C-01-C-13.

Another small isolated depressional wetland was observed to be present in the southwestern corner. It drains off of the property via a culvert under the road and then downhill to a large wetland to the west off of the site. The wetland is ephemeral and dry with no standing water. Wetland soils were observed with a matrix of 7.5YR 3/2 with mottles. Wetland vegetation was restricted to the herbaceous layer and included skunk cabbage and jewelweed. Hydrological features included drainage patterns and water-stained leaves. This area was flagged with numbers D-01-D-06.

Several wetland areas are present along Old West Point Road. The first area is on the eastern side of Old West Point Road and consists of an old depression dominated by phragmites grass. Other herbaceous plants present include reed canary grass, skunk cabbage, jewelweed and sensitive fern. This area exhibited hydric soils and saturation close to the surface. The area was flagged with numbers E-01-E-27.

A small depressional pocket wetland is present along Old West Point road within the property that was dry but still exhibited wetland characteristics including hydric soils and vegetation. Typical species included cinnamon, sensitive and royal fern and skunk cabbage. This area was flagged with numbers F-01-F-06.

Another small depressional pocket further north along the road is present that exhibited vernal pool characteristics. Plant species included species listed in wetland E and F, along with spicebush and red maple. Trees were buttressed and soils were saturated to the surface with dark organic soils and mottling within the B horizon. This area was flagged with numbers G-01-G-12.

Immediately across from wetland G on the other side of the road, is a small isolated pocket wetland that was flagged with numbers H-01-H-16. The same features as noted in wetland G were present.

The last wetland is located on the northeastern side of Old West Point Road just off of the target area and is part of a larger forested wetland complex. The beginning of this wetland system was flagged with numbers I-01-I-21 in case the regulated buffer area extends to the other side of the road. The section closest to the road is dominated by phragmites grass and gradually turns into a forested wetland condition as described within wetland areas A & B. Soils and vegetation was representative of other wetlands on the site that have been described above.

Natural Resource Assessment

The purpose of the natural resource survey is to conduct an overall qualitative assessment and evaluation of the main habitat cover types present on the subject parcel. This information is important in order to determine habitat quality in relation to the ability of these habitats, to support a diverse and healthy wildlife population. The survey was limited to three field visits to assess and perform an analysis of existing habitats and their potential to support target focal wildlife populations. Site visits were conducted on 05-14-07, 05-15-07, and 06-08-07. These included the mixed deciduous forest, the forested wetland and the vernal pool habitat. Due to the extensive amount of existing development on the property and associated infrastructure, the ability of the property to support a diverse population of wildlife species is somewhat limited. Based upon this preliminary analysis and assessment, some environmentally sensitive species were however, observed to be present on the property.

The overall forested community present on the property, in general, would be classified as a "Mature Mesophytic Lowland Forest" habitat that has been extensively studied and characterized by Kiviat and Stevens "Biodiversity Assessment Manual for the Hudson River Estuary Corridor", 2001, and further described in the publication "Ecological Communities of New York State" (Reschke, 1990). Reschke further describes this as a forest community that is dominated by oak and tulip trees and classified as a mesophytic hardwood forest that occurs on moist, well-drained soils. Dominant tree species observed include red oak (*Quercus rubra*), black oak (*Quercus velutina*), sugar maple (*Acer saccharum*), American beech (*Fagus Americana*), tulip tree (*Liriodendron tulipifera*), white ash (*Fraxinus americana*), shagbark hickory (*Carya ovata*), pignut hickory (*Carya glabra*), hemlock (*Tsuga Canadensis*), black birch (*Betula lenta*), and sassafras (*Sassafras albidum*). Understory trees that were present consisted of smaller individuals of the same species as the dominant trees. The shrub layer was represented by spicebush (*Lindera benzoin*), witch-hazel (*Hamamelis virginiana*), and arrowwood viburnum (*Viburnum dentatum*). Common ground layer species observed include Christmas fern (*Polystichum acrostichoides*), garlic mustard (*Aliaria petiolaris*), Virginia creeper (*Parthenocissus quinquefolia*), wood ferns (*Dryopteris* spp.), and white wood aster (*Aster divaricatus*).

At the southern end of the parcel, immediately off-site a large forested wetland complex that includes well-defined watercourse channels that flow from the property into the forested wetland complex. The wetland receives hydrological support from its juxtaposition in the landscape, receiving surface water runoff from adjacent slopes, the watercourse, and some groundwater discharge from the adjoining slope interface.

The forested wetland is similar to the red maple–hardwood swamp community as described by Reschke (1990). Red maple is the dominant tree and sapling species within the wetland on the subject parcel. Other dominant tree species observed included American elm (*Ulmus Americana*) and Green Ash (*Fraxinus pennsylvanica*). Several upland tree species were also observed along the outer edges of the wetland. The shrub layer consisted predominately of spicebush, summersweet (*Clethra alnifolia*), highbush blueberry (*Vaccinium corymbosum*), winterberry (*Ilex verticillata*) and spicebush (*Lindera benzoin*). Ground layer species observed included skunk cabbage (*Symplocarpus foetidus*), sensitive fern (*Onoclea sensibilis*), sphagnum moss (*Sphagnum* spp.), cinnamon fern (*Osmunda cinnemomea*), tussock sedge (*Carex stricta*), garlic mustard, and a variety of sedges (*Carex* spp.). The canopy coverage for this wetland is fairly uniform and closed with some scattered pockets that allow for successful establishment of shrubs and herbaceous vegetation.

The depressional pocket northeast of the forested wetland meets the criteria of a vernal pool. Vernal pools are naturally-occurring, temporary to permanent bodies of water occurring in shallow depressions that typically fill during the spring and fall and may dry up during the summer. They serve as the primary breeding habitat for environmentally sensitive species of amphibians.

Survey Results

A qualitative analysis of these three habitat components was completed. Each habitat was evaluated according to the following community characteristics, including uniqueness and relative abundance, vegetative species diversity, plant type and food value, vertical and structural diversity, and plant utilization of existing vegetation.

The mature mesophytic forest comprises more than two-thirds of the study area. This particular habitat extends beyond the property boundary and is representative of a larger contiguous regional landscape in this area of the Town. The low residential density has allowed this particular habitat to remain relatively intact with some fragmentation due to road networks and existing developments within the center portion of the property.

Vegetative species diversity is average within the strata layers. The tree layer consists of 7-9 species. The corresponding food value is quite high due to the variety of nut and nutlike producing trees and shrubs. Among the strata, the forest is well stratified vertically with greater than 25% coverage within each stratum, of trees, shrubs and herbaceous ground covers. The presence of fallen logs, rock crevices, brambles, depressions, and rolling topography enhance the structural diversity, and value of the site for nesting and rearing of young. Plant utilization appears to be minimal with the exception of browsing evident among the shrub layer by deer and rabbits. The herbaceous layer consists of between 5-8 different species, which represents fair to good habitat value.

The close proximity and extent of existing buildings and infrastructure and nearby road networks limits the value of this habitat for supporting sensitive focal wildlife species. The age structure and relatively closed canopy cover is attractive to many forest interior species, but few were observed to be present.

The forested wetland represents only a small area of the study site; however, it represents a lobe of a much larger wetland corridor that extends onto the adjoining parcel to the south. Structurally, the various strata are well represented and disturbance from surrounding land use appears to be

minimal. Despite evidence of current and past land use practices within the study area, the forest composition, species diversity and plant community is fairly well intact and representative of a majority of forested wetland stream corridors within the Town. The wetland/upland boundary is quite evident and easily demarcated in the landscape.

The primary value of this wetland corridor appears to be water quality maintenance and habitat for resident and transitory wildlife populations. The available upland habitat surrounding the wetland is well established as described above. The presence of a wooded stream corridor creates a unique habitat edge attractive to a broader diversity of species. Typical stream amphibian species were not observed to be present within the rock substrate and pools within the stream corridor.

The vernal pool appears to be well established and does support a moderate level of species. The existing vegetation is well defined and no outside threats appear to be present. Spotted salamander egg masses were observed to be present within the pool area. Protection of the vernal pool and a large buffer is important to protect this species.

Summary

Based upon preliminary review of existing habitats, no endangered, threatened or special concern species of plants or animals were observed to be present on the property. Species that are present within the subject parcel are typical and common species that have adapted to the amount of development that is present on the site. The vernal pool habitat does support environmentally sensitive species, and every effort should be made to protect this habitat from any further degradation. The immediate buffer around the vernal pool should remain intact and any encroachment kept to a minimum.

This completes my initial wetlands investigation to determine the respective wetlands boundary of the parcel, and preliminary natural resource assessment of the parcel. Please let me know if you have questions or require additional information.

Sincerely,



Stephen W. Coleman, Principal

References:

Calhoun, A.J.K. and M.W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York.

Reschke, C. 1990. Ecological Communities of New York State. New York Natural Heritage Program, Latham, NY.

Town of Philipstown

238 Main Street
Cold Spring New York 10516

Zoning/Planning Board

PREAPPLICATION MEETING

for

Special Use and Site Plan Applications

Project Name: GRAY MOOR - FRANCISCAN Friars of THE
ATTNEMENT.

Meeting Date: JUNE 15, 2012

Meeting held and confirmed by : ANTHONY MERANTE - FB MEMBER
KEVIN DONAHUE - CODE ENFORCEMENT OFFICER
RON GAINER - TOWN ENGINEER
SUSAN JAUNCHILL - TOWN PLANNER
GLENN WATSON - APPLICANT - ENGINEER.
PATRICK MANNON - APPLICANT - FACILITIES
RICK ALFANDRE - APPLICANT - ARCHITECT
MANAGEMENT

9:15 - 10:25

§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.

Determine Special Use Permit and/or Site Plan application is;

Major X Minor _____ Amendment _____

1. Discuss of proposal and scope of work
2. Discuss existing and proposed uses
3. Determine zone and uses to be approved
4. Review fee schedule format through process
5. Determine fees for submission
6. Review escrow through process
7. Determine escrow for submission \$5000
8. Determine waivers -
9. Review overlays:

ZONE: 1C

- | | | |
|---|-------|------------------|
| a. 175-13 Floodplain Overlay District – NFIP Map ----- | (FPO) | <u>No</u> |
| b. 175-18.1 Mobile Home Overlay District ----- | (MHO) | <u>No</u> |
| c. 175-14 Cold Spring Reservoir Water Shed Overlay ----- | (WSO) | <u>No</u> |
| d. 175-15 Scenic Protection Overlay ----- | (SPO) | <u>No</u> |
| e. 175-16 Aquifer Overlay District ----- | (AQO) | <u>- General</u> |
| f. 175-18 Open Space Conservation Overlay District ----- | (OSO) | <u>YES -</u> |
| g. 175-35 Within 100 foot buffer of Wetlands or Watercourse ----- | | <u>OUTFALL ?</u> |
| h. 175-36 Steep Terrain ----- | | <u>YES</u> |
| * i. 175-36 Ridge Line Protection ----- | | <u>YES</u> |
| j. 175-37 Protection Agricultural ----- | | <u>No</u> |

10. Existing violation letter (\$175)

11. SEQRA

a. Short Form - No Fee

b. Long Form (\$300)

MAX FOOT PRINT = 13,260 SF
MAX SF (BUDG) = 31,000 SF

3 STORIES / 5 LEVELS FROM
VEHIC ENTRANCE

- APPLICANT TO VERIFY & DOCUMENT THAT PROPOSED STRUCTURE WILL NOT BE VISIBLE FROM ANY PUBLICALLY ACCESSIBLE PLACE
- NO HISTORIC DESIGNATION
- CARB - INTERESTED AGENCY (NOT REFERRAL)
- ADDRESS STEEP TERRAIN POLICY

DRAFT

**Narrative Describing Existing & Proposed Use
of**

The Franciscan Friars of the Atonement, Inc.

in support of their

Application

for a

Special Use Permit

to allow the construction of

The New Friary

at

Graymoor

Garrison

Town of Philipstown

Putnam County

New York

Franciscan Friars of the Atonement, Inc.
DRAFT Narrative Describing Existing and Proposed Use DRAFT

Introduction and Basis in Zoning

The Franciscan Friars of the Atonement, Inc. is a religious order of Roman Catholic men. The Friars are a branch of the Society of Atonement that was founded by Lewis T. Wattson and Lurana White in 1898. Garrison, and Graymoor, in particular, has been the home of the Friars and the Society since its founding more than 110 years ago. Today, Graymoor houses the corporate headquarters, administrative offices and a significant portion of the ministries of the Franciscan Friars of the Atonement, Inc.

The Society of the Atonement pursues its “founders’ experiment with tradition in order ‘that all may be one ... that the world may believe.’ (Members) truly know that real joy is found in the Atonement of Jesus Christ and in the ideals of St. Francis of Assisi as those were exemplified in the lives of their founders, Father Paul Wattson and Mother Lurana White.”¹

Members of the Society are involved in: religious education, social welfare, and community development programs; pastoral, hospital and prison ministries; home visitation; youth ministry; justice and peace work; and guest and retreat house ministries. The Friars presently minister in 7 locations in the United States. They also minister in Canada, Italy, England, and Japan. The Friars’ community has a membership of approximately 110 worldwide.

The Friars own approximately 420 acres including and surrounding the Mt. of the Atonement. The main part of their campus and the subject of this application contains 113 acres located on the Mount. The property lies northeast of the Crucifix and Stations of the Cross so familiar to those who regularly travel north on Route 9 through Philipstown. It is shown on the Putnam County Tax Map for the Town of Philipstown as Sheet 82., Block 2, Lot 11. The parcel is zoned IC, Institutional Conservation under Chapter 175, Zoning, of the Philipstown Town Code.

A religious institution, such as that maintained in Garrison by the Franciscan Friars of the Atonement, Inc. for more than 110 years is allowable in the IC zone, subject to securing a Special Use Permit. Although the institution pre-dates the enactment of Zoning in the Town of Philipstown by approximately 50 years, the rehabilitation and reconstruction envisioned by the Friars is subject to securing a Special Use Permit from the Planning Board.

Existing and Proposed On-site Activities

The Franciscan Friars of the Atonement, Inc. conduct the following activities at Graymoor.

¹ Unknown, *The History of Graymoor*, Website www.graymoor.org/sisters.history.html

Franciscan Friars of the Atonement, Inc.
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DRAFT Narrative Describing Existing and Proposed Use DRAFT

- Corporate Administration including: treasury; medical record maintenance; community development activities; and community archival maintenance.
- Formation activities.
- Residential quarters for community members, including retirees, semi-retirees, infirm, members in transition, and those assigned to internal ministries and work in the local community.
- Burial of deceased members.
- Ecumenical retreat programs for individuals and groups.
- Religious observances and services, which are often open to the public.
- Gift and Book Shop specializing in religious products.
- Pilgrimage Ministry, with facilities including picnic grounds and athletic fields.
- Religious guesthouse.
- Religious publications, including *Ecumenical Trends*, a newsletter published monthly.
- Promotional work for the *International Week of Prayer*, founded in 1908 at Graymoor.
- Development and administration of parish religious programs.
- Community events.
- 12 Step Programs, including: AA; NA; and ALANON.
- Bible study programs.
- Holy hours.

St. Christopher's Inn is an internationally known and respected facility for assisting homeless and addicted men in returning to useful and productive places in society. It is also located on the Friars' main campus. It, too, pre-existed zoning. However, it was the subject of a Special Use Permit which allowed its facilities to be enlarged and upgraded. A different corporation, owned by the Friars, operates St. Christopher's Inn and its facility. The inn is not affected by this application.

The Garrison Ambulance Corps' headquarters building is located on the property, near its northwest corner.

A number of cellular telephone companies have located antennae on the elevated water tank that is located on the property.

No additional uses are proposed. The existing uses will continue, albeit at a slightly reduced intensity and in a more efficient and productive manner.

Existing On-site Population

The existing daily population is comprised of the following:

- 30 full time member residents, 24 of which live in the Friary, and 6 of which live in St. Christopher's Inn.

Franciscan Friars of the Atonement, Inc.
DRAFT Narrative Describing Existing and Proposed Use DRAFT

- 20 lay staff members and other Friars who work at the Friary, but reside elsewhere;
- 147 (Maximum) temporary residents in St. Christopher's Inn;
- 92 (full and part-time) employees in St. Christopher's Inn;
- 136 (maximum) attending overnight retreats; and
- 100 (maximum) attending one day retreats.

Sundays are special. On Sundays, the Friars conduct Mass that is open to the public. Additionally, during the summer, Pilgrims visit Graymoor to worship and enjoy the facilities. The Sunday population includes fewer employees. However, on average the Friars expect:

- 120 area residents to attend Mass; and
- 150 pilgrims to attend Mass and enjoy the grounds.

Sundays before and after St. Anthony's Day are even more special. St. Anthony's day is June 13. For many years, on the Sundays immediately before and after St. Anthony's day a large number of Pilgrims visit Graymoor. The Friars make arrangements with the NYS Department of Transportation, The NYS State Police and The Putnam County Sheriff's Office to provide traffic control on Route 9. In 2007, the Sheriff's office estimated that

- Graymoor hosted 8000 Pilgrims on each of the two Sundays.

While the general population changes from time to time depending on individual assignments and the needs of the community, no significant changes in population or intensity of use are expected to result as a consequence of the construction.

Existing Facilities

The Graymoor Friary grounds have changed over the 100 plus years since the Friars have occupied the land. With the exception of a portion of St. Christopher's Inn and the main Friary building, Pius X, and the Sewage Treatment System Buildings, most of the buildings predate zoning and most were constructed on an ad hoc basis. There are approximately 20 buildings on the grounds, including small barns and other service sheds. The largest of these, by far, is Pius X, which is an 8 level brick and concrete structure, constructed ca. 1959. Pius X is connected to two other buildings: the Old Friary, which contains Little Flower Chapel and St. Francis Chapel.

These four structures are the only structures affected by the plans that are the subject of the present application.

Franciscan Friars of the Atonement, Inc.
DRAFT Narrative Describing Existing and Proposed Use DRAFT

Major Components of The Plan

The Friars plan is to be executed in a single phase. It is anticipated that it will take up to 36 months to complete the project.

Anticipated work includes:

- Removal of the Old Friary, including Little Flower Chapel;
- Construction of a new Friary Building, including a new Chapel;
- Construction of a connecting passageway to St. Francis Chapel;
- Improvement of existing access ways, parking facilities and other related site work.

It is noted that the previous application was for a much more ambitious project, which for several reasons, including the economy, had to be abandoned.

Benefits Expected from Improved Facilities.

The proposal is an expression of the community's effort to utilize the grounds more productively and more efficiently and in a more environmentally friendly and responsible manner. Specifically, the following improvements are expected to result.

- The facilities will be more conducive to worship and the mission and ministries of the Friars of the Atonement.
- The Friars residential quarters will be greatly improved.
- Parking will be improved to better accommodate today's needs.
- Fire apparatus access will be improved.
- There will be a reduction in consumption of fuel, water and electricity.
- There will be a reduction in flows to the existing sewer treatment plant.

Nature and Extent of Proposed Use

The Franciscan Friars of the Atonement, Inc. will continue to use the property in the manner in which it has been used for the past 110+ years. Approximately 32% of Graymoor is actively used. The rest of the property is undeveloped. The present levels of use and activity are not expected to change.

Provisions for Water Supply, Sewage Disposal, Solid Waste Disposal, Drainage and other Utilities.

Water is currently and will continue to be supplied by the Graymoor Village Water Company, which is administered by the Friars of the Atonement. In addition to servicing the Friars, Graymoor Village Water Company provides water to the Franciscan Sisters of the Atonement, Inc. and several homes in Graymoor Village, a residential subdivision

Franciscan Friars of the Atonement, Inc.
DRAFT Narrative Describing Existing and Proposed Use DRAFT

located north of the main campus of the Friary. The Friars expect that the introduction of water saving toilets and other water saving devices will reduce its need for water.

Sewage is currently being and will continue to be treated by the on-site Graymoor Sewage Treatment Plant constructed by the Friars in 1989. It is a tertiary treatment plant and operates under SPDES Permit No 3084-0181. The SPDES permit is currently valid. It allows up to 52,000 gallons per day (GPD) of treated sewage to be discharged. Currently, the Friars staff reports show an average daily flow of 34,000 GPD. The expected reduction in water consumption will result in a corresponding reduction in flow to the sewage treatment plant.

Solid Waste is and will continue to be picked up by a commercial hauler. As part of the revitalization of Graymoor, the Friars are committed to maximizing its ability to recycle and minimize its consumption of material.

Drainage facilities will be augmented by new components including on-site facilities for treatment of stormwater quality and quantity.

Other Utilities, electric, telephone, cable service, etc. are in place. Due to the age and construction of the existing facilities, the Friars expect that electric usage will be decreased when the new facilities are constructed. An auxiliary generator will continue to be utilized when necessary.

Estimated Traffic – With the exception of St. Anthony's Day Pilgrimages, the Peak Hour of traffic generation usually occurs on Sunday mornings when the visitors attend mass. During the summer these hour-long periods, are expected to generate approximately 195 trips, 135 in and 60 out. We note that some of the Mass attendees are pilgrims who stay on-site until later in the day.

During most weekdays, an estimated 340 trips occur during a 24-hour period, of which 240 occur during a 10-hour period framing an 8-hour daytime workday. Peak hour is estimated to be 50 trips occurring during the hour of the daytime shift change. Total daily trips will spike during those days when retreatants arrive or leave, but their arrivals generally do not coincide with either shift changes or Sunday worship.

Compliance with Article XII (Performance Standards)

Air Quality - The Friary does not and will not permit the introduction of equipment, activities or processes that adversely affect air quality. The Friary does not produce dust, dirt, smoke, particulates, fumes or gases so as to be a hazard to public health or safety or a source of air pollution. The improved facilities are expected to reduce the consumption of fuel oil, thus reducing the present level of emissions from the heating plant.

Franciscan Friars of the Atonement, Inc.
DRAFT Narrative Describing Existing and Proposed Use DRAFT

Odors - The Friary does not and will not permit the introduction of equipment, activities or processes that produce offensive odors.

Wastes - The Friars does not dispose of solid or liquid wastes to any watercourse or storm drainage facility or to the ground so as to be a hazard to public health or safety. In an effort to avoid such pollution, the Friars maintain a full-time staff and consultants to attend to such matters as routine repairs and maintenance of equipment and systems.

We note that an illegal landfill exists on the site. Several years ago the Friars entered into an agreement with the NYS Department of Environmental Conservation. The agreement resulted in the capping and closing of the landfill and an on-going program to monitor nearby groundwater.

Vibration - The Friary does not and will not permit the introduction of equipment, activities or processes that cause noticeable vibration outside the grounds.

Radio Interference - The Friary does not and will not permit the introduction of equipment, or processes that causes radio interference. All electronic equipment used on the site bears a statement that it complies with FCC Regulations as of the date of its manufacture. If such interference inadvertently occurs, the Friars will immediately remedy it upon notice or discovery.

Noise - The Friary does not and will not permit the introduction of equipment, activities or processes that produce excessive noise. The community continuously strives to provide an environment that is peaceful and quiet. Residents, employees and guests are expected to conduct themselves in a manner appropriate to this goal.

Hazard and Toxic Materials - These types of materials are kept on site. They include gasoline, heating fuel, cooking fuel, lawn and garden chemicals, paint strippers, varnish, paints and solvents for routine repairs and maintenance, and chemicals for water treatment and drainpipe maintenance. All materials are kept in tanks specifically designed for such storage or in locked vaults or steel cabinets. No other materials listed in the United States Environmental Protection Agency's list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR 261) or Article 27 of the New York State Environmental Conservation Law (6NYCRR366) are kept on site.

There are 22 underground tanks on the site. These tanks contain fuel oil and gasoline. All tanks are registered with the NYS Department of Environmental Conservation.

Please note discussion regarding the closed landfill under "Wastes" above.

Conclusion

The Friars of the Atonement intend to remain active in their ministry and devotion. They also want to remain as a quiet and productive member of the Philipstown Community.

Franciscan Friars of the Atonement, Inc.

DRAFT Narrative Describing Existing and Proposed Use DRAFT

Graymoor is the place where the Society of Atonement founders planted their roots. As times change, our community's needs change. We intend that the revitalized facility we envision for Graymoor will strengthen both our community and our roots in Philipstown.

Respectfully submitted,

FRANCISCAN FRIARS OF THE ATONEMENT, INC.

Fr. Charles Sharon, SA
3rd Councilor

Dated: October 4, 2012

DRAFT

Feed.

WARRANTY.
LAW of N. Y., 1890.

James E Horton ^{Wife}

TO

Simon D. Wilson

Thurston

Dated March 24th 1900

Julian County, ss.

Recorded on the *22*

May 1901, at

clock M. in Book

No. 84 of Deeds, at page 396

100

CONFERENZA DI

Clark

100-200000

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10. 3. 1922

2000

Williamson Law Book Co., Publishers, Rochester, N. Y.

754

10/10/10

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The first of the Minutemen of the U. S. M.
 Nov. 21st 1902.
 I, Paul Francis (born J. Watson), Minister General of the Movement,
 do affirm before God, our Lady, St. Francis, St. Peter, St. Paul, St. John Baptist, & the witnesses
 that I hold the property named in this deed, being the Holy Mount of the Movement,
 over as a trustee until that day, when the Anglican Communion shall have
 been reintroduced to the Vicar of Christ & received back into communion with
 the Holy Roman Church and I will remain and my successors in the office
 of Minister General of the Society of the Movement so soon as that happy repair
 and of the "breach" is commended to place the altar of St. Peter's
 doors, as a token of the unity, distance & devotion of the children of
 the Movement to the Roman Pontiff, sitting in the Chair of Blessed Peter & reigning
 his authority as the divinely appointed Shepherd over the whole flock of Christ
 and this I do solemnly swear the Holy, Catholic Apostolic Church.

Tr Paul James Francis S. G.

Wilmses.
T Luana Mary Francis s.s.
T Paul Jakob

T Paul J. Baker

Wittmanns.

Jan 25/1877

This Indenture,

Made the twenty-fourth day of May in the year

~~XXXXXXXXXXXXXXXXXXXX~~ nineteen hundred. _____

Between* JAMES E. HORTON AND LILLIE J. HORTON

of the Town of Philipstown in the County of Putnam and State of New York, party

of the first part, and* LEWIS T. WATSON, of the said Town
County and State, in Trust for the "Society of the Atonement", party

of the second part:

Witnesseth, That the said part ~~ies~~ of the first part, for and in consid-
eration of the sum of

THREE HUNDRED (\$300-) dollars,

lawful money of the United States, paid by the said parties of the second
part, do hereby grant and release unto the said part of the second part,

his heirs and assigns forever,

All that Tract or Parcel of Land, situate in the Town
of Philipstown County of Putnam and
State of New York, BEGINNING on the East side of the Highland Turn-

pike, at the corner of land of Selef, thence along said Turnpike North,
twenty degrees East, thirteen chains and thirty-three links to the corner of
F. Robinson, now deceased; Thence on his South line, South seventy four
degrees East, two chains and fifty links; Thence North twenty four degrees
East about eleven chains; Thence North sixty six degrees East to the line
of land sold D. Warren; Thence along his land South five degrees West, six-
teen chains, South forty eight degrees West eleven chains to the corner of
said Selef; and Thence along his North line to the place of beginning, con-
taining Twenty four acres of land, more or less, and being the same premises

of the first part, and LEWIS T. WATSON, of the said Town
County and State, in Trust for the "Society of the Atonement", party

of the second part:

Witnesseth, That the said parties *of the first part, for and in consid-*
eration of the sum of

THREE HUNDRED (\$300-) dollars,

lawful money of the United States, paid by the said parties *of the second*
part, do hereby grant and release unto the said part of the second part,

his heirs and assigns forever,

All that Tract or Parcel of Land, situate in the Town

of Philipstown County of Putnam and

State of New York, BEGINNING on the East side of the Highland Turn-

pike, at the corner of land of Selef, thence along said Turnpike North,
twenty degrees East, thirteen chains and thirty-three links to the corner of
F. Robinson, now deceased; Thence on his South line, South seventy four
degrees East, two chains and fifty links; Thence North twenty four degrees
East about eleven chains; Thence North sixty six degrees East to the line
of land sold D. Warren; Thence along his land South five degrees West, six-
teen chains, South forty eight degrees West eleven chains to the corner of
said Selef; and Thence along his North line to the place of beginning, con-
taining Twenty four acres of land, more or less; and being the same premises

conveyed to Erastus Nowatt by William H. Denning by deed dated the tenth day
of January, 1863, and recorded in the Office of the Clerk of the County of
Putnam on the twenty-seventh day of April, 1863, in Liber No. 38 of Deeds
at page 509 & ff. and being a part of the premises conveyed to Jesse Horton
by D. W. Travis, as Referee, by Deed dated the thirty-first day of May, 1864,
and recorded in the Office of the Clerk of the County of Putnam on the six-
teenth day of June, 1864 in Liber 64 of Deeds at page 76, and being a part
of the premises conveyed to James E. Horton by Mary J. Horton by Deed dated
the twenty-third day of August, 1889, and recorded in the Office of the Clerk
of the County of Putnam on the fourth day of September, 1889, in Liber 69 of
Deeds at page 357, & ff.

Together with the appurtenances; and all the estate and rights of the said parties of the first part in and to said premises. To Have and to Hold the above granted premises unto the said party of the second part, his heirs and assigns forever.

And the said James E. Horton—

doth covenant with the said party of the second part as follows:

That the party of the second part shall quietly enjoy the said premises.

That the said James E. Horton—

will forever warrant the title to said premises.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

In the Presence of

Joseph A. Greene

James E. Horton
Lillie J. Horton

* Insert name, residence and occupation.

STATE OF NEW YORK,

County of Putnam

Town of Philipstown

ss.

On the twenty-fourth day of May

in the year

~~Eighteen hundred and ninety~~ 1900 before me personally came

JAMES E. HORTON and LILLIE J. HORTON.

to me known and known to me to be the individual^s described in and who executed the foregoing instrument,

and they thereupon severally duly acknowledged to me that they executed the same.

Joseph A. Greene

Notary Public.

Putnam County,

New York.



Town of Philipstown

Code Enforcement Office
238 Main Street, PO Box 155
Cold Spring, NY 10516

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

REQUEST FOR WRITTEN RESPONSE

Applicant:

Name The Friars of the Atonement, Inc

Address P.O. Box 300,
Garrison NY 10524

Telephone 845-424-3671

Property Information:

Name The Friars of the Atonement, Inc

Address Old West Point Road East,
Garrison NY

Tax Map # 82.-2-41

Check (☒) the box that applies and submit to the Code Enforcement Department with Fee.

(☐) **Municipal Records Search and Report** - \$175 per Tax map parcel number.

The office will review the department records and supply a written response of any known violations, last legal use and supply a copy of any certificates.

(☐) **Request for Assignment or Verification of Street Number** - \$25 per tax map number.

The office will assign or verify a Street Identification Numbers for a property in writing.

(☐) **Request for Inspection or Re-Inspection** (if no permit or to close an expired permit)
Fee - \$100

The Code Enforcement Officer will perform a requested inspection.

(☐) **Bedroom Count Fee** - \$25

The Code Enforcement Office will review the department records and supply a written response of the number of bedrooms to exist in a residence.

(☒) **Letter of "No Violation Letter" from Zoning Administrator** - \$175.00 per property tax map number

The Zoning Administrator will review the department records and supply a written response of any outstanding violations.

FEE: _____ Received: _____