

**MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Butterfield Library, Cold Spring, New York 10516
October 20, 2016
7:30 PM**

Pledge of Allegiance

Roll Call

Approval of Minutes – September 14, 2016

September 15, 2016

Public hearing

Jared and Carolina Della Valle, 20 Jay Street, Suite 1003 Brooklyn, NY TM# 39.-2-21.2
for proposed single story residential structure with garage, pool and pool area located at
117 Round Hill Road Garrison,

Old Business:

Philipstown Square (Lausca, LLC), 3166 Route 9 Cold Spring TM#27.12-1-10
amended site plan for a change in use to the most southerly retail space (Restaurant) which is to expand
the second floor to event space which would include expansion for parking

- Consideration of a negative SEQRA declaration
- Amended minor Site Plan approval.

Griffin's Landscaping Corporation, 3032 Route 9, Cold Spring, TM# 27.20-1-14
(return to Planning Board after seeking Zoning Board of Appeals approval (Appeal # 895) of from
Section 175-65(D)(5)(b) of the Zoning code which limits the percentage of lot area for outside storage
from 20% to 36%.

Hudson Highland Reserve, Route 9 and Horton Road
an update on the conservation findings

New Business:

**OLSPAN, LLC, 235 East 87th Street Apt. 1L, New York, NY property address is 2700 Route 9,
Cold Spring TM#38.-3-24.2**
(Amended Site Plan – Modification of parking area, new highway entry and new driveway culvert and
demolition and re-construction of a caretakers residence.)

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

PHILIPSTOWN PLANNING BOARD
Public Hearing – October 20, 2016

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, October 20, 2016 starting at 7:30 p.m. at the Butterfield Library on Morris Avenue in Cold Spring, New York to consider the following application:

Jared and Carolina Della Valle the property is located at 117 Round Hill Road, Garrison, New York. - The application represents a request for a Construction of a single family residence including a pool, garage and adjacent pool areas on a 6.691 acre lot. The property is in the RC Zoning District. The lot is legally preexisting non-conforming.

The property abuts and lies within a Town “Ridgeline and Hillside protection area”, and contains significant regulated steep slopes, some of which will be disturbed. Due to disturbances planned in areas of >20%, a “Special Permit” is also required.

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

Dated at Philipstown, New York, this 29 th. day of September 2016.

Anthony Merante, Chairman

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
September 14, 2016**

Workshop meeting

**Old VFW Hall
34 Kemble Ave.
Cold Spring, NY 10516**

Present: Anthony Merante (Chairman)
Kim Conner
Mary Ellen Finger
David Hardy
Peter Lewis
Neal Tomann
Ron Gainer, Town Engineer
Susan Jainchill (AKRF), Town Planning Consultant

Absent: Neal Zuckerman

HORTON ROAD LLC "Conservation Subdivision"

Chairman Merante opened the workshop meeting at 7:31 P. M.

The work session of the Planning Board was for the Board to get clarification and understanding regarding their concerns of the Conservation Subdivision process and to discuss the Zoning Code's regulations pertaining to the preparation of a Conservation Findings for the project.

In discussing the matter, the draft "Findings" outline issued previously by Ronald J. Gainer, PE & Susan Jainchill from AKRF was reviewed.

Ron Gainer reviewed the items contained in the outline, and discussed in general terms the information contained in the applicant's "Conservation Analysis" which was accepted by the Planning Board at their July 21st meeting.

The meeting adjourned at 8:05 P. M.

Date approved _____

Respectfully submitted by

Linda Valentino

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

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
September 15, 2016**

The Philipstown Planning Board held its regularly monthly meeting on Thursday, September 15, 2016 at the Butterfield Library, 10 Morris Avenue, Cold Spring, New York.

Present: Anthony Merante (Chairman)
Kim Conner
Mary Ellen Finger
David Hardy
Peter Lewis
Neal Tomann
Neal Zuckerman
Stephen Gaba, Counsel
Ron Gainer, Town Engineer

Chairman Merante opened the meeting at 7:30 P. M. with the Pledge of Allegiance.

Roll call was taken by Ms. Valentino

1. Approval of Minutes:

The minutes of July 21, 2016 were reviewed. Ms. Conner moved to adopt the minutes as presented and Mr. Lewis seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

2. Old Business:

a. Evelyn Gex, 24 Hummingbird Lane, Garrison TM#60-2-44&45

Mr. Luke Hilpert represented the applicant. Mr. Hilpert noted the only item left outstanding for this application for a lot line adjustment is the signing of the plat. Mr. Hilpert requested an extension for a previously proposed lot line adjustment which was originally approved January 20, 2011. Mr. Gainer noted the plan is ready for endorsement by the Planning Board Chairman, once it has been endorsed and received from the county. Mr. Lewis moved to grant the extension for 90 days and Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye

second floor event space is for 45 seats. A discussion ensued over whether or not the second floor was to be used or not for anything other than storage during the original application process in. The health department approved a total of 115 seats and the water usage allowed is for 5000 gallons a day. Currently 1400 gallons of water per day is used. With the approval of the event space they will not exceed the 5000 gallons of water per day requirement. The septic system has been replaced. Mr. Scanga noted he has applied for a building permit and the building department is okay with the drawings, site plans, egress and handicap accessibility. The stairs meet all codes.

Mr. Gaba noted that site plan changes cannot be waived by the Planning Board. Mr. Gaba noted this application requires an amendment to an approval. There is a provision in the code that allows you to waive a public hearing if the amendment is not substantial. Since Philipstown Square is on a state road (NYS Route 9) a 239m request is required and a SEQRA review must be done.

Ms. Conner moved to declare the Planning Board lead agency and Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

Mr. Zuckerman moved to send the proposal to the Putnam County Department of Planning for a 239m referral and Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

Ms. Conner moved to declare this proposal for a change in use as a minor project and Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

Ms. Conner moved to waive the public hearing and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner	Aye
Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

3. New Business:

Jared and Carolina Della Valle, the property is 117 Round Hill Road Garrison TM# 39.-2-21.2

The applicants are proposing a single family structure with a garage, pool and pool area. A septic plan has already been approved by the health department. There is a SSTS fill pad which was previously constructed by Mr. Fadden. The House is a little over 3,000 square feet. The proposed house will be located in the Ridge line and hillside protection area. The lot is 6.691 acres. The zoning for that area is 10 acres. The lot is legally preexisting non-conforming.

Mr. Gainer suggested that a site visit be done since it is on the hillside. Since there is a land disturbance of more than 20%, the Board is required to grant a special permit.

An error on the plan regarding the proper slope category was noted and will be corrected.

Ms. Conner moved to declare this proposal a minor project and Mr. Tomann seconded the motion.

The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

A site visit was scheduled for Sunday, October 16, 2016 at 9:30 A.M.

Mr. Watson asked if the Board would schedule a public hearing for this proposal for the October 20, 2016 meeting.

A letter will go to the Conservation Board to make them aware of the project since it involves steep slopes.

Mr. Lewis moved to schedule a public hearing for October 20, 2016 and Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	Aye
Peter Lewis	Aye
Neal Tomann	Aye

Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

Mr. Gaba noted that the Planning Board must declare themselves Lead Agency for the SEQRA review process which is listed as an unlisted action.

Mr. Zuckerman moved to declare the Planning Board Lead Agency for the SEQRA review process which is listed as an unlisted action. and Mr. Tomann seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye
Neal Zuckerman	Aye

The motion carried unanimously.

4. Board Business:

Pre-application review:

There were two pre-application meetings held on August 26, 2016 - one for Andre Grasso, NYS Route 9, Garrison and the other for Olspan, LLC, NYS Route 9 Cold Spring. No further action has been taken on them so there is nothing at this time for the Board to review. At some point, Site Plan applications are expected to be filed by each applicant.

Approval of resolution extensions:

The Board discussed changing the code to limit the amount of time extensions that can occur after an approval resolution has been adopted.

Mr. Watson asked if the Board could schedule a workshop meeting for the Hudson Highland Reserve, project.

The response was that since two separate agencies are involved with the project it is unknown when the Conservation Findings report will be complete.

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

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Aye

Neal Zuckerman Aye

The motion passed unanimously and the meeting adjourned at 8:21 P.M.

Date approved _____

Respectfully submitted by
Linda Valentino

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

June 24, 2016

Michael J. Budzinski, P.E.
Director of Engineering
Putnam County Department of Health
Geneva Road
Brewster, New York, 10509

Re: SSTS Capacity
Philipstown Square(formerly Perc Plaza/Philipstown Centre)
Route 9; TM # 27.12-1-10

Dear Mr. Budzinski:

History

Reference is made to the writer's Engineering Report dated July 31, 2007, revised March 22, 2008 which provides a history of the site and calculations indicating a design flow of 4135 gallons per day and the summary chart of the occupancy of the buildings dated February 16, 2011 entitled "Perc Plaza Occupancy", revised January 18, 2013.

Your letter dated January 29, 2013 approved an additional 45 seats at the Plaza for a total of 115 seats.

Proposal

At this time it is proposed to expand the Grano Focacceria Restaurant on it's presently vacant second floor, for a banquet room containing 45 seats. It is noted that the first floor seating can only accommodate 38 seats, as opposed to the 80 previously approved. The summary of Restaurant seating indicates that this modification will reduce the total restaurant seating in the buildings by 32 seats.

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BY: *R*

LAWRENCE J. PAGGI, PE, PC

Consulting Engineering

43 Broad Street
Fishkill, New York 12524

Phone 845 897 2375

Fax 845 897 2239

Email ljpaggi@optonline.net

October 6, 2016

Mr. Anthony Merante, Chairman
Town of Philipstown Planning Board
c/o Linda Valentino, Secretary
238 Main Street
Cold Spring, New York 10516

Re: ***Philipstown Square (Lausca, LLC)***
3166 Route 9, Town of Philipstown
Tax ID No.:27.12-1-10

Dear Chairman Merante and Members of the Board:

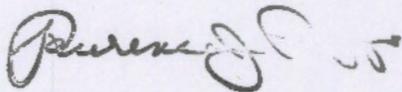
Please find enclosed thirteen (13) copies of the revised amended site plan for the above referenced project. The plans were revised in response to the Town Engineer's comment letter dated September 13, 2016. The responses to these comments are outlined below:

Plans –

- The amended site plan has been revised to depict a 2nd floor egress for the expansion of the restaurant use. During the review of the plans for building permit the Building Inspector required an additional exit.
- A copy of the design engineer's letter to the Putnam County Department of Health, dated June 24, 2016, is provided that outlines the sewage disposal system design calculations.
- A note has been included on the plan to indicate the number of seats that were approved by the Putnam County Department of Health for the 2nd floor space.

On behalf of our client, we respectfully request to be placed on the Planning Board's October 20th agenda to discuss the amended site plan.

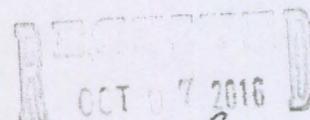
Sincerely,

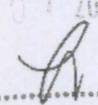


Lawrence J. Paggi, P.E.
President

Enclosures

cc Ron Gainer, P.E., Town Engineer



BY:.....



**Putnam County
Department of Planning, Development,
and Public Transportation**

www.putnamcountyny.com

Sandra M. Fusco
Deputy Commissioner

841 Fair Street
Carmel, NY 10512

Phone: (845) 878-3480
Fax: (845) 808-1948

SECTION 239 CASE REFERRAL

Case Received: Report Required: Completed:

Application Name: Referral #:

TOWN: Carmel: Philipstown: VILLAGE: Brewster:
 Kent: Putnam Valley: Cold Spring:
 Patterson: Southeast: Nelsonville:

Referred by: PB: ZBA: Town Board: Historic District Review Board:

Location of Project:

Present Zone: Tax Map #:

Type of action: Variance: Zoning Ordinance: Master Plan:
 Subdivision: Special Use Permit: Subdivision Regulations:
 Site Plan: Rezoning: Certificate of Appropriateness:
 Zoning Amendment/Interpretation:

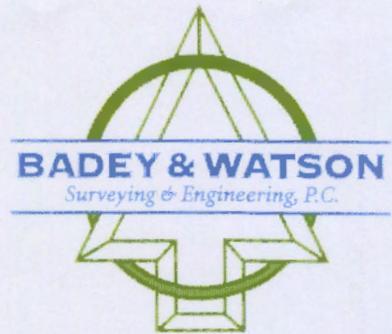
DECISION BY COUNTY:
 Approved as Submitted: Modification: Disapproved:

Basis for Decision Other than Approval:

Reviewed by Barbara Barosa Barbara Barosa, Planner
 (Signature) (Title)

rc 9-16/word

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 BY: AV



October 6, 2016

Anthony Merante, Chariman
Town of Philipstown Planning Board
Town Hall
238 Main Street
Cold Spring, NY 10516

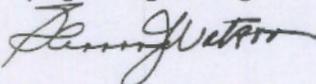
RE: Griffin Landscaping, Inc.

Dear Mr. Merante and Honorable Board Members:

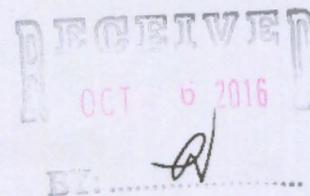
The Zoning Board of Appeals has granted a variance to Griffin Landscaping, Inc. Appeal No. 895 dated, September 22, 2016, a copy which is attached.

We are also submitting 13 sets of the latest plans, and are requesting that this matter be placed on the October 20th 2016 agenda.

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


by
Glennon J. Watson, L.S.
845.265.9217 x14
gwatson@badey-watson.com

GJW/bms
cc: File U:\74-136\AMOC0616BP.dotx



TOWN OF PHILIPSTOWN ZONING BOARD OF APPEALS
-----X

In re application of:

 GRIFFIN'S LANDSCAPING, INC.

RESOLUTION

for an area variance to Section 175-65(D)(5)(b)
of the Philipstown Zoning Code.

Appeal No. 895

Tax Map Parcel: 27.20-1-14

-----X

The applicant, Griffin's Landscaping Corporation, is the owner of property located at 3032 Route 9, Cold Spring, New York 10516 within the Town of Philipstown. The subject property is located within the Town of Philipstown's Highway Commercial (HC) Zoning District. The applicant seeks to change the use put to the subject property from that of a nursery to a firewood processing business. With respect to this proposed change in use, the applicant has sought amended site plan approval and a special use permit from the Town of Philipstown Planning Board.

The amended site plan submitted to the Town of Philipstown Planning Board provides for outside storage areas that will cover 36% of the lot area of the subject parcel. The percentage of the lot area that is sought to be put to the use of outside storage does not conform with the Philipstown Zoning Law. Specifically, Section 175-65(D)(5)(b) of the Zoning Law limits the percentage of lot area which can be put to outside storage to 20%. Because this aspect of the applicant's amended site plan does not strictly conform with the requirements set forth in the Philipstown Zoning Law, the Planning Board has referred the applicant's proposal to the Zoning Board for an area variance.

On May 23, 2016 the applicant submitted its application for an area variance to the Zoning Board of Appeals. On June 13, 2016 the Zoning Board of Appeals reviewed

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the application for completeness, and scheduled this matter for a public hearing. The public hearing was conducted on July 11, 2016, and, upon all discussion and testimony that preceded it, the public hearing was closed.

At a public meeting of the Board on July 11, 2016, and upon all discussion and testimony that preceded it, and a review of all submissions and proof submitted to the Board, Leonard Lim made a motion, seconded by Vincent Cestone, as follows:

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, determines and finds:

FINDINGS OF FACT

1. The applicant submitted its request, Appeal #895, to the Town of Philipstown Zoning Board, based upon the Town of Philipstown Planning Board's determination that the applicant's amended site plan did not comply with specified bulk regulations set forth in the Town's Zoning Law.
2. The applicant's property is located in the Town's Highway Commercial ("HC") Zoning District in the Town of Philipstown, and is identified on the Town of Philipstown Tax Map as Section 27.20-1-14. The property has an address of 3032 Route 9, Cold Spring, New York 10516.
3. The applicant's amended site plan provides for outside storage that shall cover 36% of the lot area. However, Section 175-65(D)(5)(b) limits the percentage of lot area which can be put to outside storage to 20%.
5. The Board reviewed the application and accompanying materials prior to its regular meeting on June 13, 2016 in order to determine the sufficiency of the application and as a prerequisite to scheduling the public hearing on the instant

application. The Board determined that the application was complete. A public hearing was scheduled for July 11, 2016, upon proper public notice thereof being given in accordance with statutory mandates and requirements.

6. The Board met on July 11, 2016 for the purpose of conducting the public hearing.

7. The Board determines that narrow relief sought from the Zoning Board represents a Type II Action under the State Environmental Quality Review Act (SEQRA).

8. At the public hearing the Board heard from the applicant, their representatives, and members of the public. The Board closed the public hearing on July 11, 2016.

FINDINGS AND CONCLUSIONS

I. **WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY THE GRANTING OF THE VARIANCE?**

Based upon the materials and testimony presented to the Board, as well as the Board's familiarity with the subject property, the Board finds that granting the area variance sought in this application will not result in an undesirable change to the character of the neighborhood and will not be a detriment to nearby properties.

Although the applicant seeks to increase outside storage on its property from 20% to 36% of the property's lot area, the Board is satisfied that the proposed screening and containment improvements planned for the subject property will mitigate any adverse impacts that could otherwise be created by increasing outside storage areas. The Board finds that the proposed screening and containment plans for the property will minimize any adverse visual and spatial impacts to adjoining property owners and vehicular traffic

on Route 9. The Board further observes that no neighboring property owners voiced any objections to the area variance sought.

II. WHETHER THE BENEFITS SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

The Board finds that the benefits sought by increasing the maximum permitted outside storage areas on the subject property cannot be achieved by some other feasible method which would not require relief from this Board. The applicant has adequately demonstrated that its unique business operation, which has been ongoing for several years, requires the outside storage of raw and processed materials which necessarily entails coverage of sizable percentages of lot area. The applicant has further adequately demonstrated that limiting outside storage to 20% of the applicant's lot area would, by reason of its unique business activities, and the unique configuration of the lot, force the applicant to relocate its business operations. Under these circumstances, permitting an increase for lot storage to 36% of the subject property's lot area represents the most feasible method for the applicant to obtain the benefits it seeks.

III. WHETHER THE REQUESTED AREA VARIANCES ARE SUBSTANTIAL?

Section 175-65(D)(5)(b) of the Zoning Code limits the percentage of lot area which can be put to outside storage to 20%. In this application the applicant proposes outside storage for 36% of the lot area of the subject property. Although the Board finds that the increase in outside storage coverage is numerically significant, the Board is satisfied that that area variance sought is not qualitatively substantial based upon the proposed screening and containment features planned for the property which will

mitigate and lessen any adverse impacts resulting from the increase in outside storage coverage

IV. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD?

The area variance sought in this application – a request to increase, from 20% to 36%, that portion of the subject property's lot area for outside storage purposes - will not adversely affect the physical or environmental conditions in the neighborhood under the facts of this application. No additional traffic, noise or odors will be generated, and there will be no interference with a scenic area. The Board observes that the condition of the property will be improved by the installation of screening; removing other nonconformities and encroachments; and the placement of fencing which will prevent the loss of product in the event of flooding. Further, vegetation will be added, not removed.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED?

The Board finds that the need for an area variance does represent a self-created hardship. However, in light of this Board's finding that the variance sought will not result in any adverse visual, spatial or environment impacts to neighboring properties, or the area in general, this Board chooses not to assign significant weight to this factor.

BALANCING TEST & CONCLUSION

Based upon the above findings, and taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community, the Board finds that the balance weighs in favor of approving the variance sought, to permit outside storage on the subject

property in the amount of 36% of the property's lot area, and includes the following terms and conditions to the approval:

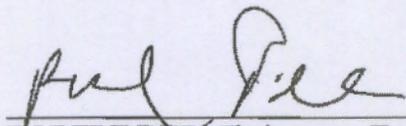
- 1. The percentage of outside storage area permitted by this decision shall not be further enlarged except in accordance with all provisions of the Philipstown Code. No further enlargement of the percentage of outside storage area permitted by this decision is authorized without Building Department and/or Zoning Board approval as needed.

ROLL CALL VOTE

The question of the foregoing decision calling for approval of the requested variance was put to a roll call vote on the day of July, 2016, and the results were as follows:

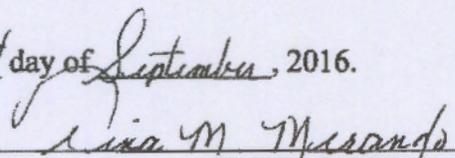
Robert Dee, Chairman	-	Voting Aye
Leonard Lim, Member	-	Voting Aye
Bill Flaherty, Member	-	Absent
Paula Clair, Member	-	Voting Aye
Vincent Cestone, Member	-	Voting Aye

Dated: Philipstown, New York
September , 2016



 ROBERT DEE, Chairman – Town of Philipstown
 Zoning Board of Appeals

Filed in the Town Clerk's Office this 27th day of September, 2016.



 TOWN CLERK



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

office 845-878-6507

cell 845-527-1432

TO: Town of Philipstown Planning Board DATE: September 9, 2016
FROM: Ronald J. Gainer, PE SUBJ: Olspan LLC Amended Site Plan; NYS Route 9

As provided in Section 175-66B of the Town Code a pre-application meeting was held on August 26, 2016 concerning Olspan, LLC's plans to amend their earlier (2013) Site Plan approval concerning an existing, developed commercial property at 2700 Route 9 (formerly CF Diversified/Cyberchron).

In attendance were the following:

Anthony Merante	-	Planning Board Chairman
Kim Conner	-	Planning Board Member
Neal Tomann	-	Planning Board Member
Greg Wunner	-	Code Enforcement Officer
Linda Valentino	-	Planning Board Secretary
Ron Gainer	-	Town Engineer
Glenn Watson	-	Applicant/Owner's representative

The following matters were discussed:

Purpose of Application:

The site encompasses a 5.0 acre parcel along the east side of NYS Route 9, just north of Vineyard Road. The tract is situated in an OC Zoning District. The prior "Site Plan" approval was granted in 2013. No change in use of proposed. Rather, only improvements to the site's access driveway at Route 9 is planned, as are various other aspects of the site layout/design. These would include modifications to the parking layout, further landscaping improvements, changing the loading/entry on the southerly side of the building and other site enhancements. Further, the existing caretaker's residence on the property may possibly be replaced, with a similar building in the rear of the site.

Zoning District Information:

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

As the work at the entrance will require an NYS DEC wetlands" permit, a Town wetlands permit will likewise be required.

Site Plan Review Required:

With the various modifications planned to the prior Site Plan approval granted, a new site plan approval from the Planning Board is required.

Site Plan Procedures:

As the site has previously been granted "Site Plan" approval in 2013, at this time an "Amended" Site Plan approval application should be submitted for this latest proposal.

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BY:*H*.....

RE: Olspan LLC Amended Site Plan; NYS Route 9

The original (2013) Site Plan application represented a "Major" project. Therefore, as is specified in §175-60 C(1) (which requires consideration of all improvements over the prior 5 year period), this latest application would also represent a "major" project. Therefore, a Long Form EAF should be filed with the application. Section §175-68D covers amended site plan review procedures. Per paragraph D(2) of this section, a Public Hearing will be required (as it represents a major project).

Site Plan Fees:

The following fees should be posted by the applicant:

"Amended Site Plan, major"	-	\$1,000 + \$20/parking space
Escrow	-	\$5,000 (un-used monies returned to applicant)
Public Hearing fee	-	\$250

Therefore, fees of \$1,250 + \$20/parking space, and a \$5,000 escrow should be posted by the applicant as part of the Amended Site Plan application filing.

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

c: Greg Wunner, Code Enforcement Officer
Stephen Gaba, Esq.
Applicant



Town of Philipstown

238 Main Street
Cold Spring New York 10516

PLANNING BOARD

AMENDMENT of SITE PLAN

APPLICATION PACKAGE

Project Name: Amended Site Plan prepared for OLSPAN, LLC

Date: October 6, 2016

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OCT 06 2016

BY: *A*



Town of Philipstown

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

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

Application for Planning Board Special Use & Site Plan Approval

Date: October 6, 2016 **TM#** 38.-3-24.2

Project Name: Amended Site Plan prepared for OLSPAN, LLC

Street Address: 2700 Route 9 Cold Spring, NY 10516

Fee Amount: _____ **Received:** _____

Bond Amount: _____ **Received:** _____

Applicant:

Name OLSPAN, LLC

Address 235 East 87th Street Apt.1L

New York, NY 10128

Telephone 212-517-5252

Tenant:

Name _____

Address _____

Telephone _____

Design Professional:

Name Badey & Watson Surveying & Eng. P.C.

Address 3063 Route 9

Cold Spring, NY 10516

Telephone _____

Surveyor:

Name Glennon J. Watson, L.S.

Address 3063 Route 9

Cold Spring, NY 10516

Telephone 845-265-9217

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

Name Same as Applicant

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

TM# 38.-3-24.2

Project Name: Amended Site Plan prepared for OLSPAN, LLC

Project Description: Modification of parking area, new highway entry and new driveway culvert and demolition and re-construction of a caretakers residence.

ZONING INFORMATION

175-7 Zoning District: HC

175-10 Proposed Use: Warehouse for storage of personal property, and caretakers residence.

Proposed Accessory Use(s): _____

175-7 Overlay Districts on the property:

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

TM# 38.-3-24.2

Project Name: Amended Site Plan prepared for OLSPAN, LLC

175-11 Density and Dimensional Regulations

Zoning District <u>HC</u>	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road	50 ft .	N/A	N/A		
Measured from the travel way County/State	100 ft.	92.9	92.9 (pre-existing)		
Minimum side yard setback	20 ft.	73.1	19.2		
Minimum side yard setback (2)	-	-	-		
Minimum side yard setback (3)	-	-	-		
Minimum rear yard setback	35 ft.	129.2	34.3		
Maximum impervious surface coverage	60%	20%	22%		
Maximum height	40 ft	-	-		
Maximum footprint non-residential structures	200,000 sf.	10,798 sf.	19,473 sf.		

SUBMISSION:

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

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

Town of Philipstown Town Code Chapter 175

D. Site Plan Amendments

An approved Site Plan may be amended by filing an application with the Planning Board for a Site Plan amendment.

1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable Special Permit approval (or if no Special Permit is required) and does not represent a substantial change from the approved Site Plan, it shall grant the amendment without a hearing.
2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable Special Permit approval (or if no Special Permit is required), but is a substantial change from the approved Site Plan, it shall follow the procedures for Site Plan approval contained in §175-66F and hold a public hearing if the amendment would be considered to be a Major Project.
3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any Special Permit approval, it shall consider the application to be one for a Special Permit amendment and proceed pursuant to §175-62.
4. Notwithstanding any other provision of this chapter, in considering any site plan amendment or any site plan approval for an existing use or structure, the Planning Board shall be limited to reviewing proposed changes and shall not require changes to any structures or conditions on the property legally in existence prior to such application, even if such structures or conditions are nonconforming.



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

office 845-878-6507

cell 845-527-1432

TO: Town of Philipstown Planning Board DATE: September 9, 2016
FROM: Ronald J. Gainer, PE SUBJ: Olspan LLC Amended Site Plan; NYS Route 9

As provided in Section 175-66B of the Town Code a pre-application meeting was held on August 26, 2016 concerning Olspan, LLC's plans to amend their earlier (2013) Site Plan approval concerning an existing, developed commercial property at 2700 Route 9 (formerly CF Diversified/Cyberchron).

In attendance were the following:

Anthony Merante	–	Planning Board Chairman
Kim Conner	–	Planning Board Member
Neal Tomann	–	Planning Board Member
Greg Wunner	–	Code Enforcement Officer
Linda Valentino	–	Planning Board Secretary
Ron Gainer	–	Town Engineer
Glenn Watson	–	Applicant/Owner's representative

The following matters were discussed:

Purpose of Application:

The site encompasses a 5.0 acre parcel along the east side of NYS Route 9, just north of Vineyard Road. The tract is situated in an OC Zoning District. The prior "Site Plan" approval was granted in 2013. No change in use of proposed. Rather, only improvements to the site's access driveway at Route 9 is planned, as are various other aspects of the site layout/design. These would include modifications to the parking layout, further landscaping improvements, changing the loading/entry on the southerly side of the building and other site enhancements. Further, the existing caretaker's residence on the property may possibly be replaced, with a similar building in the rear of the site.

Zoning District Information:

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

As the work at the entrance will require an NYS DEC wetlands" permit, a Town wetlands permit will likewise be required.

Site Plan Review Required:

With the various modifications planned to the prior Site Plan approval granted, a new site plan approval from the Planning Board is required.

Site Plan Procedures:

As the site has previously been granted "Site Plan" approval in 2013, at this time an "Amended" Site Plan approval application should be submitted for this latest proposal.

RE: Olspar LLC Amended Site Plan; NYS Route 9

The original (2013) Site Plan application represented a "Major" project. Therefore, as is specified in §175-60 C(1) (which requires consideration of all improvements over the prior 5 year period), this latest application would also represent a "major" project. Therefore, a Long Form EAF should be filed with the application. Section §175-68D covers amended site plan review procedures. Per paragraph D(2) of this section, a Public Hearing will be required (as it represents a major project).

Site Plan Fees:

The following fees should be posted by the applicant:

"Amended Site Plan, major"	-	\$1,000 + \$20/parking space
Escrow	-	\$5,000 (un-used monies returned to applicant)
Public Hearing fee	-	\$250

Therefore, fees of \$1,250 + \$20/parking space, and a \$5,000 escrow should be posted by the applicant as part of the Amended Site Plan application filing.

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

c: Greg Wunner, Code Enforcement Officer
Stephen Gaba, Esq.
Applicant



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

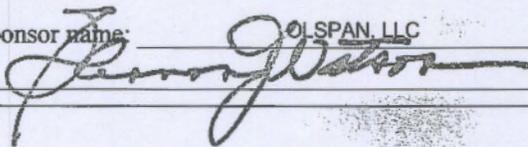
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: <p style="text-align: center;">Approval of Amended Site Plan prepared for OLSPAN, LLC</p>			
Project Location (describe, and attach a location map): <p style="text-align: center;">2700 Route 9D Cold Spring, NY</p>			
Brief Description of Proposed Action: Enlargement of existing commercial building for use as a warehouse.(previously approved). Plan will add storage & utility structure (115x15) subsurface propane tanks (4x1000) gal. and subsurface water storage for fire suppression system.			
Name of Applicant or Sponsor: <p style="text-align: center;">OLSPAN, LLC</p>		Telephone: 212-348-6800 E-Mail: giorgio@olnickspanu.com	
Address: <p style="text-align: center;">235 East 87th Street Apt. 1L</p>			
City/PO: <p style="text-align: center;">New York</p>		State: <p style="text-align: center;">NY</p>	Zip Code: <p style="text-align: center;">10128</p>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: County Planning 239 Referral, Philipstown Planning Board			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		6.0 acres	
b. Total acreage to be physically disturbed?		0.98 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: OLSPAN, LLC Date: Oct. 6, 2015
 Signature:  Surveyor for Applicant

**ADJOINERS LIST
FOR
OLSPAN, LLC**

38.-3-63
MILLER, AMANDA
43 Armando Rd
Cold Spring, NY 10516

38.-3-61
NEGRIN, VIVIAN
45 Hofstra Drive
Plainview, NY 11803

38.-3-13.1
JORDAN, ALLEN
24 White Rocks Ln
Cold Spring, NY 10516

39.-2-20
COOPER, JOEL
120 Rockwald Rd
Cold Spring, NY 10516

38.-3- 9 & 10
MCGUIRK, BARBARA A
PO Box 152
Cold Spring, NY 10516

39.-2-19
ELDRIDGE, PAUL
100 Rockwald Rd
Cold Spring, NY 10516

38.-3-25
ROCKWELL, MARION
PO Box 985
Fort Montgomery, NY 10922

38.-3-23
LOIS REALTY LLC
c/o Joseph F Lois Jr
300 Corporate Dr. Suite 1
Blauvelt, NY 10913

38.-3-64
State Road Storage LLC
3504 Rt 9
Cold Spring, NY 10516

38.-3-58
VIVENZIO, ARMANDO
21 Armando Rd
Cold Spring, NY 10516

39.-2-18
CANFIELD, ROBERT E
PO Box 220
Cold Spring, NY 10516

38.-3-16
CALIENDO, KATIE M
339 Rt 301
Cold Spring, NY 10516

38.-3-13.2
DILELLO, FERNANDO
10 White Rocks Ln
Cold Spring, NY 10516

39.-2-21.4
GOREVIC, ROGER
60 Round Hill Rd
Cold Spring, NY 10516

39.-2-21.1, 21.2 & 21.3
FADDEN, CHRISTOPHER
Attn.: Cyberchron
PO Box 160
Cold Spring, NY 10516

38.-3-62
DELANEY, NANCY L
2757 Rt 9
Cold Spring, NY 10516

38.-3-59
VILLETTO VAUGHAN
HAMMOND CO.
70 Frazier Road
Garrison, NY 10524

38.-3-28
VENTURA, RICKY NELSON
1 Lane Gate Rd
Cold Spring, NY 10516

38.-3-8
SHEEHAN, ROBERT W
1220 Park Ave
New York, NY 10128

38.-3-14
KIRSTEIN, CHARLES D
349 Route 301
Cold Spring, NY 10516

38.-3-27
HARRISON PARK ASSOCIATES
83 Park Lane
West Harrison, NY 10604

38.-3-66
ANASTASI, FRANK J
2779 Route 9
Cold Spring, NY 10516

38.-3-60
THORPE, TERRANCE J
2753 Rt 9
Cold Spring, NY 10516

38.-3-62
DELANEY, NANCY L
2757 Rt 9
Cold Spring, NY 10516

Mailing Address: 235 East 87th Street Apt. 1L New York, NY 10128

1. Name of Agent

(Applicant must be owner of the land. The Application may be managed an authorized agent of such person) Glennon J. Watson, L.S., Eacoy & Watson Surveying & Engineering, P.C.

Mailing Address: 3063 Route 9 Cold Spring, NY 10516

TOWN OF PHILIPSTOWN
PUTNAM COUNTY, NEW YORK

238 Main Street
Cold Spring, NY, 10516
(845) 265-5202

APPLICATION FOR WETLANDS PERMIT

Note to Applicant:

Submit the completed application to the appropriate permitting authority. The application for Wetlands Permit should be submitted simultaneously with any related application (e.g., subdivision approval, site plan approval, Special Use Permit, etc.), being made to the permitting authority.

(Office Use Only)

Application # _____ Permitting Authority _____
Received by: _____
Date _____ Conservation Board _____
Fee _____ Wetlands Inspector _____

Pursuant to Chapter 93 of the Code of the Town of Philipstown, entitled "Freshwater Wetlands and Watercourse Law of the Town of Philipstown" (Wetlands Law), the undersigned hereby applies for a Wetlands Permit to conduct a regulated activity in a controlled area.

1. Owner: Name: OLSPAN, LLC

Address: 2700 Route 9 Cold Spring, NY 10516

Telephone: 845-424-3533

If Corporation, give names of officers:

Giorgio Spanu, General Manager

Mailing Address: 235 East 87th Street Apt. 1L New York, NY 10128

2. Name of Agent

(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.) Glennon J. Watson, L.S., Badey & Watson Surveying & Engineering, P.C.

Mailing Address: 3063 Route 9 Cold Spring, NY 10516

Telephone: 845-265-9217 x14

3. Location of Proposed Activity:

Tax Map #: 38.-3-24.2

Acreage of Controlled Area Affected: 8,323 sf = 0.2 acres

Square footage of soil disturbed by the entire project: 42,778 sf

4. Type of Activity: (See list of regulated activities)

Excavation, placement of fill, installation of drainage structures

5. Other permit(s) required and agency or agencies responsible for granting such permits such as but not limited to P.C.B.O.H, N.Y.D.E.C, Army Core of Engineers, EPA, DOT, Building Dept. Planning Board, and Z.B.A.

Town of Philipstown Planning Board, NYS DOT, (Highway Permit) NYS DEC (Wetland Permit)

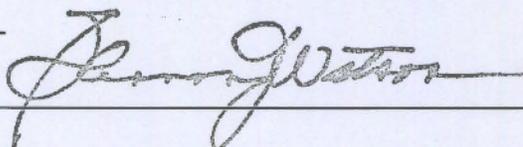
6. Each copy of this application shall be accompanied by:

- a. A detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in §93-8 of the Wetlands Law. (See below)
- b. A completed short form environmental assessment form (*included in the application folder*)
- c. A map prepared by a licensed surveyor, landscape architect or engineer showing:
 - 1. The controlled area(s) wetland buffer zone 100 feet from the edge of any wetlands, lakes, ponds or streams on the site;
 - 2. Any wetland or watercourse therein and the location thereof;
 - 3. The location, extent, and nature of the proposed activity.
- D. The names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice and the names and addresses of all owners of record of properties abutting and directly across from the proposed activity as shown on the latest tax record.

(Note: Any map, plat or plan showing the above information that is required to be submitted for any other permit or approval in connection with the regulated activity, and that is acceptable to the Permitting Authority, may be used.)

Date: Oct. 6, 2016

Signature of Applicant: _____



Surveyor for Applicant

Required Statement in Support
of an
APPLICATION FOR A FRESHWATER WETLANDS PERMIT
from the
Town of Philipstown
for the Owner & Applicant
Olspan, LLC
under
Chapter 93 of the Philipstown Code

Olspan, LLC has applied for a freshwater wetlands permit to conduct activities associated with the reconstruction of the existing highway entrance onto Route 9, where there is a State- and Town-regulated wetland. Generally, this includes replacement of the existing 30" CMP culvert with a 30" HPDE culvert, and re-aligning and reconstructing the curb cut to have greater-perpendicular geometry with the highway, and installation of catch basins; where there are currently none. This is in addition to the previously approved activities, which consisted of minor grading and installation of walkways around the existing building, and installation of landscape screening. The soil disturbance proposed within the Controlled Area is 8,323 square feet.

A permit for the following regulated activities is hereby sought, per Section 93-5. of the Code:

- A. Excavation and grading around existing building, for culvert replacement, and for existing driveway re-construction;
- B. Deposition of soil and stone (building materials) for replacement of culvert and for existing driveway re-construction;
- C. Construction/re-constriction of existing driveway including headwalls, curbing, free-standing walls, retaining walls; and installation of culverts, extension of culverts, and catch basins;
- L. Installation of an open (grass) swale.

Section 93-8A of the Philipstown Code provides the "criteria applicable to the approval of wetlands permits for proposed regulated activities in controlled areas". Each of the eight (8) criteria is quoted below in *Italics*. Following each is our statement regarding this application.

- (1) *"The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse as set forth in § 93-2B."*

The activity will not significantly alter the site from pre- to post-development conditions. The proposal merely relocates existing site improvements, or replacement in-kind.

- (2) *"The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system."*

The existing hydraulics shall remain virtually unchanged from pre- to post-development conditions.

- (3) *"The activity will not result in the degrading or pollution of waters."*

The proposed activity does not significantly alter cover characteristics from pre- to post-development conditions, including impervious surfaces.

- (4) *"The activity will not increase the potential for flooding."*

The proposed activity does not restrict the flow of any water, nor does it significantly increase the quantity of run-off from the site.

- (5) *"Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity."*

The proposed plan(s) incorporate provisions for erosion and sediment control both during and after construction

- (6) *"No practicable alternative location is available on the subject parcel."*

The site is already developed; the proposed improvements are meant to enhance the current development, and to provide the necessary infrastructure for the proposed use.

- (7) *"No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area."*

The plans provided by the applicant employ standard measures to protect the wetland that, if properly installed and maintained, will provide adequate safeguards for the wetland.

- (8) *"The activity will alleviate or remove a hazard to the public health or safety."*

The activity will not alleviate or remove a hazard to the public health or safety.

Respectfully submitted,
BADEY & WATSON,
Surveying & Engineering, PC
by
Glennon J. Watson, L.S.



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



ACS-000000000336938-000000000696988-004

Endorsement Page

Document # 1501020 Drawer # 02 Recorded Date: 05/30/2014
Document Type: DEED COM OR VACANT Book 1951 Page 130 Recorded Time: 11:26:30 AM
Document Page Count: 4 Receipt # 8481

PRESENTER:

GRANITE TITLE
155 NORTH MAIN STREET
GR-29669R
NEW CITY, NY 10956

RETURN TO:

GRANITE TITLE
155 NORTH MAIN STREET
GR-29669R
NEW CITY, NY 10956

PARTIES

GRANTOR
CF DIVERSIFIED CORP

GRANTEE
OLSPAN LLC

FEE DETAILS

Consideration:		\$1,250,000.00
1501020		
DEED COM OR VACANT	4	40.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RP-5217 COMMERCIAL		250.00
RECORD MANAGEMENT		5.00
TRANSFER TAX		5,000.00
AMOUNT FOR THIS DOCUMENT:		5,315.00
RETT #	000001648	

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

DENNIS J. SANT
PUTNAM COUNTY CLERK

①

NY 005 - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYSTU 0002)

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

THIS INDENTURE, made the 22nd day of May, in the year 2014
BETWEEN

CF DIVERSIFIED CORP., 2700 Route 9, P.O. Box 160, Cold Spring, New York 10516, by Christopher Fadden,
Secretary, pursuant to Resolution of Board of Directors of CF Diversified Corp. Authorizing Sale of Real Estate, dated
May 15, 2014.

+ a New York Corporation

T.T
+5000.-

party of the first part, and

OLSPAN LLC, 1 East End Avenue, New York, New York 10075.

or a New York limited liability company

party of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

Town of Philipstown, County of Putnam and State of New York, that is more particularly bounded and described in the annexed Schedule A.

Tax Map Designation

Dist

Sec. 38

Blk. 3

Lot 24.2

Being and intended to be a portion of the premises conveyed to the party of the first part by a deed from CF Diversified and Christopher Fadden dated February 13, 1998 and recorded February 13, 1998 in Liber 1419 page 181.

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

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

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

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

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

IN PRESENCE OF:

Christopher Fadden

CF Diversified Corp. by Christopher Fadden

NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.

Title No.: GR2013-29669R

SCHEDULE A

Parcel I

ALL that certain plot, piece and parcel of land situate, lying and being in the Town of Philipstown, County of Putnam and State of New York that is shown and designated as Parcel A-2 on a subdivision map titled "Final Subdivision Plat Showing the Further Subdivision of Parcel A" prepared by Glennon J. Watson, LS, Badey and Watson Surveying & Engineering, P.C. dated April 30, 2013 and filed in the Office of the Putnam County Clerk on November 4, 2013 as Map No. 2714A.

TOGETHER with an unrestricted and unconditional easement for vehicular and pedestrian access over Parcel II and Road Hill Road, also known as Vineyard Road, a private road owned by the grantors and subject to the Road Maintenance Agreement, dated May 22 2014.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of Westchester ss.:

On the 22 day of May in the year 2014 before me, the undersigned, personally appeared Christopher Kachan, President, C.F. Diversified Corp. personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

William J. Florence, Jr.
Notary Public, State of New York
No. 30-1268235
in Westchester County
on May 30, 2014

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:
(New York Subscribing Witness Acknowledgment Certificate)

State of New York, County of _____ ss.:

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

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

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

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

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of _____ ss.:

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

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY:
(Out of State or Foreign General Acknowledgment Certificate)

..... ss.:

(Complete Venue with State, Country, Province or Municipality)
On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____

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

(Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken).

BARGAIN & SALE DEED

WITH COVENANTS AGAINST GRANTOR'S ACTS

Title No. GR2013-29669K

C.F. DIVERSIFIED CORP.

TO

OLSPAN LLC

DISTRICT
SECTION 38
BLOCK 3
LOT 24.2
COUNTY OR TOWN of Philipstown

RECORDED AT REQUEST OF
National Granite Title Insurance Agency, Inc.
RETURN BY MAIL TO

National Granite Title
Insurance Agency, Inc.

155 North Main Street
New City, New York 10956
Tel. 848-639-1415
Fax 848-639-1239

Steven M. Silverstein, Esq.
Schwartz and Silverstein, LLP
254 South Main Street
New City, New York 10956

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

INSTRUCTIONS(RP-5217-PDF-INS) www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SWIS Code 372689
C2. Date Deed Recorded 5/30/14
C3. Book 1951 C4 Page 130



New York State Department of Taxation and Finance
Office of Real Property Tax Services
RP- 5217-PDF
Real Property Transfer Report (RP10)

PROPERTY INFORMATION

1. Property Location 2700 Route 9
Philipstown 10516

2. Buyer Name OLSPAN LLC

3. Tax Billing Address

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 of Parcels OR Part of a Parcel
5. Deed Property Size X OR 5.00

6. Seller Name CF DIVERSIFIED CORP.

7. Select the description which most accurately describes the use of the property at the time of sale
F. Commercial

SALE INFORMATION

11. Sale Contract Date 09/11/2013
12. Date of Sale/Transfer 05/22/2014
13. Full Sale Price 1,250,000.00

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

14. Indicate the value of personal property included in the sale 0.00

16. Check one or more of these conditions as applicable to transfer:

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

Comment(s) on Condition:

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

16. Year of Assessment Roll from which information taken 14
17. Total Assessed Value 318,900
18. Property Class 710
19. School District Name Haldane Central

38. -3-24.2

CERTIFICATION

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

SELLER SIGNATURE

Handwritten signature of Christopher J. Judd, dated 5-22-14

BUYER SIGNATURE

Blank space for buyer signature and date

BUYER CONTACT INFORMATION

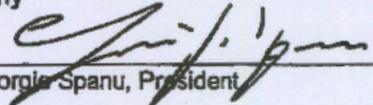
(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual responsible party who can answer questions regarding the transfer must be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

BUYER'S ATTORNEY
Silverstein Steven
(845) 638-9400



BUYER:

**OLSPAN LLC, a New York limited liability
company**

By: 
Giorgio Spanu, President



Michael C Bartolotti, County Clerk
Putnam County Office Building
40 Glencida Avenue Room 100
Carmel, New York 10512



ACS-000000000362225-000000000732072-004

Endorsement Page

Document # 1501392 Drawer # 02 Recorded Date: 06/24/2015
Document Type: DEED COM OR VACANT Book 1982 Page 478 Recorded Time: 8:40:58 AM
Document Page Count: 4 Receipt # 10305

PRESENTER:

GRANITE TITLE
155 NORTH MAIN STREET
GR-29669
NEW CITY, NY 10956

RETURN TO:

GRANITE TITLE
155 NORTH MAIN STREET
GR-29669
NEW CITY, NY 10956

PARTIES

GRANTOR
CF DIVERSIFIED CORP

GRANTEE
OLSPAN LLC

FEE DETAILS

1501392		
DEED COM OR VACANT	4	40.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RP-5217 COMMERCIAL		250.00
RECORD MANAGEMENT		5.00
CROSS REFERENCE	1	.50
PROCESSING FEE	1	1.00
AMOUNT FOR THIS DOCUMENT:		316.50
RETT #	000001947	

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti
Putnam County Clerk

NY 005 - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYBTU 8002)

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

THIS INDENTURE, made the as of 29th day of April May, in the year 2015
BETWEEN

CF DIVERSIFIED CORP., a New York Corporation,

2700 Route 9
P. O. Box 160
Cold Spring, New York 10516

party of the first part, and

OLSPAN LLC, a New York Limited Liability Company,
1 East End Avenue
New York, New York 10075

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by th party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns c the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in th Town of Phillipstown, County of Putnam and State of New York, that is more particularly bounded and described in the annexed Schedule A.

THIS IS A CORRECTION DEED. This deed is intended to correct an error in the description in the deed made by CF DIVERSIFIED CORP., a New York Corporation, to OLSPAN LLC, a New York Limited Liability Company, dated May 22, 2014 and recorded May 30, 2014 as Document ID No. 1501019. Liber 1951 Page 126

BEING AND INTENDED TO BE a portion of the premises conveyed to the party of the first part by a deed from CF DIVERSIFIED CORP. and Christopher Fadden dated February 13, 1998 and recorded February 13, 1998 in Liber 1419 page 181.

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

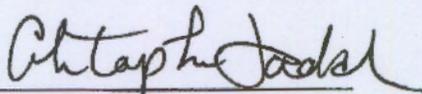
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the sai premises have been incumbered in any way whatever, except as aforesaid.

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

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

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

IN PRESENCE OF:



CF DIVERSIFIED CORP.. BY Christopher Fadden

Tax Map Designation

Dist.

Sec. 38

Blk. 3

Lot(s) p/o
pl 24.2

NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.

Title No.: GR2013-29669R

SCHEDULE A

Parcel II

ALL that certain plot, piece and parcel of land situate, lying and being in the Town of Philipstown, County of Putnam and State of New York that is shown and designated as a portion of Parcel A-1 on a subdivision map titled "Final Subdivision Plat Showing the Further Subdivision of Parcel A" prepared by Glennon J. Watson, LS, Badey and Watson Surveying & Engineering, P.C. dated April 30, 2013 and filed in the Office of the Putnam County Clerk on November 4, 2013 as Map No. 2714A and more particularly bounded and described as the following:

BEGINNING at the Southeast corner of Parcel A-2 on the aforementioned subdivision map and running the following three courses and distances:

- (1) North 86 degrees 05 minutes 25 seconds East, 32.98 feet;
- (2) North 83 degrees 59 minutes 59 seconds East, 41.33 feet;
- (3) North 85 degrees 34 minutes 06 seconds East, 25.79 feet to a point on the westerly side of Round Hill Road;

THENCE along the westerly side of Round Hill Road North 02 degrees 30 minutes 00 seconds West 166.91 feet;

THENCE continuing along the westerly side of Round Hill Road on a curve to the right having a radius of 330.00 feet a distance of 41.62 feet;

THENCE North 85 degrees 16 minutes 25 seconds West a distance of 103.44 feet to a pin set in the westerly line of Parcel A-2;

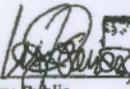
THENCE along the westerly line of Parcel A-2, South 2 degrees 30 minutes 00 seconds East 225.64 feet to the point or place of BEGINNING.

TOGETHER with an unrestricted and unconditional easement for vehicular and pedestrian access over Round Hill Road, also known as Vineyard Road, a private road owned by the grantors, but SUBJECT to the access easement granted to the owner of Parcel I which said easement shall continue to remain even if Parcel I and Parcel II shall have different owners and subject to the Road Maintenance Agreement dated May 22, 2014.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of Westchester) ss.:

On the 29 day of May in the year 2015 before me, the undersigned, personally appeared Christopher Fadden personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


WILLIAM J. FLORENCE, JR.
Notary Public, State of New York
No. 60-1256235
Qualified in Westchester County
Commission Expires Nov 30 2017
Notary Public

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:

(New York Subscribing Witness Acknowledgment Certificate)
State of New York, County of) ss.:

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

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

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

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

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of)

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

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY:

(Out of State or Foreign General Acknowledgment Certificate)
.....)
(Complete Verbose with State, Country, Province or Municipality)

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

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

(Insert the city or other political subdivision and the state or country other place the acknowledgment was taken).

BARGAIN & SALE DEED

WHICH COVENANTS AGAINST GRANOR'S ACTS

TITLE NO. GR2013-29669R

CF DIVERSIFIED CORP., A NY Corporation

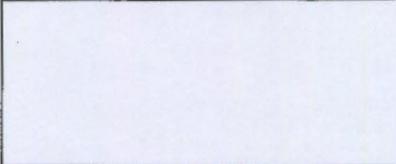
TO

OLSPAN LLC, A NY Limited Liability Company

DISTRICT
SECTION 38
BLOCK 3
LOT p/o 24.2
COUNTY OR TOWN

RECORDED AT REQUEST OF
National Granite Title Insurance Agency, Inc.
RETURN BY MAIL TO

National Granite Title Insurance Agency, Inc.
155 North Main Street
New City, New York 10936
Tel. 845-639-1415
Fax 845-639-1239



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

INSTRUCTIONS(RP-6217-PDF-INS): www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SMS Code

372689

C2. Date Deed Recorded

6 24 15

C3. Book

1982

C4. Page

478



New York State Department of Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (RP-10)

PROPERTY INFORMATION

1. Property Location: 2700 Route 9, Philipstown, NY 10516

2. Buyer Name: OLSPAN LLC

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)

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

5. Deed Property Size: X FRONT FEET OR 0.50 ACRES

6. Seller Name: CF Diversified Corp.

7. Select the description which most accurately describes the use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:

8. Ownership Type is Condominium

9. New Construction on a Vacant Land

10A. Property Located within an Agricultural District

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date: 09/11/2013

12. Date of Sale/Transfer: 05/22/2014

13. Full Sale Price: 0.00

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

15. Check one or more of these conditions as applicable to transfer:

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

Comment(s) on Condition:

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

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

16. Year of Assessment Roll from which information taken(YY): 14

17. Total Assessed Value: 418,900

18. Property Class: 710

19. School District Name: Haldene Central

20. Tax Map identifier(s)/Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))

38 - 3 - 24.2 pl0

CERTIFICATION

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

SELLER SIGNATURE

Antoph...

SELLER SIGNATURE

DATE

OLSPAN LLC

BUYER SIGNATURE

By: *Nancy Olnick Spanu* 6/10/2015
Nancy Olnick Spanu, sole member

BUYER CONTACT INFORMATION

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

OLSPAN LLC

* APT NAME

FIRST NAME

* AREA CODE

* TELEPHONE NUMBER (E.G. 800999)

* STREET NUMBER

* STREET NAME

NEW YORK

NY

10075

* CITY OR TOWN

* STATE

* ZIP CODE

BUYER'S ATTORNEY

Silverstein

STEVEN

LAST NAME

FIRST NAME

845

638-9400

* AREA CODE

* TELEPHONE NUMBER (E.G. 800999)

