

Town of Philipstown Planning Board

(Revised 11/13/15)

Meeting Agenda
Butterfield Library, Cold Spring, New York 10516
November 19, 2015
7:30 PM

Pledge of Allegiance

Roll Call

Approval of Minutes – September 17, 2015

Old Business/New Business

- Hudson Highlands Reserve: Discussion/Letter dated November 4, 2015 from Susan Jainchill/Ronald Gainer regarding Horton Road LLC, Hudson Highlands Reserve – Conservation Analysis Report (forwarded electronically from Ron Gainer 11/5/15)

Scanga Realty, LLC (Lot 4) – Amended site plan - Lady Blue Devils Lane, Cold Spring: Request for six-month extension

John and Kimberly Sabatini – Site plan and special use permit – 101 Dicks Castle Road, Garrison, NY: Referral to ZBA

Vista 44 LLC (dba Garrison Café) – Application for major site plan – 1135 Route 9D, Garrison, NY: Submission of revised plans

Adjourn

Anthony Merante, Chairman

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

LAWRENCE J. PAGGI, PE, PC

Consulting Engineering

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October 29, 2015

Anthony Merante, Planning Board Chairman
Town of Philipstown Planning Board
c/o Ann Gallagher, Secretary
238 Main Street
Cold Spring, New York 10516

Re: *Scanga Realty, LLC Lot 4 Amended Site Plan*
Lady Blue Devils Lane
Tax ID No.: 16.16-1-20.4

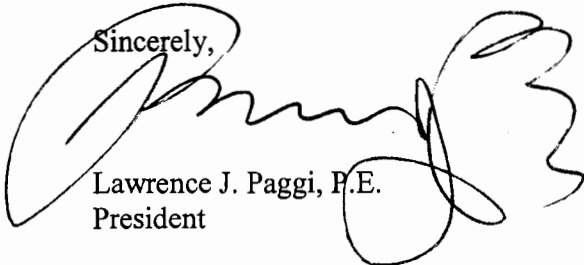
Dear Chairman Merante and Members of the Planning Board:

We respectfully request to be placed on the Planning Board's November 19th meeting agenda for consideration of granting an additional 6-month extension of the Amended Site Plan approval that was originally granted on April 15, 2010. An extension was previously granted at the June meeting to run from June 13, 2015 to December 10, 2015.

As you are aware, our client has decided to further reduce the size of the building by eliminating the basement and reducing the total addition to a 10,000 square foot building. This modification will further reduce the overall intensity of the planned development but will require additional time for our office to put together the necessary plans. Our client respectfully requests that the Public Hearing for the above referenced project be adjourned to the January 21st Planning Board meeting.

Please do not hesitate to contact our office if additional information is required. Your attention to this matter is greatly appreciated.

Sincerely,



Lawrence J. Paggi, P.E.
President

cc John Scanga



BADEY & WATSON

Surveying & Engineering, P.C.

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

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Glennon J. Watson, L.S.
John P. Delano, P.E.
Stephen R. Miller, L.S.
Jennifer W. Reap, L.S.

Robert S. Miglin, Jr., L.S.
Mary Rice, R.L.A., Consultant
Peter Meisler, L.S., Consultant
George A. Badey, L.S., (1973-2011)

November 5, 2015

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

RE: Vista 44, LLC (Garrison Café) - Request for Approval of Revised Site Plan

Dear Mr. Merante and Honorable Board Members:

We enclose herewith 2 sets of our revised "Site Plan prepared for Vista 44, LLC, DBA Garrison Cafe", last dated November 5, 2015. As requested, we are also transmitting PDF copies of the plans to Ms. McGrath for distribution to the members of the Planning Board and its consultants.

The plan has been revised in response to comments received during the Public Hearing, written comments from Mr. Gainer and suggestions from the applicant's member Matthew McMahan and Mr. Raju, the owner's husband.

As you review the plans you will find the following additional changes:

- Topography has been added to the plan
- The driveway and parking have been completely reconfigured to provide better circulation and access.
- Entry and exit points have been reversed
- Diagonal parking in the front of the building has been replaced with parallel parking resulting in a wider traveled lane.
- Much of the parking has been relocated to the north side and rear of the building
- Delivery Truck movements through the reconfigured driveway have been provided
- Asphalt pavement has been proposed for the front of the building to facilitate striping the front parking spaces and improving access from the handicap space.
- The removal of the wall at the northeast corner of the property has been specified to improve sight distance for cars leaving the site.

Owners of the records of:

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


- Sight line profiles have been added to the plan set.

We trust you will find these changes satisfactory and responsive to concerns expressed by the public, members of the Board and your consultants.

We look forward to your continued review November 19th meeting of the Planning Board.

Thank you for your continued service to the Town and your attention to this request.

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


by
Glennon J. Watson, L.S.

GJW/bms
cc: Matthew McMahon
Baldev & Manjit Raju



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*Put on cards
before discussion*

Memorandum

To: Town of Philipstown Planning Board
From: Susan Jainchill AICP/Ronald J. Gainer, PE
Date: November 4, 2015
Re: Horton Road LLC, Hudson Highlands Reserve - Conservation Analysis Report
cc: Applicant
Glenn Watson
Conservation Board
David Klotzle, Wetlands Inspector

On behalf of the Planning Board, AKRF Inc. and Ronald J. Gainer, PE, PLLC have once again reviewed the latest "Conservation Analysis" documents recently filed by Horton Road LLC for compliance with the new Code requirements. This memorandum presents a compilation of both offices' joint comments the Applicant's submitted Conservation Analysis Report dated October 1, 2015.

As the Board is aware, the intent of the Conservation Subdivision provision of the Code is to encourage "development on portions of the property most suitable for development, while leaving substantial portions as undeveloped open space" and to allow "compact development, more walkable neighborhoods and more flexibility than a conventional subdivision" (§175-19B) while "preserving important natural attributes of the land" (§175-20).

The Planning Board must now determine if the submitted report contains sufficient information and analysis to ascertain conservation value of the land on the project site. It should be noted that the Planning Board may waive some of the requirements for analysis on portions of the property where no development will occur or any requirement that the Planning Board "deems is unnecessary for a complete conservation analysis" (Section 175-20 A. 1). Once the conservation analysis is deemed complete by the Planning Board, it will provide the basis on which the Planning Board will ultimately determine which of the lands are most important to preserve as well as the preferred location for intensive or less dense development.

PROJECT SUMMARY/ APPLICATION BACKGROUND

The submitted Conservation Analysis Report indicates that the Applicant has acquired an additional 50 acres since the previous report was submitted, which has increased the subject property from 155.6 acres to 205.6 acres. The project site is made up of five (5) separate tax parcels. Refer to AKRF/ Gainer's earlier memorandum dated 02/10/15 for additional background on this application.

COMPLETENESS REVIEW

It must be recognized that the final determination as to which land has the most conservation value and should be protected from development by conservation easement is to be made by the Planning Board, which will be responsible to issue written findings supporting its decision (deemed the "conservation findings" per the Town Code). The Planning Board should not support any application that does not include a complete conservation analysis deemed sufficient by the Board, upon which it can make its conservation findings. On this basis, the following comments are offered.

GENERAL COMMENTS

- The Executive Summary is very useful to summarize for the reader the extent of field investigations performed and findings of the technical staff involved on behalf of the applicant. However, while a large amount of material is now included in this latest Conservation Analysis Report, no overarching explanation or context of these studies have been provided. To facilitate efficient review by the reviewing historian, archeologist, planner, limnologist, wetland specialist and other natural resource professionals, and to provide stronger support for the conclusions of the analysis, we suggest that this introductory chapter provide an explanation of assumptions for the content of the analysis and/or have the report incorporate a final summary chapter that provides a narrative of the findings and how they relate to the requirements of the code and the project. For example, AKRF's archeologist noted that only the central portion of the site was tested as part of the archeological investigation. It was unclear to the reviewers why the area called out on Figure 1 as "2011 Lyons Mine project area" and the large unlabeled part of the project site was not included in the investigation.
- The Executive Summary should also include a figure to illustrate the overall findings of the various analyses performed, illustrating areas of the overall tract worthy of protection in a succinct and clear manner. As the purpose of the report is to identify the "conservation value" of the property proposed for development, the 'Conclusion' should be a narrative referring to the Conservation Value Map which is found in the 'Maps and Figures' section.
- The Executive Summary should bring forward and incorporate the various recommendations made within each specific technical evaluation performed on the overall tract, to assist in evaluation of any development plan ultimately advanced for the property.
- Wherever zoning district references are given, their full designation should be provided for clarity.

NATURAL RESOURCES

- The material submitted is generally appropriate and addresses most of the requested ecological data. The following is not yet provided:
 - Correspondence to/from the NYNHP for records of listed species on or in proximity to the project site must be provided. (We note that the NYS Env Mapper indicates records of rare plants/animals are known for the area -- therefore NHP correspondence is critical). Federally protected species listed by the USFWS IPaC system must also be included.
- Additional wetland delineation was completed for the recently acquired land. The wetland delineation report (with federal wetland data sheets, etc.) for the new property and delineation reports for the previous delineations should be provided in the conservation analysis report, and we note will be required as part of SEQRA. The Town, Army Corps of Engineers, and potentially NYSDEC will have to verify the regulatory boundaries of all onsite wetlands. Correspondence from the Town's Wetland Inspector or other agencies attesting to the verification of the delineated wetland boundaries will be required prior to detailed review of the development scenarios which the applicant may seek to advance.
- It should be verified that all Town/Federal/State wetlands within the current project limits are shown on *Sheet 1 of 5: Existing Conditions, Hudson Highlands Reserve* (Badey & Watson, Printed 9.28.15).
- The Ulmar Pond limnology report is comprehensive and includes assessment of a portion of Clove Creek. The extent to which this assessment will serve to measure the sensitivity and ecological value of the Creek and other

waterbodies for purposes of consideration/protection in the Conservation will be determined during a subsequent substantive review.

CULTURAL RESOURCES

- Archeology
 - The document's figures reference three different areas: an undefined shape that is presumed to be the overall conservation area; the "current project area;" and the "2011 Lyons Mine Project Area." However, these locations are not defined/explained within the report. The difference between the "current project area" and the overall conservation area should also be explained.
 - The report mentions that a cistern was identified on the project site. Was the cistern tested/examined? Could it contain archaeological deposits? Will it be impacted by the proposed project or avoided?
 - When printed, Figure 2 is hard to read and information from the key is missing. It would help if certain features that are discussed in the report (the 19th and 20th century houses, the cistern, etc.) are clearly labeled on this figure.
 - The Phase I Study should be submitted to SHPO for review.
- Historic Structures (Cultural)
 - Based on the information provided, the survey appears generally accurate and the recommendations appear appropriate
 - Under the "Potential Effect" bullets in survey, the Applicant should make it clear whether removal is proposed/possible and/or whether indirect effects are possible for each resource.
 - Regarding Resource #3, the surveyor is commended for recognizing a swing beam barn using scribe rule/square rule techniques and recommending it be retained if possible. Particularly if it does indeed have swing beams on both central bents rather than just one, it would appear to be somewhat rare or at least noteworthy building type. We concur with the recommendation to retain it and reuse it if possible. If not possible, we would recommend recording the structure in addition to offering it to contractors for relocation. Recording the structure could consist (at a minimum) of systematic and thorough photo documentation but ideally would include measured drawings or sketches. The documentation could be offered to the organizations mentioned in the survey and/or a local library or historical society.

PUBLICALLY ACCESSIBLE RECREATION RESOURCES

- A map of local and regional recreational resources (trails) within the larger regional setting should be included to provide an understanding of the potential recreational value of the open space on the property within a regional context.

VISUAL RESOURCES

- The Applicant should provide a visual analysis of the property per §175-20A.(1)(c) or provide a discussion of why this analysis is not included

LOCAL REGULATIONS

- The figures at the end of the submission ("*conservation value map*", "*vegetation association map*", "*regional ecological impact*", etc.) are presumably included to address the guidelines of the Philipstown Habitat Assessment Guidelines. However, we could not find a reference to the figures in any of the ecological reports. The submission requires some discussion of these maps with reference to the Philipstown Habitat Assessment Guidelines, as appropriate. The discussion should include a checklist so that the Town can be assured that the drawings fully comply with these Guidelines. Discussion of these habitat mapping figures should make reference to the Biodiversity Assessment of the North Highlands, Philipstown, Putnam County (<http://www.hhl.org/pdf/NHighlandsBioReport.pdf>) and to the rare/significant habitats and conservation goals

described in the Philipstown Natural Resource and Open Space Protection Plan, as previously requested. Please advise if this information is provided somewhere in the documents.

RECOMMENDATIONS

The Planning Board will ultimately determine which land should be protected from development via conservation easement and make written findings supporting its decision. While the *scope* of the submitted Report (i.e. the studies and investigations performed) appears adequate, it is our opinion that that the conservation analysis as submitted is not sufficient for the Board to make its conservation findings.

We therefore recommend that the Planning Board instruct the Applicant to address the following matters:

- to submit a revised report which addressed the above comments
- to include in the submission a plan showing "land to be permanently preserved by conservation easement ...also show[ing] preferred locations for intensive development as well as acceptable locations for less dense development" per §175-20A.3 of the Code.
- to identify any requirements specified in §175-20A for which it is requesting a waiver from the Planning Board.