

MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Old VFW Hall, 34 Kemble Ave., Cold Spring, New York 10516
November 21, 2019
7:30 PM

Pledge of Allegiance

Roll Call

Approval of Minutes: October 17, 2019 – Regular Monthly Meeting

October 27, 2019 – Special Meeting

Public Hearing:

Jolie Hunt & William Potter Site Plan, 201 Moog Road

TM# 49.-3-47

(The applicants are seeking site plan approval for the construction of a pool, the enlargement and reconstruction of a deck and to develop the surrounding landscape adjacent to the existing residential structure. The property is approximately 11.86 acres located in a "RC" (Rural Conservation) zoning district. A site visit was performed on October 27th.)

Old Business:

1122 Route 9D Realty, LLC

TM# 60.18-1-46

(The applicant is seeking site plan approval to construct a canopy over the gasoline pumps. The property is located in an "HM" (Hamlet Mixed-Use District) and consists of approximately 1 acre. Resolutions have been prepared for a vote this evening.)

Chundu-Moth Minor Site Plan, 120 Skyline Drive

TM# 16.-1-23.13

(The applicant is seeking site plan approval for the construction of a new, 4000+ sf, single family residence, in the same location as originally identified for development on the approved subdivision plat. The residence will be 2-story and has an approved SSTS for the tract. The property is approximately 13.26 acres situated in a "RC" (Rural Conservation) zoning district. Resolutions have been prepared for a vote this evening.)

Daniel Schaublin & Mimi Fortunato, 359 East Mountain Road S

TM# 17.-3-28

(The applicant is seeking site plan approval to construct a new single-family residence and detached garage to be served by an individual private septic system and well. The approximate 1.58-acre property is located in an "RR" (Rural Residential) zoning district and is currently vacant. Resolutions have been prepared for a vote this evening.)

New Business:

Nat Prentice, coordinator of the Town's Comprehensive Plan Update Committee will give an update on the committee's recent activities.

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

RECEIVED
11/21/19
DM

*****BEGINNING OCTOBER 1, 2019 ALL SCHEDULED CONSERVATION BOARD
MEETINGS WILL BE HELD AT THE CLAUDIO MARZOLLO COMMUNITY
CENTER, 107 GLENCLYFFE DRIVE, GARRISON, NY 10524*****

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
October 17, 2019**

The Philipstown Planning Board held its regular monthly meeting on Thursday, October 17, 2019 at the Claudio Marzollo Community Center, 107 Glencllyffe Dr., Garrison New York.

Present: Kim Conner, Acting Chair
Neal Zuckerman
Peter Lewis
David Hardy
Dennis Gagnon
Ronald J. Gainer, PE, Town Engineer
Stephen Gaba, Counsel

Absent: Anthony Merante, Chairman
Neal Tomann

Acting Chair Conner opened the meeting at 7:30 p.m. with the Pledge of Allegiance. She explained that there will be no video of the meeting as the videographer broke her foot and is currently unable to attend. She noted that there would be an effort to put the audio of the meeting on YouTube if possible. Acting Chair Conner stated that Chairman Merante would not be in attendance this evening and that Mr. Gaba would be arriving shortly.

Roll call was taken by Ms. Percacciolo.

A. Minutes

The minutes of the September 19, 2019 Regular Monthly Meeting were reviewed.

Mr. Hardy moved to adopt the minutes of September 19, 2019 and Mr. Lewis seconded the motion. The vote was as follows:

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

B. Public Hearing

Chundu-Moth Minor Site Plan, 120 Skyline Drive

TM# 16.-1-23.13

Ms. Percacciolo read the legal notice.

Glenn Watson was in attendance representing the applicants and stated that much of what he has to say was described in the legal notice just read. He stated it is a very unusually shaped, 13-acre piece of property located on the southerly side of Skyline Drive, a private road that comes in off of Route 9. Mr. Watson explained he was showing the first plan to give the board an idea of the whole piece of property, but the plan is to construct a house in the southeasterly portion of that westerly third of the property, as much of the rest of the parcel encompasses steep slopes. The septic system has already been approved and is shown on this plan, along with the house and pool. The drainage structures are shown as well.

Mr. Watson informed the board that the proposed house has been moved off of the steep slopes and kept below the maximum height allowed within the ridgeline protection area. He explained it's really a simple plan; a driveway into a house with a pool. Mr. Watson stated he would be happy to answer any questions the board may now have.

Mr. Gainer stated that no new materials had come in for tonight's meeting. Relative to SEQRA, as previously discussed, this project represents a "Type 2" action. Therefore, the board merely has to declare it as such in order to conclude your SEQRA responsibilities, and that action should be taken this evening. He explained that necessary referrals have been made to Putnam County Planning Department, the Conservation Board and the local fire department. Putnam County Planning has responded that the project was "approved as submitted", and the Conservation Board also supplied some technical comments. Mr. Gainer suggested the board conduct the public hearing and once that's been closed the board can consider action on the project.

Mr. Zuckerman moved to declare this a "Type 2 Action" under SEQRA and Mr. Gagnon seconded the motion. The vote was as follows:

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

Acting Chair Conner stated it is hard to tell from the plan whether the septic is located uphill or downhill from the house and asked for clarification on that. Mr. Watson stated it is downhill from the house; it's a gravity system. Mr. Watson also noted that the applicants had just arrived at the meeting.

Acting Chair Conner opened the floor for public comment. No public comments were made.

Mr. Zuckerman moved to close the public hearing and Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	Absent
Kim Conner	-	Aye
Dennis Gagnon	-	Aye
Peter Lewis	-	Aye

Neal Tomann - Absent
Neal Zuckerman - Aye
David Hardy - Aye

Mr. Watson respectfully requested that the board direct Mr. Gainer to prepare draft resolutions for consideration of approval at next month's meeting.

Mr. Lewis moved to direct Mr. Gainer to prepare a draft Approval Resolution to be voted on at next month's meeting and Mr. Gagnon seconded the motion. The vote was as follows:

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

A member of the public who arrived late to the meeting questioned what application was being discussed. He stated he went to the incorrect location which is why he was tardy and requested permission to comment on the project.

Mr. Zuckerman moved to reopen the public hearing and Mr. Hardy seconded the motion. The vote was as follows:

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

Michael Deneher, 133 Skyline Drive – Mr. Deneher thanked the board for all that they do. He stated there were 2 things of a technical nature he would like to address. He stated he is not opposed to the building of the house and welcomes a new neighbor. The first thing he wished to question was the 4 water receptacles on the site. Mr. Deneher explained when he went to look at the details about them, he saw the physical building but did not see where they will drain off to once water is collected. His concern is, what will happen to that water that's collected. Mr. Watson responded that there are seepage pits that are designed to collect the increase in the water that will be created by this and hold it and let it seep in gradually after the storm is over. Mr. Deneher questioned what happens when there is a huge deluge and there is an overspill. He stated rain and snow are not consistent and is concerned how the land will be impacted when there are these large storms.

Secondly, Mr. Deneher stated when he looked at the plans, he did not see any staging area(s) noted and questioned where they planned on storing materials and construction equipment during the building process because the road itself is small. His concern is that the road be left clear in the case of

emergency vehicles needing to get up there. Mr. Watson explained that much of this parcel is fairly open woods and there is no reason that they would need to store materials or do anything off site. Mr. Watson explained the driveway would be roughed in and they could easily come in and store materials on site with silt fencing around them. He also stated that the owners are fairly concerned with the state of the road and have reached out to Mr. Deneher as well as other residents of the road with regard to that.

Mr. Gainer explained that there are technical issues that still remain to be resolved and he will ensure that those concerns are evident on the plans prior to Board action.

Mr. Hardy moved to close the public hearing and Mr. Gagnon seconded the motion. The vote was as follows:

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

Daniel Schaublin & Mimi Fortunato, 359 East Mountain Road S

TM# 17.-3-28

Acting Chair Conner recused herself from the matter and deemed Mr. Lewis the Acting Chair for this matter.

Ms. Percacciolo read the legal notice.

Glenn Watson was in attendance representing the applicants. He stated again that the legal notice pretty much said all there is to say. This property is located on East Mountain Road about a mile up from Route 9. The plan is to take the driveway in off of East Mountain Road and down the hill to the back of the lot where the home will be built. Mr. Watson explained it's about a 900 square foot footprint, approximately 1,600 sf floor area, passive solar home.

Mr. Watson explained there are 2 reasons they went for the variance from the ZBA. The first is that they get much more solar gain and exposure to the site by placing the house in this location, which will in turn help the home function better. Secondly, the variance allows them to minimize the grading that would be necessary to stay off of this setback and still catch the light. Mr. Watson confirmed that they did receive that variance. He explained that the septic system is still pending but they have performed the tests and know that they can get it in. Mr. Watson noted they have also been respectful of the lake to the north.

Mr. Gainer stated that this project first came before the board in April where it was referred to the ZBA for a rear yard setback variance, which has now been obtained. In the interim the Board has conducted necessary referrals to the Conservation Board due to the proximity to the ridgeline, and they did offer comments, and to the local fire department who has not offered any feedback. With respect to the CB,

comments have been received but only verbally from the Wetlands Inspector, Max Garfinkle, who indicated that there is one limited intrusion into the 100-foot buffer area of the pond that lies on the adjacent property. This disturbance will require a permit from the Conservation Board, unless the drainage discharge is relocated outside of the buffer. In reference to the April technical review issued by his office, Mr. Gainer stated there are still various matters that need to be addressed.

Acting Chair Lewis opened the floor for public comment. No public comments were made.

Mr. Zuckerman moved to close the public hearing and Mr. Gagnon seconded the motion. The vote was as follows:

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

Mr. Watson requested the board consider directing Mr. Gainer to prepare resolutions to be voted on next month.

Mr. Zuckerman moved to direct Mr. Gainer to prepare a draft SEQRA Negative Declaration Resolution and a draft Approval Resolution to be voted on at next month's meeting and Mr. Hardy seconded the motion. The vote was as follows:

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

Ms. Conner rejoined the meeting in her role as Acting Chair.

C. Old Business

1122 Route 9D Realty, LLC

TM# 60.18-1-46

Attorney Bart Lansky was in attendance representing the applicant. He explained that since the last meeting and listening to the concerns from the neighbors, his applicant has decided to withdraw his request for the accessory use of used car sales and is now seeking approval for just the canopy. Mr. Lansky stated there were some concerns expressed about the aesthetics of the canopy and that they have made modifications in response to those comments; there is no signage on the canopy and it now has a mansard roof. He stated they are also proposing to add stone to the front façade of the building in order to help it blend in more with the surrounding aesthetics.

Mr. Lansky stated they had received a technical memo from Mr. Gainer with most of the comments regarding landscaping and buffering the various activities on the site. He stated they are happy to work with someone on the board to discuss species and locations if that is what the board wants or simply provide another landscape plan for that.

Mr. Gainer stated that most of the prior technical issues that had been raised to date have now been satisfied on the latest plan, although there are still some technical details to be addressed. Mr. Gainer noted that SEQRA still needs to be addressed as well. He stated that the applicant has now withdrawn the request for used car sales, which was a significant concern of the board as well as the public. All necessary referrals have also been made, with Putnam County Planning responding that the project is "approved as submitted".

Mr. Zuckerman expressed his appreciation for the changes the applicant has made to the proposed plan. He stated, as talked about often with this board, they try and support property rights and support businesses because there are so few in the southern part of Philipstown. Mr. Zuckerman stated he did have a question about this roof and explained that the code states, structures that are visible from public roads shall be compatible with each other and with traditional structures in the surrounding area in architecture and design, etc., color & placement. He questioned if the slate gray the applicant has chosen is consistent with that.

Mr. Lansky explained that the canopy itself is white but the mansard part, the shingles, was reviewed with the applicant and they put extra time and money into attempting to align it with the aesthetics of surrounding structures such as the Garrison School. The slate gray is less intrusive and a more historical color than others, that's why they chose that color. Mr. Lansky clarified that the applicant is not necessarily "married" to the color chosen. He stated they spent time looking at this and tried to tone it down by removing the signage from the canopy. Mr. Lansky stated they are willing to work with the board on the color as well as the screening & planting plan.

Acting Chair Conner stated she understands there is a new EAF but has not had the chance to see it. Mr. Gainer stated there is a new EAF but he also has not had time to go through it in detail. He will do so before next meeting.

Acting Chair Conner questioned Mr. Gaba in regard to the rules in this area regarding 24-hour businesses. Mr. Gaba responded he does not believe there is a rule of any kind regarding timing restrictions on how long a business can be open. Ms. Conner recalled, when the Appalachian Market was in front of the board, of having a discussion about such.

Mr. Gaba explained the board can set reasonable limits on time if there is a rational basis for doing so, such as light or noise or other impacts which might adversely affect nearby properties. He reiterated, there must be a solid basis for it. Mr. Lansky informed the board there are no plans for this to become a 24-hour business and to be fair, there is not the traffic in that area to sustain a 24-hour business. The lights on the canopy are shut off when the store closes and the last shift ends. He explained the way the canopies work is to help direct the light down which will in turn cause there to be less foot candles at the border of the property than today. Mr. Gainer suggested they could make sure there is some sort of notation to this effect on the plan that will satisfy that concern.

Mr. Zuckerman moved to direct Mr. Gainer to prepare a draft SEQRA Negative Declaration Resolution and a draft Approval Resolution to be voted on at next month's meeting and Mr. Gagnon seconded the motion. The vote was as follows:

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

D. New Business

Jolie Hunt & William Potter Site Plan, 201 Moog Road

TM# 49.-3-47

Glenn Watson was in attendance representing the applicants. He stated that Allan Broadbent and Jeff Scherr of Granoff Architects, were also in attendance and would be assisting him in presenting this proposal to the board. Mr. Watson explained, the property is located at the very end of Moog Road on the downhill side, and the house is approximately 20-25 years old. Mr. Watson stated the property was recently sold and the new owners would like to construct a pool and change the decking around the house. From a logical point of view, in terms of siting the pool, and from a planning perspective, the ideal solution is to the south of the house on a downward slope where they can build up a retaining wall and set it in with a minimum of earthwork and disturbance; that gives them somewhat of a problem because the slope is over 20% which creates the need for a "Special Use" Permit, in addition to Site Plan approval. Mr. Watson explained, the board must conclude that this is the best place on the lot and would cause less environmental damage than would placing it elsewhere on the lot where that special permit would not be required. He stated they did look at that and the only available area is a knob of rock where they did do some testing to see if there was enough soil to dig a hole and put a pool in and there is not. He continued, it's not as desirable because it's not near the house and not as convenient for the applicant. While that may not be a sufficient enough reason for the board to grant a special use permit, Mr. Watson believes what is sufficient enough is that the testing indicates that they don't have enough soils, it's on top of the hill, they would have to do some blasting which would be much more of an environmental threat than building a retaining wall and filling it in and putting the pool on the slope in such a way that blasting could be avoided or absolutely minimized if it were necessary at all. Mr. Watson stated there is a landscaping plan. There is no new septic involved, no new anything in terms of going underground. There is the replacement of the deck and porch with some storage underneath it, and then there's the pool and the patio.

Allan Broadbent of Granoff Architects explained that he is part of the landscape architecture team for the applicant. He stated that after looking around the property and accesses to the home, they decided that the best place to put it would be adjacent the back door coming out of the kitchen. Then they started looking at the topography and decided it would much more cost affective and less environmentally impactful to build a retaining wall of between 6 & 8 feet tall at the base of the slope so that the pool could then be situated on the flat plane.

Mr. Broadbent stated it is an inground, gunnite pool with a connected spa above and a small waterfall between the 2. It has a small terrace to the one side and a larger terrace to the other side and then a stepping stone walkway that comes through native plantings back up to the proposed decks which are about the same size as what's existing, just in a different configuration. The stone would be native stone, natural stone materials. The plantings would be a composition of native trees and shrubs in groupings through this entire area.

Mr. Broadbent continued, the topography would be managed by a retaining wall at the base and then cutting at the top of this to create the space in between into which you can fit a pool. He displayed a section showing how that works; the dashed line is the existing grade which follows a pretty consistent 20-22% gradient. Their proposed grading would dig in a little sooner, in order to create a flat area, and then the pool would have an infinity edge on the downhill side. The retaining wall would be built at the bottom of the slope in order to get back to the grade that exists and minimize the disturbance area to just what they need to build the swimming pool. Adjacent the area, behind the house, is an existing wall. When the home was built, they took somewhat of the same approach; they built a 7-foot wall at the base of the slope. From that wall they came up another 5 contours to create a shoulder and that is what the house is situated on. Mr. Broadbent stated they are following the precedence of the way the home was built so that it feels like it was all done at the same time. Some of the other minor improvements involve some stone steps and a stone walkway leading to the parking area in the front of the house. He explained that the pool fencing would extend from the corner of the house, around to the property line, around the base of the slope and back up; the fence would encompass about $\frac{3}{4}$ of an acre. The fence would be tubular steel posts pounded by hand to minimize disturbance and then a vinyl coated wire mesh material.

Acting Chair Conner questioned what trees might need to be cleared in order to put this pool in. Mr. Broadbent explained that they would need to remove about 8 trees, 14-inch caliber or less, from that area. Ms. Conner questioned if you would be able to see this house better, once this is done, looking from the other side of the river. Mr. Broadbent stated you would not; there are no trees within the viewshed of the home that would be removed.

Mr. Gainer requested a description of the proximity of the houses on the adjacent properties, relative to visibility. Mr. Broadbent pointed out the property line on the plan and the building setback line. The one neighboring home is already not visible and they are proposing evergreen screening so they don't have to look at the fence that's over by their yard. There are really no visibility issues with neighbors.

Mr. Zuckerman stated the board talks often about the tradeoff of disturbance for variances and/or waivers of steep slopes often, and almost exclusively talk about it with roads and driveways because they have to be there to have a house. He questioned what that tradeoff is for pools, which are really non-essential. Mr. Gaba suggested the standard is the same.

Mr. Watson stated a driveway can go in a 20% slope, it can go up to 35% slope, it's just a matter of right. He continued, what they're asking for here is a "Special Use" Permit. There's a provision in the law that says that if you want to do any of these activities that are not allowed in a 20% as of right, they can be allowed by a Special Use permit. Mr. Watson suggested a "Special Use" Permit sort of fits in between 'as of right' and what you need a variance for. He stated there is a provision in the law that says the Planning Board may issue a "Special Use" Permit if it finds that there will be less

environmental damage done, and what he and his team are saying is that the only other viable spot is that white spot noted on the plan, which is located on the other side of their driveway.

Mr. Zuckerman questioned what is below the spot that has been chosen for the location of this pool. Mr. Watson explained the land goes quite a way but it eventually runs down to the NYC Aqueduct. Mr. Zuckerman questioned, in the case that this retaining wall stops retaining and fails, where does this pool go? Mr. Watson stated the Aqueduct is all that is there, and that's walled. Mr. Zuckerman questioned if anyone would have a view of the proposed retaining wall. Mr. Watson and Mr. Broadbent stated it shouldn't be and that there would be plantings to help disguise it as well.

Mr. Zuckerman explained he has continually brought up the point about steep slopes and at what point it will start to become a problem in the town; at some point there is a threshold where it becomes untenable and unsafe. Mr. Watson explained there is a whole process when an applicant comes into his office and says 'I want to build a house here' and he has to try and explain that they're in steep slopes and need to get out of them; often times that decision is made before the applicant gets here.

Mr. Zuckerman suggested this needs to be addressed in the code at some point, some sort of enforced standard. Mr. Gaba stated the town is currently undergoing a Comprehensive Plan Update and suggested this is certainly the kind of issue that could be addressed there, but the code says what it says. Acting Chair Conner stated that eventually, because storms are bigger and there's more water dumped in these storms, that's where these steep slopes really matter and it becomes a stormwater management issue.

Mr. Gainer stated that this is really a similar situation to an earlier application the Board heard this evening for Skyline Drive. The board had initially raised that concern when the applicant had requested a special permit. Through the site walk the board had expressed the clear desire to have the house moved out of the steep slopes and it was accomplished. There are considerations made wherever possible to avoid disturbance of steep slopes.

Acting Chair Conner stated this would need to be referred to the Conservation Board as well as County Planning, and questioned the proximity to the Aqueduct. Mr. Gainer explained that the 239 regulations refer to proximity to state and county lands and roads, but the abutting property is owned by the City of New York, not either the county or state. Mr. Gaba suggested it is not technically necessary, but referral should be made regardless.

Ms. Conner stated that this has proximity to the Aqueduct and questioned the use of pool chemicals and the affect they could have. Mr. Watson and Mr. Zuckerman both explained the Aqueduct is a steel pipe that can not be infiltrated under normal circumstances. Mr. Broadbent explained that this pool would have a salt generator; the salt would be the only thing added and then converted into chlorine.

Acting Chair Conner stated on page 2 of the EAF, question I, Coastal Resources, it asks if the project site is within a coastal area or the waterfront area of a designated inland waterway, and it is marked "yes". She questioned what exactly that was. Mr. Watson explained he believes that line is at the very highest ridge back from the river.

Continuing, Acting Chair Conner stated that Page 4, question H asks 'Does the proposed action include construction or other activities that will result in the impoundment of any liquid such as "no", but then under 'purpose of the impoundment' it says 'action includes construction of a swimming pool which will impound water'. Mr. Watson stated that he may not have handled that question correctly, but he does not believe they were talking about swimming pool water when DEC developed this EAF form, though technically swimming pool water is an impoundment and he wanted to make it clear that he thought about that.

Acting Chair Conner then stated Page 5, C, asks if the proposed action will create a new demand for water. Mr. Watson stated that question is similar to the one just discussed in that it will, but only once during the initial filling. Ms. Conner suggested it would need to be topped off on a weekly basis due to evaporation, which she knows from personal experience. Mr. Zuckerman asked what the dimensions of the pool are. Mr. Broadbent stated it is roughly 800 square feet, 20 by 40 feet.

Ms. Conner continued, noting that page 7 question k has not been answered. Page 12, question L, she clarified that it is not touching an Aquifer because it is an Aqueduct. Page 13 states that a portion of it is located or adjacent to an area designated as sensitive for archeological sites on the New York State Historical Preservation Office/SHIPPO/Archeological Site Inventory and is marked "yes". Ms. Conner questioned what that means. Mr. Watson explained that when you go online to fill out this form, some of the fields are automatically populated by DEC, and that is one of them. He stated he would try and find out the significance of that, though it may be difficult to find as they tend to keep them secret to prevent people from raiding them. Ms. Conner stated somewhere in the document it also mentioned "Brackish Title Marsh & Mud Flats" and questioned what that is referring to. Mr. Gainer suggested it must be referring to Constitution Marsh, which lies west of, and below, the site.

Mr. Lewis moved to declare this proposal a "major" project and Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Gagnon moved to send a referral to the Conservation Board and County Planning. Mr. Lewis seconded the motion. The vote was as follows:

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

Mr. Lewis moved to declare the Planning Board's intent to become lead agency in the SEQRA process and Mr. Gagnon seconded the motion. The vote was as follows:

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

Mr. Hardy moved to declare this an unlisted action and Mr. Lewis seconded the motion. The vote was as follows:

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

Mr. Hardy moved to schedule a site visit for Sunday, October 27th at 9:30 am and Mr. Lewis seconded the motion. The vote was as follows:

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

CRS International Self-Storage Warehouse/Office, 2761 Route 9

TM# 38.-3-64

James Copeland of Hudson Design was in attendance representing the applicant, along with members of the Barrevald Family who are the applicants for this project. Mr. Copeland explained that they currently own and operate a business located at the corner of Jaycox Road & Route 9. They are in need of a different space and identified this parcel on Route 9 that has been before the Planning Board and received previous approval for a storage facility; this would be a site plan re-approval. Mr. Copeland explained the company runs a clothing distribution facility which does receive shipments from large tractor trailer trucks.

Mr. Copeland stated he has submitted their results of a feasibility study. He stated they are in receipt of a memo from Mr. Gainer and realize there are a number of things currently missing from the application.

Mr. Gainer stated the applicant's representative is in receipt of a technical memorandum issued by his office. As Mr. Copeland mentioned, the parcel was previously approved in 2006 for a self-storage facility. They are now proposing a 21,600 square foot building for the site, 5,600 sf of office space and 16,000 sf of warehouse for their clothing distribution activity. Mr. Gainer stated the plans are somewhat incomplete at this point; they're more conceptual in layout, and many details are needed. The application is incomplete because an EAF, no violations letter, owner authorization and written narrative have all not been included.

Mr. Gainer stated there are various referrals that need to be made such as County Planning, NYSDOT and Putnam County Department of Health. He suggested that tonight the project could be classified as a "major" project. Mr. Gainer explained there are various technical information that have to be added to the plans, but the board may wish to perform a site visit in the interim just to understand the site specifics of the project. He stated the Giachinta approval did incorporate significant landscaping along the property boundaries, and suggested a site visit is necessary to get some understanding of potential impacts to the area.

Mr. Lewis moved to declare this proposal a "major" project and Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Zuckerman moved to schedule a site visit for Sunday, October 27th at 10:30 am and Mr. Gagnon seconded the motion. The vote was as follows:

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

Mr. Copeland stated he did have a project narrative with him that he could read to the board but did not include it with the application submission. That narrative is attached at the end of these minutes. Mr. Copeland stated this would be submitted as part of the application at a later date.

Mr. Zuckerman expressed his concern about the hill coming south on Route 9, which this parcel lies at the top of, and vehicles coming out of that property to then cross the west side of the road to try and turn north. He suggested potential traffic impacts be looked at in that area.

Mr. Gagnon questioned if the existing operation will continue to operate where it is now after this new facility is developed. Mr. Copeland stated it will stay in operation, but the hope is that the bulk of that tractor trailer traffic will move to the new facility. Mr. Copeland stated the sight lines with this new location are considerably better. Ms. Conner questioned if the trucks would be able to pull in head first to the new facility or backing in as they do now at Route 9 & Jaycox Road. Mr. Copeland stated they would drive straight in. Ms. Conner stated what exists now is very dangerous.

Acting Chair Conner questioned if this were a warehouse or a factory. Mr. Copeland stated it is a warehouse; they receive manufactured goods, repackage them and distribute them to other vendors.

Mr. Gagnon asked what the hours of operation are at this new site would be. The response was 8:30 am – 5 pm, Monday through Friday and during busier times, some Saturdays.

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

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

The motion passed unanimously and the meeting adjourned at 8:48 pm.

Date approved _____

Respectfully submitted by,

Tara K. Percacciolo

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

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
October 27, 2019**

While performing site visits of active Site Plan applications before it, the Philipstown Planning Board conducted a special meeting on Sunday, October 27, 2019 at a project site at 201 Moog Road, Garrison New York.

Present: Anthony Merante, Chairman
Kim Conner
Dennis Gagnon
David Hardy
Neal Tomann
Ronald Gainer, Town Engineer

Absent: Peter Lewis
Neal Zuckerman

Chairman Merante opened the meeting at approximately 9:45 a.m. Roll call was taken.

A. Old Business - Jolie Hunt & William Potter, 201 Moog Road

TM# 49.-3-47

Glenn Watson was present representing the applicants. He asked the Board whether they would schedule a public hearing on the matter for the November Planning Board meeting, as sufficient time exists before the meeting to properly notice the public hearing and as the Board often cancels the December meeting due to the year-end Holidays.

After some discussion, Mr. Gagnon moved to schedule a public hearing on the application for the November 21, 2019 Planning Board meeting, and Mr. Tomann seconded the motion. The vote was as follows:

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

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

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

The motion passed unanimously and the meeting adjourned at 9:47 am.

Date approved _____

Respectfully submitted by,

Ronald J. Gainer, PE
Town Engineer

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

PHILIPSTOWN PLANNING BOARD
Public Hearing – November 21, 2019

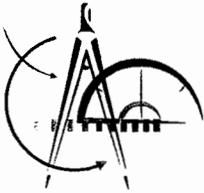
The Philipstown Planning Board of the Town of Philipstown, New York will hold a public hearing on Thursday, November 21, 2019 starting at 7:30 p.m. at the Claudio Marzollo Community Center, 107 Glenclyffe Dr., Garrison, New York to consider the following application:

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

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 1st day of November, 2019.

Anthony Merante, Chairman



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: October 27, 2019
FROM: Ronald J. Gainer, PE SUBJ: Hunt-Potter Residential Site Plan; 201 Moog Road

Project Scope: Demolition/Reconstruction of a Single-Family Residence
Zoning District: "RC" ("Rural Conservation") District

On Sunday, October 27, 2019, members of the Town of Philipstown Planning Board conducted a site inspection of the above-noted project to evaluate potential concerns that may warrant further study for the site improvements being proposed. The site visit was attended by the following persons:

- Ande Merante – Planning Board Chairman
- Kim Conner – Planning Board member
- Dennis Gagnon – Planning Board member
- David Hardy – Planning Board member
- Neal Tomann – Planning Board member
- Bob Flaherty – Town Board member/Planning Board Liaison
- Allan Broadbent – Granoff Architects
- Glenn Watson – Badey & Watson, PC
- Ron Gainer – Town Engineer

PROJECT OVERVIEW

The residential property involves a developed 11.859-acre site, where the property owners plan to construct an in-ground pool in the vicinity of the dwelling on the lot. The property lies at the roadway's cul-de-sac. The pool and adjacent spa are to be constructed to the southwest of the dwelling's rear exterior deck. The area will be cleared, and the entire area landscaped. Due to steep grades in the area, a retaining wall will be constructed around the lower side of the pool, to establish a flatter area for the pool's construction.

During this site walk, the Site Plan drawings prepared by Granoff Architects (dated September 25, 2019) and Badey & Watson, PC (dated October 3, 2019) were utilized to evaluate the development proposal.

SITE COMMENTS/OBSERVATIONS

The following represents a summary of observations made and matters discussed over the course of the inspection:

1. **Site Disturbances** – The overall disturbance planned is approx. 1/3 acre. Approx 12 trees >8" DBH will require removal, as well as other smaller trees within the area of construction. Permit the pool improvements to be built. The redi-rock retaining wall below the pool area will be placed directly to the pool site. A short construction road (80-100 feet) will be constructed off the driveway. Did the removal of any trees. A Much exposed rock/boulders are visible across the entire site, including the pool, with shallow depth to bedrock. After the retaining wall is built, much of the balance of the pool and sptuction will therefore involve filling behind the wall to create a flatter area for the pool and sptuction. With the exception of retaining wall footings, little excavation of the existing ground is planned.

RE: Hunt – Potter Residential Site Plan; 201 Moog Road

2. **“Steep Slopes” Regulations** – The retaining wall and portions of the pool area will be constructed in an area of >20% slopes. Therefore, pursuant to §175-36(7) (*“Steep Terrain and Ridge Protection Regulations”*) of the Zoning Ordinance, this requires a Special Permit from the Town Planning Board. However, this is only granted upon a showing by the applicant that constructing the planned improvements within other flatter areas of the site (which are less than 20%) would actually create greater disturbance.

As flatter grades (<20%) exist to the northeast of the house (in the vicinity of the tennis court on the property) the applicant’s professionals will have to justify why this alternate site (which would NOT require a “Special Permit”), shouldn’t be considered.

The applicant’s representatives advised that, based upon limited field investigations performed to date, there is very shallow depth to bedrock in this alternative area which, while eliminating the need for a retaining wall, would necessitate significant blasting and rock removal, which would result in greater environmental impact than the location being proposed. It was explained that this must be documented, for the Board’s review and understanding.

3. **Project Visibility/Site Landscaping** – There appears to be little, if any, nearby views into the site from the west. NYC’s Catskill Aqueduct property lies below and more than 600 feet west of the pool area. The Hudson River and Constitution Marsh area lie further away (well over 3,000 feet) to the west, and several hundred feet below, the site. The only aspect of the project which could possibly be visible would be the retaining wall. The project architect advised that significant plantings will be placed below the wall, so that it will not be readily apparent when viewed from the west.

The project’s Landscape Architect was asked to provide renderings (photo simulations) of the view into the site from the west, to clarify visual impacts of the wall’s construction.

With respect to nearby homes on Moog Road, one adjacent residence lies to the east on higher elevation, some 450+ feet away. The adjacent house to the south lies approx. 300 feet away, at generally the same elevation as the intended pool location. Neither residence would have clear views into the site, with it obscured through existing tree growth (which will remain).

The Board asked that all plantings proposed within the disturbed areas be indicated on the site plan drawings, and include a planting schedule to identify species, sizes, height at planting, planting details, etc. The color and appearance of the intended redi-rock wall finish should also be discussed with the Board, with renderings provided of the wall’s exterior finish, for their review and acceptance.

4. **Construction Impacts** – The extent of construction activities required for the installation of the redi-rock retaining wall, all regrading necessary, pool and fencing planned for the site, as well as its duration, should be determined, so the Board may evaluate potential traffic & noise impacts to the area.

Further, it was recognized that Moog Road is a mile long, private road. Depending on the extent of construction traffic expected, the Board advised that potential adverse impacts to the roadway need to be avoided. This could include consideration of the following project requirements:

- Driveway Maintenance Agreement – it should be confirmed that there is a maintenance agreement in place between all property owners along the roadway to assure the continued, long-term maintenance of the roadway.



RE: Hunt – Potter Residential Site Plan; 201 Moog Road

- Project Bonding – In their deliberations on the applicant, the Board may wish to consider requiring that a bond be posted to cover possible damage to, and restoration of, the private roadway, which could be released upon visual inspection of the roadway’s condition at the project’s completion.

5. Other Comments –

- a) *Exterior Lighting* – It was noted that any exterior safety and security lighting along the walkways to the pool or on the dwelling should encompass “Dark Sky” guidelines, to minimize light pollution and to assure that no off-site impacts will result. Broadbent advised that only small walkway down-lit lighting will be utilized. No spotlights or any other building-mounted lighting was planned.
- b) *Safety Considerations* – While not specifically in the Board’s purview, since the pool will be directly accessible from the house the Board questioned what precautions will be provided for the protection of the property owner’s young children or those of guests who may visit the site. It was noted that a “pool code” wire mesh deer fence will enclose the general area surrounding the pool, tying back to the residence, itself. Further, as required by Code, the rear exterior doors of the dwelling will be alarmed. Nevertheless, these alone may not suffice in protecting inquisitive children. The project architect advised that the homeowners are also considering a mesh fence which can be placed directly around the pool area itself, to add further protection. The Board felt that the this would be a very worthwhile improvement, for a child’s safety.
- c) *Site Plans* – The following general matters remain to be addressed by the applicant’s consultants:
 - The plans should specify the extent of overall site disturbances and new impervious area to be created, in order to verify the extent of details necessary to satisfy applicable SWPPP requirements. The Site Plans should incorporate all required SWPPP information to satisfy the requirements of the NYS SPDES General Permit. It is expected that only an Erosion & Sediment Control Plan, with appropriate construction details, will be required. Further, the extent of cuts/fills on the site to achieve the required regrading proposed should be quantified, to establish whether any off-site import or export of materials will be required.
 - The Town’s standard “site plan” notations should be incorporated into the plans.
 - Construction details of all intended site improvements (construction driveway, fencing, walks, erosion control details, etc.) should be included

At the conclusion of these discussions, the site walk ended.

- c: Carl Frisenda, Highway Supt
Greg Wunner, Code Enforcement Officer
Stephen Gaba, Esq.
Max Garfinkle, NRRO
Applicant

