

# Town of Philipstown Planning Board

**Meeting Agenda**  
**Butterfield Library, Cold Spring, New York 10516**  
**February 18, 2016**  
**7:30 PM**

## Public Hearing

- County Line Equities, LLC
- ConteFisher Construction, Inc.

*Pledge of Allegiance*

*Roll Call*

*Approval of Minutes – January 21, 2016*

**County Line Equities, LLC** - Amended site plan -1980 Route 9, Garrison, NY: Discussion

**ConteFisher Construction Inc.** - Minor amended site plan 19 Sky Lane, Garrison, NY: Discussion

**Randi's View (Roland Padilla)** - Two-lot subdivision, Route 9D, Garrison: Request to return escrow

**ESP (Donna and Bruce Kehr)** – Subdivision/site plan application - 3330 Route 9, Cold Spring, NY:  
Submission of revised plans

**Scanga Realty (Lot 4)** - Amended site plan approval - Lady Blue Devils Lane, Cold Spring, NY:  
Submission of revised plans

**Philipstown Square** - Amended site plan - 3166 Route 9, Cold Spring, NY: Discussion (Letter dated  
February 4, 2016 from Larry Paggi)

**VISTA44 LLC (Garrison Café)** - Application for major site plan - 1135 Route 9D, Garrison, NY:  
Submission of revised plans

**Hudson Highlands Reserve** - Conservation subdivision application - Horton Road and East Mountain  
Road No., Cold Spring, NY: Discussion re: intro to revised conservation analysis

Adjourn

Anthony Merante, Chairman

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

**RECEIVED**  
2/19/16



**Philipstown Planning Board**  
**Public Hearing – February 18, 2016**

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, February 18, 2016 at 7:30 p.m. at the Butterfield Library, 10 Morris Avenue in Cold Spring, New York to consider the following applications:

**County Line Equities, LLC** - Application dated January 7, 2016 for approval of an amended site plan to provide additional parking spaces for an existing developed property. This project first came before the Board in December 2011. The property owners had received a violation in conjunction with their tenant exceeding the number of vehicles (parked on site) shown on the prior 1993 Site Plan Approval granted by the Planning Board. The property is located at 1980 Route 9, Garrison, in a HC (Highway Commercial) zoning district. TM# 60-2-84

**ConteFisher Construction, Inc.** - Application dated January 7, 2016 for a minor amended site plan approval for revision to a single family residential building to be constructed with a pitched roof instead of a flat roof. The height of the building on the amended site plan is 17.6 feet. The property is located at 19 Sky Lane, Garrison, in a SR (Suburban Residential) zoning district. TM# 83.18-1-18

At said hearing(s) all persons will have the right to be heard. Copies of each application, plat mapping, and related materials may be seen in the Office of the Planning Board at the Town Hall.

Dated at Philipstown, New York this 29<sup>th</sup> day of January 2016.

Anthony Merante, Chairman





February 4, 2016

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

RE: Contefisher Construction, Inc. - Submission of Revised Plans

Dear Mr. Merante and Honorable Board Members:

Submitted herewith are 13 copies each of:

- Minor Amended Site Plan ... for Contefisher Construction, Inc., last revised February 4, 2016;
- Lot 83.18-1-18 Addendum Plans For: Sky Lane, Philipstown NY, last revised February 4, 2016; and
- Correction Deed from Fisher and Borba to Contefisher Construction, Inc. dated January 20, 2016 and being recorded in the Putnam County Clerk's office.

The plans have been revised to address comments received from the Planning Board and Mr. Gainer at the January 2016 meeting of the Planning Board. Specifically:

- The elevation and height of the building and the highest roof ridge have been posted;
- A note requiring brown shingles has been added; and
- An approval paragraph making specific reference to the terms and conditions of the previous site plan has been added.

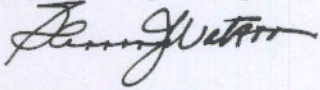
The need for a correction deed became apparent when we reviewed the application package. Although Mr. Fisher had followed through with the requirement to link the subject property with the small parcel that provides access to the streets in Putnam Valley, the conveyance to Contefisher Construction, Inc. failed to maintain the link. The correction deed remedies that failure.



We look forward to the Public Hearing scheduled for February 18, 2016, after which we are hopeful that the application will be approved. Thank you for your concern and attention to this application.

Yours truly,

**BADEY & WATSON,**  
Surveying & Engineering, P.C.



by

Glennon J. Watson, L.S.

845.265.9217 x14

[gwatson@badey-watson.com](mailto:gwatson@badey-watson.com)

GJW/bms

cc: File U:\74-162BQ\ConteFisher\_2016\AM04FB16BP\_Submits\_Rev'd\_Plans.docx

Victor Conte

Arthur Fisher



THIS INDENTURE, made the 20<sup>th</sup> day of January, 2016

**BETWEEN**

Arthur D. Fisher Sr., residing at 18811 Longvue Street, Yorktown Heights, New York 10588 and  
Monica Borba, residing at 829 King Street, Peekskill, New York 10588

party of the first part, and

Contoffisher Construction, Inc., residing at 1420 Journey's End Road, Croton on Hudson, New York 10520

party of the second part,

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

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

Town of Philipstown, County of Putnam and State of New York, bounded and described as follows:

See Schedule A attached hereto and made a part hereof.

Whereas this Correction Deed is being recorded to correct the omission of the transfer of the second parcel, which by covenant created on August 4, 2014 must be transferred together with the first parcel, as shown in the Deed dated October 16, 2015 from Arthur D. Fisher Sr. and Monica Borba to Contoffisher Construction, Inc., recorded in the Putnam County Clerk's Office on October 21, 2015 at Book 1883, Page 488.

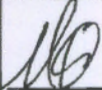
**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises;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

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

**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" when ever 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:**



Arthur D. Fisher, Sr.

Monica Borba



#### **SCHEDULE A – DESCRIPTION**

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Philipstown, County of Putnam and State of New York, known and designated as Lot Nos. 73 and 74 as shown on a certain map entitled, "Map 17 of Continental Village, Town of Philipstown and Putnam Valley, County of Putnam, New York" made by Hans E. Frommholz, P.E. and L.S., Yorktown Heights, New York, surveyed June 29, 1954 and filed in the Office of the Putnam County Clerk on July 9, 1956 as Filed Map No. 372-Q.

AND

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Putnam Valley, County of Putnam and State of New York, known and designated as Lot Nos. 25, 26, 27, 28, 29 and 30 in Block 62 as shown on a certain map entitled, "Lake Peekskill, Section F, owned and developed by McGolrick Realty Co., Inc., 225 West 34<sup>th</sup> Street, New York, New York, Incorporated 1921" made by Hudson Valley Engineering Co., Inc. and filed in the Office of the Putnam County Clerk on May 28, 1929 as Map No. 185-E.

Together with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.



**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of Westchester, ss:

On the 20 day of January in the year 2016,  
before me, the undersigned, personally appeared  
MONICA BOGA  
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.

*[Signature]*

Harry C. Kaufman

Notary Public - State of New York

No. 4941769

Qualified in Westchester County  
My commission expires 8-29-2018

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
before me, the undersigned, a Notary Public in and for said State,  
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 name 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 thereon

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of Westchester, ss:

On the 12 day of January in the year 2016,  
before me, the undersigned, personally appeared  
Arthur D. Fisher Jr.  
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.

MATTHEW R. WATZMAN

Notary Public, State of New York

No. 02116087982

Qualified in Westchester County  
Commission Expires November 8 2018

*[Signature]*

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE**

State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

(For Non District of Columbia, Territory, Possession or Foreign County)  
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 \_\_\_\_\_

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

**Bargain and Sale Deed  
With Covenants**

Title No.

Fisher and Bortha

TO

Conestoga Construction, Inc.

SECTION: 83.18  
BLOCK: 1  
LOT: 18  
COUNTY OR TOWN: Putnam

RETURN BY MAIL TO:

Roseann Schuyler, Esq.  
Klison & Schuyler P.C.  
321 South Riverside Avenue  
Croton on Hudson, New York 10520

DISTRIBUTED BY  
  
YOUR TITLE EXPERTS  
The Judicial Title Insurance Agency LLC  
800-281-TITLE (8485) FAX: 800-FAX-9358





**Combined Real Estate  
Transfer Tax Return,  
Credit Line Mortgage Certificate, and  
Certification of Exemption from the  
Payment of Estimated Personal Income Tax**

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

**Schedule A — Information relating to conveyance**

<b>Grantor/Transferor</b>	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantor)		Social security number
<input checked="" type="checkbox"/> Individual	Fisher Sr., Arthur D and Borba, Monica		
<input type="checkbox"/> Corporation	Mailing address		Social security number
<input type="checkbox"/> Partnership	11911 Longvue Street and 829 King Street		
<input type="checkbox"/> Estate/Trust	City	State	ZIP code
<input type="checkbox"/> Single member LLC	Yorktown Heights/Peekskill	NY	10598/10566
<input type="checkbox"/> Other	Single member's name if grantor is a single member LLC (see instructions)		Federal EIN
			Single member EIN or SSN
<b>Grantee/Transferee</b>	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantee)		Social security number
<input type="checkbox"/> Individual	ConteFisher Construction, Inc.		
<input checked="" type="checkbox"/> Corporation	Mailing address		Social security number
<input type="checkbox"/> Partnership	1420 Journey's End Road		
<input type="checkbox"/> Estate/Trust	City	State	ZIP code
<input type="checkbox"/> Single member LLC	Croton on Hudson	NY	10520
<input type="checkbox"/> Other	Single member's name if grantee is a single member LLC (see instructions)		Federal EIN
			Single member EIN or SSN

**Location and description of property conveyed**

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
83.1-1-18 and 83.72-1-7.2		0 Sky Lane and 0 Elinor Place	Philipstown and	Putnam

**Type of property conveyed (check applicable box)**

1 <input type="checkbox"/> One- to three-family house	5 <input type="checkbox"/> Commercial/Industrial	<b>Date of conveyance</b> <table border="1"> <tr> <td>month</td> <td>day</td> <td>year</td> </tr> <tr> <td></td> <td></td> <td>2016</td> </tr> </table>	month	day	year			2016	<b>Percentage of real property conveyed which is residential real property 100.00 %</b> (see instructions)
month	day		year						
			2016						
2 <input type="checkbox"/> Residential cooperative	6 <input type="checkbox"/> Apartment building								
3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building								
4 <input checked="" type="checkbox"/> Vacant land	8 <input type="checkbox"/> Other _____								

**Condition of conveyance (check all that apply)**

a. <input checked="" type="checkbox"/> Conveyance of fee interest	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. <input type="checkbox"/> Option assignment or surrender
b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %)	g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. <input type="checkbox"/> Leasehold assignment or surrender
c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %)	h. <input type="checkbox"/> Conveyance of cooperative apartment(s)	n. <input type="checkbox"/> Leasehold grant
d. <input type="checkbox"/> Conveyance to cooperative housing corporation	i. <input type="checkbox"/> Syndication	o. <input type="checkbox"/> Conveyance of an easement
e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. <input type="checkbox"/> Conveyance of air rights or development rights	p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)
	k. <input type="checkbox"/> Contract assignment	q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state
		r. <input type="checkbox"/> Conveyance pursuant to divorce or separation
		s. <input type="checkbox"/> Other (describe) _____

<b>For recording officer's use</b>	Amount received	Date received	Transaction number
	Schedule B., Part I \$ _____		
	Schedule B., Part II \$ _____		



**Schedule B — Real estate transfer tax return (Tax Law, Article 31)****Part I — Computation of tax due**

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) <input checked="" type="checkbox"/> <b>Exemption claimed</b>	1.	0 00
2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)	2.	0 00
3 Taxable consideration (subtract line 2 from line 1)	3.	0 00
4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3	4.	0 00
5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)	5.	0 00
6 Total tax due* (subtract line 5 from line 4)	6.	0 00

**Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

1 Enter amount of consideration for conveyance (from Part I, line 1)	1.	
2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A)	2.	
3 Total additional transfer tax due* (multiply line 2 by 1% (.01))	3.	

**Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a ☐
- b. Conveyance is to secure a debt or other obligation..... b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d ☒
- e. Conveyance is given in connection with a tax sale..... e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f ☐
- g. Conveyance consists of deed of partition..... g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) ..... k ☐

\*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.



**Schedule C – Credit Line Mortgage Certificate (Tax Law, Article 11)****Complete the following only if the interest being transferred is a fee simple interest.**

I (we) certify that: (check the appropriate box)

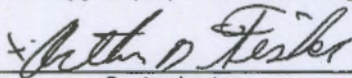
1. ☒ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
- ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
- ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
- ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
- ☐ The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

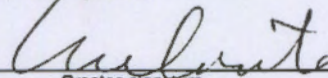
- ☐ Other (attach detailed explanation).
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
- ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
- ☐ A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

**Signature (both the grantor(s) and grantee(s) must sign)**

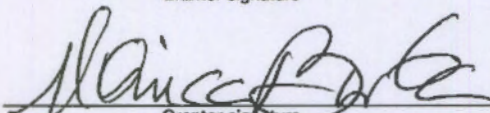
The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

  
Grantor signature

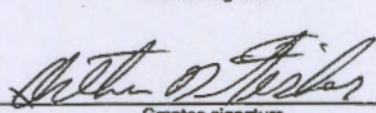
Title

  
Grantee signature

Title

  
Grantor signature

Title

  
Grantee signature

Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.



**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature <i>Arthur D Fisher Sr</i>	Print full name <i>Arthur D Fisher Sr</i>	Date <i>1/20/16</i>
Signature <i>Monica Borba</i>	Print full name <i>Monica Borba</i>	Date <i>1/20/16</i>
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date \_\_\_\_\_ to \_\_\_\_\_ Date \_\_\_\_\_ (see instructions).
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date













## TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

RICHARD SHEA, SUPERVISOR

(845) 265-3329

TINA M. MERANDO  
TOWN CLERK AND TAX COLLECTOR

NANCY MONTGOMERY, COUNCILWOMAN  
JOHN VAN TASSEL, COUNCILMAN  
MICHAEL LEONARD, COUNCILMAN  
ROBERT FLAHERTY, COUNCILMAN

### MEMORANDUM

TO: Ann Gallagher, Planning Board Secretary

FROM: Dottie Turner, Supervisor's Office

RE: Completed Subdivision- Request to Return Escrow (\$114.57)

DATE: February 1, 2016

Attached please find the following:

- Planning Board Resolution August 20, 2008 Randi's View (Roland Padilla)
- Original application Roland Padilla
- Memo from Code Enforcement Kevin Donohue advising completion of subdivision and filing with the County Clerk

Please place on the February 2016 agenda for the Planning Board to recommend retrurn of escrow



February 4, 2016

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



RE: ESP/Kehr - Submission of Revised Plans

Dear Mr. Merante and Honorable Board Members:

Since our last appearance before the Planning Board, which conducted and concluded the required Public Hearings on the Subdivision and Site Plan Applications of Bruce and Donna Kehr, we have met with the Town Board on two occasions and have been working with Mr. Gaba to address conditions that the Town Board will require before they consider the zoning change necessary before the site plan can be approved.

The Town Board spent considerable time reviewing the plans and developed a list of nineteen (19) items that would have to be satisfied as a condition of any zoning change. We modified our plans and submitted them and other supporting documents to Mr. Gaba for his review. He reviewed the material and presented us with comments regarding the adequacy of our responses. We made further revisions and in doing so prepared a table of listing: the 19 conditions; Mr. Gaba's initial comments and our response to them. The table accompanied our letter of September 28, 2015, to Mr. Gaba. Both the letter and the Table are part of this submission.

Mr. Gaba reviewed the additional and revised material sent to him on September 28th. This resulted in his letter to us dated November 11, 2015, a copy of which is also attached.

At this point, we had made sufficient progress for Mr. Gaba and Supervisor Shea to allow us to return to the Town Board on January 13, 2016. During this meeting, we reviewed the revised plans and the list of conditions item by item, after which the Town Board determined that we had made enough progress for them to submit the proposed zoning change to the Planning Board for its review and advice. Mr. Gaba has indicated that that referral was made and the matter will be discussed during the February 18, 2016, meeting of the Planning Board.

The subdivision plat has been modified substantially since you last saw it. There have been only minor site plan revisions. Accordingly we submit herewith:

- 13 copies of our "Subdivision Plat prepared for Bruce & Donna Kehr", last revised February 3, 2016
- 2 full size copies of the subdivision plat highlighted with red to call attention to the modifications made in response to the Town Board's comments
- 13 ledger size copies of the highlighted subdivision plat



- 2 full size copies of the 5 sheets of our "Site Plan prepared for Bruce & Donna Kehr" last dated June 30, 2015, but highlighted in red to call attention to the modifications made in response to the Town Board's comments
- 13 ledger size copies of the highlighted site plan

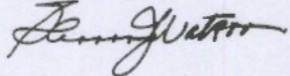
During the February meeting of the Planning Board, we will be available and appreciate the opportunity to review all of the modifications to the plans and other conditions of the Town Board.

We are hopeful that the Planning Board will provide the Town Board with a positive recommendation and continue its review of both the Site Plan and the Subdivision so that when the zoning is changed, we can receive the necessary approvals to conclude this long pending matter.

As always, thank you for your continued concern and attention to this application.

Yours truly,

**BADEY & WATSON,**  
Surveying & Engineering, P.C.



by  
Glennon J. Watson, L.S.  
845.265.9217 x14  
[gwatson@badey-watson.com](mailto:gwatson@badey-watson.com)

GJW/bms

cc: File U:\89-159B\WO\_21038\AM04FB16BP\_Submits\_Revised\_Plans.docx  
Bruce & Donna Kehr







# BADEY & WATSON

Surveying & Engineering, P.C.

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GPS Surveys  
Site Planning  
Subdivisions  
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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)

September 28, 2015

Stephen J Gaba, Esquire  
Drake Loeb PLLC  
555 Hudson Valley Avenue  
Suite 100  
New Windsor, NY 12553

**RE: ESP/Kehr - Petition for Zoning Change**

Dear Steve,

This package contains the following material:

- 1 copy of Kehr Subdivision Plat, last revised July 13, 2015 and printed on September 24, 2015;
- 1 set of Kehr Site Plan, 5 sheets, printed September 24, 2014 (Revision dates need to be fixed);
- 1 copy of 4<sup>th</sup> Draft of Proposed Conservation Easement;
- 1 copy of 4<sup>th</sup> Draft of Amendment to Road Maintenance Agreement;
- 1 copy of the 3<sup>rd</sup> Draft of the Covenants and Restrictions; and
- A Grid containing the Town's Conditions, your suggestions and my responses.

The Grid has been numbered using the same sequence as on the Town's requirement list. The Subdivision Plat and Site Plan have been highlighted and labeled with the condition number to help you find any changes that were made in response to your comments. A 5<sup>th</sup> column has been added to the grid with a code indicating where you will find the changes.

I have not included the deeds releasing the easements because I have not yet received them from the attorney.

In your last letter you opined that all of the conditions had to be met before we returned to the Town Board. I don't remember any discussion with the Town Board about that being a condition of moving the matter forward to the Planning Board for its recommendation, but I do remember it being a condition of the final act of approving the zoning change.

Owners of the records of:

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



Simply put, there are some pretty serious concessions on both sides and there was never an expectation on our side, for example, that the rear portion of the property would be put into permanent conservation before the Board voted on the zoning change. Similarly, there was never any expectation that the Town Board would pass the zoning change without all of the conditions firmly in place.

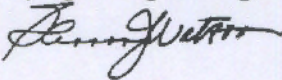
It was clear that we were to do all we can to get the plan as nearly complete as possible. I think we have gone about as far as we can without further discussion with the Town Board. I ask that you review and comment on the material included with this letter and send me back to the Town Board. I would like the opportunity to discuss and explain the very few changes with the Town Board. I think that at this point the Board should be willing to refer the proposed zoning change to the Planning Board for comment.

Thanks for your consideration and review.

Yours truly,

**BADEY & WATSON,**

*Surveying & Engineering, P.C.*



by

Glennon J. Watson, L.S.

GFJW/bms

cc: File U:\89-159B\WO\_21038\SC28SP15BP\_Second\_Submission.docx

Bruce and Donna Kehr, w/o enclosures

Thomas Wood, Esquire, w/enclosures



Town Board Condition		S. Gaba Comment/Recommendation following First Submission	G.J.W. with Second Submission	
No.	Text		Response	Key
1	A regulatory easement will be developed for the ESP property. This easement will be reviewed by the Town Board, Town Attorney and the HHLT. The easement will include among other items a provision for no storage, construction, cutting, clearing or land disturbance other than agreed upon, i.e. the potential septic expansion. There will be no other right of way established for any reason across the property subject to the easement. This will be established by deed.	It appears to me that the Declaration of Covenants & Restrictions addresses conditions 1, 3, 5, 15, 16 and 17. It is lacking schedules A, B and C.	A. Schedules A, B & C provided herewith.	PW
			B. Applicant has agreed in principle to fund the cost of developing the baseline data, but has been awaiting to see the cost proposal that the Town requested from HHLT.	PW
		It appears to me that the Conservation Easement addresses conditions 1, 3, 4 and 14. It is missing information on the Baseline Data Report and it does not expressly address the language in condition "14" that "the maximum possible buffer for Clove Creek will be established as a result of the easement."	C. The ½ acre limit on this condition is impractical unless the septic area for the residential lot is located outside of the building box. As presently mapped, the area set aside for the building box contains 0.8 acres and includes the area for the driveway, the area for the septic system and its possible expansion. The building box could be reconfigured to exclude the driveway and septic area, which would not be unusual, but it seems a more practical approach to make the building box larger so that the owner could maintain the driveway and septic system without having to notify the easement holder. The proposed building envelope is outlined on the subdivision plat.	PW SB
			D. We believe that the "maximum possible buffer" has been achieved within the limits of the discussions that have occurred between the applicants and the Town Board, and the applicants and the Planning Board. Specifically, those discussions included the commercial use of the area west of the southerly projection	SB



Town Board Condition		S. Gaba Comment/Recommendation	G.J.W. with Second Submission	
			of the Merrigans' easterly line and the possible future development of a single family residence on Lot 2. The 7.24 acre Conservation Easement covers all of the property lying east of Merrigans' easterly line and its southerly projection along the limits of the developed portion of Lot 1. It includes the Building Envelope for Lot 2 that covers 0.8 acres, 20% of Lot 2 and 11% of the Conservation Easement area. This is all noted on the subdivision plat.	
2	An escrow account will be set up to monitor the easement. Number of times per year is still to be determined. I suggest twice per year for the first two years and then once a year thereafter.	<u>My Recommendation:</u> A para should be added to the conservation easement establishing an evergreen escrow (I'd recommend \$5,000) for annual inspections to monitor compliance.	Revised version of Conservation Easement with recommended paragraph submitted herewith. See 9 <sup>th</sup> and 14 <sup>th</sup> Whereas paragraphs.	PW
3	The buildable area included in the area covered by the easement is ½ acre.	It appears to me that the Declaration of Covenants & Restrictions addresses conditions 1, 3, 5, 15, 16 and 17. It is lacking schedules A, B and C.  It appears to me that the Conservation Easement addresses conditions 1, 3, 4 and 14. It is missing information on the Baseline Data Report and it does not expressly address the language in condition "14" that "the maximum possible buffer for Clove Creek will be established as a result of the easement."	See Response 1A See Response 1B See Response 1C See Response 1D See Response 2	PW SB SP
4	The only allowable use outside the buildable area will be for septic expansion.	It appears to me that the Conservation Easement addresses conditions 1, 3, 4 and 14. It is missing information on the Baseline Data Report and it does not expressly address the language in condition "14" that "the maximum possible buffer for Clove Creek will be established as a result of the easement."	This is noted on both the site plan and subdivision plat. See Response 1C regarding the Building Envelope. See Response 2 regarding the Baseline Data Report.	PW SP SB



Town Board Condition		S. Gaba Comment/Recommendation	G.J.W. with Second Submission	
5	A chain line (sic) [Chain-link] fence of at least 4 feet high will define the rear of the property at the ESP yard.	It appears to me that the Declaration of Covenants & Restrictions addresses conditions 1, 3, 5, 15, 16 and 17. It is lacking schedules A, B and C.	Sheet 3 of the site plan specifies that a 4 foot high chain-link fence will be constructed along the westerly line of the Conservation Easement. The 4 foot high fence meets the condition both in its placement and its height.	SP
6	The corners of the buildable area at the rear will be marked with boundary markers.	<u>My Recommendation:</u> A para should be added to the Declaration of Covenants & Restrictions stating that pins or markers of some kind will be placed and that the property owner is obligated to maintain them. A note should also be added to the site plan indicating that this will be done.	<p>Proposed boundary markers have been set and are shown on the plat and on the site plan. They consist of concrete monuments at the easterly or rear corners of the Building Envelope and at the ends of the westerly line of the Conservation Easement that passes through Lot 1. Additionally, highway sign posts have been set at the other corners and along the lines of the Building Envelope and along the westerly line of the Conservation Easement that passes through Lot 1. They are noted on the site plan and subdivision plat. The sign posts will eventually carry a sign advising people that they are entering a Conservation Easement Area. A detail of the sign post is shown on Sheets 3 &amp; 5 of the site plan and on the subdivision plat.</p> <p>A note has been placed on the plat specifying that the owner of Lot 2 is responsible for the maintenance and replacement, as necessary, of the monuments and sign posts that mark the boundary lines of the Building Envelope. A similar note on the plat places responsibility for the monuments and sign posts along the westerly line of the Conservation Easement that passes through Lot 1 on the owner of Lot 1.</p>	SB SP
7	Any violation of the easement, building code or zoning code that is not remedied within (90 days ?) will result in reverting to the former zoning designation. Specifically that the commercial use will be removed.	<u>My Recommendation:</u> I do not see how this is possible. I am aware that conditional zoning is permissible (i.e., if conditions a, b, and c are met then the zoning shall become X designation), but I don't think that the zoning can "revert" if conditions are not met. In any event, if it can be	<p>My recollection is that whether such a "reversion" is possible was a question that the Town Board was going to ask you.</p> <p>We do not have an alternate suggestion, but note that the zoning law provides for serious</p>	



	Town Board Condition	S. Gaba Comment/Recommendation	G.J.W. with Second Submission	
		done its terms would have to be drafted into the LL, so, unless your client has an alternative to propose, there is really nothing for him to do regarding it at this point.	penalties for violations. Moreover, in addition to the powers that are vested in the Town by virtue of the Zoning Law, the donation of the Conservation Easement provides a significant measure of civil remedy for violations that result in an encroachment onto the protected portion of the land covered by what will be ESP's approved site plan.	
8	The property owner agrees to join and pay dues for a road maintenance agreement on Stephanie Lane with the adjoining property owners regardless of whether a residence is constructed on the lot on Stephanie Lane.	<p>The existing RMA dated August 5, 2005 appears to apply only to the first 1/10 mile of Stephanie Lane (please confirm that ESP's access off Stephanie Lane is within the first 1/10 mile). Diebboll and Merrigan and equally responsible for maintenance of it. However, it goes to state, in pertinent part: "If and when a house is built on the third lot located on Stephanie Lane and a certificate of occupancy is issued for the house, the owners of that parcel will be approached to contribute to the cost of maintenance so that the cost shall be borne as follows: Merrigan 33%, Diebboll 33%, third lot owner 33%."</p> <p>The draft Amendment to the RMA provided by your client reads: "That Kehr assumes the obligations of the third lot owner as set forth in Paragraph "3" of the existing agreement." It appears to me that, as written, the Amendment to the RMA does not satisfy condition #8 because the condition calls for dues to be paid regardless of whether a home is constructed whereas the Amendment merely reaffirms the obligations under the existing RMA which do not require dues to be paid unless and until a CO for a home is issued</p>	<p>The Kehrs have agreed to assume responsibility for 1/3 of the maintenance of the common portion of Stephanie Lane as of the date of the execution and recording of the Amendment.</p> <p>The Kehrs have also agreed to locate the point where the driveway into Lot 2 will split off at the point where the original driveway splits from the current driveway. This point is approximately 660 feet (0.125 miles) from the east line of Route 9. They have also agreed to release a portion of the easement that they enjoy over the Diebboll's property to the extent that they have <b>not</b> eliminated the possibility of constructing a turnaround should that someday be required. Doing so will reduce the length of the Kehrs' easement from about 1050 feet (0.199 mi) to 760 feet or (0.144 miles).</p> <p>The proposed Amendment has been modified to reflect that Kehrs' obligation to pay their share of the maintenance will begin upon execution and recording of the amendment and that the common drive for which maintenance costs will be shared is the area described in Schedule A, which has been attached and which is approximately 660 feet (0.125 miles) long rather than 528 feet (1/10<sup>th</sup> mile) long as stated in the original agreement.</p>	PW SB



Town Board Condition		S. Gaba Comment/Recommendation	G.J.W. with Second Submission	
			A note has been added to the Plat indicating that Lot 2 is subject to the terms of the Maintenance Agreement recorded in the Putnam County Clerk's Liber 1718 of deeds at page 91 and the amendment thereto Recorded in Liber _____ of deeds at page ____.	
9	All conditions of the agreement to change the zoning will be in writing prior to any action.	<u>My Recommendation:</u> This just states that we will need to cover all of the conditions in the written documents.	Agreed	
10	Philipstown Planning Board approval will be required for the new ESP site plan.	<u>My Recommendation:</u> As I understand it, this condition means that <u>everything</u> on the property will be subject to site plan approval, not just the "new" existing nonconforming structures/uses. So, for example, more screening for existing buildings might be required. This could be memorialized in a formal developers' agreement, but I expect that the TB would accept a mere letter setting forth the property owner's agreement to submit to full site plan approval as a condition of the proposed zoning change.	Site Plan approval of the ESP facility is required under any circumstance because it is a commercial use. The site plan currently under consideration clearly addresses all of Lot 1.  We have added a note to the plat specifying that the development of Lot 2 would be limited to residential uses. Still, we have added a note requiring that Lot 2 will be subject to Site Plan approval from the Planning Board regardless of the 3000 square foot footprint threshold in the zoning law.  It seems to me that this takes care of Item 10.	SP SB
11	A building permit issued by the Philipstown Building Department must be secured in order to construct any additional structures.	<u>My Recommendation:</u> This seems self-evident, but acknowledgment of the requirement should be put in writing, perhaps in the aforementioned letter or developer's agreement.	A note to this effect has been added to the Plat and the Site Plan.	SB SP
12	All current violations will be remedied to the extent they can be before the zoning is changed. This includes removal of any encroachment on the neighboring properties.	<u>My Recommendation:</u> As I understand it, these conditions mean that before the TB takes action on the draft LL to change the zoning designation from RR to HC, certain steps to remedy the "current violations" need to be taken and an understanding needs to be reached that the proposed [incomplete on memo provided]	I believe that, with the exception of the encroachment onto Merrigan, which Kehr has begun to address, all of the violations that can be remedied without site plan approval, have been remedied. As a practical matter, the storage building at the northeast corner of the yard cannot be moved until site plan approval is achieved.	SP



Town Board Condition		S. Gaba Comment/Recommendation	G.J.W. with Second Submission	
13	All current violations will be remedied as a result of the new zoning.	<u>My Recommendation:</u> Zoning change will bring the property into compliance with the Code. I am not sure what needs to be done pre-zoning change, but I'm sure that you can reach some understanding with Kevin Donohue and/or Ron on this issue and can confirm that the property will conform post-zoning change, and then submit a statement of the steps at issue/understanding as part of the aforesaid letter or developers' agreement.	Subject, of course, to the review of the Planning Board, I believe that when the zoning is changed the site plan presently before the Planning Board and as modified to make the plan conform to the Town Board's conditions, will conform to the current zoning as expanded to include the rear portion of the Kehrs' property.  We expect that the Kehrs will have the normal period of time afforded any applicant to construct the site plan. All we can do is make sure that the Site Plan conforms. Then it has to be built in a way that conforms to the approval before a C.O. is issued.	SP
14	The maximum possible buffer for Clove Creek will be established as a result of the easement.	It appears to me that the Conservation Easement addresses conditions 1, 3, 4 and 14. It is missing information on the Baseline Data Report and it does not expressly address the language in condition "14" that "the maximum possible buffer for Clove Creek will be established as a result of the easement."	See Response 1B See Response 1D See Response 2	PW
15	Proposed driveway to be relocated to original location. This new driveway shall be shown on a map to be prepared by Badey and Watson Land Surveyors and approved by the Town Board.	It appears to me that the Declaration of Covenants & Restrictions addresses conditions 1, 3, 5, 15, 16 and 17. It is lacking schedules A, B and C.	See Response 8	SB
16	Existing rights of way on both the Merrigan property and the Diebboll property to be removed and the deeds modified to show this change.	It appears to me that the Declaration of Covenants & Restrictions addresses conditions 1, 3, 5, 15, 16 and 17. It is lacking schedules A, B and C.	The Kehrs have agreed to release any rights they may have on Merrigan. They are anticipating that Merrigan will reciprocate. This has been discussed with the Merigans. We are still waiting for the Kehr's attorney to provide the basic document.  The Kehrs have agreed to release a portion of their easement on Diebboll. This reduction is substantial and removes the encroachment of Diebbolls' barn onto the easement area. It was never the intention to release the entire right-of	PW SB



Town Board Condition		S. Gaba Comment/Recommendation	G.J.W. with Second Submission
			<p>way on Diebboll because to do so would eliminate the connection to Stephanie Lane and thus access to Route 9. Instead, rights in most of the easement area will be extinguished. The area that will still be subject to the easement has been reduced by approximately 280 feet of the driveway and now covers only that necessary to enter Lot 2 and provide for a cul-de-sac should it ever be required. This is shown on the plat.</p> <p>Notes have been added to the plat preventing the owner of Lot 2 from creating a right for Lot 1 to access Stephanie Lane.</p>
17	A permanent fence; type to be determined, will be installed between the ESP property and the rear yard of the Merrigan property. Detail to be provided by Badey and Watson. This fence will start at the existing pine trees and run toward route 9. Chain link with screening slats has been proposed by the Merrigans.	NO COMMENT	<p>This has been added to the site plan. Recently the Kehrs and Merrigans met to discuss the fence. Instead of the slats often interwoven in the chain link fencing, the Merrigans have expressed a preference for a cloth like mesh that is permanently attached. The Kehrs have agreed to provide it. The plan has been modified to specify the mesh.</p> <p>SP</p>
18	Screening consisting of trees and or shrubs of at least 6 feet in height be installed at the property line between ESP and the Merrigan property. Detail to be provided by Badey and Watson.	<u>My Recommendation:</u> A para should be added to the Declaration of Covenants & Restrictions stating that this landscaping will be installed as per the approved site plan and that there is an ongoing obligation to maintain it.	<p>A note on the site plan should suffice. One has been added to the Plan. I suggest that it is not appropriate for the Covenants and Restrictions because the property may not always be a materials storage yard.</p> <p>SP</p>
19	Area of conservation easement to be clearly marked with permanent signage at the rear and side boundary lines of the buildable area within the conserved area.	<u>My Recommendation:</u> A para should be added to the conservation easement stating that signs of some kind will be placed and that the property owner is obligated to maintain them. A note should also be added to the site plan indicating that this will be done.	<p>Paragraph 9 (Monuments and Signs) has been added to the Conservation Easement. Notes to this effect have been added to the site plan and the subdivision plat. See Response 6.</p> <p>SP SB PW</p>
Key – PW = Paperwork, SB = Subdivision Plat, SP = Site Plan			



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\*LL.M. in Taxation

November 11, 2015

ATTN: GLEN J. WATSON  
Badey & Watson, P.C.,  
3063 Route 9  
Cold Spring, New York 10516

Re: ESP/Kehr Petition for Zoning Change  
Our File No.: 06082-64020.5

Dear Glen:

I have reviewed the correspondence and materials that you provided in the above-referenced matter to address the conditions the Town Board has required to be met in order for the requested zoning change to be entertained. The table you prepared setting forth the 19 conditions and the comments on them and your responses to the comments was particularly helpful. I have set forth below my understanding of where we are currently in regard to addressing the Town Board's conditions.

<u>Condition No. &amp; Nature.</u>	<u>Status</u>
1 - Easement prohibiting, storage, construction, cutting, clearing, or land disturbance except for septic, and no easements .....	Met by Declaration of Covenants & Restrictions and Conservation Easement, but still need Baseline Data Report.
2 - Escrow to monitor compliance with Conservation Easement Term .....	While p. 2 of the Conservation Easement establishes an escrow, it is not "evergreen" (i.e., there needs to be language requiring the record owner to replenish the escrow if/when it is depleted).
3- Buildable area in area covered by easement limited to .5 acre.....	The proposal to limit the buildable area to .8 acre appears acceptable to me and I will recommend it to the Town Board for approval.



Condition No. & Nature.

Status

- 4 – Only allowable use outside easement area is septic....Condition is satisfied by site plan and subdivision plat.
- 5 – Chain-link fence to be installed .....Condition is satisfied by site plan.
- 6 – Boundary markers to be placed on property .....Condition is satisfied by site plan and subdivision plat.
- 7 – Any zoning violation not remedied in 90 days to result in reversion to RR zoning designation .....We are in agreement that the reversionary zoning proposal is not possible. I will recommend to the Town Board that this condition be dropped.
- 8 – Property owner to join in and pay dues under existing RMA for Stephanie Lane .....My recommendation was that the existing RMA needs to be modified to provide that Kehr must pay for road maintenance immediately, not just "If and when a house is built on the third lot...." Your response is that "The Kehrs have agreed to assume responsibility for 1/3 of the maintenance of the common portion of Stephanie Lane as of the date of execution and recording of the Amendment". But I do not see the Kehrs' agreement reflected anywhere in the the RMA, so I think that language needs to be added acknowledging the obligation.
- 9 – All conditions of the agreement to change the zoning will be in writing prior to any action.....Your responses to my comments often propose to address conditions through notes on plans rather than through the Declaration of Covenants and Restrictions or a developer's agreement. This is acceptable, but in order to meet this condition the property owners' petition for a zoning change should make specific reference to the proposed site plan and subdivision plat and submit copies of the same.



**Condition No. & Nature.**

**Status**

- 10 – PB approval will be required for the new ESP site plan.....In my comments I stated that I believe this condition requires the applicant to agree to waive the provisions of Town Code §175-68 and have its site plan application processed as a wholly new application for site plan approval rather than as an application for amended site plan approval (the point being to "clean up" any outstanding issues with the existing site vis-à-vis the expansion of the operation). Your response is that a note has been added to the plat requiring site plan approval for Lot No. 2. The note is acceptable, but the waiver of Town Code §175-68 and the agreement to undergo full site plan review should be acknowledged by the property owner in its petition for a zoning change and will be incorporated into any local law enacting the zoning change.
- 11 – Building permit required.....Condition is satisfied by note on site plan.
- 12 – All current violations to be remedied.....The encroachment on Merrigan remains outstanding. I agree with you that the storage building cannot be moved until site plan approval is granted, but I would like to consult with Kevin Donohue to find out if he feels that any other steps need to be taken to remedy outstanding violations before the Town Board entertains a local law for the requested zoning change.
- 13 – The zoning change must remedy all current violations .....It is my understanding that under your plans all existing violations will be remedied by the proposed zoning change to HC. As noted above, the property owners' petition for a zoning change should specifically reference the plans.



**Condition No. & Nature.**

**Status**

- 14 – The maximum possible buffer for Clove Creek must be established as a result of the conservation easement ..... My comments noted that the Conservation Easement does not address the buffer for the Clove Creek. Your response is that the owners' plans do provide the maximum possible buffer. I suggest that to resolve this issue you contact Planning Board Engineering Consultant Ron Gainer to review the issue. If he agrees with you, I will recommend to the Town Board that it accept this condition as satisfied.
- 15 – Driveway relocation to original location..... I understand that the owners agree to this, and perhaps I am overlooking it, but I do not see the driveway relocation shown on the site plan or subdivision plat.
- 16 – Existing rights of way on both the Merrigan and Diebboll properties to be removed..... Condition is satisfied by subdivision plat, subject to subsequent submission of deeds releasing easements.
- 17 – Fence between ESP property and rear of Merrigan property..... Condition is satisfied by site plan.
- 18 – Screening to be installed at property line between ESP and Merrigan..... Condition is satisfied by site plan.
- 19 – Area of conservation easement to marked and signed ..... Condition is satisfied by site plan.

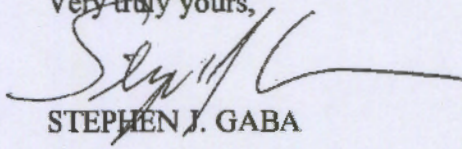


In regard to the conservation easement, amended road maintenance agreement and Declaration of Restrictions and Covenants, I note that Kehr/ESP has no legal obligation to provide these documents to the Town. They are providing them voluntarily solely as an inducement for the Town to grant the requested zoning change. I suggest that rather than signing and filing these documents before the Town enacts the zoning change, the appropriate step would be to have the documents executed but held in escrow pending the outcome of the Town Board's consideration of the local law for the zoning change. If the zoning change is not enacted, your clients would be free to cancel the conservation easement, amended road maintenance agreement and Declaration of Restrictions and Covenants. By the same token, if it is enacted the new zoning won't take effect until the documents are recorded.

I agree with you that at this time the appropriate step would be for the Town Board to prepare a draft local law (unless Kehr/ESP wishes to submit its own draft), introduce it and refer it to the Planning Board for review and comment. There are some outstanding issues that need to be addressed before the Town Board holds a public hearing on the draft local law, but further proceedings before the Planning Board should go a long way towards addressing these.

Kindly contact me at your convenience to discuss the terms of the draft local law and the revised petition for the same which your client will need to submit. Thanks.

Very truly yours,



STEPHEN J. GABA

SJG/ev/463319

cc: Town Board  
Planning Board  
Ron Gainer, P.E.,



**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**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.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: Scanga Realty, LLC							
Project Location (describe, and attach a location map): 22 Lady Blue Devils Lane, Cold Spring, Putnam County, Tax ID 16.16-1-20.4							
Brief Description of Proposed Action: Amended Site Plan for proposed 10,000 square foot addition to an existing building on site in lieu of previously approved 41,500 square foot addition.							
Name of Applicant or Sponsor: Scanga Realty, LLC		Telephone: 845-265-9115					
		E-Mail:					
Address: 22 Lady Blue Devils Lane							
City/PO: Cold Spring		State: NY	Zip Code: 10516				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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: Putnam County Department of Health Sewage Disposal System approval			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? <span style="float: right;">4 acres</span>							
b. Total acreage to be physically disturbed? <span style="float: right;">2 acres</span>							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">4 acres</span>							
4. Check all land uses that occur on, adjoining and near the proposed action. <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Industrial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Commercial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other (specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div>							



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ An existing well currently provides water supply for the existing building and will provide water for the proposed addition.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ A new sewage disposal system will serve the proposed addition	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES A new Infiltration Basin will intercept the runoff from the building addition and associated driveway and parking area. The Infiltration Basin will control the discharge rate to predevelopment values.			



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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: John P. Scanga Date: 2/4/16 Signature: <u>John P. Scanga</u>		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>



YES	NO	No, or small impact may occur	Moderate to large impact may occur
<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?		<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Date: 8/1/10

Applicant/Preparer Name: John F. George

Signature: *John F. George*

Part 3 - Impact Assessment. The Lead Agency is responsible for the completion of Part 3. Answer all of the following questions in Part 3 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

Moderate to large impact may occur	No, or small impact may occur	
<input type="checkbox"/>	<input type="checkbox"/>	1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?
<input type="checkbox"/>	<input type="checkbox"/>	2. Will the proposed action result in a change in the use or intensity of use of land?
<input type="checkbox"/>	<input type="checkbox"/>	3. Will the proposed action impact the character or quality of the existing community?
<input type="checkbox"/>	<input type="checkbox"/>	4. Will the proposed action have an impact on the environmental characteristics that caused the designation of a Critical Environmental Area (CEA)?

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency		Date	
Print or Type Name of Responsible Officer in Lead Agency		Title of Responsible Officer	
Signature of Responsible Officer in Lead Agency		Signature of Preparer (if different from Responsible Officer)	

PRINT



**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](mailto:ljpaggi@optonline.net)

February 4, 2016

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

Re: *Philipstown Square – Amended Site Plan*  
*3166 Route 9, Town of Philipstown*  
*Tax ID No.:27.12-1-10*

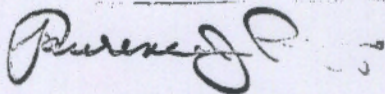
Dear Chairman Merante and Members of the Board:

The above referenced project received Amended Site Plan approval on August 16, 2012 to allow a restaurant use in a portion of the retail space that also included a 510 square foot addition. In addition, modifications to the access connection to the adjacent commercial property to the north of the site was approved.

On behalf of our client, we respectfully request to be placed on the Planning Board's February 4th agenda to discuss the access connection to the adjacent commercial property to the north of the site.

Your consideration of this matter is appreciated. Please do not hesitate to contact our office if we may be of any assistance.

Sincerely,



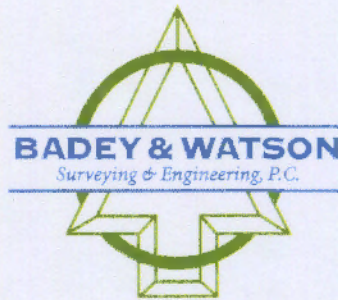
Lawrence J. Paggi, P.E.  
President

cc: John Scanga



February 4, 2016

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



RE: Vista 44 LLC (Garrison Café) - Submission of Revised Plans

Dear Mr. Merante and Honorable Board Members:

Submitted herewith are 13 copies of our "Site Plan prepared for Vista 44, LLC DBA Garrison Café". The revised plan set now contains 4 sheets, all of which were last revised on February 4, 2016, namely:

- Sheet 1 of 4, Existing Conditions
- Sheet 2 of 4, Proposed Conditions
- Sheet 3 of 4, Sight Lines
- Sheet 4 of 4, Details

Following the applicant's discussion with Chairman Merante, Mr. Gainer and others, we were instructed to revise the plans to accommodate a significantly less ambitious endeavor. The original plan and application was for:

- The existing Café/Deli to remain essentially unchanged;
- Part of the existing 3 bedroom residential unit to be converted to a Wine Bar/Restaurant; and
- The remainder of the existing residential unit to be converted into a wine shop.

The applicant wishes to change to application such that:

- The Café/Deli will be operated as a restaurant; and
- The 3 bedroom residential unit will remain unchanged.

In a concerted effort to minimize changes to the site and demands on the infrastructure, the applicant asked us to calculate the design flow (anticipated amount of waste water generated) and parking requirements for the Café/Deli. We calculated the design flow at 420 gallons per day (GPD) (21 seats at 20 gallons per day). Our calculation of the parking requirements for the existing condition yielded 14 spaces for the site, 7 of which are required for the Café/Deli.

To avoid any further impacts on the parking requirement or the septic system we used the 420 GPD design flow and the 7 parking space requirement to calculate the number of restaurant seats that could be put into the existing space without impacting either. The results of our calculations, which shows the seating options available to the applicant without impacting either the existing parking requirement or the existing design flow are shown below.



Restaurant (Seats)	Bar (Seats)	Design Flow (GPD)	Parking (Spaces)
12	0	420	4
11	1	405	4
10	2	390	4
10	3	410	5
9	4	395	5
9	5	415	5
8	6	400	5
8	7	420	5
7	8	405	5

After consulting with the applicant, we used this information to modify the site plan with the idea of minimizing the changes to the site. Among other items, we continue to specify:

- Protection for the propane tanks;
- Realigning the parking, including installation of a handicap space
- Modifying the loading area and access to it; and
- Installation of screening along the westerly line.

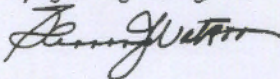
The modified site plan and the changes to the proposed uses are significantly less than originally proposed. The proposed use reduces the parking requirement and does not increase the anticipated load on the septic system. When constructed, the proposed site improvements will improve access and site conditions and will provide the screening that the residential neighbors requested.

We trust that you will find the changes satisfactory and responsive to your concerns and those expressed by the public. We look forward to presenting the plan at the February meeting of the Planning Board and are hopeful of bring the matter to a positive conclusion.

As always, thank you for your continued concern and attention to this application.

Yours truly,

**BADEY & WATSON,**  
Surveying & Engineering, P.C.



by  
Glennon J. Watson, L.S.  
845.265.9217 x14

[gwatson@badey-watson.com](mailto:gwatson@badey-watson.com)

GJW/bms

cc: File U:\82-118B\WO\_22356\_Vista44LLC\AM04FB16BP\_Submits\_Rev'd\_Plans.docx  
Matthew McMahon, Applicant  
Manjit Raju, Owner





February 4, 2016

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



RE: Hudson Highlands Reserve - Request to be placed on Agenda

Dear Mr. Merante:

Please add the Hudson Highlands Reserve application on the agenda for the February 18, 2016, Planning Board meeting.

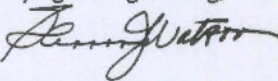
The purpose of our attending the meeting will be to introduce the Board to the revised Conservation Analysis. The Conservation Analysis has been reformatted and supplemented with recommendations of the various consultants on the project. The Executive Summary is nearing completion and will be delivered to your consultants early next week.

As discussed with the Board, we have scheduled a workshop with Mr. Gainer and Ms. Jainchill and we have invited Mr. Klotzle to participate. It will be held at Town Hall on Friday, February 12, 2016. We are hopeful that this workshop will result in our being able to finalize the analysis and present it to the Board for a positive finding.

As always, thank you for your consideration.

Yours truly,

**BADEY & WATSON,**  
Surveying & Engineering, P.C.



by  
Glennon J. Watson, L.S.  
845.265.9217 x14  
[gwatson@badey-watson.com](mailto:gwatson@badey-watson.com)

GJW/bms

cc: Ulises Liceaga  
Stephen Gross

U:\86-228B\WO\_21792\_Hudson Highlands

Reserve\Consultant\_Client\_Correspondence\AM04FB16BVP\_Request\_to\_be\_on\_Agenda.docx