

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

Pledge of Allegiance

Roll Call

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

**Correspondence:**

**Old Business:**

**Taylor/Fratesi, 220 South Highland Road, Garrison** **TM# 50.-2-63.3**

(The applicant is seeking site plan approval for a 3-bedroom, 3.5 bath, single family home of 4020 sf with a detached garage of 898 sf. The vacant lot consists of 17.08 acres. A public hearing was held and closed. Mr. Gainer was directed at the January meeting to prepare resolutions to be voted on this evening.)

**Kristan Connolly, Route 403, Garrison** **TM# 82.7-1-2**

(The applicant is seeking site plan approval for a new single-family residence on an approximate 1.5-acre parcel to be served by private well and septic. The property is located in the RR zoning district. A public hearing was held and closed. Mr. Gainer was directed at the January meeting to prepare resolutions to be voted on this evening.)

**Gregory Rathe, 28 Hudson Way** **TM# 38.-3-87.1**

(The applicant is seeking site plan approval for the partial demolition of the existing 7-bedroom residential structure, retaining the existing “chapel” area. They are proposing to replace the demolished portion with an approximate 3340 square foot 4-bedroom, one-story addition. With the addition, the existing driveway will be extended around the north side of the structure to the area of the detached garage. The property is located in the “RC” (Rural Conservation) Zoning District and consists of approximately 8.6 acres. A public hearing was held and closed. Mr. Gainer was directed at the January meeting to prepare resolutions to be voted on this evening.)

**New 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.)

**Hudson Highlands Land Trust, Inc.** **TM# 72.-2-34.11**

(The applicant is seeking approval of a subdivision plat to adjust the line dividing lands of Hudson Highlands Land Trust, Inc. from lands of Wing Sommers Keith.)

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

The Philipstown Planning Board held its regular monthly meeting on Thursday, January 17, 2019 at the Old VFW Hall, 34 Kemble Ave., Cold Spring, New York.

Present: Anthony Merante, Chairman  
Dennis Gagnon  
Kim Conner  
Neal Zuckerman  
Peter Lewis  
David Hardy  
Stephen Gaba, Counsel  
Ronald Gainer, Town Engineer

Absent: Neal Tomann

Chairman Merante opened the meeting at 7:30 p.m. with the Pledge of Allegiance. Roll call was taken by Ms. Percacciolo.

**A. Minutes**

The minutes of the December 13, 2018 Regular Monthly Meeting were reviewed. Ms. Conner noted there was one necessary correction on page 14.

Ms. Conner moved to adopt the minutes as corrected and Mr. Hardy seconded the motion. The vote was as follows:

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

**B. Old Business**

**SEJE Realty, LLC, 1510 Route 9**

**TM# 82.7-1-14**

Mr. Gainer explained that the applicant has removed the exterior storage originally proposed along the rear wall from the proposal that the board was concerned with, in terms of visibility along Route 9. He stated the amended plans have now eliminated that and this resolution acknowledges such.

Mr. Watson was in attendance representing the applicant and stated he had spoken with Mr. Gainer during the week and made the changes requested, such as removing the photograph from the plan, and submitted such.

Ms. Conner questioned if the green line on the plan is what's been removed. Mr. Watson used the plan to show that this was the fence that was originally proposed and these things are colored just to highlight the changes from the last time.

Mr. Hardy moved to adopt a Negative Declaration under SEQRA and Mr. Gagnon seconded the motion. The vote was as follows:

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

Mr. Lewis moved to approve the Amended Site Plan resolution and Mr. Hardy seconded the motion. The vote was as follows:

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

**Lowrey Residence, 80 Eyrie Road**

**TM# 49.-3-81**

Mr. Gainer stated the board had previously conducted a site visit, at which no issues were identified, and a public hearing has been held and closed on the matter.

Ms. Conner moved to adopt a Negative Declaration under SEQRA and Mr. Lewis seconded the motion. The vote was as follows:

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

Ms. Conner moved to approve the Site Plan resolution and Mr. Lewis seconded the motion. The vote was as follows:

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

### **C. Public Hearings**

#### **Taylor/Fratesi, 220 South Highland Road, Garrison**

**TM# 50.-2-63.3**

Chairman Merante reported this public hearing was opened at last month's meeting and held open for continuation this evening. He stated there is an issue concerning the driveway grade of 20% and there was some discussion, legally or otherwise, as to whether it needs to go to the ZBA for either a variance or interpretation. He questioned Mr. Gaba as to which way the board was going with that.

Mr. Gaba stated it is his understanding that an application has been submitted to the ZBA, where the application was deemed complete. He stated he is unaware if a public hearing was scheduled on it yet or not. He continued, in the meantime his office is looking into the issue of whether a variance is even necessary in this instance; it may be possible that this board has the authority to waive or grant exception to the 14% required grade for driveways. Mr. Gaba stated the entire board received a request for such a waiver the previous week, dated January 3<sup>rd</sup>, and he will have an opinion letter for the board on the issue for next month's meeting.

Mr. Gaba continued, in the meantime the public hearing, which really isn't affected by the issue of the waiver or variance or interpretation, was continued because the board was waiting on the 239m referral response from Putnam County and input from the Fire Department. He stated we have received the county's response from the County, and they said it was a local determination so that leaves the Fire Department to be the outstanding issue on the public hearing, along with any further comment that there might be from the public.

Chairman Merante questioned if the Fire Department is under any compulsion to do anything within 30 days. Mr. Gaba stated they are not. The Chairman then questioned if the board could then assume that they have no issues with it. Mr. Gaba stated you could assume that though it may be an incorrect assumption. He stated they have not written in to complain so the board could certainly take that into consideration.

Mr. Gainer reported that the Fire Department had been provided with the original site plan documents. He explained this referral goes back a few months, so they've had plenty of opportunity to respond. He noted this board has seen the Fire Department respond in other

instances where they do have concern. Mr. Gainer stated he can not indicate whether they will respond but it could be some indication that they haven't responded yet.

Chairman Merante questioned if involvement from the Conservation Board is necessary. Mr. Gaba stated he could not recall a Conservation Board issue and asked Mr. Gainer to explain.

Mr. Gainer stated the Planning Board had made a referral to the Conservation Board several months ago and that Mr. Garfinkle, the Town's Wetlands Inspector, had responded that if there are any impacts to the adjacent wetlands or watercourses that his Board would be interested in issuing permits. Mr. Gainer stated that, given this, the Planning Board had merely directed the applicant's consultant to meet with Mr. Garfinkle to determine if they had any jurisdiction in the matter. Mr. Gainer stated he has not heard any outcome of that.

Chairman Merante opened the floor for public comment.

**David North** – Mr. North thanked the board for entertaining public comment on the matter and for protecting this town from the burden of overdevelopment. He stated he is a Philipstown resident concerned with not allowing the unique natural environment become incrementally compromised. He urged the board not to approve this application for development and stated he believes this development would be an example of marginal development, as there is less and less viable building sites. Mr. North stated it is his opinion that a higher standard of land conservation should have been designated for this property as a buffer between adjacent development and the Moneyhole Mountain connector trail in Fahnestock State Park. Mr. North thanked the board for their time and thoughtful consideration on this matter.

There were no other comments from the public.

Mr. Watson explained that well over 1,000 acres of the State Park that surrounds this piece of property was donated to the state by the Osborn family, who decided to reserve 2 parcels totaling roughly 35 acres for 2 individual homes. One was Earl Osborn's home which is on an adjacent parcel to this. Mr. Watson stated the Osborn family created the State Park for the people, gave it to the people, and the one thing they reserved is the right to reserve a parcel around one existing house and the right to build one other house; this application is one of the other houses. Mr. Watson stated, to lasso them into the idea that they are overdeveloping the property, even though this is somebody who succeeded in the ownership, is disingenuous because the Osborn's created it and felt they would give away 1,000+ acres and keep just 30. And on that 30, build a house, and on the other 17-acre vacant parcel, limit the building box on that so that virtually 16 acres are conserved. Mr. Watson expressed his strong disagreement with that characteristic that this is creeping development. He added that the responsibility was picked up by the Osborn family first and their rights to use that land for this very modest development should be honored.

Mr. Watson requested to speak to the applicability of the driveway grade and things surrounding that. First, based on the board's recommendation last month, they did make an application for 2 interpretations and failing those interpretations, a variance from the grade requirement. Mr. Watson stated that as he was filling out the application, he could not find a grade requirement except under the subdivision and he respectfully pointed out that they are not under subdivision

regulations. He questioned why that would be applied to a single-family dwelling. He explained that he did look at the powers of the Zoning Law; the ZBA is granted the powers to grant variances but their powers are limited to the zoning law; there is no mention of the subdivision regulations. Mr. Watson stated they did submit the application, which was considered complete, but based on the recommendation of Mr. Rodd, attorney for the ZBA, a public hearing was scheduled for March instead of February, in order to give the Planning Board time to consider what the applicant and their representatives feels is the right approach.

Mr. Watson stated they believe that the land development regulations do not apply as this is a single, stand alone lot. When it was created it was not a subdivision, it would be today but it was not created as a subdivision under the then definition. Mr. Watson continued, the only place they could find mention of a 14% grade was in those subdivision regulations, and if you dig a little deeper into that paragraph, you'll find out that those subdivision regulations don't say you can't have a 14% drive, they say the Planning Board must find a 14% grade driveway maximum for each lot to 2 parking spaces. Mr. Watson stated that driveway permits really concern themselves with how you create an entrance to the road. He stated that was done and this driveway was put in with a driveway permit. Mr. Watson stated the 14% driveway says to 2 parking spaces; it does not say a 14% driveway to the house. Mr. Watson explained that he believes that 14% grade is part of the idea of the driveway and what the Town is looking for is to get the cars off the road so that in a snowstorm you don't have people coming out and parking right by the edge of the road, making the maintenance of the road more difficult. In summary, get the cars off the road, do it with a 14% drive, but where you go to the rest of your however many acres is really up to you. Mr. Watson suggested there are examples of those types of driveways all over town, some old and some not so old, actually pretty new. Mr. Watson concluded that they do not believe that the section of the law applies and if it does apply, they don't believe that the limitation of 14% grade is carried all the way to the house.

Mr. Watson stated there is a section in the law which Mr. Gaba referred to as section 112-44 which grants the power to waive these regulations to the Planning Board and he is requesting the PB do such. He explained that it does go on to say that you can't grant the waiver for the conditions they are presenting unless the board finds that that waiver supports the reasons, the exceptions, to that rule in 112-32(B). He stated, if you read those conditions in 112-32(B), they fall into every one of them.

Mr. Watson reported that they did design a driveway at 14% grade. It would require significant cuts, blasting would likely be necessary and the disturbance would be about 44,000 square feet of property, in order to build that driveway of 14% grade, and would have to build retaining walls. It would definitely change the character of the land. If the board would allow the driveway to maintain its current grade, the repairs necessary would require about 16,000 square feet of disturbance, mostly on already man-made surfaces.

Chairman Merante stated that Mr. Gaba brought up the discussion about the length of distance the 20% grade is carried. Mr. Gaba stated that is for ODA roads and this is different from that. He stated he will not debate Mr. Watson on that and will develop an opinion letter on the matter. Mr. Gaba stated he is not an engineer but it seems to him that at the end of the day, what's in the best interests of the Town and the applicant is to not require 14% per se on this driveway; it's a

question of how you get there and to what extent you get there. Mr. Gaba explained, the applicant started out with the idea that perhaps the driveway was grandfathered and therefore they didn't need to meet any of the Town Code specs, but he could not find any legal support for that theory. Mr. Gaba stated the subdivision regulations is the spot where 14% grade is what's set forth but there are other spots in the code, for example, the building permit section, which says that if you want to apply for a driveway you must list what the grade is. He reported it seems to him that, when you're creating lots the Town requires driveways of no greater than 14%, why shouldn't all other residential driveways be 14%?

Mr. Gaba explained, driveways are more than just a way to get off the roadway, you need to be able to get emergency vehicles up to the house in an emergency; that doesn't mean you necessarily have to be at 14% but it can't be at such a grade that it would be difficult to impossible to do so. Mr. Gaba stated there is a waiver section, as Mr. Watson pointed out, but the extent of that waiver section is something he is looking into. It could be that the board can just waive the requirements for building within subdivisions or it could be that it's intended more when you have a plat that's being presented to the board, the waiver extends only to showing things on the plat. Mr. Gaba reiterated that he is looking into the matter and he will have a report letter for the board before next month's meeting.

Chairman Merante questioned when the ZBA scheduled their public hearing for. Mr. Watson stated they scheduled it for March but if they have a positive opinion in their favor from Mr. Gaba by March regarding this issue, then they would have the ability to withdraw that ZBA application, if a waiver was grantable.

Mr. Watson stated he had mentioned in his initial comments that virtually all of this property is under a conservation easement. That conservation easement is being modified to take advantage of the lower house that Mr. Fratesi & Ms. Taylor are planning for a slightly larger footprint, thereby reducing the visibility of the house from the park, because of its lower profile. Paving is not allowed on the property. Mr. Watson stated they do believe that they can build a road with some drainage on the side that will avoid some of the runoff and the fact is that people drive up there frequently. The road is 20 years old and does have some rutting and stuff like that but it has not been maintained; this will allow it to be maintained and it will be brought back to a good standard. Mr. Watson added, they can do some things with regard to slowing down the runoff such as check dams and things like that.

Mr. Watson explained, the fact is, and you can look all over town and see it, that any house under 3,000 square feet goes directly to the building permit and you can drive all over this town and you will see driveways that far exceed 14% and, in fewer cases, some that exceed 20%. They are just asking for the same treatment with regard to the driveway that an awful lot of houses have in this town.

Mr. Zuckerman expressed his great empathy for the applicants. He stated that Mr. Watson's novel interpretation is very thoughtful because as Mr. Zuckerman reads it, he may be right, the 14% may only apply to subdivisions. He stated what he does know is that the definition of insanity is doing the same thing over and over again and expecting a different outcome. Mr. Zuckerman stated he is not insane yet he keeps asking the same question and making the same statement

that, at some point this board has got to have a viewpoint about what is unsafe; what is the threshold? Mr. Zuckerman stated he does not know if 20% is unsafe, but what is the point where it is unsafe and who can provide the board with a viewpoint as to that threshold? Mr. Zuckerman stated this will come up again and this board surely will have this same conversation regarding another property in the future and the answer that, "disturbance is a bad thing so let's just accept what is", is a crummy argument in favor of unsafe steepness. Mr. Zuckerman stated, the board needs a viewpoint about what is safe, whether it comes from an engineer or the Fire Department or another appropriate entity.

Ms. Conner stated, one of the things that happens is the Planning Board gets a "bite" at things when they come before the board. So, that's why this house might have a steep driveway that was built in the 40s and another might have a steep driveway that was built in the 70s, that's the way she sees it. Ms. Conner questioned Mr. Gaba as to whether steep slope requirements factor into driveway stuff at all. Mr. Gaba responded that the steep slope requirements provide that the board can grant an exception for building in steep slopes if its, and it is peculiar language, necessary or unavoidable, or something to that affect, in regard to driveways. Mr. Watson added, it states that if you can demonstrate that the environmental impact of granting the exception to build on 20% slopes or greater is less than would be if you did not give the waiver, it is allowable. Mr. Gaba replied that it may go even further than that as far as driveways but Mr. Watson is absolutely correct as to the general rule in regard to it.

Chairman Merante requested Mr. Watson demonstrate or show the difference between a 14% and 20% slope. He also asked the length of the 20% grade, how much of the driveway is at that grade. Mr. Watson showed the board the amount of disturbance that would be necessary in order to bring the grade down to 14%; it would require 44,700 square feet of disturbance as opposed to 16,200 if they were allowed to keep the driveway and make the necessary improvements. Mr. Watson pointed out the comparison of the grades for the board on the plan. He explained the 20% grade is in a percentage; for 100 feet of horizontal distance you go up 14, or you go up 16, so it makes a 6-foot difference over the course of 100 feet. Mr. Watson admitted it is a steep driveway, but it is in, it is a solid driveway that has been utilized, and it would take an excessive amount of work to bring it down to 14%. He explained it would do damage to the property, it would be more visible from the park, and it may require a wetland permit because it would have to extend out into the buffer.

Chairman Merante stated the board fully appreciates the amount of disturbance it would cause. At least 2 members, if not more, have already expressed real concern about setting a precedent. Every time someone comes in the board takes another "bite" to see what they can do and, from his perspective, the majority of the buildable areas in town are gone and people are going to keep reaching into tougher and tougher parts of Town. Mr. Watson replied that some of the homes that have been built much more recently are built on steeper driveways than this and some of the homes are built on land that this board would probably be concerned about, and they are functioning quite well.

Chairman Merante questioned if it is appropriate to close the public hearing at this time or wait for a response from the Fire Department. Mr. Gaba stated it is up to the board but the express reason for holding it open was the 239m referral and to hear from the Fire Department. He stated

the board is in receipt of the 239m referral but has not heard from the Fire Department thus far. Mr. Gaba suggested the board could close the public hearing with the exception of any comments supplied by the Fire Department. Other than that, sort out the issue of the driveway and then any other site issues there might be, Mr. Gainer could take care of technical issues with the consultant for February. Mr. Gaba continued, if it turns out the board can grant a waiver, it will still want to know if that existing driveway is safe for emergency vehicles. Mr. Gaba added, there is nothing magical about a 14% grade; under the town code that is considered safe but what Mr. Zuckerman is saying is, what is considered not safe? Is it 15%, 16%? Mr. Gaba stated, he is not sure that there needs to be a particular number, though it would be helpful if you could, but as long as you have emergency services, fire department and EMT's, saying they can get their emergency vehicles up there no problem, the board can deem it to be safe.

Mr. Zuckerman moved to close the public hearing with the exception of comments from the Fire Department and Ms. Conner seconded the motion. The vote was as follows:

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

**Kristan Connolly, Route 403, Garrison**

**TM# 82.7-1-2**

Chairman Merante reported this public hearing was opened at last month's meeting and held open for continuation this evening due to concern with wetlands on the property and steep slopes.

Mr. Gainer stated, as indicated by Chairman Merante, the public hearing is still open and in the interim he has made contact with the Wetlands Inspector, Max Garfinkle. Mr. Gainer stated that he has heard back from Mr. Garfinkle who reported that the applicant did meet with the Conservation Board previously and they are prepared to issue a permit for the disturbance plan and the intended location of the sanitary disposal system.

Ms. Conner stated that it is recorded in the minutes from last month that Mr. Gaba was going to have an interpretation on building a house in steep slopes and questioned if that was accomplished. Mr. Gaba stated he did not have that this evening.

Mr. Watson was present representing the applicants. As Mr. Gainer reported, they did go last month to the Conservation Board and they did get a conditional approval. He stated there were 4 conditions imposed on the applicant, which they agreed to. One was to, along the edge of the driveway, put in check dams in order to slow any drainage flowing off to the side of the road and down the gutter; it would intercept the roof drains with an infiltrator before it is let go into the wetland. Mr. Watson stated they have done that. With regard to the drainage on the driveway they have added to the plan an infiltration trench, that wasn't part of the CB's requirement but

when they did the one side it became obvious something had to be done with the other side. Mr. Watson stated they had to do the calculations and supply a letter to the board; they have not supplied the board with the letter as of yet but have done those calculations to demonstrate that the capacity for the stormwater to get into that little bit of wetlands that's blocked off from the rest of the wetland by the driveway would work. Mr. Watson reported the final thing, which they still need to do, is participate with the Conservation Board in the planting plan for the disturbed slope in front of the property. Mr. Watson stated it is his hope that that the Planning Board will approve the plan conditioned upon a planting plan being submitted after he works with Mr. Garfinkle to get that done.

Mr. Watson stated that during the site visit Mr. Gainer had requested they look at swinging the driveway to the left instead of to the right, but that would destroy the only septic area on the lot. He reported that they have since received their permit from the Health Department, a copy of which was supplied to Mr. Gainer.

Mr. Watson reported that a permit was issued for the driveway in the driveway's location. He stated they really needed to maximize the distance away from that blind curve towards 403 for safety purposes.

Chairman Merante opened the floor for public comments. No public comment was made.

Mr. Gainer stated, if the board is now satisfied and understands the additional enhancements of the site plan, it could seek to have him prepare resolutions for the next meeting.

Ms. Conner explained that she would like to have seen Mr. Gaba's interpretation on the building in the steep slopes. Mr. Gaba apologized for not supplying that for the board this evening. He stated the board could close the public hearing and has out that issue next month or hold it open and hash out that issue next month and then close it.

Mr. Watson reported, his clients are facing an obligation to close on their contract which is up in March so they would certainly like to get this wrapped up. He respectfully requested that the public hearing be closed and pointed out that the building is as far back on the property as they can get it; if they have to push it back to the more level part of the property then they will have to go and get a variance for the setback. Mr. Watson stated there is no question that this is a constrained lot and someone had made the comment that it has been sitting vacant for years, and that is certainly the reason. Mr. Watson stated it is not, by most standards, a small lot.

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

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

David Hardy - Aye

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

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

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

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

**Gregory Rathe, 28 Hudson Way**

**TM# 38.-3-87.1**

Applicant Greg Rathe was in attendance and thanked the board for attending the site visit on January 6<sup>th</sup>. He stated he is in receipt of the memo that was issued by Mr. Gainer following that visit, noting specifically that he is decreasing the scale of the house from 2 stories to 1, from 6,900 square feet to 5,800 square feet, from 7 bedrooms to 4.

Mr. Rathe stated that one of the things discussed was line of sight from 301 and noted that it is going from 2 stories to 1 so therefore the line of sight will be reduced.

Mr. Rathe explained there are no significant topographical changes; they are using a footprint that is very similar which will be noted in revised drawings that will be submitted for next month's meeting. He stated the proposal includes a plan to connect the currently existing driveway to the old existing driveway that was revised when the property was subdivided in roughly 2005.

In early January Mr. Rathe states he provided a set of drawings that included the renderings of the property, what's proposed for the new design, as well as some topographical maps, surveys of the property that were done previously. Mr. Rathe stated a new set will be provided before next month's meeting and will include the level of disturbance. He stated he has the site plans from 2005/2006 that Badey & Watson produced and explained they will be helping with the

implementation of the sediment control standards. Mr. Rathe questioned if the renderings provided to the board for this meeting meet the site plan requirements for colors and finishes. Mr. Gainer stated the requirement is just that all exterior colors and materials be identified on that plan and on those renderings.

Mr. Rathe stated it is his intent to provide all plans, surveys, erosion & sediment control, and site disturbance information for the next meeting. He stated he has every intention of complying with the recommendations of the board and hopes to begin construction as soon as possible. Mr. Rathe questioned if there is anything else the board would like submitted in this package for next month.

Chairman Merante questioned if the town has received the 239m referral response from the county. Mr. Gainer stated we have received the response and also noted it was referred to the local Fire Department, but there has been no comment received from them. Mr. Gainer stated the subdivision was created years ago and everyone knows the driveway now comes in off of that private road. He continued, while it may need some enhancement just to repair any depressions and all, it's relatively flat. The area of the expansion where Mr. Rathe is modifying the driveway to lie in front of the house is also on very flat grade, so it may be that the Fire Department doesn't feel the need to comment but Mr. Gainer stated he would reach out to the Fire Department again verbally to see if there is any opportunity for them to provide written comments.

Chairman Merante opened the floor for public comments. No public comment was made.

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

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

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

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

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

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

#### **D. Old Business (continued)**

##### **Hudson Highland Reserve, Route 9 & Horton Road**

Chairman Merante reported that the final item on the agenda for this evening is the Hudson Highlands Reserve project, at Route 9 & Horton Road. He turned the floor over to Aaron Werner of AKRF to lead the discussion.

Mr. Werner explained that back in July of 2018 the Final Scope for the DEIS was adopted by the Planning Board. Between then and late November the applicant worked on the Draft Environmental Impact Statement (DEIS), and in late November the applicant submitted a preliminary DEIS to the board. At last month's meeting the board had asked all the consultants to provide comments on completeness of that document against the scope, in accordance with the SEQRA regulations. Mr. Werner stated that AKRF and Mr. Gainer had submitted their comments in a combined memo to the Town on or about December 21<sup>st</sup>. He stated Mr. Gaba submitted his comments to the Board shortly thereafter.

Mr. Werner stated it is their joint recommendation that this preliminary DEIS be deemed incomplete, noting the applicant is aware of this. He stated the applicant is already working on revising that document, and will have it ready for a future meeting for consideration. Mr. Werner turned the floor over to Mr. Gainer.

Mr. Gainer stated the issue before the board is the completeness of the DEIS that has been presented. As Mr. Werner indicates, based upon the comments each has offered, all consultants are recommending that the board deem the present version incomplete; that it needs further clarification or expansion in order to satisfactorily address all comments in the original scoping document. Once the document is resubmitted and the board ultimately finds it complete, that would then open up the DEIS to a formal public comment period. Mr. Gainer explained this public comment period very typically includes a public hearing; all of those matters the board will establish once there is a document the board has deemed complete.

Mr. Werner interjected stating that the board, as lead agency, would then issue a "Notice of Completion" that gets posted to DEC's Environmental News Bulletin (ENB) web site, and that

begins the formal public process of reviewing it. He explained that right now, the preliminary draft is not out for public comment. In subsequent versions that will come in, once it's deemed complete, that's when the notice of completion can go out and we can move on from there. Mr. Werner stated that, once the process gets to that point, AKRF can put together another memo regarding what is to come and how the Board should move forward. He stated tonight, the consultants are seeking any comments from the board as to matters that they find require addition information or clarification, in addition to what has already been provided by your consultants.

Chairman Merante stated on page 6 there was a comment about the improvement of Ulmar Lane and questioned what improvements they had in mind. He stated on page 8 there is discussion of profit and loss regarding the number of horses and the question that came to his mind is, isn't this a Conservation Subdivision? The Chairman stated he now sees this as a commercial enterprise in connection with a conservation subdivision of residential stand-alone homes, a residential area. He stated on page 22, and other sections after that, the Equestrian Center is described as an important addition to the Town's recreational facilities. He stated the size of it has been troubling from the beginning, and questioned where there was a perceived need for the Town's recreational facilities to have something of this size and nature. The Chairman continued, on page 26 and following there is a quote of "community-oriented operation" and since these homes from the very beginning have been termed "weekend homes", he is curious how much community orientation the applicant has in mind for the project.

The Chairman stated that a major concern/issue from the beginning has been waste management. He reported he has been reading through the material over the last couple of days and there is talk of sort of semi-impervious surfaces for wastewater effluent from the animals, and there has been much past discussion about the handling of the solid waste.

Chairman Merante explained he is also concerned with the wildlife in the area and how it will be impacted if there are no controls over the horses being kept in a paddock. If the horses are allowed out on trails through the property, what affect will that have on the wildlife that is native to the area? He also questioned how that would affect the conservation easement.

Chairman Merante stated he has not seen these questions being answered yet. He expressed that he didn't delve fully into the maps provided yet but he would also like to see a map that clearly lays out the areas of disturbance for the whole project. The Chairman explained there are some other smaller issues but that he would like to go back through the document again.

Mr. Hardy stated he has concerns about the test wells and the statement that the proposed action will not have any impact on Clove Creek. He stated that on the map it looks like some of those houses will be accessing that aquifer. Mr. Hardy stated he believes it is stated that they were going to do 3 test wells and suggested that one of them should be done there.

Mr. Hardy reported that on page 5 it states "There were no threatened or endangered species observed, however, the red-shouldered hawk...". He stated earlier on in this process there had been discussion of a few different species of bats but he did not see anything concerning them come up in this document. He continued, on page 13 it states the intention is to develop LEED

platinum level certified homes and questioned if that was a true statement, and would that actually be the case for every house. He stated if that is the case that's a pretty big deal and could be very helpful.

Lastly, Mr. Hardy questioned what the impacts will be to the 1825 timber-frame Colonial Revival house that currently exists on the property. He stated that barn was slated to be preserved and questioned what is going to happen to it because there were no details given in the document regarding such.

Mr. Lewis stated he read through the document and came up with a number of questions regarding Scofield Ridge and public access and particularly the equestrian center, but once he received the joint memo from AKRF & Mr. Gainer, and subsequently Mr. Gaba's comments, and all of his concerns were touched upon. Therefore, he has nothing further to add at the time.

Ms. Conner stated she too was happy with the memo that AKRF & Mr. Gainer put together, as well as the comments provided by Mr. Gaba, but did have some things to add. She stated that when they were in the process of compiling the draft scope, pools on the residential lots were something that she had mentioned and stated there is nothing in the document about this. Ms. Conner reported in the discussion of alternatives there's a suggestion that each house would have a barn if things weren't approved the way they want, and she questioned what kind of outbuildings are expected with these houses.

Ms. Conner stated it has been reported that the equestrian establishment is going to be for dressage horses only but if you look through the document there are talks of a possible riding school and other horses that aren't necessarily horses that would belong to the project's residents. Ms. Conner explained she was under the impression that the people that are going to live in this development were going to be the people whose horses were going to be there; she was not under the impression that this was going to be a commercial horse business. She stated the board was told that it was only going to be for dressage horses, and that dressage meant very expensive horses that couldn't go anywhere on the property except in very specific places. Ms. Conner questioned if it is going to be outlined that this is only going to be dressage or is there going to be other kinds of horse activity permitted at the site?

Ms. Conner stated she had other comments but was not sure if this was the appropriate time to bring them up because some are just editorial. She stated there is a lot of editorial comment in the document that she does not necessarily agree with.

Mr. Gaba explained that the board can, of course, make whatever comments it wants. The applicant, at least theoretically, is going to take the consultant's comments and any comments made here tonight and revise the pDEIS accordingly. So, if any member has something new and different than the consultant's comments already issued, or there is something someone wants to add to it, that would be helpful. He stated he does not believe the board needs to vet the document but rather the topics that need to be addressed and any deficiencies, whether it's in addressing an issue in substantiating claims, is what would be helpful now.

Ms. Conner stated she would like to know what a sewage works corporation is and if that is something that the Town has to approve because apparently the septic systems for this development are going to be managed not by the HOA but by a sewage works corporation. She is wondering if that is standard or something that might be a new burden on the town. Mr. Werner responded that it sounds like a project description comment and suggested it be entered into the record for the applicant to clarify the next time they submit.

Ms. Conner reported she had noticed a statement which claimed there are no vernal pools on this property and stated she finds that very surprising. She stated the only other thing was on page 85 where it says "Growth Inducing Aspects" and continues "...the demand on commercial services in the Town will be relatively modest..." stating that this issue has not really been talked about yet. She stated the board had previously asked about school impacts and the response has always been that this is going to be a weekend development. Ms. Conner stated that many people come to Philipstown as weekenders initially; however, they eventually do become permanent residents, herself included. Ms. Conner stated it is disingenuous to say there will be no impact on the schools.

Mr. Werner reminded the board that the issue of school impacts had been previously discussed and is not part of the adopted Scope. He stated that was determined in earlier rounds and even within the EAF part 2 that preceded scoping. Those issues were touched on then and the seasonality of the homes, and is why it was left out of the Scope for the Environmental Impact Statement, as he recalls.

Mr. Gagnon stated he had one comment at this point which is more for clarification at this time. He continued, within the areas of the paddock and the arena areas the applicant refers to using a geotextile fabric which is more of a stabilization fabric. Mr. Gagnon is wondering if they're looking for more of a geotextile membrane to stop leeching of animal wastes into the water system or underlying groundwater.

Mr. Zuckerman stated he had 2 questions. The first for Mr. Gaba, and to amplify Ms. Conner's point related to editorializing, was, is there a procedure for subtraction if there are comments put in the document that are superfluous to the nature of the environmental impact? For example, economic solvency of the business, which is not an environmental issue. Mr. Zuckerman questioned if there is a direction that should be taken about making this about the environmental impacts?

Mr. Gaba stated it is legitimate to question whether comments that are in it are substantiated by the data that backs it up. Mr. Gaba stated, for example, that he recalls from the AKRF/Ron Gainer memo a comment that this is one of the largest areas for second homes in the Northeast or something like that, and it may be true, but there was no data to back that up. So, if a member wanted to say that there's a comment in there which you feel is not complete because it lacks data backing it up, that is legitimate. Mr. Gaba stated, at the end of the day the board is going to be using it, the document, as a tool to determine whether the identified potential significant environmental impacts have been mitigated to the maximum extent practicable.

Mr. Zuckerman stated back when the positive declaration was made, he, as well as others, amplified 3 major issues: the ringing of the homes around the majority of the pond and the effects on the pond, the size of the horse facility itself, and the uniform nature of the homes despite being in a conservation setting. He requested the opinions of Mr. Gainer and AKRF representative Mr. Werner as to whether they feel the material in this document is additional commentary, facts, beyond what has already been shared versus potentially a repackaging of what has already been provided. Mr. Zuckerman questioned what the additional content in here is that provides substance, support and/or refutation to those points that brought the board to a Positive Declaration.

Mr. Werner responded that as far as he is aware the project has not changed in its design, although one of AKRF's comments was that a site plan was not included, which would be helpful. He continued, the alternatives section of the document has pretty detailed site plans of all the different alternatives they considered but a site plan of the project itself, in a similar format, was not included; it was a CAD drawing with all the topo and lots and such. He reiterated, as far as his office is aware it is the same as it has been going through the process. Mr. Werner stated that a request for a site plan was part of their comment memo as well as some elevations, more detail on the equestrian center, and renderings would help. He added, it is difficult to make a determination about scale and visual impact etc. when all you have is words and no images.

Mr. Werner reported that the alternatives section talks alternative layout of the homes and things like that so they are addressing the comments the board brought up but just in alternatives, not as the proposal.

Mr. Gainer added, if the board is looking for more specificity there are a few sections or areas where they do have limited additional detail. Specifically, the alternatives section addresses some of those concerns and discusses a different, smaller size of the equestrian center.

Chairman Merante stated he would now turn the floor over to the applicant if they wish to address a lot of these issues that were brought up in the AKRF/Ron Gainer memo as incomplete.

Richard O'Rourke, applicant representative, thanked the board and consultants for all of the comprehensive comments provided. He acknowledged that the board will not be accepting this document as complete and respectfully requested that the comments of the members this evening be provided in writing within the next 10 days or so and get it to the applicant's team so they can proceed.

Steve Gross, applicant representative, reported that they have already been working on addressing a lot of the issues they have received comments on which includes a great number of additional figures, exhibits and maps. In response to something Ms. Conner said earlier, he stated what they are looking for right now are comments on completeness, whether or not they've addressed all the issues that were outlined in the Scope.

Mr. Gross stated there is a difference between "completeness" comments and "substantive" comments. What they are trying to do though is, even with the substantive comments that were

included in the AKRF/Gainer memo, trying to address them now as well. He continued, the applicant's team was under the impression that they were going to receive the final comments from the board this evening. Mr. Gross reported their goal is to get the document finished and re-submitted for the February meeting. He suggested that the comments the board provided tonight be provided to Mr. Werner so he may classify them as either completeness or substantive as guidance for their team so they can concentrate on the completeness comments first so the document may be accepted by the board as complete.

Mr. Gross reported there were a few comments made tonight that were in fact already addressed in the document. He stated when he gets the written comments, he will make a notation referring to where it can be found in the document. Mr. Gross requested the comments from this evening be provided in writing as soon as possible.

Chairman Merante stated that a while ago someone had brought up making the edits that are made to the document in red so the board is able to see what was changed or added to and where. Mr. Gross reported he is doing the edits in the "markup" version of WORD, "track changes", so the board will be able to see everything that's added, deleted or any changes made.

Mr. Hardy questioned if it was possible to obtain a hard copy of the document. Mr. O'Rourke reported the request for hard copies was discussed at last month's meeting and those copies were provided to everyone who had requested one. Mr. O'Rourke stated all he can ask is that the board follow what the SEQRA procedures are and that is that the board has made the decision to not accept this document and given comments, and now it is their obligation to take those comments as to its adequacy as to scope and content and go back and correct and revise the document, which they will do. Mr. O'Rourke continued, insofar as the request for the comments from this evening, the comments have been made, they just need them in writing.

Chairman Merante clarified that there had been an extra hard copy dropped off in the office but he had gone and retrieved because it is easier to view hard copies of the maps as opposed to looking at them on a computer. He stated that many members also had trouble opening up the electronic links provided to access the document. Mr. Gainer informed the board that they will assure that the revised document will be distributed to everyone.

Ms. Conner moved to declare the Draft Environmental Impact Statement for the Hudson Highlands Reserve incomplete and Mr. Lewis seconded the motion. The vote was as follows:

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

Mr. Werner questioned if each member would be writing down their comments to submit to him to organize or if the board would just supply the applicant with the minutes of the meeting which will include those comments.

Mr. O'Rourke stated the would rely on the minutes if that is what the board wishes.

Mr. Werner suggested the minutes would be better and likely faster.

Mr. O'Rourke asked for clarification as to what the motion just made was. Chairman Merante stated it was a motion declaring the DEIS incomplete, which was passed.

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

Anthony Merante	-	Aye
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 8:57 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.

**Town of Philipstown**  
238 Main Street  
Cold Spring New York 10516

**PLANNING BOARD**

**SITE PLAN APPLICATION PACKAGE**

**MAJOR PROJECT**

Project Name: 1122 RT9D REALTY LLC

Date: 1/22/19



# Town of Philipstown

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

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

## Application for Planning Board Special Use & Site Plan Approval

Date: 1/22/19      TM# 60.18-1-46

Project Name: 1122 RT9D REALTY LLC

Street Address: 1122 ROUTE 9D, GARRISON

Fee Amount: \$ 750.00      Received: \_\_\_\_\_

Bond Amount: \$ 2500.00      Received: \_\_\_\_\_

### Applicant:

Name ARAFAT IBRAHIM

Address 1122 RT9D  
GARRISON NY 10524

Telephone 845-424-6370  
914-346-7674

### Design Professional:

Name ANTHONY SOTTILE, P.E.

Address 215 HILLTOP ST  
MAHOPAC, NY 10541

Telephone 845-628-6089

### Tenant:

Name ARAFAT IBRAHIM

Address 1122 RT9D  
GARRISON NY 10524

Telephone 845-424-6370 / 914-346-7674

### Surveyor:

Name BOB BAXTER  
BAXTER LAND SURVEYING, PC

Address 855 PEEKSKILL HOLLOW RD  
PUTNAM VALLEY NY 10579

Telephone 845-621-8562 / 914-902-2689

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

Name 1122 RT9D REALTY LLC

Address 1122 RT9D  
GARRISON NY 10524

Telephone 845-424-6370

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

TM# 60.18-1-46

Project Name: 1122 RT 9D REALTY LLC

Project Description: CANOPY ABOVE GASOLINE DISPENSERS

**ZONING INFORMATION**

175-7 Zoning District: HM

175-10 Proposed Use: NO CHANGE

Proposed Accessory Use(s): NO CHANGE

**175-7 Overlay Districts on the property:**

Yes or No

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

TM# 60.18-1-46

Project Name: 1122 RT 9D REALTY LLC

**175-11 Density and Dimensional Regulations**

Zoning District <u>HM</u>	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback	30				
Measured from the travel way Town Road	25	45	32	✓	
Measured from the travel way County/State	30	74	31.5	✓	
Minimum side yard setback	10	130.8		✓	
Minimum side yard setback (2)	10				
Minimum side yard setback (3)	10				
Minimum rear yard setback	15	108.7	NC	✓	
Maximum impervious surface coverage	50%	21%	NC	✓	
Maximum height	40	14.5	17.6	✓	
Maximum footprint non-residential structures	10,000		NC	✓	

**SUBMISSION:**

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

\* Denial letter.

1. Pre-Application meeting decision and comments
2. Application
3. Proof of Ownership
4. Site Plan
5. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
6. An agricultural data statement as defined in §175-74, if required by §175-37C.
7. The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.
8. FEE: \$ 750.00 Received: \_\_\_\_\_
9. Escrow: \$ 2500.00 Received: \_\_\_\_\_

## Town of Phillipstown Town Code Chapter 175

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

A. It is the policy of the Town of Phillipstown to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural and historic character of the Town. Many uses are therefore permitted only upon issuance of a Special Permit by the Planning Board, in order to ensure that these uses are appropriate to their surroundings and consistent with the purposes of this Chapter. Some uses are allowed by right, subject only to Site Plan approval (see Use Table in §175-10). Communication towers, soil mines, and certain solar and wind energy facilities (see §175-30E(2)) require a Special Permit issued by the Zoning Board of Appeals. Adult entertainment uses and uses not listed on the Use Table (if not prohibited by §175-10C) require a Special Permit issued by the Town Board. In reviewing Special Permit applications, the Town Board and Zoning Board of Appeals shall follow the procedures and standards established for the Planning Board in this Article IX.

B. Accessory uses or structures used in connection with a Special Permit or Site Plan use shall be subject to the same approval requirements as the principal structure or use. Accessory structures used in connection with an institutional use in the IC district are governed by the provisions in §175-10J.

#### C. Minor and Major Projects

In order to tailor the scope of a project review to the scale of a project, applications are divided into two categories, major and minor. In recognition of their lesser impact, minor projects involve simpler application materials, a more streamlined review process, and less detailed findings requirements, while major projects undergo a more detailed and rigorous review procedure because of their greater impact. The classification of major and minor only applies to projects that require site plan or special permit review. This classification system does not apply to development allowed by right without review by the Planning Board, Zoning Board of Appeals, or Town Board.

1. A **Minor Project is a Special Permit or Site Plan** application for a project that does not exceed any of the following thresholds (over a five-year period):

- a. Construction of four multi-family dwelling units or a lodging facility with six bedrooms.
- b. Construction of facilities or structures for a non-residential use covering 3,000 square feet of building footprint.
- c. Alteration of existing structures or expansion of such structures by 1,000 square feet.
- d. Conversion of existing structures totaling 5,000 square feet to another use.
- e. Alteration and active use of 10,000 square feet of land, with or without structures.
- f. Construction of a structure that is 50 feet in height above average grade level (provided that it otherwise complies with this Chapter or is the subject of an area variance).

2. A **Major Project is a Special Permit or Site Plan** application exceeding any of the Minor Project thresholds.

D. In reviewing any project subject to special permit or site plan approval, the reviewing board should consider —Putnam County Pathways: A Greenway Planning Program Linking Putnam's Open Space, Historic, Cultural and Economic Resources,|| as amended from time to time, as a statement of land use policies, principles and guides.



## Town of Philipstown

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

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

Arafat Ibrahim  
1122 Rt. 9-D LLC  
1122 Rt. 9-D  
Garrison, N.Y 10524

2-6-2018

Ref: Application for building permit  
(Gas Pump Canopy)

Location: 1122 Rt. 9-D Garrison N.Y.  
Tax Map # 60.18-1-46 HM Zone

Included:  
Application for a building permit  
Construction plans for proposed canopy  
Site Plan  
Signage Specs.  
Pre- application meeting memo

The application proposes a 24 x 32 gas pump canopy over existing pump island.

As per the use table in chapter 175.65 -175.68 the site plan is subject to review  
By the planning board.

Since the proposed project requires planning board approval, the current  
application is DENIED and referred to the Town of Philipstown Planning board  
for review.

You may submit an application to the planning board pursuant to the code within  
60 days from the date of this letter. An application is enclosed.

Greg Wunner

Code Enforcement Officer



**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

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TO: Town of Phillipstown Planning Board      DATE: February 21, 2017  
FROM: Ronald J. Gainer, PE      SUBJ: 1122 Route 9D - Gulf Gas Station

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As provided in Section 175-66B of the Town Code a pre-application meeting was held on February 17, 2017 concerning site improvements planned at the existing Gulf gasoline station property located at 1122 Route 9D (at Nelson Lane).

In attendance were the following:

Arafat Ibrahim	-	Applicant/Property Owner
Nick Guercio	-	Applicant's Contractor
Anthony Merante	-	Planning Board Chairman
Dave Hardy	-	Planning Board Member
Peter Lewis	-	Planning Board Member
Neal Tomann	-	Planning Board Member
Greg Wunner	-	Code Enforcement Officer
Ron Gainer	-	Town Engineer

The following matters were discussed:

*Purpose of Application:*

The property is located along the east side of Route 9D, at Nelson Lane (a private road), and comprises a gas station and repair garage. The Applicant is proposing to construct a 24' x 32' canopy over the existing gas pumps, and also would like to obtain permission to sell cars from the premises. Per the County Tax records, the property comprises 1.0 acres; tax map no. 60.18-1-46. The canopy would be approximately 13-15' from the front curb at the street, and will be constructed over existing impervious (paved) surfaces. The Town CEO has issued a violation concerning un-registered vehicles on the property.

The site previously obtained "Site Plan" approval in 2011 to replace the gas pumps and gas tanks. A canopy was also approved; however, this was never constructed. The property owner seeks to sell a small number of vehicles from the property, as sometimes vehicles which have been repaired are never picked up by the owner. He then has to go through a process to legally obtain title to such vehicles, and then wants to sell them to recoup his costs. Currently, the cars either under repair or completed and awaiting pick-up, are parked in an existing paved area in front of the premises to the north of the gas pumps. The cars to be offered for sale would be placed in this area, with the "repair" vehicles simply moved to the rear of the building, within a fenced area.

The existing "use" of the property, being a service station, is permitted by Code. It was noted that the Zoning Ordinance contains no reference to "Car Dealership" or similar use. It was felt that the "car sales" envisioned by the Owner could fall under the "retail business" category, provided that the number of vehicles offered for sale was limited, AND that the Town Attorney concurred (this will have to be confirmed subsequent to this meeting).

**RE: Gulf Station Site Plan; 1122 Route 9D**

*Zoning District Information:*

The property is located in the Hamlet-Mixed Use ("HMU") Zoning District.

*Site Plan Review Required:*

Amended Site Plan approval from the Planning Board will be required as the project entails a proposed "change of use" of the property to permit car sales. However, as noted above, the opinion of the Board's Attorney must be obtained to confirm that this use is permitted. If not, action by the Town ZBA or other Board will first be required.

*"Major/Minor" Classification:*

None of the thresholds contained in Section 175-60C(1) of the Town Code appears to be exceeded, since the canopy will be constructed over existing pavement and no other improvements are planned. Therefore, this application should be processed by the Planning Board as a "Minor" project.

Although a Public Hearing is discretionary for "minor" project, given the commercial use of the property, it was felt that a public hearing should be held so any members of the public who wish to comment on the application are given an opportunity to speak.

*Waivers:*

A formal survey was obtained by the property owner, showing all existing improvements on the site. No waivers were identified by the applicant during the pre-application meeting.

*Overlay Districts:*

No overlay districts are applicable to this property.

*Site Development issues:*

The Site Plan drawings should specify if any changes will occur to the amount of impervious coverage, as well as overall site disturbance planned, to confirm what SWPPP requirements will apply. There is a town-regulated stream along the northerly boundary of the property.

*Site Plan Fees:* Based upon review of the Town's fee schedule, the following fees should be posted by the applicant:

"Site Plan, minor"	-	\$250
Public Hearing fee	-	\$250
"Final" Approval	-	\$250
Escrow	-	\$2,500 (un-used monies returned to applicant)

Therefore, fees of **\$750**, and a **\$2,500 escrow**, should be posted by the applicant as part of the Amended Site Plan application filing. The application fees and escrow deposit should be posted with separate checks.

*Expected Referrals:*

- Town Conservation Board (town-regulated watercourse on property)
- Putnam County Department of Planning (per GML 239m)



# THE LAW FIRM OF DANIEL M. MILLER, PLLC

704 Route 6 - Suite 21  
Mahopac, New York 10541

Phone: (845) 628-2929  
Fax: (845) 314-9698  
Email: [danmilleresq@verizon.net](mailto:danmilleresq@verizon.net)

December 22, 2014  
Sent via USPS First Class Mail

1122 Route 9D Realty, LLC  
1122 Route 9D  
Garrison, NY 10524  
Attn: Arafat Ibrahim

Re: 1122 Route 9D, Garrison, NY 10524 -Deed

Dear Arafat,

Enclosed herewith please find the original, recorded deed referable to the property located at 1122 Route 9D, Garrison, NY, for safekeeping.

If you have any questions or require any additional information, please do not hesitate to contact me.

Best Regards,



Daniel M. Miller

DMM/kd  
Enclosure



**BARGAIN AND SALE DEED**

having an address at  
221 Quinebaug Rd  
N. Groveland, CT 06255

**THIS INDENTURE**, made the 18<sup>th</sup> day of November, 2014, between Drake Petroleum Company, Inc., successor by merger with Mid-Valley Oil Company, Inc., party of the first part, and 1122 RT 9D Realty, L.L.C, party of the second part, having address at 79 Aigonquin Rd Yonkers NY 10710

**WITNESSETH**, that the party of the first part, in consideration of Six Hundred and Fifty Thousand (\$650,000.00) dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that plot or parcel of land, with the buildings thereon, situate (Section 60.18 – Block 1 – Lot 46), lying and being in the Town of Philipstown, County of Putnam and State of New York, bounded and described as follows:

**BEGINNING** at a point, which said point is located at the northwesterly corner of the intersection of the Beacon-Bear Mountain State Highway (Route 9D) and Nelson Lane;

Running thence along the easterly side of Nelson Lane, South 57° 30' East 200.40 feet to an iron pipe;

Thence North along other lands of Bosco, North 36° 01' East 200 feet to an iron pipe, and North 57° 30' West 200.40 feet to an iron pipe located on the easterly side of the aforementioned Beacon Bear Mountain State Highway;

Thence along said highway, South 36° 01' West 200 feet to the point and place of **BEGINNING**.

Said premises are also described according to a survey prepared by Broadway Design Group, LLS, dated May 28, 1997 and revised on May 28, 1997 as follows:

ALL that tract or parcel of land situate in the Town of Philipstown, County of Putnam and State of New York, bounded and described as follows:

**BEGINNING** at iron found N. 70° 28' 52 E a distance of 4.20 feet from the intersection of the northerly line of Nelson Lane and the easterly line of N.Y.S. Route 9D the following courses and distances:

THENCE N 36° 01' 00 E a distance of 200.00 feet to an iron;

THENCE S 57° 30' 00" E a distance of 200.40 feet to an iron;

THENCE S 36° 01' 00" W a distance of 200.00 feet to an iron;

THENCE N 57° 30' 00" W a distance of 200.40 feet to the point or place of beginning.

Being the same premises as conveyed and described in a deed from Spain Oil Corporation, Inc., dated June 3, 1997 to Mid-Valley Oil Company, Inc., and recorded in the Putnam County Clerk's Office June 10, 1997, in Book 1387 of Deeds at page 298.

The party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid regarding property described herein.

The Grantor herein does hereby certify that the sale of the premises herein conveyed is made in the regular course of business and does not constitute a transfer of all or substantially all of the assets of the Grantor herein. This certification is made pursuant to Business Corporation Law, Section 909.

UNDER AND SUBJECT to all restrictions and easements of record, local zoning laws and any condition which an accurate and complete survey would disclose.

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

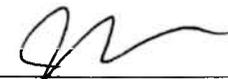
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN THE PRESENCE OF:

**DRAKE PETROLEUM COMPANY,  
INC.**

  
\_\_\_\_\_

By:   
\_\_\_\_\_  
Jeffrey A. Walker, Its Secretary

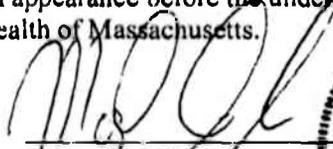
COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF MIDDLESEX

}SS.:

}

On the 10<sup>th</sup> day of November in the year 2014 before me, the undersigned, personally appeared Jeffrey A. Walker, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned, in the County of Middlesex, Town of Wakefield, Commonwealth of Massachusetts.



Notary Public

My Commission Expires:



Sec 60.18 B1.1 Lot 46

Record & Return -

Daniel M. Miller Esq  
704 Route 6 Suite 21  
Mahopac NY 10541

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: 1122 Rt. 9D, LLC GAS STATION CANOPY		
Project Location (describe, and attach a general location map): 1122 ROUTE 9D GARRISON NY 10524		
Brief Description of Proposed Action (include purpose or need): INSTALLATION OF A CANOPY ABOVE EXISTING 2 GAS SERVICE PUMPS		
Name of Applicant/Sponsor: MR. ARAFAT IBRAHIM		Telephone: 914-348-7674
		E-Mail: garrisongulf@gmail.com
Address: 1122 ROUTE 9D		
City/PO: GARRISON	State: NY	Zip Code: 10524
Project Contact (if not same as sponsor; give name and title/role): SAMEAS SPONSOR		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): SAME AS SPONSOR		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 \_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? COLD SPRING

b. What police or other public protection forces serve the project site?  
PUTNAM COUNTY SHERIFF

c. Which fire protection and emergency medical services serve the project site?  
GARRISON FIRE DEPARTMENT AND GARRISON VOLUNTEER

d. What parks serve the project site?  
 \_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? COMMERCIAL

b. a. Total acreage of the site of the proposed action? 0.919291 acres  
 b. Total acreage to be physically disturbed? 0.000044 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 1.92 Units: ACRES

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
 \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 1 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures 1  
 ii. Dimensions (in feet) of largest proposed structure: 17 height; 24 width; and 32 length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ 0 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:  
 i. What is the purpose of the excavation or dredging? FOUNDATION  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): 9.25 CUBIC YARDS  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
USE OF A BACK HOE TO EXCAVATE FOR CONCRETE FOOTINGS TO BE POURED, BACK FILL AFTER POURING  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? 5 feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: CANOPY AND EXCAVATION FOR FOOTINGS AT EXISTING PUMPS AREA.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: GARRISON (WELL)
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: NO WATER NEEDED
- Source(s) of supply for the district: CONCRETE READY

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_  
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration: \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: **ILLUMINATION UNDER CANOPY**

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s): \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)
- Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.00006	SAME	
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii Dam's existing hazard classification: \_\_\_\_\_  
 iii Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes - Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes - Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: 99 % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 0 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

**m.** Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**n.** Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
*i.* Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
*ii.* Source(s) of description or evaluation: \_\_\_\_\_  
*iii.* Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

**o.** Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
*i.* Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**p.** Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
*i.* Species and listing: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**q.** Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

**a.** Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

**b.** Are agricultural lands consisting of highly productive soils present?  Yes  No  
*i.* If Yes: acreage(s) on project site? \_\_\_\_\_  
*ii.* Source(s) of soil rating(s): \_\_\_\_\_

**c.** Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
*i.* Nature of the natural landmark:  Biological Community  Geological Feature  
*ii.* Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**d.** Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
*i.* CEA name: \_\_\_\_\_  
*ii.* Basis for designation: \_\_\_\_\_  
*iii.* Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name Arifqat Ibrahim Date 1/22/19

Signature [Handwritten Signature] Title member of LLC

**PRINT FORM**



4

**Town of Phillipstown**  
**Code Enforcement Office**  
**238 Main Street, PO Box 155**  
**Cold Spring, NY 10516**  
 Office (845) 265-5202 Fax (845) 265-2687

**APPLICATION FOR BUILDING AND ZONING PERMIT**

Tax Map # 60.18-1-46

Date Received: 1/22/19

Construction Located at: 1122 RT 9D Garrison or Cold Spring

Owner: 1122 RT 9D REALTY LLC Phone Number: 845-424-6370

Mailing Address 1122 RT 9D, GARRISON, NY 10524

Authorized Agent: ARAFAT IBRAHIM Phone Number: 845-424-6370

Mailing Address 1122 RT 9D GARRISON NY 10524

Description of Work: GAS STATION CANOPY ABOVE PUMP DISPENSES

Occupancy Classification: \_\_\_\_\_ Construction Classification: \_\_\_\_\_ Number of Stories: \_\_\_\_\_ Building Area: \_\_\_\_\_ sqft

New Const: \_\_\_\_\_ Addition: \_\_\_\_\_ Repair/Replacement: \_\_\_\_\_ Alteration:  Change in Use: \_\_\_\_\_ Demolition: \_\_\_\_\_

Heating Appliance: \_\_\_\_\_ Electrical, Mechanical, Plumbing: \_\_\_\_\_ Wood Stove: \_\_\_\_\_ Oil or LP Tank: \_\_\_\_\_

Zoning District: HM Located within Special Flood Hazard Zone: \_\_\_\_\_ Located within 100feet Wetland/Watercourse: \_\_\_\_\_

Area of Land Disturbance: 100(+/-) sq.ft. Estimated Value of Construction \$ 46,000

Putnam County Licensed # for Home Improvement, Plumbing, HVAC, LP Gas and Electrical Contractor only (PCL#)

Design Professional: ANTHONY SOTTILE, P.E. Phone 845-628-6089

General Contractor: MRO PUMP & TANK INC Phone 845-624-8197 PCL# \_\_\_\_\_

Subcontractor: \_\_\_\_\_ Phone \_\_\_\_\_ PCL# \_\_\_\_\_

Subcontractor: \_\_\_\_\_ Phone \_\_\_\_\_ PCL# \_\_\_\_\_

I hereby make application for a permit and all information entered above is true and accurate. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of this application for a permit. I understand that as the permit holder, I shall immediately notify the Code Enforcement Official of any change occurring during the course of the work and further understand that if the Code Enforcement Official determines that such change warrants a new or amended permit, such change shall not be made until and unless a new or amended permit reflecting such change is issued.

*Arif Ibrahim*  
 Owner/Authorized Agent Signature

\_\_\_\_\_ Date

Make Checks Payable To: **Town of Phillipstown (Office Use)**

Chargeable footage: \_\_\_\_\_ sqft. FEES \_\_\_\_\_ Received Date \_\_\_\_\_ 2011

When the application for permit has been examined and the proposed work is deemed in compliance with the applicable requirements of the Uniform Code, Energy Code and the Code of Town Phillipstown, the Code Enforcement Official shall endorse this application by signature and date which hereby authorizes the issuance of said permit when payment of FEES are received and duly recorded.

\_\_\_\_\_ Code Enforcement Officer Signature

\_\_\_\_\_ Date

BUILDING PERMIT NUMBER: \_\_\_\_\_





**PROPOSED SITE PLAN**  
SCALE 1" = 20'



**ZONING CHART (M-1) 1122 NY-9D Garrison, NY 10824**  
EXISTING USE: GAS STATION AND CONVENIENCE STORE  
PROPOSED USE: 11 STORY COMMERCIAL BUILDING

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE INDICATED.

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE	REMARKS
1	11 STORY COMMERCIAL BUILDING	10,000	100%	
2	DRIVEWAY	1,000	10%	
3	PARKING	1,000	10%	
4	LANDSCAPING	1,000	10%	
5	UTILITIES	1,000	10%	
6	ASPHALT DRIVEWAY	1,000	10%	
7	CONCRETE DRIVEWAY	1,000	10%	
8	CONCRETE DRIVEWAY	1,000	10%	
9	CONCRETE DRIVEWAY	1,000	10%	
10	CONCRETE DRIVEWAY	1,000	10%	
11	CONCRETE DRIVEWAY	1,000	10%	
12	CONCRETE DRIVEWAY	1,000	10%	
13	CONCRETE DRIVEWAY	1,000	10%	
14	CONCRETE DRIVEWAY	1,000	10%	
15	CONCRETE DRIVEWAY	1,000	10%	
16	CONCRETE DRIVEWAY	1,000	10%	
17	CONCRETE DRIVEWAY	1,000	10%	
18	CONCRETE DRIVEWAY	1,000	10%	
19	CONCRETE DRIVEWAY	1,000	10%	
20	CONCRETE DRIVEWAY	1,000	10%	

ALL DIMENSIONS TO FACE UNLESS OTHERWISE INDICATED.

**ANTHONY SOTTILE, P.E.**  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF NEW YORK



1122 ROUTE 9D, LLC  
1122 NY-9D Garrison, NY 10824

Project: PROPOSED CARPORT  
Project Address: 1122 NY-9D Garrison, NY 10824

DATE: 11/11/2011  
DRAWN BY: J.S.  
CHECKED BY: A.S.  
SCALE: AS SHOWN  
TYPED BY: J.S.



1122 ROUTE 9D, LLC  
1122 NY-9D Garrison, NY 10824

Project: PROPOSED CARPORT  
Project Address: 1122 NY-9D Garrison, NY 10824

DATE: 11/11/2011  
DRAWN BY: J.S.  
CHECKED BY: A.S.  
SCALE: AS SHOWN  
TYPED BY: J.S.

SP-1





TOWN OF PHILIPSTOWN  
PUTNAM COUNTY, NEW YORK

72.-2-34.11

APPLICATION FOR APPROVAL OF SUBDIVISION PLAT

Tax Map No. \_\_\_\_\_

The undersigned hereby make application to the Planning Board of the Town of Philipstown under Part-One Subdivision Regulations for one of the following (check one):

- for approval of a Preliminary Plat;
- for approval of a Final Plat;
- for approval of a Minor Subdivision as a Final Plat; or
- for revision of a previously Filed Plat.

For Office Use Only

1.	Application # _____
2.	Fee _____
3.	Rec'd by _____
4.	Date _____

I. Identification of Applicant and Owner:

a. Applicant (name) Hudson Highlands Land Trust, Inc. Tel. 845-424-3358  
& Owner  
address 20 Nazareth Way  
Garrison, New York 10524

b. Owner of property if not same as Applicant:

(name) Wing Sommers Keith Tel. (917) 837-5104.  
address P.O. Box 124  
Garrison, NY 10524

II. Attachments: Each of the following, when applicable, shall be attached to and are made a part of this Application (check the items attached):

- A-1 Affidavit of Ownership, executed by the individual, or by the general partner of a partnership, that is the owner of property if not same as the Applicant; OR
- A-2 Affidavit of Ownership, executed by a corporation that is the owner of property if not same as the applicant.
- Appendix B- 1 certification executed by the Applicant if the Applicant is a partnership, corporation, association or business trust.

II Attachments: (cont.)

- Appendix B-2 certification executed by the owner of property if the owner is a partnership, corporation, association or business trust
- Appendix C Disclosure Statement under Sec. 809 of the General Municipal law.
- Appendix D Identification of Property and Proposal.
- Appendix E Identification of Plans and Documents.
- EAF - Environmental Assessment Form
- Application Checklist
- Request for a Waiver of Subdivision Regulations

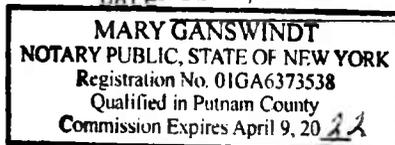
III. Authorization: The Applicant and Owner hereby grant to the Planning Board, the Town Board and Superintendent of Highways, and their authorized agents, permission to enter upon the property that is the subject of this Application for the purpose of inspection and enforcement of the Subdivision Regulations, including the taking of tests and materials samples:

IV. Endorsements:

a. Applicant

Date Feb. 7, 2019

Signed Hudson Highlands Land Trust, Inc.



by

*M. D. Smith*

(authorized agent)

Michelle D. Smith, Exec. Director

b. Owner of Property if not same as Applicant

Date Feb. 7, 2019

Signed \_\_\_\_\_

by Wing Sommers Keith (formerly Blake)

(authorized agent)

A P P E N D I X A-1: AFFIDAVIT OF OWNERSHIP (Individual or Partnership)

State of New York )
County of Putnam ) ss. :

Wing Sommers Keith (formerly Blake) , being duly sworn, deposes and says that she resides at 91 Ft. Defiance Hill Road, Garrison, NY in the County of Putnam , State of New York and that she is the owner in fee of all that certain lot, piece or parcel of land situated , lying and being in the Town of Philipstown, New York, aforesaid and known and designated on the Tax Map of the Town of Philipstown as Lot Number 35 Block 2 on Map 72. and that deponent acquired title to the said premises by deed from Marcia Favrot dated Oct. 15, 1999 and recorded in the Office of the Clerk of the County of Putnam on Oct. 25, 1999 in Liber 1489 of Conveyance at Page 319 and that she hereby consents to the annexed application of Hudson Highlands Land Trust, Inc. for approval of the map (or project) entitled See below and that statements of fact contained in said application, including the statements contained in all of the exhibits transmitted herewith, are true to the best of deponent's knowledge and belief.

(signed) Wing Sommers Keith (formerly Blake)

Sworn to before me this day of February 20 19

"Final Subdivision Plat to adjust the line dividing lands of Hudson Highlands Land Trust, Inc. from lands of Wing Sommers Keith ..."

Notary Public

A P P E N D I X A-2: AFFIDAVIT OF OWNERSHIP (Corporation)

State of New York)

§ s.

County of Putnam )

Michelle D. Smith

\_\_\_\_\_, being duly sworn, deposes and says that she resides at c/o HHLT, 20 Nazareth Way, Garrison in the County of Putnam State of New York that she is the Executive Director of Hudson Highlands Land Trust, Inc. (Title) (Name of Corporation)

which is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Philipstown, New York, aforesaid and known and designated on the Tax Map of the Town of Philipstown as Lot Number 34.11 Block 2 on Tax Map 72. and that said corporation acquired title to the said premises by deed from Lynda Vrooman and Heather Zuckerman dated Dec. 18, 2018 and recorded in the Office of the Clerk of the County of Putnam on Dec. 21, 2018 in Liber 2099 of Conveyances at Page 196 and that consent is hereby given to Hudson Highlands Land Trust, Inc. to make the annexed application for approval of the map (or project) entitled See below

and that statements of fact contained in said application, including the statements contained in all of the exhibits transmitted herewith, are true to the best of deponant's knowledge and belief.

(signed) [Signature] Michele D. Smith, Exec. Director

Sworn to before me this

7th day of February 20 19 [Signature] Notary Public

"Final Subdivision Plat to adjust the line dividing lands of Hudson Highlands Land Trust, Inc. from lands of Wing Sommers Keith ...."

MARY GANSWINDT NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01GA6373538 Qualified in Putnam County Commission Expires April 9, 2022

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

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

Certificate of Hudson Highlands Land Trust, Inc.

Position	Name	Address	% Ownership
The Hudson Highlands Land Trust, Inc. is a non-profit corporation and does not have any stockholders.			%
			%
			%
			%
			%
			%
			%
			%
			%
			%

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

Sworn to before me this  
7th day of February, 2019

*M D Smith*

---

Signature and Title  
 Michele D. Smith, Exec. Director

*Mary Ganswindt*

---

Notary Public

MARY GANSWINDT  
 NOTARY PUBLIC, STATE OF NEW YORK  
 Registration No. 01GA6373538  
 Qualified in Putnam County  
 Commission Expires April 9, 2023

A P P E N D I X C

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

A. Identification of Application or Petition:

1. TO:  Philipstown Town Board  
 Philipstown Planning Board  
 Zoning Board of Appeals  
 Zoning Administration Officer/Building Inspector

2. NAME OF APPLICANT: Hudson Highlands Land Trust, Inc.

3. RESIDENCE: 20 Nazareth Way, Garrison, New York

4. DATE: Feb. 7, 2019

5. NATURE OF APPLICATION OR PETITION: \_\_\_\_\_

Approval of a Final Subdivision Plat (Lot Line Adjustment)

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

None

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

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

Date : Feb. 7, 2019

Signed



Michele D. Smith, Exec. Director

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

This informaton is provided especially for those who may be making appli-  
cation without assistance of counsel, so that they will be fully advised as to  
the purpose and requirements of this statute.

#### SEC. 809. DISCLOSURE IN CERTAIN APPLICATIONS

1. Every application, petition or request submitted for a variance, amend-  
ment, change of zoning, approval of a plat, exemption from a plat or official map  
license or permit, pursuant to the provisions of any ordinance, local law, rule or  
regulation constituting the zoning and planning regulations of a municipality shall  
state the name, residence and the nature and extent of the interest of any state  
officer or any officer or employee of such municipality of which such municipality  
is a part, in the person, partnership or association making such application,  
petition or request (hereinafter called the applicant) to the extent known to such  
applicant.

2. For the purpose of this section an officer or employee shall be deemed to  
have an interest in the applicant when he, his spouse, or their brothers, sisters,  
parents, children, grandchildren, or the spouse of any of them

- (a) is the applicant, or
- (b) is an officer, director, partner or employee of the applicant, or
- (c) legally or beneficially owns or controls stock of a corporate appli-  
cant or is a member of a partnership or association applicant, or
- (d) is a party to an agreement with such on applicant, express or implied,  
whereby he may receive any payment, or other benefit, whether or not  
for services rendered, dependent or contingent upon the favorable  
approval of such application, petition or request.

3. Ownership of less than five per cent of the stock of a corporation  
whose stock is listed on the New York or American Stock Exchanges shall not  
constitute an interest for the purposes of this section.

4. A person who knowingly and intentionally violates this section shall  
be guilty of a misdemeanor.

A P P E N D I X D: IDENTIFICATION OF PROPERTY AND PROPOSAL

D-1. Property

- a. Total acres 77.76
- b. Does application cover all contiguous land of the owner? \_\_\_\_\_  
If no, explain any excluded area  
Yes \_\_\_\_\_
- c. Tax Map: Sheet 72. Block 2 Parcel(s) 34.11 & 35
- d. Last deed: Date Dec. 18, 2018 Liber 2099 Page 196  
Oct. 15, 1999 Liber 1489 Page 196

D-2. Location:

- a. Zoning District(s) Rural Conservation
- b. Property abuts (street or roads) Travis Corners Road
- c. Municipal Districts encompassing all or part of property:  
School: Garrison  
Fire Protection: Garrison  
Other: \_\_\_\_\_
- d. Does plat propose a new street or private way connecting directly into any State Highway or County Road? No If yes, give name and route # \_\_\_\_\_
- e. Does plat involve drainage lines connecting directly into any channel lines established by the County of Putnam? No
- f. Does plat include any land within 500 feet of any abutting municipality, the boundary of any existing or proposed County or State park or recreation area, the right-of-way of any existing or proposed County or State highway, the existing or proposed right-of-way or stream channel owned by the County and for which channel lines have been established, or the boundary of County or State land on which a public building or institution is established? No  
If yes, specify Property abuts the Appalachian Trail, Federal Land
- g. Give name and address of all property owners within 500 feet of the perimeter boundary of the proposed plat (as indicated in the current Town Tax Assessor's records): SEE ATTACHED LIST

D-3. Proposal:

2 (no change)

- a. Number of Proposed Lots: \_\_\_\_\_, number already occupied by dwellings, if any: 1
- b. Length of Proposed streets or private ways in Plat: \_\_\_\_\_ feet. Zero, already exist
- c. Does Applicant propose to dedicate to public use all of the streets shown on the proposed plat? NO, if not, describe Streets are to remain private.
- d. Approximate acreage of land proposed as open space for parks and playground: Zero\* acres.
- e. Does applicant propose to dedicate to public use all of the open space shown on the proposed plat? No, if not, describe None shown
- f. How is water supply to be provided? Individual wells Has any application been made to the County of Putnam or State of New York for approval of proposed water supply? No, if yes, give date and describe \_\_\_\_\_
- g. How is sewage disposal to be provided? Individual SSTS Has any application been made to the County of Putnam or State of New York for sewage discharge or approval of a sewage disposal system? No, if yes, give date and describe \_\_\_\_\_
- h. Does proposed plat include any wetlands and/or water courses as defined by the State of New York or an applicable Local Law? Yes, if yes, describe See Plat. No activity anticipated near streams.

D-4. Procedures:

- a. Does applicant (in the case of preliminary plats) propose to submit a final subdivision plat to cover entire preliminary plat or to file same in sections?
- entire;
- in sections.
- b. Does applicant intend to request any special authorization for the plat under any of the following? No If yes, specify,
- Sec 281 of Town Law (cluster)
- Waiver of Subdivision Regulation (Sec. 5)
- Alternate road standards

\* Property will be subject to conservation easements that restrict development

D-5. Encumbrances: If property is subject to any of the following encumbrances, describe or attach copies:

- a. easements Previously approved private road, Sewage Disposal System Easement  
Access Easement, Utility Easement. See Plat
- b. deed restrictions on use and development Not at this time, but proposed\*
- c. mortgages None
- d. liens None
- e. leases None
- f. other None

D-6. Minor Plat: If request is made for acceptance of an application for final, approval of minor subdivision plat, complete the following:

- a. Does plat incorporate all of the tract from which lots are proposed to be divided? Yes
- b. Does the plat map show all natural water courses, ponds, swamps, flood plains or other land subject to potential flooding within the plat and any other land subject to potential flooding within the plat and any drainage onto the plat from any existing State Highway, County Road or Town Street? Yes

A P P E N D I X E: IDENTIFICATION OF PLANS AND DOCUMENTS

E-1. Surveyor and Designer(s) Responsible for Plans:

- a. Surveyor (name) Badey & Watson, Surveying & Engineering, P.C.  
Address 3063 Route 9  
Cold Spring, NY 10516 Tel. 845-265-9217  
N. Y. License No. 50389 (Jennifer W. Reap)
- b. Engineer (name) N.A.  
Address \_\_\_\_\_  
\_\_\_\_\_ Tel. \_\_\_\_\_  
N. Y. License No. \_\_\_\_\_
- c. Other (name) N.A.  
Address \_\_\_\_\_  
\_\_\_\_\_ Tel. \_\_\_\_\_  
N. Y. License, if any \_\_\_\_\_

E-2. Maps and Plans:

- a. Title and Date of Proposed Plat Map: Final Subdivision Plat to adjust  
the line dividing lands of Hudson Highlands Land Trust, Inc. from lands of Wing Sommers Keith ...."  
No. of Sheets: 1 Dated February 7, 2019
- b. Title and Date of Proposed Profiles and Construction Plans: N.A.  
\_\_\_\_\_  
No. of Sheets: \_\_\_\_\_
- c. Title, Date and Preparer of other maps and plans: N.A.  
\_\_\_\_\_

E-3. Other: Give titles, dates and preparer of reports and documents accompanying application: (such as results of soils test and reports on drainage, sewage disposal and water supply):

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E-4. Attorney (if any):

- a. (name) None  
Address \_\_\_\_\_  
\_\_\_\_\_ Tel. \_\_\_\_\_

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

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

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

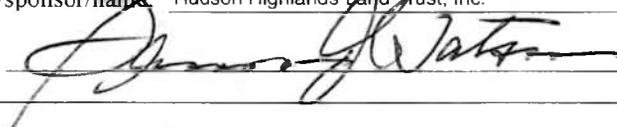
<b>Part 1 – Project and Sponsor Information</b>			
Hudson Highlands Land Trust, Inc.			
Name of Action or Project:			
Approval of "Final Subdivision Plat to adjust the line dividing lands of Hudson Highlands Land Trust, Inc. from lands of Wing Sommers Keith ..."			
Project Location (describe, and attach a location map):			
Travis Corners Road. See Location map on Plat.			
Brief Description of Proposed Action:			
Subdivision Approval to effect a lot line adjustment of two parcels containing 72.76 acres and 5 acres to two parcels containing 47.27 acres and 30.49 acres, respectively. Access to the lots is via a private Open Development Area Road that had been previously approved. No additional lots will result.			
Name of Applicant or Sponsor:		Telephone: 845-424-3358	
Hudson Highlands Land Trust, Inc.		E-Mail: katrina.shindledecker@hhl.org	
Address:			
20 Nazareth Way			
City/PO:		State:	Zip Code:
Garrison		New York	10524
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3. a. Total acreage of the site of the proposed action?			Zero
b. Total acreage to be physically disturbed?			Zero
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			Zero
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Adjoins Appalachian Trail (Federal Land)			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input 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: _____ Not Applicable to this project	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Individual drilled wells will supply water.	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: _____ Individual subsurface sewage treatment systems will treat sewage	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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?  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: _____ See Attached NYS DEC Environmental Mapper print-outs	NO <input type="checkbox"/> <input type="checkbox"/>	YES <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 checked="" 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	YES
Northern Long-eared Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

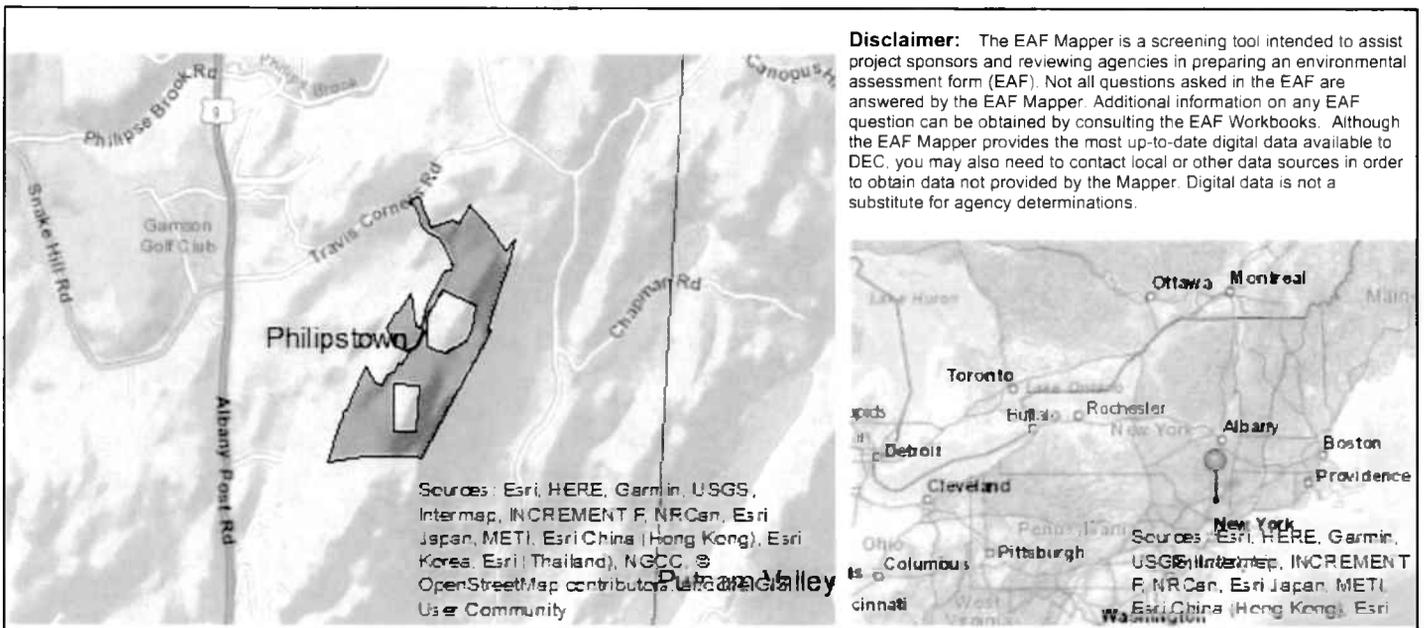
**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Hudson Highlands Land Trust, Inc. Date: February 7, 2019

Signature:  Title: Surveyor for Applicant

# EAF Mapper Summary Report

Wednesday, February 06, 2019 1:34 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

8K1489PG0319



PUTNAM COUNTY RECORDING AND ENDORSEMENT PAGE  
(THIS PAGE FORMS PART OF THE INSTRUMENT)

TYPE OR PRINT IN BLACK INK ONLY

RECORD & RETURN TO:  
(Name, Address, & Zip)

Paul Weiss Rifkind Wharton  
& Garrison  
1285 Avenue Of The Americas  
New York, New York 10019  
Attn: Robert Hajdu, Esq.

GRANTOR/MORTGAGOR  
Marcia Favrot  
  
TO  
Wing Sommers Blake  
GRANTEE/MORTGAGEE

DO NOT WRITE BELOW THIS LINE

INSTRUMENT # \_\_\_\_\_

INSTRUMENT TYPE: DEED / MORTGAGE SAT ASMT OTHER

RECORDING FEES	# OF PAGES
RCD FEE	3.00
STAT CHG	5.00
REC MGMT	5.00
CROSS REF	.00
CERT/COPY	.00
<b>TOTAL</b>	<b>36.00</b>

RESERVE FOR TIME STAMP

JOSEPH L. PELOSO, JR.  
PUTNAM COUNTY CLERK  
99 OCT 25 AM 10:47

**DEED TRANSFER TAX**  
CONSIDERATION \$ 1200000.00  
TOWNSHIP PHILIPSTOWN

RECEIVED  
\$ 12000.00  
REAL ESTATE  
1051  
TRANSFER TAX  
PUTNAM COUNTY

PUTNAM COUNTY CLERK'S OFFICE  
RECORDED ON Oct 25 1999

LIBER 1489 PAGE 319 AND EXAMINED.  
*Joseph L. Peloso*  
JOSEPH L. PELOSO, JR.  
PUTNAM COUNTY CLERK

**MORTGAGE TAX**  
MTX AMOUNT \_\_\_\_\_  
SERIAL NUMBER \_\_\_\_\_  
TOTAL TAX \_\_\_\_\_  
AFFIDAVIT FILED YES / NO

**MORTGAGE TAX DISTRICTS:**  
TOWN OF CARMEL  
TOWN OF KENT  
TOWN OF PATTERSON  
TOWN OF PHILIPSTOWN  
TOWN OF PUTNAM VALLEY  
TOWN OF SOUTHEAST  
UNAPPORTIONED

**MORTGAGE TYPES:**  
A COMMERCIAL  
B 1 - 2 FAMILY  
C UNDER \$10,000  
D CREDIT UNION/PERSONAL MTG  
E 3 - 6 UNITS  
O OPTIONAL  
N EXEMPT

- 16809

NYST  
# 4800  
48960320

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR  
STATUTORY FORM C**

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE SIGNING.

*THIS INDENTURE*, made the 15 day of October, nineteen hundred and ninety nine,

between

Marcia Favrot  
of  
91 Fort Defiance Hill Road, Garrison NY 10524

party of the first part, and

Wing Sommers Blake  
of  
163 E 73rd Street, New York, NY 10021

party of the second part:

*WITNESSETH*, that the party of the first part, in consideration of ten dollars, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, her heirs and assigns forever, all of the property known as 91 Fort Defiance Hill Road, hamlet of Garrison, Town of Philipstown, Putnam County, NY ; tax map number 72.-2-35, said property being the same conveyed by Edward A. Vrooman to Marcia Favrot through a deed recorded on February 10, 1984, in the Office of the Putnam County Clerk at libre 806, page 103 and more fully described in the attached Schedule A, 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, his heirs and assigns forever. And the party of the first part covenants that she has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

DESCRIPTION - SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Phillipstown, County of Putnam and State of New York and bounded and described as follows:

BEGINNING at a point south of Travis Corners Road, said point being located North 79 degrees 15 minutes 38 seconds East 673.66 feet from the most easterly corner of Lot No. 4 as shown on a certain map entitled, "Open Development Area...for Daniel J. Donovan..." filed in the Putnam County Clerk's Office on April 18, 1978 as Map No. 1648:

RUNNING THENCE from said point of beginning, South 79 degrees East 339.13 feet to a point, said point being the northeasterly corner of the within described premises;

RUNNING THENCE South 11 degrees 00 minutes West 642.23 feet to a point;

THENCE North 79 degrees 00 minutes West 339.13 feet to a point;

THENCE North 11 degrees 00 minutes East 642.23 feet to the point and place of BEGINNING.

TOGETHER with an easement for ingress and egress to and from Travis Corners Road, in common with others, over the following described right of way:

COMMENCING at a point of beginning of the above described premises and running thence South 79 degrees 00 minutes East 75.08 feet to the point of beginning of the hereinafter described easement;

RUNNING THENCE from said point of beginning along the westerly line of said easement North 40 degrees 30 minutes East 104.04 feet; northerly on a curve to the left having a radius of 55 feet, an arc distance of 40.32 feet; North 01 degrees 30 minutes 00 seconds West 68.00 feet; northerly on a curve to the right having a radius of 125 feet, an arc distance of 95.99 feet; North 42 degrees 30 minutes East 210 feet; northerly on a curve to the left having a radius of 175 feet, an arc distance of 153.65 feet; North 07 degrees 48 minutes 22 seconds West 279.34 feet; North 07 degrees 08 minutes 38 seconds East 234 feet; northerly on a curve to the right having a radius of 205.68 feet, an arc distance of 89.63 feet; North 32 degrees 06 minutes 38 seconds East 249.77 feet; northerly on a curve to the left having a radius of 375 feet, an arc distance of 139.19 feet; northerly on a curve to the right having a radius of 175 feet, an arc distance of 158.98 feet; northerly on a curve to the left having a radius of 125 feet an arc distance of 188.53 feet; North 23 degrees 31 minutes 22 seconds West 224.63 feet; northerly on a curve to the left having a radius of 175 feet, an arc distance of 66.48 feet; North 45 degrees 17 minutes 22 seconds West 137.45 feet; northerly on a curve to the left having a radius of 35 feet, an arc distance of 16.13 feet; northerly on a curve to the right having a radius of 174.95 feet, an arc distance of 179.89 feet and North 12 degrees 47 minutes 02 seconds West 38.00 feet to a point, said point being the most northwesterly corner of the 50-foot wide portion of the within described easement area;

BK 1489PG0322

TITLE NO. TA#99(10)801

DESCRIPTION - SCHEDULE A  
(Continued)

RUNNING THENCE North 77 degrees 12 minutes 58 seconds East 30 feet to a point which said point being the most southwesterly corner of the 20-foot wide portion of the within described easement;

RUNNING THENCE North 12 degrees 47 minutes 02 seconds West 356.84 feet and North 38 degrees 31 minutes 22 seconds West 34.47 feet to the southeasterly side of Travis Corners Road;

RUNNING THENCE along the same, North 48 degrees 52 minutes 54 seconds East 20.02 feet to a point;

RUNNING THENCE along the easterly line of the 20-foot wide portion of the within described easement and continuing along the easterly line of the 50-foot wide portion of said within described easement, South 38 degrees 31 minutes 22 seconds East 39.94 feet, South 12 degrees 47 minutes 02 seconds East 399.41 feet; southerly on a curve to the left having a radius of 124.95 feet, an arc distance of 128.48 feet; southerly on a curve to the right having a radius of 85 feet, an arc distance of 39.18 feet; South 45 degrees 17 minutes 22 seconds East 137.45 feet; southerly on a curve to the right having a radius of 225 feet, an arc distance of 85.48 feet; South 23 degrees 31 minutes 02 seconds East 224.63 feet; southerly on a curve to the right having a radius of 175 feet, an arc distance of 263.94 feet; southerly on a curve to the left having a radius of 125 feet, an arc distance of 113.56 feet; southerly on a curve to the right, having radius of 425 feet, an arc distance of 157.75 feet; South 32 degrees 06 minutes 38 seconds West 249.77 feet; southerly on a curve to the left having a radius of 155.68 feet, an arc distance of 67.84 feet; South 07 degrees 08 minutes 38 degrees West 227.44 feet; South 07 degrees 48 minutes 22 seconds East 272.78 feet; southerly on a curve to the right having a radius of 225 feet, an arc distance of 197.55 feet; South 42 degrees 30 minutes West 210 feet; southerly on a curve to the left having a radius of 75 feet, an arc distance of 57.60 feet; South 01 degrees 30 minutes East 68 feet; southerly on a curve to the right having a radius of 105 feet; an arc distance of 76.97 feet and then South 40 degrees 30 minutes East 75.76 feet to the northerly line of the above described premises;

RUNNING THENCE along the same North 79 degrees 00 minutes West 57.45 feet to the point and place of BEGINNING.

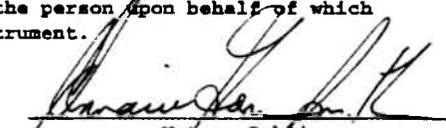


BK 1489PG0324

State of New York )  
County of NY ) \*\*:

On the 15 day of October in the year 1999 before me, the undersigned, a Notary Public in and for said State, personally appeared MARCIA FAVROT

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) / this 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.

  
\_\_\_\_\_  
Notary Public

ANNMARIE GANNON SMITH  
Notary Public, State of New York  
No. 01SM4808148  
Qualified in Nassau County  
Commission Expires July 31, 2000



L. 1489 Pg. 324A

Section: 72  
Block: 2  
Lot: 35

Section 72

Block 2

Lot 35

County Putnam

Premises: 91 Fort Defiance Hill Rd  
Philipstown NY

Title# TA 99 10 801

Record + Remarks

Paul Weiss Esq

1285 Ave of the Americas

NY NY 10019

Att: Robert Hajdu Esq



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



ACS-00000000443576-00000000850201-011

**Endorsement Page**

Document # 1503391      Drawer # 04      Recorded Date: 12/21/2018  
 Document Type: DEED COM OR VACANT      Book 2099      Page 196      Recorded Time: 11:33:31 AM  
 Document Page Count: 11      Receipt # 20450

<b>PRESENTER:</b> MARYANN MCGOVERN KENYON ESQ PO BOX 866 102 AVENUE OF THE STARS NORTH BLENHEIM, NY 12131	<b>RETURN TO:</b> MARYANN MCGOVERN KENYON ESQ PO BOX 866 102 AVENUE OF THE STARS NORTH BLENHEIM, NY 12131
---	---

**PARTIES**

<b>GRANTOR</b> LYNDA VROOMAN EXECUTOR	<b>GRANTEE</b> HUDSON HIGHLANDS LAND TRUST INC
--	---

**FEE DETAILS**

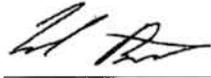
Consideration:	\$660,000.00
1503391	
DEED COM OR VACANT    11	75.00
FP-584                    1	5.00
CULTURAL EDUCATION	15.00
RP-5217 COMMERCIAL	250.00
RECORD MANAGEMENT	5.00
TRANSFER TAX	2,640.00
PROCESSING FEE        1	1.00
<b>AMOUNT FOR THIS DOCUMENT:</b>	<b>2,991.00</b>
RETT #                    000001074	

**RESERVED FOR CERTIFICATION**

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315  
 REAL PROPERTY LAW

**EXEMPTIONS**

**RESERVED FOR CLERKS NOTES**

  
 Michael C. Bartolotti  
 Putnam County Clerk

**THIS INDENTURE**, made the 18<sup>th</sup> day of December, in the year 2018  
**BETWEEN**

**Lynda Vrooman**, residing at 129 North River Drive, Beacon New York 12508 and  
**Heather Zuckerman**, residing at 663 Old Albany Post Road, Garrison, New York 10524

as Co-Executors of the last will and testament of Edward A. Vrooman, late of Garrison, New York, deceased,  
party of the first part, and

**Hudson Highlands Land Trust, Inc.**, 20 Nazareth Way, P.O. Box 226, Garrison, New York 10524,

party of the second part.

**WITNESSETH**, that the party of the first part, to whom letters testamentary were issued by the  
Surrogate's Court of the State of New York for the County of Putnam on December 23, 2005  
and by virtue of the power and authority given in and by said last will and testament, and in consideration of Six  
Hundred Sixty Thousand (\$660,000.00) 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, and more bounded and described in  
the annexed Schedule A.

**TOGETHER** with all right, title and interest, if any, of the party of the first part of, in and to any streets and  
roads abutting the above-described premises to the center lines thereof;

**TOGETHER** with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death  
in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of,  
whether individually, or by virtue of said will or otherwise;

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and  
assigns of the party of the second part forever.

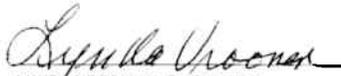
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything  
whereby the said premises have been incumbered in any way whatever, except as aforesaid.

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

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

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

IN PRESENCE OF:

  
LYNDA VROOMAN, CO-EXECUTOR

  
HEATHER ZUCKERMAN, CO-EXECUTOR

Recorded by:  
Sneeringer Monahan Provost  
Redgrave Title Agency, Inc.  
800 724-7856 Title No.: MO69638

## SCHEDULE A

### Description of Property (Vrooman to Hudson Highlands Land Trust, Inc.)

**ALL** that certain parcel of land situate in the Town of Philipstown, County of Putnam, and State of New York that is a major portion of Parcel A shown on that certain "... Subdivision Plat prepared for Edward A. & Lynda Vrooman..." which was filed in the Putnam County Clerk's office on July 24, 2006, as Map No. 3027, that is bounded and described as follows:

**BEGINNING** at the point on the southerly line of Travis Corners Road, where it is met by the line dividing said Parcel A on Filed Map No. 3027, on the west, from lands formerly of Robinson, formerly of Major, formerly of Pinkel and now or formerly Gibbons, on the east, said division line also being the centerline of the easterly branch of the right-of-way leading southerly from Travis Corners Road to lands formerly of Favrot and now or formerly of Blake, all as shown on said Filed Map No. 3027.

**THENCE** from the said point of beginning southerly along said Gibbons lands, continuing along lands formerly of Robinson, formerly of Mensch, formerly of Bender and now or formerly of Dupree, and always along the centerline of the said easterly fork of the right-of-way

S 38°39'10" E 37.20 feet, and  
S 12°54'50" E 362.16 feet,

to a point at the southerly line of said lands formerly of Robinson, formerly of Mensch, formerly of Bender and now or formerly of Dupree. Thence along the said southerly line, and through the said easterly branch of the said right-of-way shown on Filed Map No. 3027

N 60°04'50" E 10.46 feet

to a point on the easterly line thereof and the line of lands heretofore conveyed by Lynda Vrooman and Heather Zuckerman as Trustees of the Estate of Edward A. Vrooman to Charles W. and Emily Dupree, by the deed dated April 27, 2007, and recorded in the Putnam County Clerk's Liber 1774 of deeds at page 88. Thence along the said lands so conveyed to Charles W. and Emily Dupree, through said Parcel A on Filed Map No. 3027 and along the easterly line of the said easterly branch of the right-of-way shown on Filed Map No. 3027, first

S 12°54'50" E 38.02 feet

and then on a tangent curve to the left, the central angle of which is 10°45'17", the radius of which is 124.95 feet for 23.45 feet to a point. Thence still along the line of lands so conveyed to Charles W. and Emily Dupree, still through said Parcel A on Filed Map No. 3027, but no longer along the easterly line of the last-mentioned right-of-way, the following courses:

N 75°00'00" E 350.19 feet,  
S 54°00'00" E 104.50 feet, and

N 36°50'00" E 300.00 feet,

to a point at the line of lands formerly of Fish, formerly of Forster and now or formerly of Guernsey. Thence along the said Guernsey lands and, in part, along the centerline of the stone wall marking it

S 43°10'40" E 72.72 feet, and  
S 42°10'00" E 209.29 feet,

to a point at the corner common among said Guernsey lands, lands now or formerly of Forster, now or formerly of Guernsey and lands now or formerly of Soehnlén. Thence along the said Soehnlén lands and in part along the centerline of the stone wall marking it

S 39°34'10" E 232.46 feet,  
S 38°55'50" E 70.44 feet,  
S 42°06'31" E 140.41 feet,  
N 67°09'49" E 22.29 feet, and  
N 40°10'00" E 131.19 feet,

to a point that is the corner common among said Parcel A on Filed Map No. 3027, lands now or formerly of Rosenberg and lands shown on that certain "Subdivision Plat prepared for Alexander Berne ...," which was filed in the Putnam County Clerk's office on May 2, 2002, as Map No. 2898. Thence along the said Rosenberg lands, the following courses:

S 12°27'50" W 375.80 feet,  
S 22°58'20" W 335.34 feet, and  
S 14°55'40" W 569.99 feet,

to a point at the line of lands now or formerly of the United States of America, which point is now designated "Point D-1". Thence through said Parcel A on Filed Map No. 3027 and the lands now being described and mostly along the centerline of a stone wall, the following courses:

S 89°35'50" W 113.14 feet,  
S 78°36'42" W 19.25 feet, and  
N 88°04'45" W 90.49 feet,

to a point at the line of lands now or formerly of Dugan, which point is now designated "Point D-2". Thence counterclockwise around and along the said Dugan lands, the following courses:

N 08°24'25" E 120.00 feet,  
N 17°21'32" E 235.02 feet, and  
N 68°33'02" W 552.23 feet

to a point on the easterly line of the right-of-way, leading southerly from Travis Corners Road to lands formerly of Favrot and now or formerly of Blake known as Fort Defiance Hill Road. Thence southerly along the easterly line of the said right-of-way and continuing counterclockwise around

and along the said Dugan lands, first on a non-tangent curve to the right, the center of which bears N68°33'02"W, the central angle of which is 10°31'52", the radius of which is 425.00 feet for 78.12 feet, then

S 31°58'50" W 249.77 feet

then on a tangent curve to the left, the central angle of which is 24°58'00", the radius of which is 155.68 feet for 67.84 feet, and then

S 07°00'50" W 227.44 feet, and  
S 07°56'10" E 217.78 feet,

to a point. Thence continuing counterclockwise around and along the aforementioned Dugan lands, but no longer along the easterly line of Fort Defiance Hill Road,

S 62°53'20" E 156.03 feet

to a point. Thence still counterclockwise around and along the aforementioned Dugan lands and generally along the northwesterly edge of an old wood road, the following, first on a non-tangent curve to the right, the center of which bears S28°41'50"E, the central angle of which is 57°49'40", the radius of which is 50.00 feet for 50.46 feet, then

S 60°52'10" E 49.14 feet

then on a tangent curve to the left, the central angle of which is 75°54'00", the radius of which is 40.00 feet for 52.99 feet, then

N 43°13'50" E 27.30 feet

then on a tangent curve to the right, the central angle of which is 21°46'00", the radius of which is 200.00 feet for 75.98 feet, then

N 64°59'50" E 88.78 feet

then on a tangent curve to the left, the central angle of which is 34°32'08", the radius of which is 200.34 feet for 120.76 feet, and then

N 30°27'42" E 171.04 feet,

returning to the aforementioned "Point D-2". Thence once again through Parcel A on Filed Map No. 3027 and the lands now being described and mostly along the centerline of a stone wall

S 88°04'45" E 90.49 feet,  
N 78°36'42" E 19.25 feet, and  
N 89°35'50" E 113.14 feet,

returning to the aforementioned "Point D-1", the southwesterly corner of the aforementioned Rosenberg lands and the northwesterly corner of the aforementioned lands now or formerly of the United States of America. Thence along the said United States of America lands

S 25°17'49" W 1,940.34 feet,

to a point now designated "Point B-1". Thence once again through said Parcel A on Filed Map No. 3027 and the lands now being described.

N 46°04'46" W 288.19 feet,

to a point now designated "Point B-2", which point is the southeasterly corner of lands formerly of Favrot and now or formerly of Blake. Thence counterclockwise around and along the said Blake lands, the following courses:

N 10°52'12" E 642.23 feet,  
N 79°07'48" W 339.13 feet,  
S 10°52'12" W 642.23 feet, and  
S 79°07'48" E 339.13 feet,

returning to said "Point B-2". Thence once again through said Parcel A on Filed Map No. 3027 and the lands now being described

S 46°04'46" E 288.19 feet,

returning to said "Point B-1" and a corner in the line of lands now or formerly of the United States of America. Thence along the said United States of America lands and continuing along lands formerly of Cattell and now or formerly of Prior, the following courses:

S 75°17'28" W 100.00 feet,  
N 74°54'45" W 80.04 feet,  
N 86°27'39" W 201.07 feet,  
S 89°02'44" W 181.57 feet,  
N 87°27'17" W 315.33 feet,  
S 83°53'41" W 219.47 feet, and  
S 81°14'16" W 314.86 feet,

to a point at the line of lands formerly of Croft and now shown on that certain map entitled "Open Development Area ... Daniel Donovan ...," which was filed in the Putnam County Clerk's office on April 18, 1978 as Map No. 1648. Thence along the said lands shown on Filed Map No. 1648 and, in part, along the centerline of a stone wall marking it, the following courses:

N 18°08'42" E 522.15 feet,  
N 10°22'44" E 45.99 feet,  
N 21°31'10" E 59.02 feet,

N 04°16'01" E 34.81 feet,  
N 13°36'51" E 20.95 feet,  
N 47°50'20" E 47.38 feet,  
N 29°56'08" E 28.55 feet,  
N 31°18'24" E 92.15 feet,  
N 33°43'34" E 40.09 feet, and  
N 66°40'26" W 43.04 feet,

to a point at the line of lands formerly of Estabrooke and now or formerly of Moebus. Thence along the said Moebus lands, and mostly along the centerline of a stone wall marking it, the following courses:

N 18°00'41" E 31.40 feet,  
N 24°53'26" E 162.23 feet,  
N 38°52'31" E 26.29 feet,  
N 27°08'34" E 109.97 feet,  
N 19°50'25" E 70.12 feet,  
N 29°58'45" E 60.75 feet, and  
N 26°57'58" E 46.20 feet,

to a point at the line of lands now or formerly of Endler. Thence along the said Endler lands

S 31°45'42" E 249.94 feet, and  
S 57°40'00" E 125.00 feet,

to a point on the westerly line of the license area shown on said Filed Map No. 3027. Thence along the westerly line of the said license area and continuing along the said lands now or formerly of Endler, the following, first

N 32°20'00" E 95.00 feet

then on a tangent curve to the right, the central angle of which is 17°45'00", the radius of which is 100.00 feet for 30.98 feet, then

N 50°05'00" E 100.00 feet

then on a tangent curve to the left, the central angle of which is 20°47'00", the radius of which is 50.00 feet for 18.14 feet, and then

N 29°18'00" E 151.00 feet,  
S 60°42'00" E 25.00 feet,  
N 29°18'00" E 151.00 feet

then on a tangent curve to the right, the central angle of which is 24°29'00", the radius of which is 100.00 feet for 42.73 feet, then

N 53°47'00" E 135.00 feet

then on a tangent curve to the left, the central angle of which is 20°43'00", the radius of which is 100.00 feet for 36.16 feet, and then

N 33°04'00" E 170.00 feet,

to a point at the westerly line of that portion of the right-of-way shown on Filed Map No. 3024 that is designated Fort Defiance Hill Road. Thence along the westerly line of Fort Defiance Hill Road and still along the said Endler lands

N 07°56'10" W 38.10 feet,

to another point at the westerly line of the aforementioned westerly branch of the right-of-way shown on Filed Map No. 3027. Thence once again along the westerly line of the said westerly branch of the right-of-way shown on Filed Map No. 3027, and still along the said Endler lands, the following

S 33°04'00" W 198.76 feet

then on a tangent curve to the right, the central angle of which is 20°43'00", the radius of which is 75.00 feet for 27.12 feet, then

S 53°47'00" W 135.00 feet

and then on a tangent curve to the left, the central angle of which is 10°43'56", the radius of which is 125.00 feet for 23.41 feet, to a point. Thence still along the said Endler lands, but no longer along the westerly line of the last-mentioned right-of-way

N 60°42'00" W 200.00 feet, and

N 24°00'00" W 251.30 feet,

to another point on the line of the aforementioned lands formerly of Estabrooke and now or formerly of Moebus. Thence along the said Moebus lands and, in part, along the centerline of a stone wall marking it, the following courses;

N 33°07'58" E 124.12 feet,

N 24°26'17" E 50.69 feet,

N 33°09'58" E 41.91 feet,

N 24°20'21" E 28.04 feet,

N 56°46'19" E 39.87 feet,

N 50°34'34" E 58.54 feet, and

N 31°58'15" E 278.57 feet,

to a point at the line dividing said Lot A and the lands now being described, on the southwest from Lot B on said Filed Map No. 3025, on the northeast. Thence along the last-mentioned division line

S 11°50'48" E 486.65 feet, and  
S 82°59'10" E 85.29 feet

to yet another point on the westerly line of that portion of the right-of-way shown on Filed Map No. 3024 that is designated Fort Defiance Hill Road. Thence along the westerly line of Fort Defiance Hill Road and still along said Lot B on Filed Map No. 3027 the following, first

N 07°00'50" E 184.00 feet

then on a tangent curve to the right, the central angle of which is 24°58'00", the radius of which is 205.68 feet for 89.63 feet, then

N 31°58'50" E 249.77 feet

then on a tangent curve to the left, the central angle of which is 21°16'00", the radius of which is 375.00 feet for 139.19 feet, then on a curve reversing to the right, the center of which bears S79°17'10"E, the central angle of which is 52°03'00", the radius of which is 175.00 feet for 158.98 feet, then on a curve reversing to the left, the center of which bears N27°14'10"W, the central angle of which is 86°25'00", the radius of which is 125.00 feet for 188.53 feet, then

N 23°39'10" W 224.63 feet

and then on a tangent curve to the left, the central angle of which is 21°46'00", the radius of which is 175.00 feet for 66.48 feet, to a point at the line of lands now or formerly of Supree. Thence along the said Supree lands and continuing along lands formerly of Brazier-Creagh and now or formerly of Young, and always along the westerly line of the right-of-way designated Fort Defiance Hill Road, the following, first

N 45°25'10" W 137.45 feet

then on a tangent curve to the left, the central angle of which is 29°42'38", the radius of which is 35.00 feet for 18.15 feet, then

N 75°07'48" W 90.95 feet

then on a tangent curve to the right, the central angle of which is 54°21'25", the radius of which is 125.00 feet for 118.59 feet, and then the following courses:

N 20°46'23" W 101.07 feet,  
N 09°44'33" W 63.88 feet,  
N 26°31'43" W 88.51 feet,  
N 38°37'53" W 62.71 feet, and  
N 62°27'54" W 89.18 feet

December 5, 2018  
Last revised: 12/11/18

**HUDSON HIGHLANDS LAND TRUST, INC.**  
(Vrooman to Hudson Highlands Land Trust, Inc.)

Page 8 of 8

to another point on the southerly line of Travis Corners Road. Thence easterly along the southerly line of Travis Corners Road, the following courses:

N 52°31'03" E 22.06 feet,  
N 49°47'49" E 24.58 feet,  
N 59°34'17" E 157.13 feet, and  
N 48°45'06" E 24.36 feet,

to the point or place of beginning, containing 72.759 acres, more or less.

**SUBJECT TO and TOGETHER WITH** the benefits and burdens of the rights-of-way shown on said Filed Map No. 3027, including Fort Defiance Hill Road, its easterly branch leading northerly to Travis Corners Road.

**SUBJECT TO** the Subsurface Sewage Treatment System (SSTS) Easement and the Septic Line Easement heretofore conveyed to Peter T. Endler and Anne Endler by the deed from Edward A. Vrooman dated June 2, 1992 and recorded in the Putnam County Clerk's Liber 1159 of deeds at page 237.

**SUBJECT TO** the Temporary License granted to Peter T. Endler and Anne Endler by the deed from Edward A. Vrooman, dated June 2, 1992 and recorded in the Putnam County Clerk's Liber 1159 of deeds at page 237, to the extent said license is in force and effect.

**SUBJECT TO** Utility Easements of record.

Prepared by  
**BADEY & WATSON**  
*Surveying & Engineering, P.C.*  
3063 Route 9  
Cold Spring, New York 10516  
(845) 265-9217 (voice)  
(845) 265-4428 (fax)  
[www.Badey-Watson.com](http://www.Badey-Watson.com)

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester ss:

On the 13 day of Dec in the year 2018  
before me, the undersigned, personally appeared

Lynda Vrooman

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.

W. J. Florence, Jr.  
Notary Public, State of New York  
No. 1256235  
Qualified in Westchester County  
Commission Expires November 30, 2021

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS  
TAKEN IN NEW YORK STATE

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 street and street number if any, thereof);  
that he/she/they know(s)

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

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

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Rensselaer ss:

On the 13 day of Dec in the year 2018  
before me, the undersigned, personally appeared

Heather Zuckerman

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.

W. J. Florence, Jr.  
Notary Public, State of New York  
No. 1256235  
Qualified in Westchester County  
Commission Expires November 30, 2021

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK  
STATE

\*State of \_\_\_\_\_ County of \_\_\_\_\_ ss:

\*(Or insert 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 make such appearance before the undersigned in  
the \_\_\_\_\_

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

Executor's Deed

SECTION 72  
BLOCK 2  
LOT 34 11  
COUNTY OR TOWN County of Putnam/Town of Philipstown

Title No. M-069628  
Lynda Vrooman and Heather Zuckerman, as  
Co-Executors of the Last Will and Testament of  
Edward A. Vrooman.

TO

Hudson Highlands Land Trust, Inc.

RETURN BY MAIL TO:

Maryanne McGovern Kenyon, Esq.  
P O Box 886  
102 Avenue of the Stars  
North Blenheim, NY 12131



500 ' ADJOINERS  
72.-2-34.11  
VROOMAN, LYNDA

61.-3-40  
LARSEN, NIELS  
105 Travis Corners Rd  
Garrison, NY 10524

61.-3-35  
RUSSINOFF, SCOTT  
85 Travis Corners Rd  
Garrison, NY 10524

61.-3-8  
GUERNSEY, ROBT W  
124 Travis Corners Rd  
Garrison, NY 10524

61.-3-2  
HABIB, CHARLES J  
621 Old Albany Post Rd  
Garrison, NY 10524

72.-2-35  
KEITH, WING SOMMERS  
PO Box 124  
Garrison, NY 10524

72.-2-5  
KULLESEID, LARS  
78 Whippoorwill Pond Rd  
Garrison, NY 10524

72.-2-29.1  
HIGBEE, SCOTT  
491 Old Albany Post Rd  
Garrison, NY 10524

61.-3-7  
STEVENSON, PETER  
255 W 94th St Apt 14-J  
New York, NY 10025

61.-3-10, 11  
DUPREE, CHARLES W  
100 Travis Corners Rd  
Garrison, NY 10524

72.-2-30, 31, 32 & 72.-2-7  
UNITED STATES OF AMERICA  
Washington, DC 20240

72.-2-28  
ETTINGER, HEIDI  
481 Old Albany Post Rd  
Garrison, NY 10524

61.-3-41  
TRAVIS CORNER REALTY INC  
PO Box 238  
Florham Park, NJ 07932

61.-3-9  
GUERNSEY, ROBT W JR  
124 Travis Corners Rd  
Garrison, NY 10524

61.-3-38  
IRISH, KYLE  
101 Travis Corners Rd  
Garrison, NY 10524-1231

61.-3-5  
REED FAMILY PROPERTIES  
673 Old Albany Post Rd  
Garrison, NY 10524

61.-3-36, 37  
VOURLIOTIS, MATTHEW  
87 Travis Corners Rd  
Garrison, NY 10524

61.-3-39  
MOUNTAIN RIDGE CORP  
1373 Leland Dr  
Yorktown Heights, NY 10598

61.-3-33.2  
HOORENS D'ORCHIMENT, CARLA  
79 Travis Corners Rd  
Garrison, NY 10524

61.-3-14.1  
ERICKSON, ERIC A  
2 Ft Defiance Hill Rd  
Garrison, NY 10524

61.-3-17  
MAASIK, JOHN  
82 Travis Corners Rd  
Garrison, NY 10524

61.-3-17  
MAASIK, JOHN  
82 Travis Corners Rd  
Garrison, NY 10524

61.-3-18, 19  
NELSON, CHESTER E  
76 Travis Corners Rd  
Garrison, NY 10524

61.-3-15.2  
GREEN, BENJAMIN  
20 Fort Defiance Hill Rd  
Garrison, NY 10524

61.-3-20  
KRAJEWSKI, KRYSTAL  
60 Travis Corners Rd  
Garrison, NY 10524

61.-3-1  
MCGUINESS, LILLIAN  
PO Box 258  
Garrison, NY 10524

61.-3-12.1  
DUGAN, JOHN P  
39 Ft Defiance Hill Rd  
Garrison, NY 10524

72.-2-33  
UNITED STATES OF AMERICA  
PO Box 908  
Martinsburg, WV 25401

72.-2-34.2  
ENDLER, PETER T  
70 Fort Defiance Hill Rd  
Garrison, NY 10524

72.-2-3, 4  
GIUSTI, DOMINICK C  
18 Stone Ridge Rd  
Garrison, NY 10524

61.-3-16  
BAGARIA, RAJAY  
34 Fort Defiance Hill Rd  
Garrison, NY 10524

61.-3-4.1, 4.2  
ZUCKERMAN, NEAL J  
663 Old Albany Post Rd  
Garrison, NY 10524

71.-3-12  
COTTLE, CHRISTOPHER  
14 Stone Ridge Rd  
Garrison, NY 10524

72.-2-2  
BARBER, MICHAEL F  
15 Stone Ridge Rd  
Garrison, NY 10524

61.-3-23  
COLEMAN, SUSAN W  
40-44 Travis Corners Rd  
Garrison, NY 10524