

**MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Old VFW Hall, 34 Kemble Ave., Cold Spring, New York 10516
March 15, 2018
7:30 PM**

Pledge of Allegiance
Roll Call
Approval of Minutes – February 15, 2018

Return of Escrow:

Olspan, 2700 Route 9, Cold Spring **TM# 38.-2-24.2**

Public Hearing:

Robert Miller/Alltec Service Center, 1380 Route 9, Garrison **TM# 82.-2-7**
(The applicant is seeking site plan approval for a motor vehicle service center with apartment above, for an existing 3-bay garage which has previously been utilized for motor vehicle repair but for which the commercial use is currently not operating. The applicant wishes to also use the site for limited automotive sales.)

Surprise Lake Camp, 382 Lake Surprise Road **TM# 27.-1-1.1**
(The applicant is seeking amended site plan approval for various site improvements proposed to improve vehicle/pedestrian safety and circulation as well as stormwater improvements to preserve the quality of the lake.)

Hudson Highland Reserve, Rte 9 & Horton Road (continued from 1/18/18)
(The 210.1-acre tract, involving 6 separate tax parcels, is located on the east side of Route 9 between Horton Road and East Mountain Road North. The eastern edge of the property has frontage on East Mountain Road South. The largest part of the property, 194.5 acres, is located in the "Rural Residential" (RR) zoning district, of which 153.5 acres are also in the "Open Space Overlay" (OSO) district. There are 11.1 acres of the property, in the most westerly part of the tract with frontage along Route 9, that are located in the "Industrial/Manufacturing" (M) zone. The remainder of the property, 4.5 acres is located in the "Highway Commercial" (HC) zone along Route 9. The application for Preliminary Approval is being processed as a "Conservation Subdivision" pursuant to the standards contained within §175-20 of the Zoning Ordinance. A minimum of 154 acres of the overall tract is proposed to remain undeveloped and protected as "Open Space". The Applicant seeks Preliminary Approval of a subdivision that includes 25 residential lots, each containing approximately 1 acre. The 25 lots will be served by individual wells and community wastewater treatment facilities. An equestrian center is also proposed. The 4.5-acre parcel, which is improved with an office building will remain a separate but smaller lot making room for the proposed access road.)

Old Business (All Old Business Pending):

SEJE Realty, LLC, 1510 Route 9, Garrison

TM# 82.-7-14

(Minor Site Plan - The applicant is seeking approval of an additional use, light industrial (steel fabrication), while retaining existing single family residential use, the existing off-street parking and some of the existing storage. Applicant also seeks to add a limited amount of outside storage as part of the light industrial use.)

James Copeland, 3052 Route 9, Cold Spring

TM# 27.16-1-27

(The applicant is seeking a change in use from retail to office space. The space was previously an antiques store and is located in the HC zoning district.)

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
February 15, 2018**

The Philipstown Planning Board held its regular monthly meeting on Thursday, February 15, 2018 at the Old VFW Hall, 34 Kemble Ave., Cold Spring, New York.

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

Absent: Anthony Merante, Chairman

Acting Chair Conner opened the meeting at 7:30 p.m. with the Pledge of Allegiance. Roll call was taken by Mrs. Gallagher.

A. Minutes:

The minutes of January 18, 2018 were reviewed. Mr. Tomann made a motion to adopt the minutes and Mr. Lewis seconded the motion. The vote was as follows:

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

B. Return of Escrow

Sorenson, 1000 Old Albany Post Road, Garrison

Mr. Lewis made a motion to approve the return of escrow and Mr. Tomann seconded the motion. The vote was as follows:

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

Neal Zuckerman - Aye
David Hardy - Aye

Acting Chair Conner stated that the workshop for Hudson Highland Reserve, scheduled to take place immediately before tonight's meeting, has been postponed until March 15th, before the next regularly scheduled Planning Board meeting.

Ms. Conner explained that the Public Hearing for 1380 Route 9, Miller/Alltec Service Center, has also been rescheduled to next month due to the applicant's illness.

C. Public Hearing

SEJE Realty, LLC, 1510 Route 9

Mrs. Gallagher read the notice of public hearing.

Glennon Watson of Badey & Watson was present on behalf of the applicant. Mr. Watson stated the property is located on Route 9 just north of Appalachian Market, opposite Cross Road. He stated the property has existed as a trucking yard for approximately 20 years. Mr. Watson explained there is some contained storage existing on the site, as well as parking. He added that Mr. Abdu and his company are purchasing the property, which is already improved with a commercial building that was previously used by the trucking company. Mr. Watson reported there is a residential unit attached to that which will stay. He added, the trucking company will still have some parking spaces but will largely be removed from the site. The parking, which is essentially used by employees of the Appalachian Market, will remain as well. Mr. Watson stated Mr. Abdu runs a light industrial steel fabrication company. He stated he had a pre-application meeting with the building inspector, planning board members, and Mr. Gainer and it has been determined that this application would fall under light industrial use. Mr. Watson explained that the company will take in materials, fabricate them and take them off site, adding there will be 2-3 employees.

Mr. Watson stated that to the southeast of the building there is a high retaining wall and they have put the outdoor storage on racks, behind the building, so it won't be visible because you will look over it as you come up the old Highland Turnpike and it will be behind the building as you look in from route 9. The entrance will stay the same.

Mr. Watson reported that since Mr. Abdu has taken possession on the strength of his contract he has cleaned up the site considerably. He added there have been some questions with regard to how the finish is applied to the metal; the finish is all applied with a paintbrush, out of paint cans. There's no spray booth, there's no spray painting involved in the operation. At most there will be a little bit of outdoor activity in the better weather but for the most part everything will happen within the existing garage.

Mr. Watson stated there are no physical changes planned. The septic system is in place; the well is in place. There is a stream running through the property which they are not going to encroach

any further on, towards the stream, then the existing improvements. Mr. Watson explained there is nothing physically happening with the property except for the increase in the outdoor storage which he believes will be offset by some of the loss of the removal of some of the trailers and trucking that had been going on in the future. At this time Mr. Watson stated he would be happy to answer any questions.

Mr. Zuckerman stated the board is obviously always supportive of business and have been for many years as a Planning Board. He added, when they looked at this site a few years ago for a very different purpose they had a discussion about drainage, or runoff, from the amount of water that the car wash would use and it getting into the creek. Mr. Zuckerman stated this is clearly not the same situation but when the discussion at the site walk was had, they did discuss the notion of paints, whether applied through industrial tools or paint brushes, the notion of how that paint is captured so that it does not enter into the water supply and asked if any thought had been put into that discussion since the site walk.

Mr. Abdu stated that if any painting were done it would be minimal and indoor. He stated if the board would prefer they do not do any painting on the site he would be willing to comply. Acting Chair Conner clarified that the question was not whether he will have paint but how they will dispose of all of the supplies.

Mr. Zuckerman asked Mr. Gainer how the board could go about ensuring that paint would be only be used indoors and prevented from any outside exposure.

Mr. Gainer stated he would work with the design consultant to make sure appropriate plat notes are placed on the project.

Acting Chair Conner stated she had noticed while on the site visit that there is a large connection of containers that has a stovepipe in it and no windows and the board would like to know what goes on there. Mr. Watson reported that it is a tenant that the seller has in there and they will have that removed but are happy to put a note on the plat for it.

Acting Chair Conner stated there were also containers at the north end, or a shed at the north end, that a landscaping company was using and questioned if that activity would continue. Mr. Watson responded, he would prefer that to continue and that it is supplies for the Landscape Company.

Acting Chair Conner mentioned there were also two tractor trailers north of the building to which Mr. Watson responded they would stay and are also related to another business; they belong to a charity in Peekskill.

Ms. Conner stated that there seem to be several businesses using the property and she questioned Mr. Gainer and Mr. Gaba as to what exactly the board is approving for site plan approval. Mr. Gaba stated it is for amended site plan approval and the only amendment to their site plan that they're seeking is in regard to the steel fabrication business, adding he is unaware if the other items that are on there are pre-existing or if they're illegal. He added, if the board is concerned about it and thinks there may be illegal uses, you can ask for a compliance letter from the

building inspector. Mr. Gaba stated, as far as the site plan goes, all the board is being asked to approve is the amendment to the steel fabrication business. Acting Chair Conner asked the other board members if they would like to get a compliance letter from the building inspector. Mr. Zuckerman stated he believes it is a good idea. The Planning Board voted all in favor of requiring the applicant to obtain a letter from the building inspector regarding compliance.

Mr. Gainer reported that no new materials have been submitted adding that he had issued a memo to the board prior to last month's meeting. He stated there were some things that needed to be resolved as part of the plans. Mr. Watson replied that several of them were on the plans this evening. Mr. Watson stated they are still waiting for some information from the Health Department regarding the septic and wells and as soon as that comes, it would be supplied for review.

Acting Chair Conner asked if there was anyone present in the audience who would like to speak about this application. There was no public comment.

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

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

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

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

Mr. Lewis moved to have Mr. Gainer prepare a draft resolution to be voted on at the next meeting, provided the conditions are met and the approval comes in from County, and Mr. Gagnon seconded the motion. The vote was as follows:

Anthony Merante	-	Absent
Kim Conner	-	Aye

Dennis Gagnon - Aye
Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye
David Hardy - Aye

Hudson Highland Reserve, Rte 9 & Horton Road (continued from 1/18/18)

Mrs. Gallagher read the notice of public hearing. Mr. Watson gave a brief overview of the history of the project. Mr. Watson stated that Mr. O'Rourke, Mr. Gross, 2 people from Fractal and Ms. Gamble were all in attendance to help answer any questions.

Acting Chair Conner requested that anyone who wished to speak please sign the sign-in sheet at the back of the room. She asked that the comments be kept relevant and to the point and that once this public hearing is over, the board has other business to attend to so if anyone is leaving the meeting, please do so quietly.

Lynn Rogoff - 64 East Mountain Road South – Ms. Rogoff stated she had received the public notice because her property is on the border of this property on East Mountain Road South. She stated she has been unable to attend any of the Planning Board meetings until tonight but did attend the Hudson Highland Land Trust educational forum last week. Ms. Rogoff stated that Ms. Smith of the Hudson Highland Land Trust brought to light that the regulations for the livestock and the recreation part of this subdivision, the rules and regulations, have not been promulgated into the code. Ms. Rogoff stated her family has owned this parcel for 37 years and have been here in Cold Spring since 1981. She stated, when her family first bought the land, it was 1 acre zoning then through the comprehensive plan the zoning was changed from 1 acre to 3 acre, then finally to 5 acre zoning for everybody up on that part of the mountain. Ms. Rogoff stated that the property cannot be subdivided. She stated she and her neighbors have lived there peacefully, contiguous to each other, without fences and without dividing their property for decades. Ms. Rogoff stated her concern this evening is the intentions for the livestock and recreation use of the open space. She also questioned how the applicant plans to use East Mountain Road South and East Mountain Road North. She stated that East Mountain Road south is a school bus route. East Mountain Road North is not a school bus route but it is very steep and winding. Ms. Rogoff explained, the main concern is, what is going to happen with 40 plus horses sharing the road with the community. Ms. Rogoff expressed her concerns about people riding horses along the roads as well as going onto her private property, as well as others who live in the area.

Acting Chair Conner stated that they would allow everyone to speak and then allow the applicant's team to address any questions or comments raised at the end.

Dave Merandy – 39 East Mountain Road North, 15 Academy St., Cold Spring – Mr. Merandy explained that he has property on East Mountain Road just up from the driveway to one of the applicant's properties. He stated that he was liaison to the Planning Board when he was on the Town Board when this project first came to the board. Mr. Merandy stated, one of his first thoughts when he looked at this was that this isn't a conservation subdivision. It is his belief that the intention for the conservation subdivision was to actually give open space and to keep the

housing in a tight area, but with all the restrictions and the steep slopes, a conservation easement wouldn't be necessary because the geography prevents a lot of the land from being buildable to begin with. Mr. Merandy requested that the board consider, using the regular zoning codes, what the applicants would actually be able to build here. Mr. Merandy added he thinks that it's actually more environmentally friendly and more the reason why this was incorporated into the new zoning, rather than doing an easement. If the board were to use the regular zoning codes, he believes, with the number of houses that you would be restricted to with our zoning, that you would have more open space and I think would be more to the intention of the law.

Julia Famularo - 59 Esselborne Road, Cold Spring - Ms. Famularo thanked the board for the considerable time and effort they have spent putting in looking at this project. She stated her question is about the water table and how much water is going to be sucked out of the aquifer and if it is sustainable for all the residents who rely on that water thank.

Richard Butensky - 407 East Mountain Road South, Cold Spring - Mr. Butensky stated he believes the concept of the conservation subdivision is a good one and would like to see this town's first applicant succeed. He added, this project, however, in its current form, seems, to Mr. Butensky, to be enactment to the laws and purposes. He added, the conservation subdivision law was enacted to preserve land and resources that would otherwise not be protected in a standard subdivision. He also believes that a standard subdivision would be preferable to this one and added that this plan barely even attempts to seriously protect Ulmer Pond and Clove Creek. Mr. Butensky stated that a standard subdivision would have yielded eight or nine houses used by less than 50 people whereas this project would expose a similar parcel of land to the impact and waste of a hundred residents, plus outside customers to a commercial equestrian operation, plus attendees of equestrian events, plus 40 horses, plus daily truck traffic to bring in feed and truck out waste, plus horse urine with no plan for mitigation, plus the waste outside the stalls that will get washed into the creek and the pond, plus pesticides. Mr. Butensky added that, while the horse trails were removed from the plan, what stops them from reappearing after the fact or from people simply bringing their horses into the woods without official trails? He questioned if the members of the board truly understand the impact of the largest commercial horse operation in town, perhaps the county, on nearby Parkland trails and local roads. Mr. Butensky added, unless land use is constrained beyond what is currently required, much, if not all, of the preserved forest will be destroyed either by the horses themselves or on behalf of the horses through the clearing of trees and underbrush. He stated, the conflict here is that if the land is so constrained, 40 horses will not have adequate room to live humanely. Mr. Butensky added, while the applicant and his representatives seem to view this plan as an entitlement gained through the purchase of undevelopable land, this is clearly at odds with the intention of the conservation subdivision law. Mr. Butensky concluded, the board is obliged to reject any plan submitted under the conservation law that does not actually conserve land and resources and urged the Planning Board to use its power to defend the essence of this law.

Noel Kropf - 11 Lake Celeste Dr., Garrison - Mr. Kropf stated he is also concerned that this development is on clove Creek Aquifer and believes that the 40-horse operation poses a risk to the drinking water. Mr. Kropf also expressed his opinion that this does not qualify as a conservation subdivision.

Andy Galler - 170 Old Albany Post Road, Garrison - Mr. Galler stated he was attending on behalf of the Conservation Board as Chairperson Mark Galezo was not able to attend. Mr. Galler began by wishing the regular Chairman, Ande Merante, who was not in attendance, a speedy recovery on behalf of the Conservation Board, as he just had surgery. Mr. Galler read a memo on behalf of the board, which is on file in the building department.

Dear Chairman Merante and the Planning Board, the Conservation Board respectfully submits the below comments on the revised EAS as a response to Keane & Beane letter dated December 5th 2017 and to provide more clarity to our previous comments and overall position on the current proposal. The following major topics still have not been addressed in full to our satisfaction.

1. The Keane & Beane letter dated December 5th states the goals and spirits of what a conservation subdivision encompasses but is not codified. However, the Conservation Board and the Natural Resource Review Officer believes our comments are fully consistent with the conservation goals and guidelines presented in our adopted Philipstown Comprehensive Plan and natural resource and open space protection plan.
2. We believe the current project plan will significantly impact the site primarily through forest fragmentation. We acknowledge the current layout of roads and structures has been selected due to the location of preferred buildable areas on level terrain that have been previously disturbed and some fragmentation is inevitable. Reducing the lot size or number of structures that surround the pond will provide a wider connecting habitat corridor for the undeveloped areas that will help ameliorate the impacts of fragmentation, provide a higher level of protection of water resources found on the site, and produce improved conservation results overall.
3. The Keane & Beane letter states that the Hudson Highland Reserve proposal was designed in accordance with the principles recommended in the publication guidelines for managing wood thrush and scarlet tanager habitat in the northeast and mid-atlantic regions, and this is published by Highbrands Conservation Services of Heartland Vermont. This is a debatable statement, as this publication recommends clustering near existing roadways and minimizing the footprint of residential and commercial development. The applicant is proposing a new road system and large commercial equestrian center.
4. The CB's concerns of an edge effect, impacts of the proposed large equestrian facility in the adjacent cul de sac on areas having the highest conservation value on the site have not been addressed. The Environmental Law Institute's 2003 publication "Conservation Thresholds for Land Use Planners" recommend that sufficient suitable habitat buffers should exceed 300 metres from all edge peripheries and that the area within the buffer should not be counted as suitable habitat provided for the species conservation. We direct the applicant to review the document and we've provided a link. We suggest that the size and location of the equestrian facility be reconsidered as its proposed location currently serves as a naturalized and important buffer that will protect the area of the highest conservation value from degradation.
5. We again request more information on storm water and wastewater management plans. We believe the scale of the proposal warrants this request. We are not requesting fully completed plans from the applicant but rather intentions, concepts, or examples of environmentally responsible methods that are appropriate for a conservation subdivision. Effective and well-designed storm water and wastewater management are essential for the long-term protection of water resources on-site and for Clove Creek and should not be added to the end of the design proposal but rather integrated throughout the planning process. We again acknowledge the

applicant's efforts to date. We dispute the claim made by the applicant's representatives that our recommendations for a positive declaration under SEQRA is far-reaching. Rather, we believe our concerns reflect our high standard that attempts to uphold town policy and balance the protection of our local natural resources with the needs of the landowner, particularly for parcels within open space conservation and other relevant overlay districts and for a precedent-setting project of this scale. The conservation board takes responsibility very seriously which includes protecting the streams and wetlands of Philipstown as well as advising other boards on how to lessen the potential impacts of disturbances on environmentally sensitive lands such as steep slopes and matrix forests. Our board has a long history of working cooperatively with landowners to try to accommodate the development goals. This is the mandate given to our board. We note again, however, that the proposed conservation subdivision now under consideration is the first such development of this type ever proposed in Philipstown and as such we believe it is imperative that we make the right decisions not only for the applicant, but also for the people of Philipstown.

In conclusion, we again recommend the Planning Board one, issue a positive declaration with regard to the SEQRA process and two, require an environmental impact statement to be prepared by the applicant and their agents to ensure potential environmental impacts of the proposal are better planned and fully considered. We look forward to continuing to work with the applicant and resolve outstanding issues.

Susan Hyatt – 55 Esselborne Road – Ms. Hyatt stated she had sent an email to the board earlier that day but she also had a question for the applicant. She stated she and her husband moved to Philipstown approximately two months ago. Ms. Hyatt stated that the proposed subdivision comes very close to their backyard. She explained that her family chose this area intentionally and specifically for a number of reasons; the natural and peaceful surroundings, the quiet and privacy, and the joy of sharing the space with varied wildlife. Ms. Hyatt stated that it appears that this subdivision does not follow the intent of the Comprehensive Plan and would be a detriment to residents by affecting all of the aforementioned benefits and that they are extremely disappointed that this project is still under consideration in the guise of a conservation subdivision, which it clearly is not. It is their hope that the board will take the recommendation of the Hudson Highlands Land Trust and the many residents of this community that would be adversely affected. Ms. Hyatt asked what the plan is to mitigate the traffic impact on an already heavily traveled, poorly lit, and dangerous road, referring to route 9. She added, if East Mountain Road South and North are still being considered as access routes, those roads as well.

Bettina Utz – 345 East Mountain Road North – Referring to a specific road on the visual, Ms. Utz questioned if it would be used for access or as just an emergency route. She also questioned how many parking spaces the parking lot associated with the equestrian center will have. Ms. Utz also urged the board to consider a conventional subdivision and if a conservation subdivision is considered, she would urge them to cluster the homes further, reduce the number of houses, move the homes away from the pond and also limit the size of the Equestrian Center.

Susan Anspach – 516 East Mountain Road South – Ms. Anspach stated she had a process Question. She reported she was at the meeting last month and the North Highlands fire department raised a number of issues and questioned if they've been answered and if so, if they're available.

Steven Loria - 541 East Mountain Road North – Mr. Loria stated he had sent a letter to both the Planning Board and the Town Board and wished to highlight some key points. Mr. Loria stated his belief that the conservation subdivision law is designed to achieve what it was intended to do based on the comprehensive plan and is concerned that this is potentially a precedent setting case. He stated, as many others, that this proposal does not qualify as a conservation subdivision and a traditional subdivision would yield less houses. He stated the plan calls for an astonishing 25 houses plus an equestrian facility with 40 horses with additional buildings. The horse manure waste from the horses as well as a potentially large number of visitors to the facility has material negative impact on natural resources and does not preserve land, which are, again, the intentions of both the plan and the zoning code. He added, he is concerned with the traffic impact but his biggest concern is the aquifer. Mr. Loria reiterated some of the points he made in the letter he previously sent to the board. He concluded, this is the first project to seek Philipstown Planning Board approval as a conservation subdivision under the towns 2011 zoning code and it is imperative to the town this is done right and that it is compatible with the spirit of the 2007 comprehensive plan and that it does not set precedent for unwanted development resulting in future loss of open space indexed properties.

Ann Hammond - 307 East Mountain Road South – Ms. Hammond stated that she also does not believe this plan qualifies as a conservation subdivision. She added, it seems that there's a defect in the code itself because by no stretch of the imagination is it logical to count undevelopable land in the count of the land that is being conserved. She states she would like to see a moratorium on accepting further conservation development permits until that that coding has been fixed. Ms. Hammond added, she has several questions regarding traffic, what are the plans for that event space, what kind of events will they be holding. She added, the developer mentioned it will be a weekend community and questioned if that is a guarantee or will there suddenly be an influx of new students at the local school. Ms. Hammond also stated her concerns about the aquifer as well as the equine impacts already mentioned.

Susan Lowry - 130 Horton Road - Ms. Lowry stated she has four concerns: the aquifer, pollution, the traffic on Horton Road, and the 40 horses.

Acting Chair Conner asked the applicant to address some of the questions that were raised.

Mr. Watson stated before he answered the questions he has a request and asked anyone in the room, who would deny their neighbor access for an emergency, over their road, raise their hand. No hands were raised. Mr. Watson stated the purpose in that request is that there's been several references to the traffic the development would create on East Mountain Road South, East Mountain Road North, and Horton Road. He stated, no such thing will happen. He added, they have provided that they will use the former Frisenda driveway for emergency access, ingress and egress, in emergencies only to the residents of the subdivision. They have also said in writing that they would provide emergency access only from the subdivision on to Horton Road and that's not just for the Hudson Highlands Reserve but also for people that have to go the other way in the case of an emergency. All of the traffic will be from route 9 into the site up to the Equestrian Center and back.

Mr. Watson stated, with regard to the horses, they have committed that there would be no trails and also committed to a conservation easement that would be enforceable not only by the homeowner's association, who do, frankly, have the power to change some of the rules, but some organization that they will find that will hold the conservation easement and they will have enforcement powers on that. Mr. Watson explained, this Center is not for trail horses but for just such dressage horses which are show horses which dance in horse shows.

Mr. Watson stated there's an aquifer study produced for the town by Tim Miller Associates a number of years ago and another one produced by Chazen Associates a number of years ago. There's information available from governmental agencies that will let you estimate the amount of recharge that a sight produces and if you read the environmental assessment form quoting those and using the figures in those reports, this area has a recharge approximately eight to nine times the demand for water. He added, the 20,000 gallons, in his opinion, is more like 18,000 gallons. Mr. Watson stated the old Lyon's lot will not be touched.

In regards to the lake, Mr. Watson stated the lake has 100 foot regulated buffer that must be respected, that's in the law. He stated they have added a 40-foot buffer. There are also restrictions that are discussed in the EA F with regard to the size of the lawns and limitations on fertilizer that will be imposed on the homeowners that are around the lake. He added, they are collecting the sewage from the houses so that it will be transported away from the lake and put into a common septic system. One big advantage to that common septic system is it has to be professionally maintained; the septic tank has to be emptied and taken away and the systems will work better. They'll be reporting to the state and the Health Department with regard to the proper maintenance of that and the homeowner's association will be charged with managing that whole process.

Mr. Watson stated there's been a couple of different of questions with regard to the Equestrian Center. He added, he does not know the number of parking spaces at the center at this time. Regarding horse waste, he stated that has already been addressed in the EAF. Mr. Watson reported there is a manure collection station, a roll-off container that has a tarp on top of it and it has a building over it into which the manure from the barn and from the paddocks is scooped up and delivered and put into the container and the container is then taken off the site and brought to a place where it can be properly disposed of, that includes urine soaked bedding in the stables. He stated the schedule is not every day, the schedule is probably once a week but it's got an 11-day capacity in the system.

Mr. Steve Gross of Hudson Highlands Environmental Consulting, on behalf of the applicant, stated he is an environmental planner by training and has been doing this for 40 years. He stated, this is a conservation subdivision. Mr. Gross stated that the zoning regulations, steep slopes regulations, wetlands regulations, do not completely preserve land, adding that steep slope laws and wetland laws are permissive; you can get a permit to fill in wetlands, to develop in buffers, you can get permits to cross steep slopes. He added, if this land was to be subdivided and someone comes in, there's a deduction that has to be made for constrained lands, according to the zoning code.

Mr. Gross reported, they are not developing anywhere near clove Creek except for the entrance road. He added, the applicant purchased another piece of property for the sole purpose of moving the entrance further away from Clove Creek.

Mr. Gross stated they have a letter just received today they submitting to the board tonight. we had a limnologist that had originally looked at this and done an assessment of it for the conservation analysis. They went back to them and asked them to take a look at the plans that they've developed, the measures being proposed to install for the protection of Ulmar Pond and give an assessment.

With regard to feed being brought in, Mr. Gross stated he believes the capacity for the feed storage is going to be a full month; it will be brought in basically twelve times a year.

Mr. Gross stated, since there will be recharge on-site, and the wastewater is not being taken off for the sewer system to be treated in a sewage treatment plant, water consumed will equal wastewater produced so any water that's taken out of the aquifer will be treated on site and put back into the aquifer. There will be no depletion of the aquifer.

Mr. Gagnon stated there were people with comments that we're questioning or asking about what kind of events and stated he was curious as well.

Mr. Ulises Liceaga stated there are no events whatsoever and was unsure where that came from. He added there are also no trails; these horses are we are worth millions of dollars, so no one will go on these slopes with these horses.

Mr. Rick O'Rourke, attorney for the applicant, stated this whole project will be the subject of a homeowner's association approved by the New York State Attorney General's Office. He added, as far as restrictions, those restrictions are going to be part and parcel of any approval that is granted and obviously enforced.

Mr. Gainer stated the goal of this process has been to collect public comment and it's probably appropriate for the board to now consider whether they wish to close the public hearing. He stated the planner was present tonight and they could probably discuss next steps, which would include that workshop meeting for the March.

Mr. O'Rourke for the record to confirm the fact that what has been handed up to the Planning Board is a document dated February 15, 2018 which is response to comments received at the public hearing on January 18 2018 together with a letter from one of the consultants, the limnologist that examined Ulmer pond.

Graham Trelstad from AKRF stated he did not believe that anything new was brought up this evening that would require keeping the public hearing open, adding there is the option to have a written comment period extend for a number of days. He added, given that the next step in the process is the determination of significance under SEQRA, they should prepare themselves for that work session next month and be prepared to do that.

Mr. Steve Gaba stated the intent of the workshop is to lay the groundwork for this board's consideration of the substantive issues in environmental review which would be reviewed in the course of your regular meeting which would start at 7:30, so they would meet at 7:00 and discuss what it is you look at in order to make a positive declaration or a negative declaration.

Richard Butensky – Mr. Butensky stated he understands that this is a particular type of equestrian with particular types of horses but wants to know if this land is truly constrained. Will the land always be forbidden for horse use on trails. Mr. O'Rourke stated it is forbidden because the Planning Board has the authority to place conditions upon any kind of an approval and if in fact the representations that have been made throughout these proceedings call for this area not to be allowed or traversed by horses, that's a condition of an approval. If there is a violation of that, first of all, it's a violation of the homeowner's association, and you don't change that readily and secondly, insofar as any condition, that certainly is enforceable by the town code enforcement officer. Mr. Watson stated that this subdivision requires that a conservation easement be placed on that property; the conservation easement is held either by a municipal organization or by an environmental organization qualified to hold it. He continued, they have enforcement rights absolutely separate and absolutely apart from the property owner's association and the homeowner's association and they can enforce it.

Acting Chair Conner asked the board if they want to continue to take written public comment for a few days after tonight or do they want to close the public hearing and be done with all comment. Mr. Zuckerman stated there was a substantive amount of commentary tonight and substantive amount of response from the applicant and believes that it would be in the board's best interest, in the public's best interest, to retain the opening of the public hearing until such time when they return in this setting, after the workshop, so that if anybody from this group has further questions that the direct responses did not clarify, they have one last opportunity to ask them.

Mr. Zuckerman moved to keep the public hearing open and Mr. Lewis seconded the motion. The vote is as follows:

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

Surprise Lake Camp, 382 Lake Surprise Road

Rich Williams with Insite engineering, site civil engineers for Surprise Lake Camp, was in attendance. He stated, with the latest submission they have updated the environmental assessment form and also provided a fire truck maneuvering plan. They also provided a preliminary stormwater pollution prevention plan and responded to the outstanding engineering comments. Mr. Williams reported they also met with this board as well as the conservation board

in the field and conducted site walks. He stated there is an easement that is held by New York State Parks over the property; they attended the conservation board site walk and they have provided comments to this board which Insite received a copy of today and will address. He stated they attended the Conservation Board meeting this past Tuesday at which a conditional wetland permit was issued and are waiting for the conditions of the approval to be formally given to them and then will respond to those. Mr. Williams reported, the only substantial layout change is the seat walls along lakeside were extended to be able to fit more campers in. He added they recently emailed the deed for the property as well as the no violation letter from the building department to the town engineer but will formally provide copies to Department of Planning tomorrow. They also emailed, to Mr. Gainer, a project narrative. Mr. Williams continued stating the camp operates in two sessions; the first is from the end of June until July and then from July until Labor Day. There's 400 campers per session and each session has a drop-off and pickup day.

Mr. Gainer stated the application is still incomplete but the design engineers actually transmitted to the board, and is committed to delivering tomorrow to the Town Hall, the property deed, the no violations letter, which are necessary in order for the board to deem the application complete. He continued, the project narrative should be delivered as well for the town's record so that the entire board can see it which would then resolve the issue of completeness for the board's decision. With respect to SEQRA, it's an unlisted action. The referrals that are necessary relate to the Putnam County Department of Planning and the board had also requested that they be referred to the local fire department and those referrals have been made. Mr. Gainer indicated that they are still reviewing the SWPPP document and expects to have those comments out very shortly. He added, there's minor technical issues that were identified in their letter and it's really a matter for the board to recognize that the application is complete upon the filing of those few documents. Mr. Gainer added the board might want to consider scheduling a public hearing for a future meeting day.

Mr. Hardy moved to schedule a public hearing for next month on the condition that the requested documents are received so the application can be deemed complete, and Mr. Gagnon seconded the motion. The vote was as follows:

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

Acting Chair Conner stated she is hoping that the applicant is in agreement with Parks about the kinds of plastic or non-plastic filtering with respect to the erosion control materials. Mr. Williams stated they could accommodate that comment. Acting Chair Conner stated, when they were on the site visit, the fellow who's the caretaker said that he had stockpiled the fill from the

pool and she was wondering how that related to the concerns that the people from state parks had about seeds. Mr. Williams stated he needs to look into it more.

James Copeland, 3052 Route 9, Cold Spring

Acting Chair Conner reported that no one attended the site visit for this project, including the applicant himself. Acting Chair Conner suggested March 11th at 9:30. Mr. Zuckerman suggested having the secretary send out a reminder the week before site visits are to take place. Everyone was in agreement.

Acting Chair Conner questioned if all the members were using their Philipstown.com email. She stated it would be really good if, before the next meeting, everyone could all sync up with that and start using that contact.

Peck-Eyler, Lake Celeste

Mr. Gaba stated he sent out a memo and the next thing to do is ask the fire department what they think of the road. Mr. Zuckerman moved that the board have Mr. Gainer send a letter to the fire department, as well as release Mr. Gaba's letter to the applicant, and Mr. Tomann seconded the motion. The vote was as follows:

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

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

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

The motion passed unanimously, and the meeting adjourned at 9:42 pm.

Date approved _____

Respectfully submitted by,

Tara K. Percacciolo

OLSPAN LLC
315 East 62nd Street
Suite 501
New York, NY 10065
T +1 212 348 6800
miguel@olnickspanu.com

Cold Spring, February 28th 2018

Anthony Merante, Chairman
Planning Board
Town of Philipstown

238 Main Street
Cold Spring, NY 10516

REF: Escrow account

Dear Mr. Merante,

I am writing this letter as a follow up of my previous letter submitted on December 21st. In that letter I requested your consideration to close out our project on 2700 Route 9, Cold Spring, NY 10516 (Tax Map # 38.-2-24.2).

Once the Planning Board approves the closing of this project, I respectfully request the refund of the escrow funds left in our account.

I am at your disposal to respond to any questions you may have regarding this request.

Sincerely,



Miguel Quismondo

OLSPAN LLC
315 East 62nd Street
Suite 501
New York, NY 10065
T +1 212 348 6800
miguel@olnickspanu.com

PHILIPSTOWN PLANNING BOARD
Public Hearing – February 15, 2018

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, February 15, 2018 starting at 7:30 p.m. at the Old VFW Hall, 34 Kemble Ave. in Cold Spring, New York to consider the following application:

Robert Miller/Alltec Service Center, 1390 Route 9, Garrison – The applicant is seeking Amended Site Plan approval concerning a 1.91 acre developed, vacant property where an automotive repair garage formerly operated but which has been abandoned. The application seeks re-authorization for its continued use as of an auto repair garage. Associated with this use would be some limited automotive sales. There is an existing residential apartment above which will continue to be used for residential use. The property is located on the east side of Route 9 just south of the Route 403 intersection.

The property is situated in the “HC” (Highway Commercial) Zoning District in the Town of Philipstown. TM# 82.-2-7.

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

Dated at Philipstown, New York, this 25th day of January, 2018.

Anthony Merante, Chairman

Robert J. Hilpert and Beth P. Hilpert
2 Peacock Way
Garrison, NY 10524

February 15, 2018

Via (email to: tpercacciolo@philipstown.com and via Hand Delivery – 12 copies – on 2/15/18)

Anthony Merante, Chairman
and Members of the Town of Philipstown
Planning Board
238 Main Street, PO Box 155
Cold Spring, NY 10516

Re: *Robert Miller/Alltec Service Center
Amended Site Plan Approval*

Dear Chairman Merante and Members of the Planning Board:

We write today to express our concerns regarding the Robert Miller/Alltec Service Center's (the "Applicant's") application for amended site plan approval at 1380 Route 9, Garrison, New York (the "Site"). My wife and I reside at Old Graymoor Farm at 2 Peacock Way, in Garrison, and our property is directly across from the Site (running on the western side of Route 9, from the former Stadium Restaurant along Route 9, north to the intersection of Route 9 and Route 403). We have lived there for over 30 years and have been residents of the greater Philipstown area since 1976.

First, we ask that in your Board's review of the Applicant's amended site plan application, proper consideration be given to the nature of the surrounding area, which includes residential/agricultural uses, the non-profit, Graymoor and the Appalachian Trail, at its crossing of Route 9 and a number of residential parcels with extensive acreage. This area, which runs along Route 9, is the first impression that residents and visitors have of Philipstown as it located at its southern border. Directly across from the Site is open pastureland that has been part of an historic 1920's dairy farm and is a farm to this day wholly located within Putnam County's Agricultural District. On the eastern boundary of this pasture runs the Annsville Creek (within close proximity to the Site) and the northernmost pasture borders a part of the Appalachian where it emerges from a heavily wooded area to cross Route 9. Directly south is Graymoor, a renowned religious institution which attracts visitors from throughout the northeast. As stated in the Town of Philipstown's Comprehensive Plan, "Philipstown's scenic beauty and small town community character continue to attract many new residents... These qualities keep families here for generations (TCP p. 4) [and]... are its greatest economic attractions" (TCP p. 5). This should be taken into account in regard to standards of building design, height limitations, landscaping visual and sound impact, as well as stormwater runoff. Also, consideration must be given to traffic impact and patterns especially because of its proximity to the Appalachian Trail and location at a dangerous stretch of Route 9. We have voluntarily deed restricted our land and

encumbered it with extensive conservation easements to preserve and protect what we, and I believe many others, believe is the idyllic nature of this gateway to our community. We did not take what we believed to be our responsibility to this community lightly in developing this property and look now to that community's Board to not undo what we have done. That is why there was (and never can be) any large scale development of our 46 acre parcel which was originally more than 150 acres and was voluntarily limited by us some 30 years ago to the development of only 5 residential parcels on that total acreage, and which, other than our house directly on Diamond Hill Road, are either completely hidden or barely visible from Route 9 and the Appalachian Trail.

Second, we respectfully request that your Board deny the Applicant's request to establish a third use at the Site – automotive sales. Also, the Site has an existing residential apartment, which, parenthetically, is non-conforming and has been abandoned for many years and such state of facts should be acknowledged and that non-conformity addressed as part of this process. The Applicant is seeking reauthorization for an “auto repair garage”, a use which may be permitted in the Highway Commercial (“HC”) District as a “service business” as defined by the Town of Philipstown Zoning Code (Town Code). However, automotive sales, limited or otherwise, are not a proper accessory use for consideration by this Board.

Automotive sales, limited or otherwise, is not defined as a “use” by the Town Code and is not a use that is included in the Town Code's “Table of Uses”. Furthermore, Town Code Section 175-10(A), Allowable Uses, provides,

“No structure or land shall be used except as provided in the Use Table below,[1] and as may be limited by any restrictions imposed by an overlay district requirement (see Article IV) or supplementary regulation (see Article VII)... *In the event that a particular proposed use does not fit into any of the categories shown on the Use Table and is not prohibited by the Use Table or by § 175-10C below, it may be allowed by special permit issued by the Town Board.* In reviewing applications for special permits and site plan approval, the reviewing board shall impose any reasonable conditions that may be necessary to ensure that a proposed use will be compatible with its surroundings and shall deny any proposed use which does not satisfy the criteria in this chapter.” (Emphasis added.)

Therefore, if the Applicant seeks to establish the use of “automotive sales” at the Site, such a use would be subject to special permit review by the Town Board, or other proper relief as provided by the Town Code. We respectfully submit, that as set forth in the Town Code, the approval of the Applicant's request for “limited” automotive sales at the Site, may not be considered as part of an amended site plan review, but rather, may only be legally established by special permit or other proscribed relief under the Town Code. I remind the Board that a special permit for auto sales on a parcel directly across from the Stadium Restaurant, fronting on Route 9 and Diamond Hill Road, was denied some 10 years ago.

Even, assuming *arguendo*, that it were within this Board's power to approve the Applicant's request to establish a third use at the Site, it's approval is not mandatory and denial of the Applicant's request is well within this Board's authority. In light of what has become more of a residential community along Route 9 south of the Route 403 light over the last 30 years, any non-residential expansion, especially a non-permitted one, should be viewed in that light.

The Board may and should deny the Applicant's request for amended site plan approval for limited automotive sales, as the use is neither consistent or compliant with the Town Code. Further we request that this Board place conditions on site plan approval that would mitigate potential harmful impacts from this Site to the surrounding community from a noise, visual, lighting and traffic impact perspective.

We thank you for your consideration.

Very truly yours,



ROBERT J. HILPERT



BETH P. HILPERT

PHILIPSTOWN PLANNING BOARD
Public Hearing – March 15, 2018

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, March 15, 2018 starting at 7:30 p.m. at the Old VFW Hall, 34 Kemble Ave. in Cold Spring, New York to consider the following application:

Surprise Lake Camp – The application proposes various site improvements within the 465-acre parcel in the vicinity of the Administrative Building and lake shore, to improve vehicular circulation, pedestrian/camper safety, as well as reconfigure the existing walking paths to improve site circulation. No new structures or additions are proposed.

The property is situated at the end of Lake Surprise Road in a “IC” (Institutional Conservation) Zoning District in the Town of Philipstown. TM# 27.-1-1.1.

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

Dated at Philipstown, New York, this 23rd day of February, 2018.

Anthony Merante, Chairman

TOWN OF PHILIPSTOWN
CODE ADMINISTRATOR

238 MAIN STREET
P.O. BOX 155
COLD SPRING, NY 10516

Greg Wunner, Code Enforcement Officer
(845) 265-5202
(845) 265-3929
(845) 265-2687 FAX

DATE: January 11, 2018

TO: Surprise Lake Camp
c/o Bradley Salmsen
307 Seventh Ave, Suite 900
New York, NY 10001

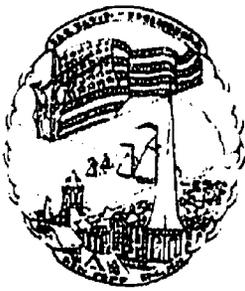
REF: Surprise Lake Camp
382 Surprise Lake Rd.
Cold Spring
TAX MAP # 271-1-1

IN RESPONSE TO YOUR REQUEST FOR "NO VIOLATION LETTER" ON ABOVE MENTIONED PROPERTY PLEASE BE ADVISED THAT AFTER REVIEWING PROPERTY RECORDS THERE WERE NO VIOLATION NOTED.

SINCERELY



GREG WUNNER
ZONING ADMINISTRATOR



Town of Philipstown

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

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

REQUEST FOR WRITTEN RESPONSE

Applicant:

Name SURPRISE LAKE CAMP
C/O BRADLEY SOMSEN
Address 307 SEVENTH AVE, SUITE 900
NEW YORK, NY 10001
Telephone 212-924-3131

Property Information:

Name SURPRISE LAKE CAMP
Address 382 LAKE SURPRISE ROAD
COLDSPRING, NY 10516
Tax Map# 27.-1-1.1

Check () the box that applies and submit to the Code Enforcement Department with Fee..

() **Municipal Records Search and Report - \$175 per Tax map parcel number.**

The office will review the department records and supply a written response of any known violations, last legal use and supply a copy of any certificates.

() **Request for Assignment or Verification of Street Number - \$25 per tax map number.**

The office will assign or verify a Street Identification Numbers for a property in writing.

() **Request for Inspection or Re-Inspection (if no permit or to close an expired permit)**
Fee - \$100

The Code Enforcement Officer will perform a requested inspection.

() **Bedroom Count Fee - \$25**

The Code Enforcement Office will review the department records and supply a written response of the number of bedrooms to exist in a residence.

Letter of "No Violation Letter" from Zoning Administrator - \$175.00 per property tax map number;

The Zoning Administrator will review the department records and supply a written response of any outstanding violations.

FEE: 175.00 Received: 1/4/18



PROJECT NARRATIVE

For

**Surprise Lake Camp
Town of Philipstown, New York**

January 30, 2018

Prepared By

Insite Engineering, Surveying & Landscape Architecture, P.C.
3 Garrett Place
Carmel, New York 105

and lawn area adjacent to the lake side. It is proposed to create a new walking path to the existing lake side lawn area. Seating will be provided along the walking path as this also serves as an area for morning meetings. The wetland controlled area extends over this portion of the site, but is disconnected from the wetland by existing lawn area. It is anticipated the earthwork will be essentially balanced and select fill material for the retaining wall will be imported to construct the proposed walls.

- e. **Stormwater Improvements.** Surprise Lake Camp is committed to preserving the health of Lake Surprise. Part of this project will be constructing stormwater treatment practices to capture and treat runoff currently flowing into the lake untreated. For this portion of the project the existing area surrounding the gazebo which consists partly of lawn and partly of overgrown invasive plants will be reclaimed as a stormwater management practice. The provision of this stormwater management practice will result in treatment of parking areas that currently discharge to the lake untreated.
3. **Lakeside drainage.** The topography of the existing lawn area adjacent to lake side is undulating and does not properly drain leading to mud and wet areas where campers play. It is proposed to regrade the existing lawn area to promote proper drainage. No new lawn areas are being created, this improvement is limited to regrading the existing lawn area. Topsoil is anticipated to be imported to complete the fine grading but no mass earthwork is envisioned in this area.



LIBER 1631 PAGE 361

PUTNAM COUNTY RECORDING PAGE
PAGE 1 OF RECORDED DOCUMENT

DOCUMENT # 17005

RETT: 121 \$7,640.00
CONSIDERATION: \$1,910,000.00

08/13/2003 02:17:03 P.M.
LIBER 1631 PAGE 361
RECEIPT: 15457 FEE: \$112.00
DENNIS J. SANT RECORDING INFORMATION
PUTNAM COUNTY CLERK

RECORD & RETURN TO:

TYPE OR PRINT

Putnam, New York - New York
250 Park Ave
New York, NY 10017

GRANTOR/MORTGAGOR
Educational Alliance
to
Surprise Lake Camp

DO NOT WRITE BELOW THIS LINE

DEED [checked] MTG [] SAT [] ASMT [] CEM [] POA [] ESMT []
OTHER []

Table with columns: RECORDING FEES, # OF PAGES (10), and fee amounts. Rows include RCD FEE (32.00), STAT CHG (5.00), REC MGMT (20.00), CROSS REF (.00), TOTAL (57.00), and MORTGAGE TAX AFFIDAVIT FILED (\$5.00).

MORTGAGE/DEED TAX DISTRICTS:
TOWN OF CARMEL
TOWN OF KENT
TOWN OF PATTERSON
TOWN OF PHILIPSTOWN
TOWN OF PUTNAM VALLEY
TOWN OF SOUTHEAST
APPORTIONMENT MORTGAGE
MORTGAGE TYPES:
COMMERCIAL/VACANT LAND
1-2 FAMILY
CREDIT UNION/ PERSONAL MTG
3-6 UNITS
EXEMPT

RESERVE FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED
PURSUANT TO §315 REAL PROPERTY LAW

Handwritten signature of Dennis J. Sant

DENNIS J. SANT
PUTNAM COUNTY CLERK

BARGAIN AND SALE DEED WITHOUT CONVENANTS

THIS INDENTURE, made on July 31, 2003 between The Educational Alliance, Inc., a New York not-for-profit corporation, previously known as The Educational Alliance, having its principal office at 197 East Broadway, New York, New York 10003, and The Young Men's and Young Women's Hebrew Association, a New York not-for-profit corporation, previously known as The Young Men's Hebrew Association, having its principal office at 1395 Lexington Avenue, New York, New York 10128, ("Grantors") and Surprise Lake Camp, a New York not-for-profit corporation, having its principal place of business at 307 Seventh Avenue, Suite 900, New York, New York 10001 ("Grantee").

WITNESSETH, that Grantors in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States and other good and valuable consideration received from the Grantee, do hereby grant and release unto the Grantee, its successors and assigns 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 described on Schedule A annexed hereto, said premises being and intended to be the same premises conveyed to the Grantors by deeds recorded in Liber 91 Cp. 14, Liber 106 Cp. 111 and Liber 104 Cp. 82.

TOGETHER with all rights, title and interest, if any, of the Grantors in and to any streets and roads abutting the above described premises to the center lines thereof, and any strips or gores of land,

TOGETHER with the appurtenances and all the estate and rights of the Grantors in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Grantee its successors and assigns forever.

AND the Grantors, in compliance with Section 13 of the Lien Law, covenant that the Grantors 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

LIBER 1631 PAGE 363

SCHEDULE A - (Description)**Parcel A:**

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

BEGINNING at a birch tree and running west to a heap of stones at the corner of McKeel Dewint and Milton Smith and running southwest to a cedar tree and heap of stones near the corner of the galloway farm;

THENCE south twenty-seven degrees east eighteen chains fifty links to the north side of the parcel;

THENCE along said parcel, around the upper end to a maple tree marked;

THENCE along said parcel south thirty degrees forty-five minutes west five chains to a stone in the Vanwick farm now owned by the said estate;

THENCE south thirty and one quarter degrees west ten chains to a large chestnut tree;

THENCE north thirty and three quarter degrees east five chains;

THENCE south thirty degrees thirty minutes east eight chains;

THENCE along the lands of Caleb Hustis Estate;

THENCE by two chains to a stake and stone;

THENCE north twenty-one and one quarter degrees east nineteen chains and twenty-seven links to a large chestnut tree marked;

THENCE north twenty-two and one quarter degrees east four chains and seventy-five links;

THENCE thirty-eight degrees east four chains and forty links to the place of BEGINNING.

Said premises being and intended to be the same premises conveyed to a Grantor by deeds recorded in Liber 91 cp 14.

LIBER 1631 PAGE 364

Parcel B:

ALL that certain lot or farm of land situate, lying and being in the town of Philipstown, Putnam County and State of New York, and bounded and described as follows:

BEGINNING at a chestnut tree marked;

RUNNING THENCE south fifty-six and one-half degrees west twenty five chains to a birch stump and stones around it;

THENCE south forty-three and three quarters degrees east four chains and twenty six links;

THENCE south twenty-one and one quarter degrees east four chains seventy-three links to a chestnut stump near the side of a road leading to Breakneck;

THENCE south twenty degrees east nineteen chains twenty eight links to a heap of stones;

THENCE south twenty-two and one-half degrees east seven chains to an old hickory blown down;

THENCE south seventy-four and three quarter degrees east seven chains thirty links to a stake and stones being Leonard Ferris' north east corner; also Alex Hustis Northwest corner;

THENCE south seventy and one-half degrees east seven chains seventy links to a maple tree with stones around being Alex Hustis' northeast corner;

THENCE south sixty-five degrees east four chains seventy-five links to an old oak stump;

THENCE north eighteen degrees east five chains ninety links;

THENCE north eight-one degrees east five chains;

THENCE north sixty eight degrees east three chains;

THENCE north sixty-two and one-half degrees east three chains ten links to a maple tree in the end of the wall;

THENCE north sixty-seven and three quarter degrees east eight chains fifty links to Isaac Hustis' corner;

THENCE south eighty-two and three quarter degrees east five chains to old chestnut stump;

THENCE north thirty-one and one-half degrees west fourteen chains fifty-seven links to a rock oak tree marked;

THENCE south sixty-six and one-half degrees west one chain eighteen links to a black oak tree marked;

THENCE north twenty-nine and one-half degrees west twenty-nine chains, ninety-eight links passing near a chestnut tree by a road to the point and place of BEGINNING.

Said premises being and intended to be the same premises conveyed to the Grantors by deeds recorded in Liber 106 cp 111.

LIBER 1631 PAGE 365

Parcel C:

ALL that lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the town of Philipstown, Putnam County, New York, bounded and described as follows:

BEGINNING at a hickory tree marked, and thence along what was formerly Mead's line north 37 degrees 15 minutes west 2746 feet;

THENCE north 43 degrees 30 minutes east 1584 feet;

THENCE north 44 degrees 30 minute east 1716 feet at or near the corner of what was formerly the Martin Garrison Farm;

THENCE along the line of that farm as it formerly was, south 27 degrees east 1221 feet to the north side of the pond known as Surprise Lake;

THENCE along said north side of said pond south, 55 degrees 30 minutes west 580 feet;

THENCE further along the north side of said pond, south 30 degrees 26 minutes west 783 feet;

THENCE further along the north side of said pond south 12 degrees 10 minutes west 116 feet;

THENCE along the south side of said pond south 70 degrees east, 114 feet;

THENCE further along the south side of said pond, north 65 degrees east 812 feet to the northeast corner of the land conveyed by Walter Clark to Martin Adams, Seward Jaycox and L. Willard Jaycox;

THENCE from said pond and for a portion of the distance along the northeasterly line of the land conveyed by the said Walter Clark to Martin Adams, Seward Jaycox and L. Willard Jaycox, south 30 degrees 30 minutes east, 600 feet;

THENCE north 30 degrees 45 minutes east, 330 feet;

THENCE south 30 degrees 30 minutes east, 1470 feet to a corner of what was formerly known as the Pelton Farm;

THENCE south 71 degrees 45 minutes east 503 feet;

THENCE south 46 degrees 30 minutes west 1980 feet;

THENCE south 13 degrees east 1023 feet;

THENCE south 76 degrees southwest 410 feet;

THENCE north 80 degrees 30 minutes west 825 feet;

THENCE on a course of North 34 degrees 30 minutes west 1030 feet to the southwest corner of the lands conveyed by Floyd Wanser and wife to Caleh Hustis to the point or place of BEGINNING.

EXCEPTING and reserving therefrom that portion of such premises as where heretofore conveyed by Walter Clark to Martin Adams, Seward Jaycox and L. Willard Jaycox, by deed dated September 9, 1903, and recorded in the office of the Clerk of Putnam County in Liber 91 of deeds, page 209, on September 14th, 1903 said conveyance being a parcel of 150 feet by 133 feet.

Said premises being and intended to be the same premises conveyed to the Grantors by deeds recorded in Liber 104 cp 82.

Also collectively described as follows:

Perimeter Description of Parcels A, B and C based on Survey made by Badey & Watson Surveying and Engineering, C.P. dated March 28, 2001 (Tax Parcel No. 27-1-1):

ALL that certain plot, piece or parcel of land together with the buildings and improvements thereon erected, situate, lying and being at Lake Surprise, in the Town of Philipstown, County of Putnam and State of New York, bounded and described as follows:

BEGINNING at a point in the center line of Lake Surprise Road, a Town Road, presumed to be 33 feet wide, which point occupies coordinates position North 534216.32 East 606842.17 of the New York State Coordinate System, East Zone (NAD1927), hereinafter delineated as "NYCS,EZ"; which point is also the southwesterly corner of land now or formerly Hustis and which point is also distant 432.83 feet in a course of South 37 degrees 16 minutes 36 seconds East from a pipe found in stone pile and land formerly of Carola Novoting as same is shown on "Special Survey of Property of Carola Novoting..." filed in the Putnam County Clerk's Office on October 30, 1991, as Map No. 2525 said land now or formerly of Morris by Liber 1431 of Deeds at page 137;

RUNNING THENCE through Lake Surprise Road and along land now or formerly Hustis and land now or formerly of Graham by Liber 1321 of Deeds at page 224 and land now or formerly Kollman by Liber 470 of Deeds at page 149 on a course of South 37 degrees 16 minutes 36 seconds East, 1974.08 feet to a point;

THENCE still along land now or formerly Kollman by Liber 470 of Deeds at page 149, on a course of North 56 degrees 47 minutes 00 seconds East, 76.85 feet to land now or formerly Salee and Lupold by Liber 1442 of Deeds at page 219;

THENCE the following three (3) courses and distances along said land now or formerly Salee and Lupold:

1. South 39 degrees 56 minutes 57 seconds East, 91.56 feet;
2. South 40 degrees 32 minutes 19 seconds East, 71.12 feet;
3. South 32 degrees 50 minutes 34 seconds East, 33.17 feet to land now or formerly Kalhaus by Liber 1463 of Deeds at page 465;

THENCE along said land now or formerly Kalhaus the following three (3) courses and distances:

1. South 39 degrees 58 minutes 10 seconds East, 104.27 feet to a pipe found;
2. South 39 degrees 43 minutes 10 seconds East, 99.64 feet to a pipe found;
3. South 41 degrees 17 minutes 10 seconds East, 501.84 feet to the center line of Lake Surprise Road;

THENCE South 16 degrees 39 minutes 10 seconds East along the center line of Lake Surprise Road, 30.49 feet to a pipe found on range, which point occupies coordinate position North 532317.05 East 608433.46 of NYCS,EZ and also being the northerly line of "Open Development Area and Subdivision Plat... Section One of Deer Hollow..." filed in the Putnam County Clerk's Office on January 30, 1984, as Map No. 1952;

THENCE the following fifteen (15) courses and distances along the northerly and westerly lines of said last mentioned Plat:

1. South 81 degrees 40 minutes 18 seconds West, 437.65 feet to a stone pile found;
2. South 54 degrees 00 minutes 23 seconds West, 335.11 feet to a stone wall;

3. South 50 degrees 58 minutes 10 seconds West, generally along said stone wall, 50.31 feet;
4. South 54 degrees 51 minutes 16 seconds West, still generally along said stone wall, 106.95 feet;
5. South 54 degrees 56 minutes 09 seconds West, still generally along said stone wall 100.23 feet to an "X" cut found in said stone wall;
6. South 09 degrees 46 minutes 21 seconds West, still generally along said stone wall, 109.49 feet;
7. South 26 degrees 30 minutes 22 seconds West, still generally along said stone wall, 15.25 feet;
8. South 05 degrees 14 minutes 01 seconds West, still generally along said stone wall, 29.85 feet;
9. South 09 degrees 04 minutes 31 seconds West, still generally along said stone wall, 63.81 feet;
10. South 09 degrees 52 minutes 58 seconds West, still generally along said stone wall, 164.15 feet;
11. South 09 degrees 00 minutes 00 seconds West, still generally along said stone wall 59.63 feet;
12. South 11 degrees 39 minutes 58 seconds West, still generally along said stone wall, 56.62 feet;
13. South 11 degrees 05 minutes 53 seconds West, 825.76 feet to a 24 inch wide (as of March 28, 2001) Maple Tree;
14. South 66 degrees 24 minutes 15 seconds West, 498.61 feet to a 16 inch wide (as of March 28, 2001) Tulip Tree and Stone Pile found;
15. South 10 degrees 38 minutes 54 seconds West, 378.72 feet to a stone pile found and formerly of Mosher, formerly Hustis, now or formerly The Open Space Institute by Liber 1215 of Deeds at page 348;

THENCE along said land now or formerly The Open Space Institute South 84 degrees 41 minutes 02 seconds West, 282.40 feet to a stone pile found;

THENCE North 72 degrees 55 minutes 49 seconds West 775.19 feet;

THENCE South 31 degrees 36 minutes 13 seconds West 1863.59 feet;

THENCE South 20 degrees 08 minutes 18 seconds East 1034.85 feet to land formerly Mead, formerly Emeny, formerly Moshier, formerly Williams now or formerly lands of the People of the State of New York by Liber 681 of Deeds of page 1014 and by Liber 674 of Deeds at page 794 said land being part of Hudson Highland State Park;

THENCE the following two (2) courses and distances along said lands now or formerly of the People of the State of New York (Hudson Highland State Park):

1. South 66 degrees 08 minutes 12 seconds West, 414.22 feet to a point;
2. North 87 degrees 05 minutes 37 seconds West, part of the distance through a Swamp Area and across a stream, 822.02 feet to a monument found, which point occupies coordinate position North 527550.13 East 603905.43 of NYCS,EZ to other lands formerly Mead now or formerly of the People of the State of New York (Hudson Highland State Park) by Liber 672 of Deeds at page 500;

THENCE the following seven (7) courses and distances along said land now or formerly of the People of the State of New York (Hudson Highland State Park):

1. North 27 degrees 54 minutes 40 seconds West, 708.30 feet to a monument found;
2. North 27 degrees 59 minutes 40 seconds West, 640.00 feet to a monument found;
3. North 43 degrees 17 minutes 15 seconds West, generally along the centerline of a stone wall, 457.50 feet to a monument found;
4. North 43 degrees 22 minutes 37 seconds West, partially still generally along the centerline of a stone wall and partially generally along the south face of the stone wall near line, 434.43 feet to a monument found;
5. North 43 degrees 19 minutes 36 seconds West, still generally along the south face of the stone wall near line, 469.08 feet to a point in the centerline of Lake Surprise Road;
6. North 43 degrees 22 minutes 27 seconds West, 446.23 feet to a monument found;
7. North 43 degrees 22 minutes 10 seconds West, 754.63 feet to land formerly Wiltsie, formerly Forman and other lands now or formerly of the People of the State of New York (Hudson Highland State Park) by Liber 6410 of Deeds at page 1, which point occupies coordinate position North 530604.10 East 601514.90 of NYCS,EZ;

THENCE the following two (2) courses and distances along said land now or formerly of the People of the State of New York (Hudson Highland State Park):

1. North 33 degrees 31 minutes 40 seconds East, 1580.40 feet to a point;
2. North 46 degrees 43 minutes 50 seconds East, 1702.49 feet to a point;

THENCE South 75 degrees 57 minutes 34 seconds East 252.01 feet to a point;

THENCE North 73 degrees 59 minutes 00 seconds East 333.10 feet to a point;

THENCE North 66 degrees 48 minutes 57 seconds East 264.11 feet to a pipe found in a stone pile and other lands now or formerly Morris by Liber 1431 of Deeds at page 137 and shown on "Special Survey of Property of Carola Novoting..." filed in the Putnam County Clerk's Office on October 30, 1991 as Map No. 2525;

THENCE the following two (2) courses and distances along said land now or formerly of Morris:

1. South 15 degrees 01 minutes 00 seconds East, 161.27 feet to a pipe found in stone pile;
2. North 47 degrees 24 minutes 32 seconds East, 1640.79 feet to the first above mentioned pipe found in stone pile and land now or formerly Hustis;

THENCE South 37 degrees 16 minutes 36 seconds East along land now or formerly Hustis 432.83 feet to the center line of Lake Surprise Road to the point or place of BEGINNING.

But specifically excluding the following (parcels C-1 and C2):

Parcel C-1 (p/o Tax Parcel No. 27-1-1):

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

BEGINNING at high water mark on the southerly side of Lake Surprise at the easterly line of the property formerly owned by Sigmund Stern and now owned by the Educational Alliance and The Young Men's Hebrew Association; and

RUNNING from thence southeasterly and parallel with the westerly line of the lands of Educational Alliance and The Young Men's Hebrew Association, 133 feet;

THENCE northeasterly and parallel with the southerly shore of the lake 100 feet to the southwesterly corner of a lot of land now or formerly owned by Martin Adams;

THENCE northerly to the southerly side of said Lake Surprise to a point on said shore distant 80 feet eastwardly from the place of beginning;

THENCE westwardly along the shore of said Lake 80 feet to the place of BEGINNING.

Parcel C-2 (p/o Tax Parcel No. 27-1-1):

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

BEGINNING at high water mark on the southerly side of Lake Surprise at the westerly line of the lands of Educational Alliance; and

RUNNING THENCE southwesterly along the shore of said lake 50 feet;

THENCE easterly parallel with the westerly line of said "Alliance" 133 feet;

THENCE northeasterly and parallel with the said southerly shore of said lake 50 feet to the westerly line of the said "Alliance";

THENCE northwesterly along the westerly line of said "Alliance" 133 feet to the southerly shore of said Lake and the place of BEGINNING; also

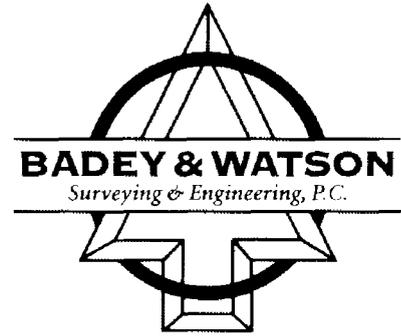
ALL that certain lot, tract or parcel of land situate, lying and being in the Town of Philipstown, in the County of Putnam, N.Y., bounded and described as follows:

BEGINNING at high water mark on the southerly side of Lake Surprise at the northwesterly corner of a lot of land heretofore conveyed to and now owned by Martin Adams;

THENCE running southeasterly along the westerly line of said lot of land now owned by Martin Adams and parallel with the westerly line of the lands of the Educational Alliance 133 feet;

THENCE northwestwardly to the southerly shore of said Lake Surprise to a point distant westwardly on said shore 20 feet from the place of beginning;

THENCE eastwardly along the southerly shore of said lake 20 feet to the point of beginning;



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

RE: SEJE Realty - Submission of Revised Plans

Dear Mr. Merante and Honorable Members:

Enclosed are 13 copies of our "Amended Minor Site Plan prepared for SEJE Realty, LLC, last revised on March 1, 2018.

The plan has been revised in response to the technical memorandum from Mr. Gainer dated January 15, 2018, and comments received during the February 15, 2018, Public Hearing.

One change of particular note is the addition of the requirement that the container at the north end of the property and the double container near the middle of the property are to be removed.

Please place this matter on the agenda for the March 15, 2018, meeting of the Planning Board, at which time the matter will be brought to a positive conclusion.

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

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

GJW/bms
Enclosure (1)
cc: File I:\chaos32\SRMLetter 2017.dotx
Lee Abdo, SEJE Realty
Arthur Brady, Esq.