

# Town of Philipstown Planning Board

## Meeting Agenda

Butterfield Library, Cold Spring, New York 10516

April 16, 2015

7:30 PM

Pledge of Allegiance

Roll Call

Approval of Minutes: February 19, 2015

**OWPP LLC (Grasso)** – Application for Two Lot Subdivision and Special Use Permit under Section 175-36B(7) – 410 Old West Point Road, Garrison, NY: New submission

**Griffin Landscaping** – Application for amendment of site plan – 3032 Route 9, Cold Spring, NY: New submission

**Hudson Highlands Reserve** – Conservation subdivision application – Horton Road and East Mountain Road No., Cold Spring: Submission of letter from Glennon Watson dated April 2, 2015 to Philipstown Planning Board re: Meeting Request (to review the extent of the revised project area and review the scope of Conservation Analysis)

*Adjourn*

Anthony Merante, Chairman

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

RECEIVED  
4/16/15  
JEM

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

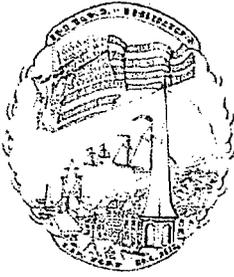
**PLANNING BOARD**

**AMENDMENT of SITE PLAN**

**APPLICATION PACKAGE**

**Project Name:** GRIFFIN'S LANDSCAPING, INC.

**Date:** 4/2/15



# 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: 4/2/15      TM# 27.20-1-14

Project Name: GRIFFIN'S LANDSCAPING, INC.

Street Address: 3032 ROUTE 9 COLD SPRING, N.Y. 10516

Fee Amount: \$250.00      Received: \_\_\_\_\_

Bond Amount: TBD      Received: \_\_\_\_\_

### Applicant:

Name GRIFFIN'S LANDSCAPING, INC

Address 1234 LINCOLN TERRACE  
PEEKSKILL, N.Y. 10566

Telephone 914 468-6633

### Tenant:

Name NA

Address \_\_\_\_\_

Telephone \_\_\_\_\_

### Design Professional:

Name GEMMOLA & ASSOCIATES

Address 317 ELWOOD AVE.  
HAWTHORNE, N.Y. 10532

Telephone 914 862-0202

### Surveyor:

Name BADBY & WATSON

Address 3063 ROUTE 9  
COLD SPRING, N.Y. 10516

Telephone 845 265-9217

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

Name GLENN GRIFFIN OF:  
GRIFFIN'S LANDSCAPING CORP Name NA

Address 1234 LINCOLN TERRACE Address \_\_\_\_\_  
PEEKSKILL, N.Y. 10566

Telephone 914 468-6633 Telephone \_\_\_\_\_

TM# 27.20-1-14

Project Name: GRIFFIN'S LANDSCAPING, INC.

Project Description: REPURPOSE THE PROPERTY TO:  
LANDSCAPING/FIREWOOD

HOURS OF OPERATION: 7:00 A.M. - 5:00 P.M.

**ZONING INFORMATION**

175-7 Zoning District: HC (FORMERLY B-2)  
175-10 Proposed Use: PROCESS KILN-DRIED FIREWOOD FROM RAW TIMBER BY CHAIN SAWING/SPLITTING/DRYING/STACKING & BUNDLING

Proposed Accessory Use(s): STOCKPILING RAW TIMBER/OUTSIDE STORAGE OF SPLIT & STACKED WOOD. STOCKPILE WOOD CHIPS & RESIDUAL BARK & CHARD'S OF WOOD.

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

	<u>Yes or No</u>
175-13 Floodplain Overlay District – NFIP Map ----- (FPO)	<u>YES</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>YES</u>
175-36 Steep Terrain -----	<u>NO</u>
175-36 Ridge Line Protection -----	<u>NO</u>
175-37 Protection Agricultural -----	<u>NO</u>

TM# 27.20-1-14

Project Name: GRIFFIN'S LANDSCAPING, INC.

175-11 Density and Dimensional Regulations

(HC) (B-2) (HC)

Zoning District <u>HC</u>	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road	—	—	—		
Measured from the travel way County/State	35'	116.25'	116.25'		
Minimum side yard setback	15'	11.8'	11.8'		3.2'
Minimum side yard setback (2)	—	—	—		
Minimum side yard setback (3)	—	—	—		
Minimum rear yard setback	35'	197.31'	197.31'		
Maximum impervious surface coverage	60%	29.56%	29.56%		
Maximum height	40'	22'	22'		
Maximum footprint non-residential structures	40,000	2910	2910		

SUBMISSION:

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

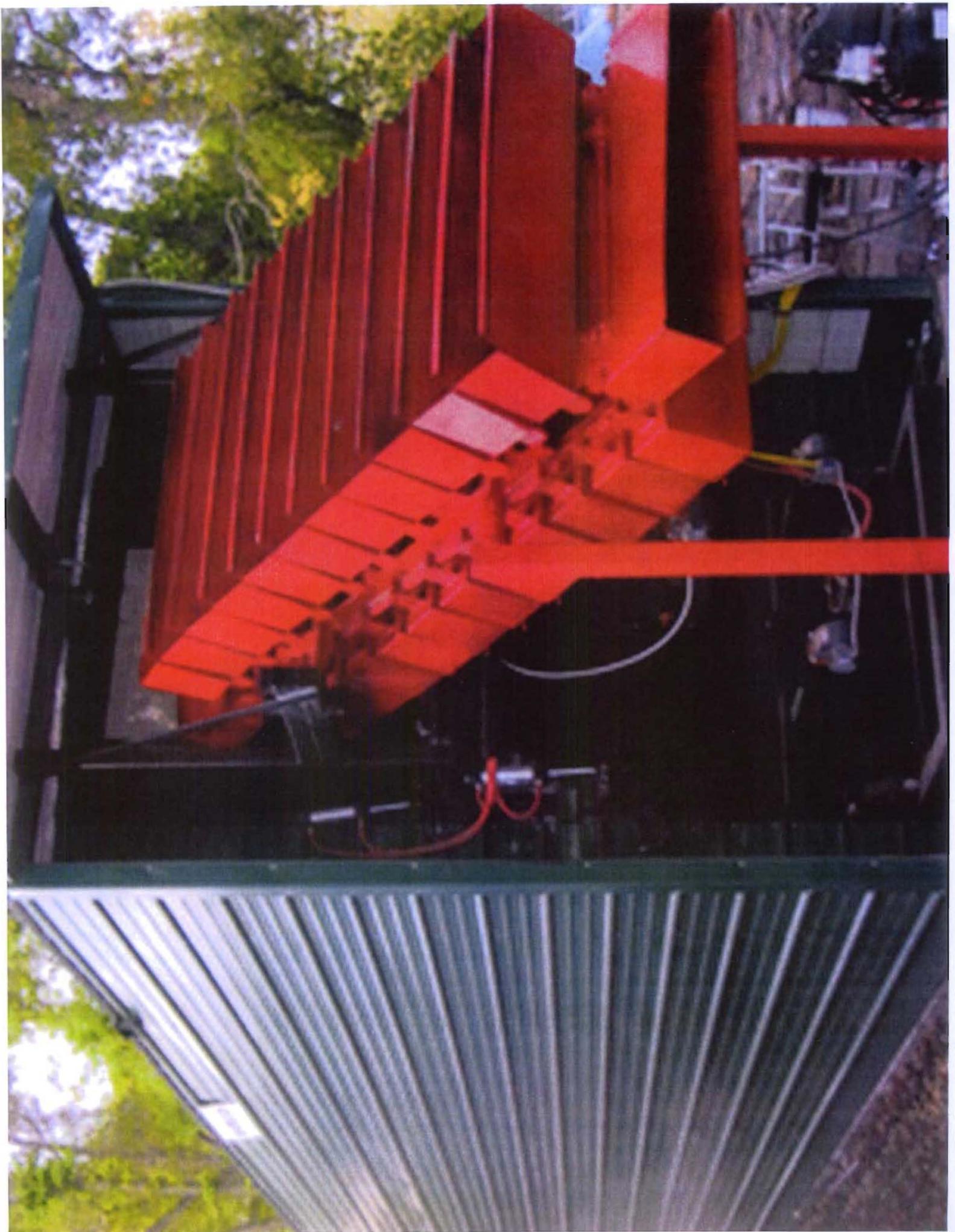
1. Pre-Application meeting decision and comments
2. Application
3. Proof of Ownership
4. Site Plan
5. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
6. An agricultural data statement as defined in §175-74, if required by §175-37C.
7. The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.
8. FEE: \$ 250.00 Received: \_\_\_\_\_
9. Escrow: TBD Received: \_\_\_\_\_

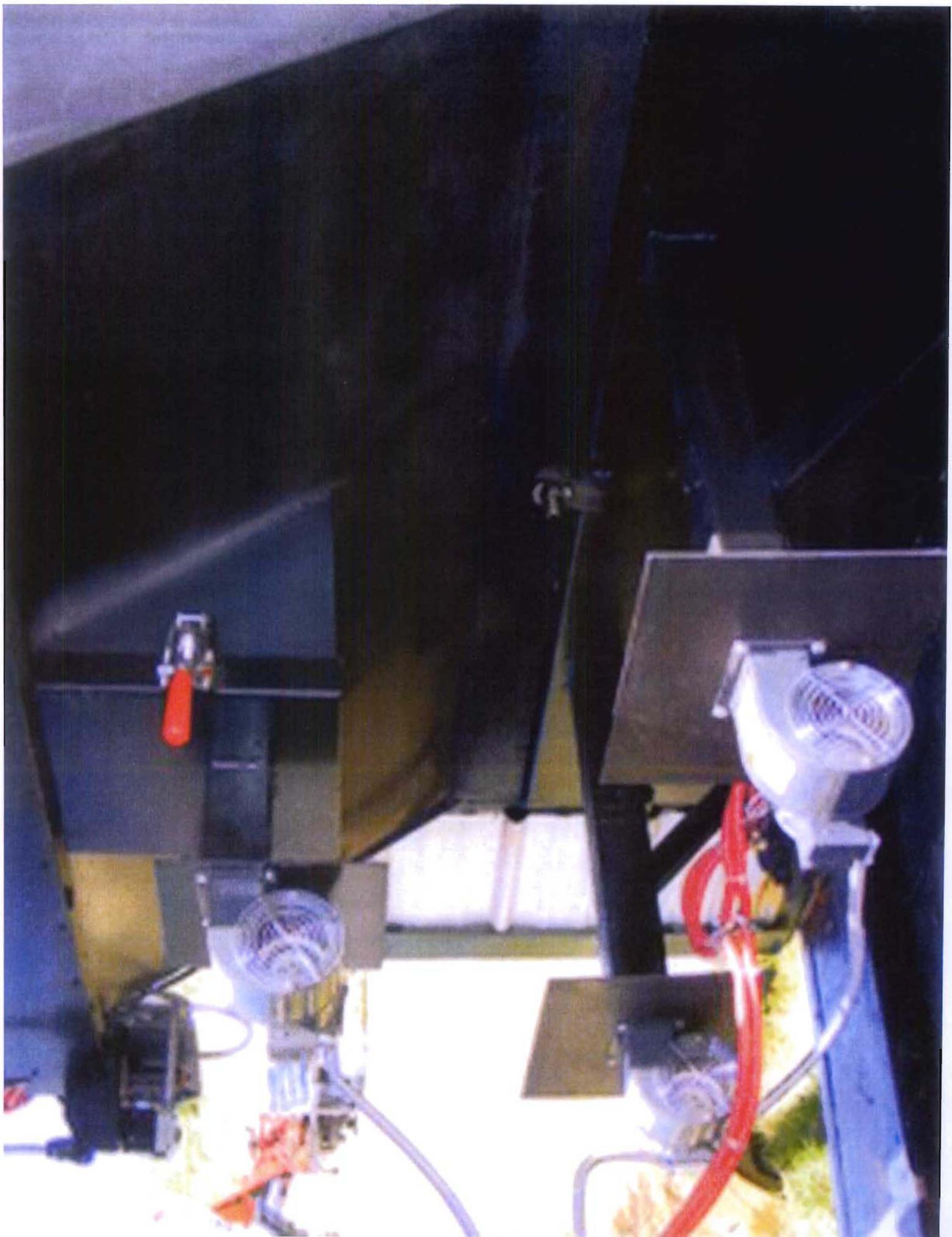
## Town of Philipstown Town Code Chapter 175

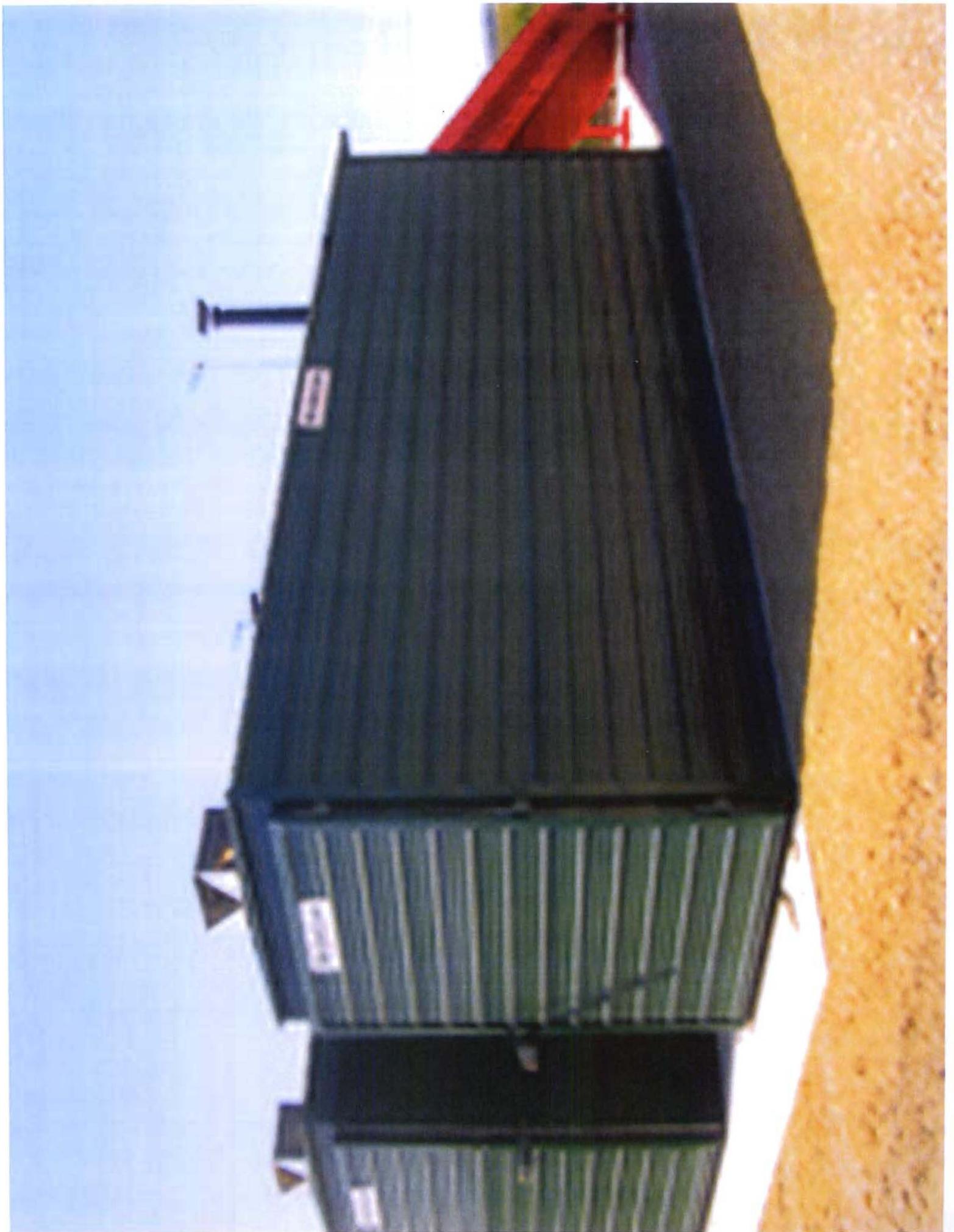
### **D. Site Plan Amendments**

An approved Site Plan may be amended by filing an application with the Planning Board for a Site Plan amendment.

1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable Special Permit approval (or if no Special Permit is required) and does not represent a substantial change from the approved Site Plan, it shall grant the amendment without a hearing.
2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable Special Permit approval (or if no Special Permit is required), but is a substantial change from the approved Site Plan, it shall follow the procedures for Site Plan approval contained in §175-66F and hold a public hearing if the amendment would be considered to be a Major Project.
3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any Special Permit approval, it shall consider the application to be one for a Special Permit amendment and proceed pursuant to §175-62.
4. Notwithstanding any other provision of this chapter, in considering any site plan amendment or any site plan approval for an existing use or structure, the Planning Board shall be limited to reviewing proposed changes and shall not require changes to any structures or conditions on the property legally in existence prior to such application, even if such structures or conditions are nonconforming.







## MiniQuick All kilns

Our most popular firewood kiln—using the latest technology to reduce drying time and meeting 160F sterilizing temperatures. It can be heated with gas or wood waste and can dry firewood at 260F chamber temperatures. This is the most efficient model.

### Standard components

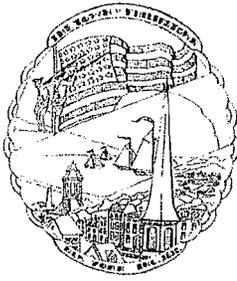
- › four main fans (2HP each)
- › wood waste heating (600000 btu/hr)
- › inside aluminum sheeting
- › one power exhaust venting (2HP)
- › heat recovery on venting and chimney (save gas when drying)
- › full featured computerized controls
- › wireless communication of office for record keeping

### Available upgrades

- › stainless steel sheeting inside
- › long wood waste loading conveyor for overnight operation
- › direct gas heating instead of wood waste heat.
- › high pressure misting system for raising humidity
- › hot water heating coils
- › steam heating coils

### Dimensions

- › outside length: 29ft + 20ft
- › outside width: 8ft 5in
- › outside height: 12ft 6in
  
- › loading length: 22ft
- › loading width: 7ft
- › loading height:



# Town of Philipstown

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

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

January 22, 2015

Griffin's Landscaping Corp  
Glenn Griffin, Chief Executive Officer  
1234 Lincoln Terrace  
Peekskill, NY 10566

## NOTICE OF VIOLATION AND ORDER TO ABATE

**RE: 3032 Route 9**  
**TM #27.20-1-14**

**PLEASE TAKE NOTICE** that a review of the records in the Code Enforcement Department reveals a Planning Board approved site plan, dated April 13, 1989 and Certificate of Occupancy #6155 issued April 6, 1991 for the use of the property was as a commercial nursery with a greenhouse (Service Business).

**PLEASE BE ADVISED**, that on January 22, 2015 an observation was made from the right-of-way of Route 9 of the property located at 3032 Route 9 (Tax Map #27.20-1-14) which revealed the use property was for the manufacturing, processing and outdoor storage of fire wood. The Code of the Town of Philipstown Chapter 175-74 B. defines this use as Light Industry and a change in use as defined in Chapter 175-10 F.

**175-10 F. Change of use or structure.** A change of use is the initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A mere change of ownership, tenancy, or occupancy is not a change of use. (An expansion of a use shall be reviewed according to the provisions of the Use Table for that particular use.) Once a special permit has been granted, it shall run with the land and apply to the approved use, as well as to any subsequent use of the property in the same use category as long as there is no enlargement or modification of the building, provided that the use does not lapse or the permit does not expire (see § 175-62H). Any change to another use allowed by special permit shall require the granting of a new special permit or a special permit amendment.

**FURTHER, PLEASE BE ADVISED**, that this property, 3032 Route 9, is located in the Highway Commercial (HC) Zone and the use as Light Industry requires a Special Use Permit and Site Plan approval from the Planning Board.

**YOU ARE ORDERED** to answer or correct this violation to the satisfaction of the Zoning Administrative Officer by;

1. Cease-and-desist the use of the property for manufacturing, processing and outdoor storage of fire wood by February 27, 2015 and by;
2. Restoring the property in compliance with Planning Board approved Site Plan dated April 13, 1989 and Certificate of Occupancy #6155 issued on April 6, 1991 and by,
3. Scheduling an inspection with this office to verify compliance with the Planning Board approved site plan dated April 13, 1989 and Certificate of Occupancy #6155 issued on April 6, 1991 by February 27, 2015.

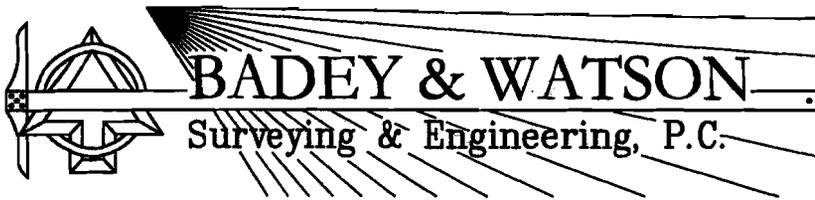
**FAILURE TO REPLY OR TO CORRECT** the alleged violation to the satisfaction of the Zoning Administrative Officer within the time limit constitutes admission of a violation of this chapter. Further, upon request of those to whom the violation is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Town.

**IF YOU ARE AGRIEVED BY THIS DECISION** you may submit an application to the Zoning Board of Appeals, pursuant to the provisions of Chapter 175-5 of the Code of the Town of Philipstown, to appeals from and review of any order, requirement, decision or determination made by the ZONING ADMINISTRATIVE OFFICER within sixty (60) days of the date on this letter.

If you have any question you may contact my office at (845) 265-5202.



Kevin Donohue, CFM  
Zoning Administrative Officer



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

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

3063 Route 9, Cold Spring, New York 10516  
(845)265-9217 (877)3.141593 (NY Toll Free) (845)265-4428 (Fax)  
email: info@badey-watson.com website: www.badey-watson.com

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

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

April 1, 2015

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

RE: Application of Andre Grasso & OWPP, LLC – 2 Lot Subdivision  
Application for a Special Use Permit Under Section 175-36B(7)

Dear Mr. Merante and Honorable Board Members:

The attached application seeks approval to adjust the property line between lands of Andre Grasso and OWPP, LLC on Old West Point Road in Garrison.

The proposed subdivision anticipates grading near the front of the lot on land that exceeds 20% grade, which, if it is to be allowed, requires a Special Use Permit from the Planning Board. Please consider this letter, along with the subdivision application as our formal request that a Special Use Permit be issued under Section 175-36B(7) of the Philipstown Code to allow the anticipated grading.

As you review the subdivision plat, we are sure that you will notice that locating the proposed house further back on the lot where there is more flatter land will require that a longer driveway and related infrastructure will have to be constructed across the steeper land and will result in greater disturbance than anticipated by the plan that we have submitted. It is our hope that the Planning Board will find this condition precisely in accordance with the example provided in the code, which reads:

*“... An example of proper application of this Subsection B(7) would be to allow building on a site which has a slope exceeding 20% but which is at a relatively low elevation on a property and requires a short access driveway, as compared to a less steep site located at a higher elevation accessed by a longer driveway crossing slopes exceeding 20%. The latter may have a greater impact on the hillside both because of locating the building at a higher elevation and because the longer driveway across steep slopes would involve more land disturbance ...”*

Owners of the records of:

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

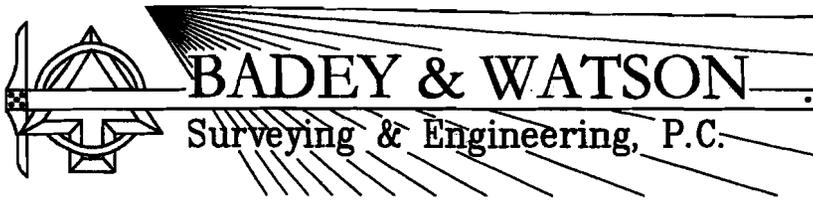
Thank you for your consideration of this request. We look forward to discussing this project during the April 16, 2015, meeting of the Planning Board.

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

  
by  
Glennon J. Watson, L.S.

GJW/bms

cc: File U:\73-105B\WO\_22330\OWPP, LLC\_Planning Board Submission\AM01AP15BP\_SpecialUsePermit.docx  
Andre Grasso



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April 1, 2015

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

RE: Application of Andre Grasso & OWPP, LLC – 2 Lot Subdivision  
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◆ Peter R. Hustis ◆ J. Wilbur Irish ◆ James W. Irish, Jr. ◆ Douglas A. Merritt ◆ E.B. Moebus ◆ Reynolds & Chase ◆ General Jacob Schofield ◆  
◆ Sidney Schofield ◆ Steven J. Shaver ◆ Allan Smith ◆ Taconic Surveying and Engineering ◆ D. Walcutt ◆

Thank you for your consideration of this request. We look forward to discussing this project during the April 16, 2015, meeting of the Planning Board.

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

  
by  
Glennon J. Watson, L.S.

GJW/bms

cc: File U:\73-105B\WO\_22330\OWPP, LLC\_Planning Board Submission\AM01AP15BP\_SpecialUsePermit.docx  
Andre Grasso

APPLICATION FOR APPROVAL OF SUBDIVISION PLAT

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 :

a. Owner/Applicant (name) Andre Grasso c/o OWPP, LLC Tel. 845-424-4111  
 address 1602 Route 9, P.O. Box 349  
Garrison, NY 10524

b. Owner of property if not same as Applicant:  
 (name) OWPP, LLC Tel. 845-424-4111  
 address 1602 Route 9, P.O. Box 349  
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
- Special Use Permit as provided for by Section 175-36 B(7) of the zoning Law

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 4/1/2015

Signed



**Andre Grasso, Applicant & Owner**

b. Owner:

OWPP, LLC

Date 4/1/2015

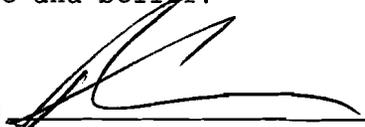
Signed by:



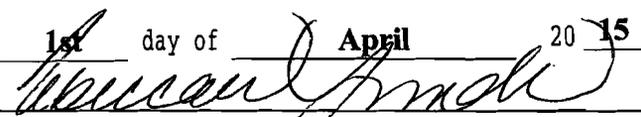
**Andre Grasso, Sole & Managing Member**

State of New York)  
ss.  
County of Putnam )

Andre Grasso , being duly sworn, deposes and says  
that He resides at 410 Old West Point Road Garrison New York in the County of  
Putnam State of New York, that He is  
the Sole and Managing Member of OWPP, LLC  
(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's  
39.2 Block 2 on Tax Map 71. and that said cor-  
poration acquired title to the said premises by deed from Andre Grasso  
dated Jan. 11, 2006 and recorded in the Office of the  
Clerk of the County of Putnam on Jan. 31, 2006 in Liber 1733  
of Conveyances at Page 115 and that consant is hereby given to  
BADEY & WATSON, Surveying & Engineering, P.C. to make the annexed application for ap-  
proval of map (or project) entitled Subdivision Plat (Lot Line Adjustment) prepared  
for Andre Grasso & OWPP, LLC and that statements of fact contained in said appli-  
cation, including the statements contained in all of the exhibits transmitted  
herewith, are true to the best of deponant's knowledge and belief.

(signed)   
Andre Grasso, Sole and Managing Member

Sworn to before me this

1st day of April 20 15  
  
Notary Public

REBECCA W. LINDA  
NOTARY PUBLIC, State of New York  
No. 5004353  
Qualified in Dutchess County  
Commission Expires November 16, 2018

A P P E N D I X B-2: CERTIFICATE CONCERNING OWNERSHIP OF OWNER

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 OWPP, LLC

Position	Name	Address	% Ownership
Sole & Managing Member	Andre Grasso	410 Old West Pt. Road Garrison, NY 10524	100 %
			%
			%
			%
			%
			%
			%
			%
			%
			%

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

Sworn to before me this  
1st day of April, 20 15

  
 Andre Grasso, Sole and Managing Member

  
 Notary Public

REBECCA W LINDA  
 NOTARY PUBLIC, State of New York  
 No. 5064353  
 Qualified in Dutchess County  
 Commission Expires November 16, 2018

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: Andre Grasso c/o OWPP, LLC

3. RESIDENCE: 1602 Route 9, P.O. Box 349

4. DATE: 4/1/2015

5. NATURE OF APPLICATION OR PETITION: Approval of 2 Lot Subdivision (Lot Line Adjustment)  
prepared for Andre Grasso & OWPP, LLC and Special Use Permit (Section 175-36 B(7))

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 : 4/1/2015

Signed   
**Andre Grasso, Sole & Managing Member**

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

This informaton is provided especially for those who may be making application 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, amendment, 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 applicant 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.

APPENDIX D: IDENTIFICATION OF PROPERTY AND PROPOSAL

D-1. Property

- a. Total acres 14.314
- b. Does application cover all contiguous land of the owner? Yes  
If no, explain any excluded area n/a

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- c. Tax Map: Sheet 71. Block 2 Parcel(s) 37 (Grasso)  
Tax Map: Sheet 71. Block 2 Parcel(s) 39.2 (OWPP, LLC)
- d. Last deed: Date 1/11/2006 Liber 1733 Page 115  
Last deed: Date 6/1/1990 Liber 1096 Page 133

D-2. Location:

- a. Zoning District(s) RR (Rural Residential)
- b. Property abuts (street or roads) Old West Point Road West

---

- c. Municipal Districts encompassing all or part of property:
  - School: Garrison Union Free School
  - Fire Protection: Garrison Fire District
  - 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 # n/a

---

- 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? Yes  
If yes, specify Property abuts Garrison Union Free School

---

- 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:

- a. Number of Proposed Lots: **2 (existing)**, number already occupied by dwellings, if any: 1
- b. Length of Proposed streets or private ways in Plat: **Zero** feet.
- c. Does Applicant propose to dedicate to public use all of the streets shown on the proposed plat? **No**, if not, describe **None Shown**
- 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 **n/a**
- f. How is water supply to be provided? **Individual Drilled Wells** Has any application been made to the County of Putnam or State of New York for approval of proposed water supply? **Yes**, if yes, give date and describe **Putnam County BOHA dated, 2/5/15 - Permit # PH-01-15 (see attached)**
- 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? **Yes**, if yes, give date and describe **Putnam County BOHA dated, 2/5/15 Permit # PH-01-15 (see attached)**
- h. Does proposed plat include any wetlands and/or water courses as defined by the State of New York or an applicable Local Law? **No**, if yes, describe **n/a**

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
- Special Use permit as provided for by Section 175-36 B(7)

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

- a. easements Subject to Conservation Easement Liber 1729 cp. 186 ( see attached)
- b. deed restrictions on use and development Use restrictions indicated on Filed Map No. 2326
- 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 x14  
 N. Y. License No. 48167 (Glennon J. Watson, L.S.)

b. Engineer (name) BADEY & WATSON, Surveying & Engineering, P.C.  
 Address 3063 Route 9  
Cold Spring, NY 10516 Tel. (845) 265-9217 x12  
 N. Y. License No. 62505 (John P. Delano, P.E.)

c. Other (name) \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_ Tel. \_\_\_\_\_  
 N. Y. License, if any \_\_\_\_\_

E-2. Maps and Plans:

a. Title and Date of Proposed Plat Map: Subdivision Plat (Lot Line Adjustment)  
prepared for Andre Grasso and OWPP, LLC dated, March 27, 2015

No. of Sheets: 1

b. Title and Date of Proposed Profiles and Construction Plans:  
Profile & Detail Sheet, Integrated Plot Plan, and Erosion & Sediment Control Plan  
prepared for Andre Grasso & OWPP, LLC dated, March 27, 2015

No. of Sheets: 3

c. Title, Date and Preparer of other maps and plans: \_\_\_\_\_  
 \_\_\_\_\_

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):

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

E-4. Attorney (if any):

a. (name) \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_ Tel. \_\_\_\_\_

Applicant	<u>Andre Grasso</u>
Project Name	<u>Subdivision Plat prepared for Andre Grasso &amp; OWPP, LLC</u>
Applicant's Representative	<u>Badey &amp; Watson Surveying &amp; Engineering P.C.</u>
Tax Map ID #	<u>71.-2-37 &amp; 71.-2-39.2</u>
Date	<u>4/1/15</u>

PHILIPSTOWN PLANNING BOARD  
SUBMISSION CHECKLIST  
SUBDIVISION APPLICATIONS

For all subdivision applications, the following requirements are applicable before application review.

A. Land may not be subdivided if the application will result in the following except with Planning Board Approval)

- All subdivisions require approval
- 2 or more lots located in a Business or Industrial zone
- 2 or more lots (of 10 acres or less ) which have frontage on a state highway or county road located in a Res. Zone
- 3 or more lots each of which contains 10 acres or less
- The creation of a street, highway or r.o.w for vehicles

B. Land may not be divided so as to create rights-of-way for power, gas or telephone lines

C. Approved subdivision plats may not be revised

D. Subdivision plat requiring approval may not be used in connection with the conveyance of real property in the Town, or filed with the County Clerk's office until approved.

**Preliminary Sketch Plans**

1. Location of the plat in the neighborhood
2. Layout of lots, streets and existing contours at 10' intervals
3. Location of watercourses
4. Location of water bodies
5. Location of wetlands
6. Location of major natural features

## Minor Subdivision Plat Applications

Typically, a plat of lots to which access is given by open development area private right-of-way or easements eligible for consideration as a minor plat.

### I. General Submission Requirements

1. Application on proper forms
2. Forms property signed
3. Application Fee
4. Final Plat Map (5 blue or black-line prints) 
  - a. Scale of 1" = 40' or 50' but not less than 1" = 100'
  - b. No less than 20" x 20" no more than 36" x 48"
  - c. Black waterproof ink on good cloth or film
5. Construction Plans (see Checklist VI)
6. Evidence that:
  - a. sewer & water supply approved by PCDH
  - b. street or drainage connections to state or county roads submitted
    - i. Connection application made
  - c. NYSDEC wetland/watercourse modifications approved
7. If major cuts or fills, grading plan 
  - a. Five (5) blue or black line prints
8. Design computations and data for drainage or central water and sanitary sewer systems
9. Separate map for lots accessed by open development right-of-way or easement

### II. Title and location information:

1. Scale of not less than 1" = 100 feet
2. Proposed layout of lots, streets and improvements
3. Future subdivisions on contiguous land
4. Title of the plat 
  - a. Duplicate in Putnam Co.
5. Date, Town, etc.
  - a. Date
  - b. Town
  - c. Scale
  - d. County
  - e. North point
  - f. State
6. Location map at scale of 1" = 1000 or 2000 feet
7. Vicinity map showing: property lines/streets within 500' 
  - a. scale of 1" = 400' or 800'
  - b. adjacent owner identification
8. Index map if plat is divided into sections or > 1 is reg.
  - a. showing lots, lot #'s, streets, street names
  - b. delineation of areas covered
  - c. scale of 1" = 400' or 800'

### III. Site conditions and land evaluations:

1. Existing contours not exceeding 5-foot intervals 
  - a. Meeting DOT standards for maps of 1" = 200'
2. Appropriate benchmark
3. Existing permanent buildings and structures
4. Existing watercourses, water bodies and streams
5. Location and limits of wetlands
6. Location and limits of potential flood hazard areas
7. Location of drainage discharge points from any street or property

### IV. Property Ownership Information

1. Name and address of owner
2. Name and address of applicant if different from owner
3. Perimeter boundary of tract and area to be plotted
4. Approx. location of prop. lines 200 feet from tract
5. Both street r-o-w lines of any street abutting tract
6. Names of owners of property abutting tract
7. Proposed lots and lot numbers and area of each lot
8. Proposed street and/or r-o-w including widths
9. Location & dimensions of existing & proposed easements
10. Existing monuments
11. Any municipal or taxation district boundary
12. Any channel and building lines
13. Reserved areas for watercourses or wetland conservation

### V. Development Proposal Information:

1. For each lot near watercourses, bodies, wetlands, flood hazard area, proposed floor elevation of lowest floor.

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

**Instructions for Completing**

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

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

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Approval of 2 Lot Subdivision prepared for Andre Grasso & OWPP, LLC			
Project Location (describe, and attach a location map): 1602 Route 9 P.O. Box 349 Garrison, NY 10524			
Brief Description of Proposed Action:  Approval of 2 Lot Subdivision (Lot Line Revision and Special Use Permit under Section 175-36 B(7))			
Name of Applicant or Sponsor: Andres Grasso, c/o OWPP, LLC		Telephone: 845-242-4111	
		E-Mail: agrasso@indexid.com	
Address: 1602 Route 9 P.O. Box 349			
City/PO: Garrison		State: NY	Zip Code: 10524
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		✓	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		✓	
3.a. Total acreage of the site of the proposed action?		14.314 acres	
b. Total acreage to be physically disturbed?		1.13 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		14.314 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO ✓	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ✓	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ✓	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Andre Grasso</u>	Date: <u>04/01/2015</u>	
Signature: 	Surveyor for Applicant	

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

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



**Adjoiners List  
For  
OWPP, LLC**

71.-2-34  
GARRISON UNION FREE  
SCHOOL  
PO Box 193  
Garrison, NY 10524

71.-2-35  
HEANUE, THOMAS E  
10 Rocky Ln  
Garrison, NY 10524

71.-2-49  
ONE TO ONE SERVICES LLC  
31 E 28<sup>th</sup> St Apt 1  
New York, NY 10016

71.-2-47  
LANCASTER, RUSSELL  
334 Old West Point Rd W  
Garrison, NY 10524

71.-2-43  
CIULLA, JOHN E  
372 Old West Point Road W  
Garrison, NY 10524

71.-2-10  
ROHAN, GEOFFREY J  
64 Kona Way  
Garrison, NY 10524

71.-2-42  
MOONEY, PAUL  
326 Old West Point Road W  
Garrison, NY 10524

71.-2-40  
STROL, DANIEL J  
PO Box 257  
Garrison, NY 10524

71.-2-31  
GEORGE, ALICE ROSE  
PO Box 35  
Garrison, NY 10524

71.-2-7  
VAN DE MARK, MARIA  
PO Box 403  
Manorville, NY 11949

71.-2-30  
MCINNIS, TIMOTHY J  
521 Fifth Ave Fl 17th  
New York, NY 10175

71.-2-5  
CIULLA, JOHN  
372 Old West Point Road W  
Garrison, NY 10524

71.-2-46  
LANCASTER, DRETHA  
334 Old West Point Rd  
Garrison, NY 10524

71.-2-2  
SOUNDS IN THE GRASS  
PO Box 70  
Garrison, NY 10524

71.-2-3  
OSLANDS, INC  
89 Osborn Dr  
Garrison, NY 10524

71.-2-4  
OSLANDS INC  
PO Box 70  
Garrison, NY 10524

71.-2-41  
CIULLA, JOHN  
372 Old West Point Road W  
Garrison, NY 10524

71.-2-28  
RECHTSCHAFFER, BERTRAM  
PO Box 79  
Garrison, NY 10524

71.-1-21  
DALE, GEORGE S  
PO Box 223  
Garrison, NY 10524

71.-2-29  
SCHACHT, KENT A  
16 Rocky Ln  
Garrison, NY 10524

71.-2-33  
GARRISON UNION FREE  
SCHOOL  
PO Box 193  
Garrison, NY 10524

71.-2-38  
POOLE, ELIZABETH J  
404 Old West Point Rd W  
Garrison, NY 10524

71.-2-45  
CONBOY, ROBERT  
350 Old West Point Rd  
Garrison, NY 10524

71.-2-6  
RAUCH, EDWARD  
385 Old West Point Rd W  
Garrison, NY 10524

71.-2-44  
CONBOY, ROBERT  
350 Old West Point Rd W  
Garrison, NY 10524

71.-1-20  
STATE OF NEW YORK  
Putnam Co Comm of Finance  
40 Gleneida Ave  
Carmel, NY 10512

71.-2-39.1  
WOOD, OBERT R  
115 East 9th St  
New York, NY 10003

71.-2-27  
MCCAFFREY, ROBERT A  
PO Box 185  
Garrison, NY 10524

71.-2-36  
ZIPPER, SHEILA  
215 West 90th St  
New York, NY 10024

**PUTNAM COUNTY DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

**CONSTRUCTION PERMIT FOR SEWAGE TREATMENT SYSTEM**

PERMIT # \_\_\_\_\_

Located at \_\_\_\_\_ Town or Village \_\_\_\_\_  
 Subdivision name \_\_\_\_\_ Subd. Lot # \_\_\_\_\_ Tax Map F1 Block 2 Lot 39.2  
 Date Subdivision Approved \_\_\_\_\_ Renewal \_\_\_\_\_ Revision \_\_\_\_\_  
 Owner/Applicant Name OLWPP, LLC Date of Previous Approval \_\_\_\_\_  
 Mailing Address P.O. BOX 349 GRANZISON, NY Zip 10524  
 Amount of Fee Enclosed \$500.00  
 Building Type RESIDENTIAL Lot Area 17 No. of Bedrooms 3 Design Flow GPD 450

Fill Section Only \_\_\_\_\_ Depth \_\_\_\_\_ Volume \_\_\_\_\_  
**RCFD NOTIFICATION IS REQUIRED WHEN FILL IS COMPLETED**

Separate Sewerage System to consist of \_\_\_\_\_ gallon septic tank and \_\_\_\_\_

Other Requirements: 1000 GPM (11-20) PUMP TANK + INDIVIDUAL ALBERMS (\*)

To be constructed by PUTNAM CONSTRUCTION Address GRANZISON, NY

Water Supply: \_\_\_\_\_ Public Supply From \_\_\_\_\_ Address \_\_\_\_\_

or:  Private Supply Drilled by PF SEAL SONS Address BRANSTEA, NY

\* PROVIDE 1'-0" FILL SECTION FOR RESERVE AREA (60' R.O.B.)

I represent that I am wholly and completely responsible for the design and location of the proposed system(s) and that the separate sewage treatment system described above will be constructed as shown on the approved amendment thereto and in accordance with the standards, rules and regulations of the Putnam County Department of Health, and that on completion thereof a "Certificate of Construction Compliance" satisfactory to the Public Health Director will be submitted to the Department, and a written guarantee will be furnished the owner, his successors, heirs or assigns by the builder, that said builder will place in good operating condition any part of said sewage treatment system during the period of two (2) years immediately following the date of the issuance of the approval of the Certificate of Construction Compliance of the original system or any repairs thereto.

Signed \_\_\_\_\_ P.E. \_\_\_\_\_ R.A. \_\_\_\_\_ Date \_\_\_\_\_  
 Address \_\_\_\_\_ License # \_\_\_\_\_

**APPROVED FOR CONSTRUCTION** This approval expires two years from the date issued unless construction of the sewage treatment system has been completed and inspected by the RCHD and is revocable for cause or may be amended or modified when considered necessary by the Public Health Director. Any revision or alteration of the approved plan requires a new permit. Approved for discharge of domestic sanitary sewage only.

By \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

White copy - HD File; Yellow copy - Building Inspector; Pink copy - Owner; Orange copy - Design Professional  
 Form CP-97

**PUTNAM COUNTY DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

**APPLICATION TO CONSTRUCT A WATER WELL**

Well Location	Street/Address: OLD WEST POINT ROAD WEST	Town/Village: (T) PHILIPSTOWN	Tax Map #: Map 41, Block 2, Lot(s) 37-2
Well Owner:	Name: DWPP, LLC	Address: P.O. BOX 349 GARLISCH, NY 10924	Phone #: —
Use of Well:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Public Supply <input type="checkbox"/> Air/cond/heat pump <input type="checkbox"/> Irrigation <input type="checkbox"/> 1-Primary Business <input type="checkbox"/> Farm <input type="checkbox"/> Test/monitoring <input type="checkbox"/> Other(specify) <input type="checkbox"/> 2-Secondary Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Standby		
Amount of Use	Yield Sought <u>5</u> gpm	# People Served <u>5</u>	Est. of Daily usage <u>500</u> gal.
	<input type="checkbox"/> Replace Existing Supply <input type="checkbox"/> Test/Observation <input type="checkbox"/> Additional Supply <input checked="" type="checkbox"/> Reason for Drilling: <u>New Supply (new dwelling)</u> <input type="checkbox"/> Deepen Existing Well		
Detailed Reason for Drilling	<u>TO PROVIDE A PORTABLE WATER SUPPLY TO A NEW RESIDENCE</u>		
Well Type	<input checked="" type="checkbox"/> Drilled <input type="checkbox"/> Driven <input type="checkbox"/> Gravel <input type="checkbox"/> Other		
Is well site subject to flooding?			Yes ___ No <input checked="" type="checkbox"/>
Is well located in a realty subdivision?			Yes ___ No <input checked="" type="checkbox"/>
Name of subdivision	<u>NA</u>	Lot No.	<u>NA</u>
Water Well Contractor:	<u>PE SEAL &amp; SONS</u>	Address:	<u>BIRZINGER, NY</u>
Is Public Water Supply available on site?			Yes ___ No <input checked="" type="checkbox"/>
Name of Public Water Supply:	<u>NA</u>	Town/Village	<u>NA</u>
Distance to property from nearest water main:	<u>&gt; 1 MILE</u>		
Proposed well location & sources of contamination to be provided on separate sheet/plan.			
Date:	<u>12/12/14</u>	Applicant Signature:	<u>John P. Debus, P.E.</u>

**PERMIT TO CONSTRUCT A WATER WELL**

This permit to construct one water well as set forth above, is granted under provisions of Article 10 of the Putnam County Sanitary Code and Subpart 5-2 of Part 5 of the New York State Sanitary Code and provided that within thirty (30) days of the completion of water well construction, the applicant or their designated representative shall: 1) Pump the well until the water is clear. 2) Disinfect the well in accordance with the requirements of the Putnam County Health Department. 3) Submit a Well Completion Report on a form provided by the Putnam County Health Department. 4) The well driller shall abide by all conditions of the permit. 5) During all well drilling operations, the well driller shall take appropriate action to assure that any and all water and waste products from such well drilling operations be contained on this property and in such a manner as not to degrade or otherwise contaminate surface or ground water.

**APPROVED FOR CONSTRUCTION:** This approval expires two years from the date issued unless construction of the well has been completed and inspected by the PCHD and is revocable for cause or may be amended or modified when considered necessary by the Commissioner of Health. Any revision or alteration of the approved plan requires a new permit. Well to be constructed by a water well driller certified by Putnam County.

Date of Issue: 12/16/14

Permit Issuing Official: [Signature]

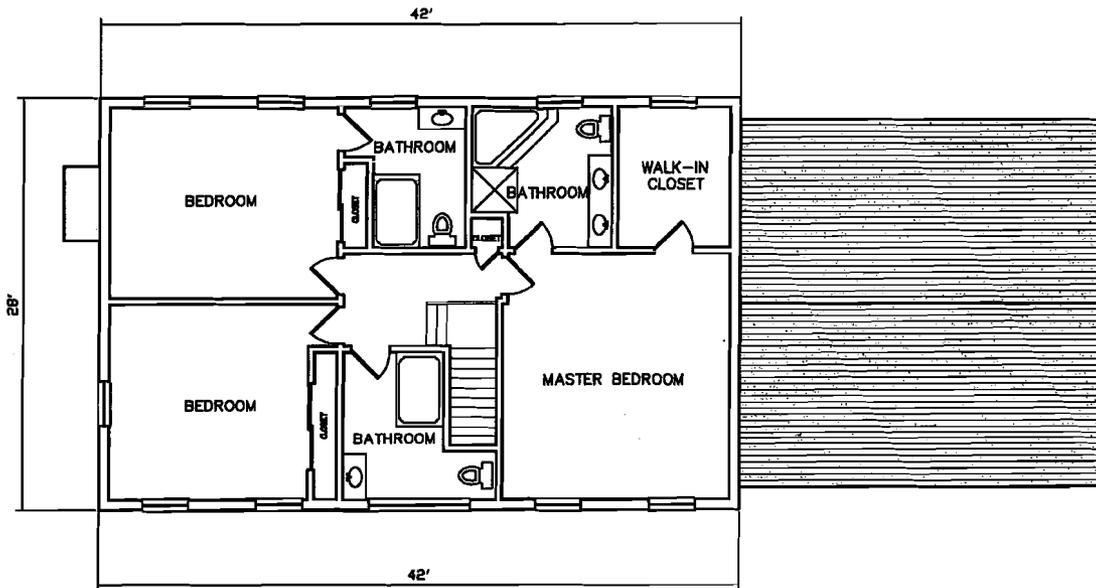
Date of Expiration: 12/16/16

Title: Assistant Public Health Engineer

Permit is Non-Transferable

White copy - HD file; Yellow copy - Building Inspector; Pink copy - Owner; Orange copy - Well driller

Form WP-97  
Rev. 3/06



**SECOND FLOOR PLAN**

SCALE: 1/8" = 1'-0"

NOTE: A COPY OF THE HOUSE PLANS SUBMITTED TO THE BUILDING INSPECTOR, WHEN FILING FOR A BUILDING PERMIT, MUST BE SUBMITTED TO THE COUNTY HEALTH DEPARTMENT TO VERIFY THE BEDROOM COUNT.

YULIASH COUNTY DEPARTMENT OF HEALTH

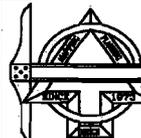
HOUSE PLANS APPROVED FOR BEDROOM COUNT ONLY.

3 BEDROOMS 11-20-15

ALL SUBSEQUENT REVISION/ALTERATIONS TO THESE HOUSE PLANS MUST BE SUBMITTED TO THE PCBOH FOR APPROVAL

*James J. Chomala* 7/26/15  
 DATE  
 APPE

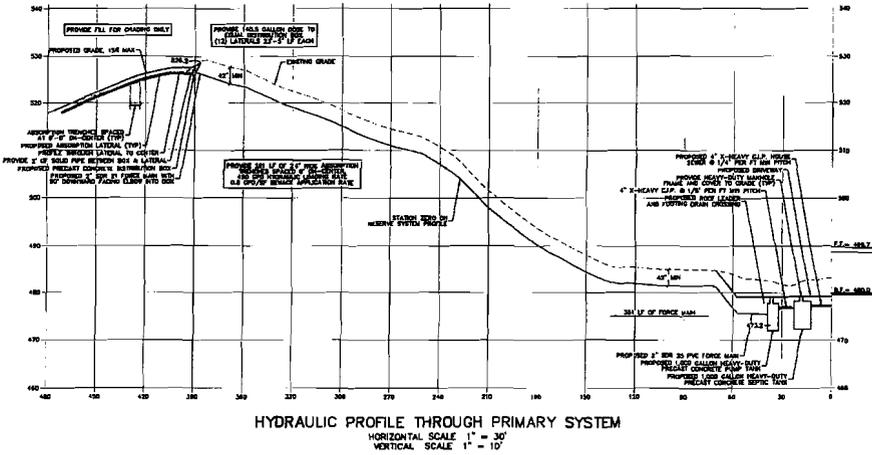
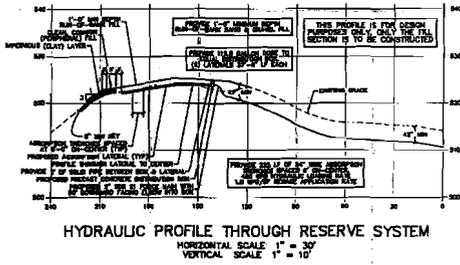
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**BADEY & WATSON, Surveying & Engineering, P.C.**

3063 Route 9, Cold Spring, NY 10516  
 (845) 265-8217 (845) 265-4428 (Fax)  
 (877) 3.141593 Toll-Free www.BADEY-WATSON.com

OWNER/APPLICANT OWPP, LLC P.O. BOX 349 GARRISON, NY 10524	PROJECT LOCATION OLD WEST POINT ROAD WEST TOWN OF PHILIPSTOWN TM #71.-2-39.2
FILE NO. 73-105	DATE: 12/12/14



**FIELD TEST RESULTS**

**DEEP TEST HOLES**

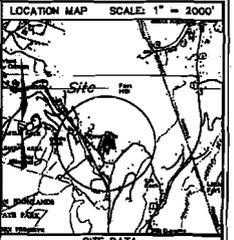
NO.	DATE	DEPTH	SOIL LAYER DESCRIPTION
1	10/13/14	15'	CLAY & SAND
2	10/13/14	15'	CLAY & SAND
3	10/13/14	15'	CLAY & SAND
4	10/13/14	15'	CLAY & SAND
5	10/13/14	15'	CLAY & SAND
6	10/13/14	15'	CLAY & SAND
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98	10/13/14	15'	CLAY & SAND
99	10/13/14	15'	CLAY & SAND
100	10/13/14	15'	CLAY & SAND

**PERCOLATION TESTS**

NO.	DATE	DEPTH	SOIL	CHANGES
1	10/13/14	15'	CLAY & SAND	
2	10/13/14	15'	CLAY & SAND	
3	10/13/14	15'	CLAY & SAND	
4	10/13/14	15'	CLAY & SAND	
5	10/13/14	15'	CLAY & SAND	
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91	10/13/14	15'	CLAY & SAND	
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94	10/13/14	15'	CLAY & SAND	
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96	10/13/14	15'	CLAY & SAND	
97	10/13/14	15'	CLAY & SAND	
98	10/13/14	15'	CLAY & SAND	
99	10/13/14	15'	CLAY & SAND	
100	10/13/14	15'	CLAY & SAND	

**SOILS LEGEND**

Symbol	M.S.C.	Soil Name
CC	2	CHARLETON-CHA FIELD complex, rolling, very rocky
CD	2	CHA FIELD-CHARLETON complex, hills, very rocky



**SITE DATA**

TAX MAP NUMBER: SECTION 71, BLOCK 02, LOT: 38.3

**FILED MAP INFORMATION**

SUBDIVISION NAME: N/A  
SUBDIVISION LOT NO: N/A  
FILED MAP NO: N/A  
DATE FILED: N/A

**LEGEND**

- ▲ PERC TEST LOCATION & INFORMATION
- ▲ DEEP TEST LOCATION & INFORMATION
- FF. PROPOSED FIRST FLOOR ELEVATION
- BF. PROPOSED BASEMENT FLOOR ELEVATION
- GF. PROPOSED GARAGE SLAB ELEVATION
- PROPOSED ROOF LEADER/FOOTING DRAIN
- PROPOSED WELL
- PROPOSED WATER SERVICE
- PROPOSED MAJOR CONTOUR
- PROPOSED SPOT ELEVATION

**REVISIONS**

DATE	DESCRIPTION
04/13/14	SKETCH FOR PER TESTING AND WELLHEAD INFORMATION
11/12/14	ORIGINAL DRAWING
01/22/15	SHOW PANE INFO ON LOCATION MAP

**PROJECT LOCATION**  
OLD WEST POINT ROAD WEST  
TOWN OF FRIELSTOWN  
COUNTY OF PUTNAM  
STATE OF NEW YORK

**PROJECT DESCRIPTION**  
SEPARATE SEWAGE TREATMENT FACILITY TO SERVICE NEW SINGLE-FAMILY DWELLING WITH INDIVIDUAL PRIVATE WATER SUPPLY

**PREPARED FOR**  
CWPP, LLC  
P.O. BOX 348  
GARRISON, NY 10524

**SUBSURFACE SEWAGE TREATMENT SYSTEM**  
SCALE AS NOTED

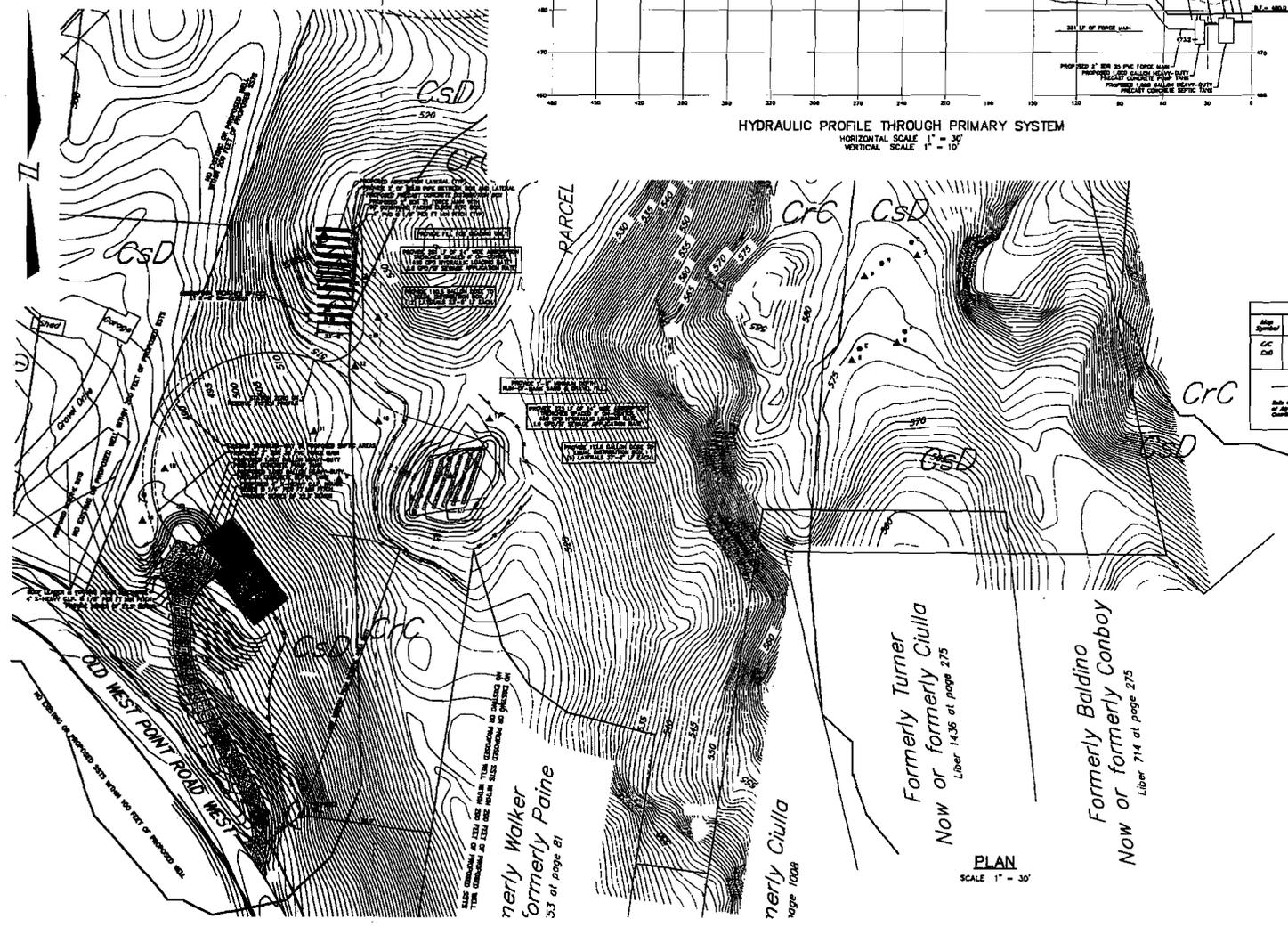
**PRINTED**  
JAN 31 2015  
BARRY & WATSON  
Surveying & Engineering, P.C.

**WARNING:**  
This drawing is prepared in accordance with the provisions of the Professional Engineering Law of the State of New York, and the Engineer's Seal is required for all work shown hereon.

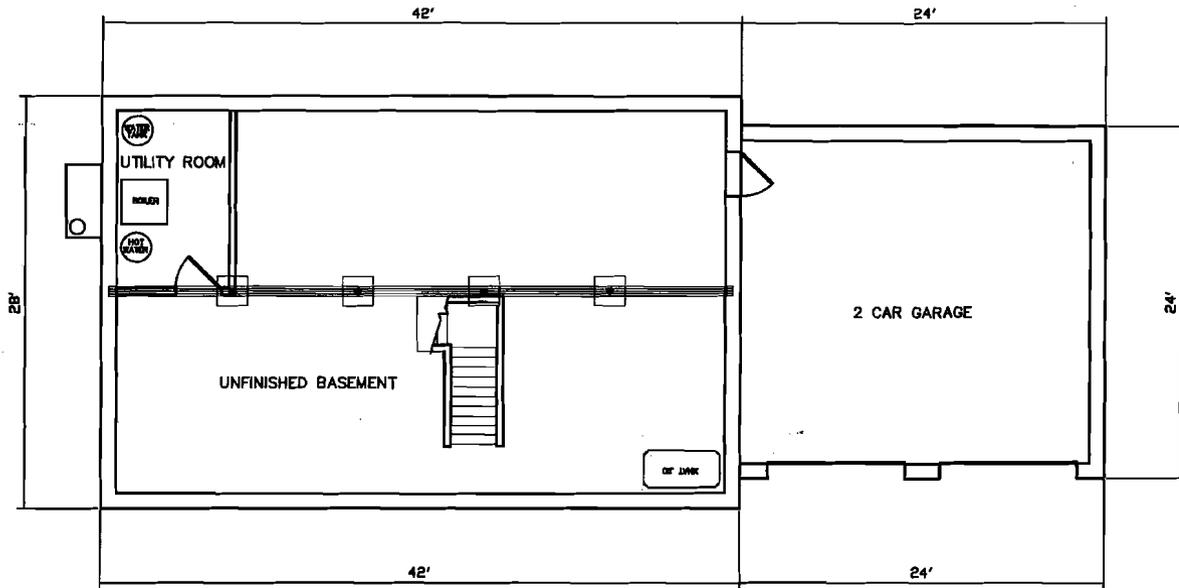
**WARNING STAMP**

PUTNAM COUNTY HEALTH DEPARTMENT APPROVAL STAMP

**SHEET 1 OF 2**







**BASEMENT FLOOR PLAN**

SCALE: 1/8" = 1'-0"

NOTE: A COPY OF THE HOUSE PLANS SUBMITTED TO THE BUILDING INSPECTOR, WHEN FILING FOR A BUILDING PERMIT, MUST BE SUBMITTED TO THE COUNTY HEALTH DEPARTMENT TO VERIFY THE BEDROOM COUNT.

CLINTON COUNTY DEPARTMENT OF HEALTH

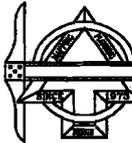
HOUSE PLANS APPROVED FOR BEDROOM COUNT ONLY.

3 BEDROOMS 24-01-15

ALL SUBSEQUENT REVISIONS/ALTERATIONS TO THESE HOUSE PLANS MUST BE SUBMITTED TO THE PCDOH FOR APPROVAL

*[Signature]*  
DATE: 12/15/15

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

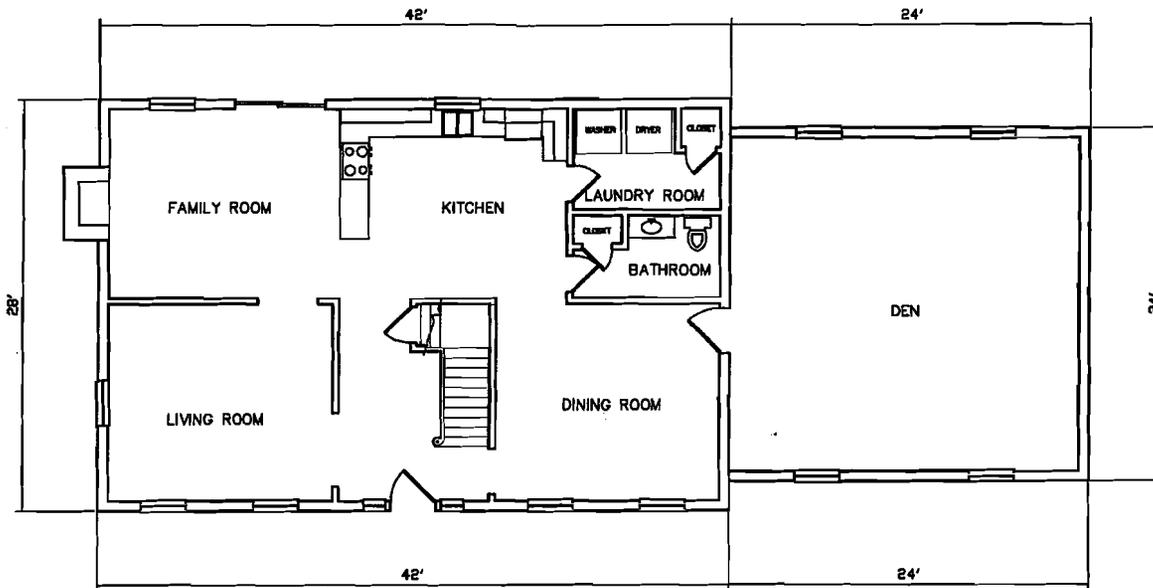
3063 Route 9, Cold Spring, NY 10518  
 (845) 265-9217 (845) 265-4426 (Fax)  
 (877) 3.141593 Toll-Free www.BADEY-WATSON.com

**OWNER/APPLICANT**  
 OWPP, LLC  
 P.O. BOX 349  
 GARRISON, NY 10524

**PROJECT LOCATION**  
 OLD WEST POINT ROAD WEST  
 TOWN OF PHILIPSTOWN  
 TM #71.-2-39.2

FILE NO. 73-105

DATE: 12/12/14



**FIRST FLOOR PLAN**

SCALE: 1/8" = 1'-0"

PLUTASKI COUNTY DEPARTMENT OF HEALTH

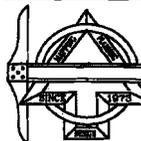
HOUSE PLANS APPROVED FOR BEDROOM COUNT ONLY,

3 BEDROOMS PH-01-75

ALL SUBSEQUENT REVISIONS/ALTERATIONS TO THESE HOUSE PLANS MUST BE SUBMITTED TO THE PCDOH FOR APPROVAL

APPROVED & TITLED  
*[Signature]*  
 DATE: 12/12/14

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

3063 Route 9, Cold Spring, NY 10516

(845) 285-9217

(877) 3.141593 Toll-Free

(845) 285-4428 (Fax)

www.BADEY-WATSON.com

NOTE: A COPY OF THE HOUSE PLANS SUBMITTED TO THE BUILDING INSPECTOR, WHEN FILING FOR A BUILDING PERMIT, MUST BE SUBMITTED TO THE COUNTY HEALTH DEPARTMENT TO VERIFY THE BEDROOM COUNT.

**OWNER/APPLICANT**  
 OWPP, LLC  
 P.O. BOX 349  
 GARRISON, NY 10524

**PROJECT LOCATION**  
 OLD WEST POINT ROAD WEST  
 TOWN OF PHILIPSTOWN  
 TM #71.-2-39.2

FILE NO. 73-105

DATE: 12/12/14

2/3

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

TT  
None

THIS INDENTURE, made the 1<sup>st</sup> day of June, nineteen hundred and ninety  
BETWEEN

ANDREW GRASSO and MADELINE GRASSO, husband and wife, residing at Old West  
Point Road, Garrison, Putnam County, New York 10524; and ANDRE GRASSO,  
residing at Old West Point Road, Garrison, New York 10524;

party of the first part, and

ANDRE GRASSO, residing at Old West Point Road, Garrison, Putnam County,  
New York 10524;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten 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 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,  
being shown as Lot No. 2 on a certain map entitled "Subdivision Plat for Andre W.  
Grasso", filed on June 2, 1988, in the Putnam County Clerk's Office as Map No.  
2326.

THIS DEED is given to confirm that Deed from Andre Grasso, Andrew Grasso and  
Madeline Grasso to Andre Grasso dated June 1, 1989, and recorded in the Putnam  
County Clerk's Office on June 6, 1989, in Liber 1059 of Deeds at Page 330.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of  
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-  
eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply  
it to 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.

And the word "parties" 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:

*Andrew Grasso*  
ANDREW GRASSO

*Madeline Grasso*  
MADELINE GRASSO

*Andre Grasso*  
ANDRE GRASSO

ROMBOUT ABSTRACT  
831-3987  
RAD 5336

05842

1096 of 134

STATE OF NEW YORK, COUNTY OF PUTNAM

On the 15<sup>th</sup> day of JUNE 1990, before me personally came ANDREW GRASSO and MADELINE GRASSO and ANDRE GRASSO

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

*Michael J. Tighe*  
Notary Public

MICHAEL J. TIGHE  
Notary Public, State of New York  
No. 4813044  
Qualified in Putnam County  
Commission Expires 4/30/91

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

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 resides at No

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto

Tax Mailing Address:  
Old West Point Road  
Garrison, N.Y. 10524

Mortgage and Sale Deed

WITH COVENANT AGAINST GRADUOUS ACES

TITLE No. RAD 5536

ANDREW GRASSO and MADELINE GRASSO, and ANDRE GRASSO,

TO

ANDRE GRASSO,

SECTION 51  
BOOK 1  
LOT 18, 1  
COUNTY OF TOWN  
County of Putnam  
Town of Philipstown

RETURN BY MAIL TO

MICHAEL J. TIGHE, ESQ.  
81 Main Street  
P. O. Box 313  
Cold Spring, New York 10516  
Exp. No.



RECEIVED  
REAL ESTATE  
JUL 2 - 1990  
TRANSFER TAX  
PUTNAM  
COUNTY

DEPT. OF REVENUE  
JUL 2 8 1990

PUTNAM COUNTY CLERK'S OFFICE  
RECEIVED ON THE 2 DAY OF July 1990  
AT 8:44 A.M. RECORDED IN  
BOOK No. 1096 of 134  
AT PAGE 133 AND EXAMINED

*Joseph A. Helms*  
CLERK

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



PUTNAM COUNTY  
RECORDING PAGE

PAGE 1 OF RECORDED DOCUMENT



DOCUMENT # 1500272

DEED - COMMERCIAL

NETT: 1654 \$.00  
CONSIDERATION: \$.00

01/31/2006 11:26:04 A.M.  
RECEIPT: 1753 FEE: \$214.00  
DENNIS J. SANT  
PUTNAM COUNTY CLERK  
LIBER: 1733 PAGE: 115

LIBER 1733 PAGE 115

RECORD & RETURN TO:

Andre Grasso  
P.O. Box 122  
Garrison NY 10524

RESERVE FOR RECORDING INFORMATION  
TYPE OR PRINT

GRANTOR/MORTGAGOR

Andre Grasso  
TO  
OWPP, Inc.

DO NOT WRITE BELOW THIS LINE

DEED  MTG  SAT  ASMT  CEM  POA  ESE   
OTHER

RECORDING FEES	# OF PAGES
EDP FEE	10.00
RCD FEE	9.00
STAT CHG	5.00
REC MGMT	20.00
CROSS REF	
<b>TOTAL</b>	<b>44.00</b>

1+ 3 = 4

( ) MTA FILED

( ) EAR (  ) EAC

RESERVE FOR CERTIFICATION

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

THIS DOCUMENT WAS EXAMINED  
PURSUANT TO §315 REAL PROPERTY LAW

DENNIS J. SANT  
PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 11th day of January, in the year 2006  
BETWEEN

ANDRE GRASSO  
residing at 410 Old West Point Road, Post Office Box 122,  
Garrison, New York 10524,

party of the first part, and

OWPP, LLC, having a principal place of business at  
~~Post Office Box 349~~, Garrison, New York 10524,

*(Handwritten initials)*

410 Old West Point Road

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten 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 certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE "A" ANNEXED HERETO.

Tax Map Designation

Dist.

Sec. 71.

Blk. 2

Lot(s) <sup>pto</sup> 39

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 all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

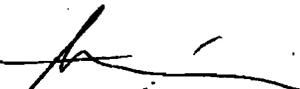
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

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:

  
\_\_\_\_\_  
ANDRE GRASSO

LIBER 1733 PAGE 116

Page 008

10-Balber Pickard Batt

FILED-814 739 2808

10:40AM 00-00-00

RECEIVED

Title No. RGP 17596

Schedule A  
(description)

LIBER 1733 PAGE 117

All that certain piece, plot or parcel of land situate lying and being in the TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM, State of New York, that is a portion of those lands shown on that certain "Survey of Property prepared for Frederick H. Osborn Jr.," which was filed in the Putnam County Clerk's Office on April 13, 1973 as Map No. 1308 that is bounded and described as follows:

BEGINNING at the point on the northeasterly line of Old West Point Road where it is met by the line dividing the said lands shown on said Filed Map No. 1308, on the East, from lands formerly of Sireck and now shown on that certain "Subdivision Plat prepared for Andre Grasso...", which was filed in the Putnam County Clerk's Office on June 29, 1989 as Map No. 2328 on the West;

THENCE from the said point of beginning along the said division line and the said lands shown on Filed Map No. 2326, North 20° 30' 53" East 482.99 feet to a point now designated "Point A," which point is the point of beginning of the "Build Area" hereinafter described;

THENCE continuing along the said division line, North 20° 30' 53" East 161.00 feet to a point now designated "Point B," which point is the point of beginning of the "No Build Area" hereinafter described;

THENCE continuing along the said division line, North 20° 30' 53" East 228.00 feet to the northeasterly corner of the said lands shown on Filed map No. 2326;

THENCE through the lands shown on Filed Map No. 1308, the following courses: South 73° 45' 00" East 330.01 feet; South 11° 37' 10" East 543.93 feet and South 11° 58' 00" East 125.60 feet to a corner of lands now or formerly of Baldino;

THENCE along the said Baldino lands, North 89° 35' 11" West 107.33 feet to a corner common among the lands shown on said Filed Map No. 1308, the said lands now or formerly of Baldino, lands now or formerly of Turner and lands now or formerly of Ciulla;

THENCE along the said Ciulla lands, the following courses: North 06° 18' 33" West 29.59 feet, North 89° 35' 11" West 166.41 feet and South 07° 44' 20" West 259.58 feet to a point;

THENCE through lands shown on said Filed Map No. 1308, North 82° 16' 40" West 50.00 feet to the easterly line of lands formerly of Walker and now or formerly Paine;

THENCE along the said Paine lands, the following courses: North 07° 44' 20" East 81.36 feet, North 74° 58' 10" West 62.44 feet, North 52° 58' 00" West 33.64 feet, North 33° 38' 30" West 33.30 feet, North 17° 03' 20" West 68.49 feet, North 16° 53' 30" West 12.29 feet and South 07° 44' 20" West 425.00 feet to another point on the northerly line of Old West Point Road;

THENCE westerly along the northerly line of Old West Point Road, the following courses: North 16° 52' 20" West 108.29 feet, North 26° 05' 01" West 118.36 feet and North 39° 00' 01" West 216.98 feet to the point or place of BEGINNING.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of Westchester ) ss.:

State of New York, County of ) ss.:

On the 11 day of January, in the year 2006 before me, the undersigned, personally appeared

LIBER 1733 PAGE 118 On the day of in the year before me, the undersigned, personally appeared

ANDRE GRASSO 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.

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.

Margaret T. Furfaro Notary Public

MARGARET T. FURFARO Notary Public, State of New York Qlfd. Westchester County # 4707187 Term Expires March 30, 2007

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY: (New York Subscribing Witness Acknowledgment Certificate) State of New York, County of ) ss.:

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY: (Out of State or Foreign General Acknowledgment Certificate) ) ss.:

(Complete Venue with State, Country, Province or Municipality)

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

On the day of in the year before me, the undersigned, 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

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/ their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they know(s)

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

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.

BARGAIN & SALE DEED

WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE No. RGP 17596

DISTRICT SECTION 71. BLOCK 2 LOT # 39 COUNTY OR TOWN Philipstown

ANDRE GRASSO

TO

OWPP, LLC

RECORDED AT REQUEST OF

Fidelity National Title Insurance Company of New York RETURN BY MAIL TO



RECORDED AT REQUEST OF REG AGENCY Box 431 Peekskill, NY 10668 (914) 739-2700 RETURN BY MAIL TO

Andre Grasso Post Office Box 122 Garrison, New York 10524

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



PUTNAM COUNTY RECORDING PAGE PAGE 1 OF RECORDED DOCUMENT

DOCUMENT # 24332

RETT: 1338 \$1.00 CONSIDERATION: \$1.00

12/22/2005 09:57:42 A.M. LIBER 1729 PAGE 186 RECEIPT: 23660 FEE: \$92.00 DENNIS J. SANT PUTNAM COUNTY CLERK

RESERVE FOR RECORDING INFORMATION

RECORD & RETURN TO:

TYPE OR PRINT

Hudson Highlands Land Trust P.O. Box 226 Garrison NY 10524

GRANTOR/MORTGAGOR FAN Trust TO Hudson Highlands Land Trust

DO NOT WRITE BELOW THIS LINE

DEED [ ] MTG [ ] SAT [ ] ASMT [ ] CEM [ ] POA [ ] ESE [x]

OTHER conservation easement

Table with columns: RECORDING FEES, # OF PAGES, and amounts. Includes EDP FEE (5.00), RCD FEE (57.00), STAT CHG (5.00), REC MGMT (20.00), CROSS REF, and TOTAL (87.00).

1+ 19 = 20 C/R

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:

- A COMMERCIAL/VACANT LAND B 1-2 FAMILY C UNDER \$10,000.00 J CREDIT UNION/ PERSONAL MTG E 3-6 UNITS N EXEMPT

( ) MTA FILED \$5.00 ( ) EAR \$75.00 ( ) EAC \$165.00

RESERVE FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO \$315 REAL PROPERTY LAW

Dennis J. Sant

DENNIS J. SANT PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

**DEED of CONSERVATION EASEMENT**

THIS CONSERVATION EASEMENT is entered into this 21 day of December, 2005 between BARBARA O. DAVID, WILLIAM C. OSBORN, FREDERICK H. OSBORN III, and ROBERT L. SEAMAN, as Trustees of the FAN Trusts created by Trust Agreement dated the 29<sup>th</sup> day of December, 1976, with its address at c/o FREDERICK H. OSBORN III, Managing Trustee, 200 Osborn Drive, Garrison, NY 10524, (collectively "Grantors") and the HUDSON HIGHLANDS LAND TRUST, INC., a New York not-for-profit corporation having an office at 1180 Route 9D, P.O. Box 226, Garrison, New York 10524, ("Grantee").

WHEREAS, Grantee is a New York not-for-profit corporation within the meaning of Article 49, Title 3, of the Environmental Conservation Law of the State of New York (the "Conservation Law"), is organized for the purpose of conserving real property, and is qualified to be the grantee of interests in real property exclusively for conservation purposes pursuant to § 170(h) of the United States Internal Revenue Code of 1986, as amended;

WHEREAS, Grantor is the owner in fee of approximately ten (10) acres of unimproved land located in the Town of Philipstown, identified as a portion of Tax Parcel 71.-2-39 (the "Property") and described in deed dated December 21, 1976 and recorded in Liber 740, at page 361 in the Putnam County Clerk's office; which is more specifically described in "Exhibit A" attached hereto; and as depicted on the map in "Exhibit B" attached hereto;

WHEREAS, the Property is located in the Hudson Highlands and is within the watershed of the Hudson River, long recognized for its outstanding scenic and natural beauty, shoreline, and geological and ecological character, and the preservation of which is significant because of the region's natural, historical, archaeological, architectural and cultural amenities;

WHEREAS, the Property is characterized by forested land, wetlands, steep slopes, and natural beauty and adjoins Old West Point Road West, a public roadway;

WHEREAS, the Property lies in proximity to park lands belonging to New York State, adjacent to the public-accessible Garrison School Forest, and near other properties protected by conservation easements as part of a concerted effort to conserve land within the jurisdiction of the Hudson River Greenway Council and the Greenway Conservancy for the Hudson River Valley, Inc., organizations created by the State of New York in 1991 to foster good land stewardship in the Hudson River Valley;

WHEREAS, the Property is zoned residential R-80 (2-acre) under the Zoning Laws of the Town of Philipstown and subdivision and development pressure threaten the continued rural, scenic, ecological, and open space character of the Property and the surrounding area;

WHEREAS, the State of New York has designated in the Hudson Highlands a Scenic Area of Statewide Significance along the Route 9D corridor, within which the Property is located, to provide for the protection and enhancement of this unique resource;

WHEREAS, Grantor shares the land conservation goals of Grantee and desires to ensure that the rural, scenic, and ecological characteristics of the Property will be preserved for the benefit of future generations; and

WHEREAS, Grantee has determined that acquiring a conservation easement pursuant to Article 49, Title 3, of the Conservation Law to restrict and limit the Property's development, management and use would further Grantee's charitable purposes by preserving and maintaining the area's scenic, open and natural condition and character;

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties agree as follows:

1. **Grant.** Grantor hereby grants to Grantee a perpetual conservation easement (this "Conservation Easement") over the Property, which shall encumber the Property to the extent provided herein.
  - 1.1. **Purpose.** The purpose of this Conservation Easement is to conserve the scenic character and protect the natural resources of the Property and to limit development as specified herein.
  - 1.2. **Implementation.** This Conservation Easement shall be implemented by limiting and restricting the development and use of the Property in accordance with the provisions of this Conservation Easement.
2. **Restrictions Applicable to the Property.** The following restrictions are applicable to the Property. Nothing contained herein, however, shall restrict an owner of the Property from imposing further restrictions consistent with the terms and purposes of this Conservation Easement upon conveyance or otherwise.
  - 2.1. **Subdivision Prohibited:** Under no circumstances shall the Property be subdivided for the purpose of constructing more than one single-family residence on the Property, as permitted in paragraph 2.3 below. Boundary line adjustments otherwise permitted by local law are permitted.
  - 2.2. **Use:** The Property, as far as practical, shall be left in its natural condition and shall not be used for any purpose except as a single-family residence in accordance with this Conservation Easement Deed. The Property may be used for one single-family, residential dwelling and permitted accessory uses as follows: (a) a customary home occupation that is not visible or audible outside of the residential or accessory structure; and (b) agricultural activities to the extent allowed under the applicable zoning ordinances. No commercial, industrial, or institutional use of the Property shall be permitted, except for professional, business or artistic use permitted by the existing zoning code of Philipstown. The above-allowed uses shall not generate traffic in excess of that customarily associated with reasonable residential use.

- 2.3. Permitted Structures:** No building or other improvement shall hereafter be placed upon the Property, except as specifically provided as follows:
- 2.3.1.** No permanent or temporary structure may be erected or maintained within the irregular circular area denoted as 'No Build Area' on Exhibit B. No permanent or temporary structure may be erected elsewhere on the Property except for a one single-family residential dwelling with attached garage and no more than four "accessory structures" as identified in paragraph 2.3.2 below.
- 2.3.2.** Permitted "accessory structures" are limited to no more than a total of four structures on the Property, consisting of such of the following as are otherwise permitted under applicable zoning law and regulations: one guesthouse with attached garage, one detached garage or barn or studio or similar structure without living quarters, one in-ground swimming pool, and one tennis court, and shall be limited to those permitted under applicable zoning regulations. The site footprint on the Property of any garage, swimming pool, tennis court or guest house accessory structure shall be wholly outside the irregular circular area referred to in paragraph 2.3.1 above and wholly within 250 feet of either the single-family residential dwelling allowed by this paragraph 2.3.1 above or the garage presently located on the adjacent premises, the title to which is in the name Andre Grasso and as identified in Exhibit B. ("the Grasso Garage").
- 2.3.3.** Notwithstanding the limitation in paragraph 2.3.2 of accessory structures to within 250 feet of a single family residence, the owner shall have the option, prior to the construction of the permitted single-family residential dwelling, to construct an accessory structure farther than 250 feet from any portion of the existing Grasso Garage, but if such option is exercised, the right to construct a single-family residential dwelling as provided in paragraph 2.3.1 above is forfeited and such dwelling may not be built on the Property.
- 2.3.4.** Attached additions built hereafter to the Grasso Garage may encroach up to 15 feet onto the Property without being considered an accessory structure.
- 2.3.5.** No structure shall exceed 35 feet in height from ground level at the highest point of the foundation, excluding chimneys or flues.
- 2.4. Utilities.** The installation of wells, water lines, septic systems, electric and other utility distribution lines shall be permitted in connection with the structures allowed on the Property; provided, however, the installation of such utilities outside of the permitted building envelope shall require Grantee's approval even if required to support an allowed structure or meet zoning requirements.

- 2.5. Grading.** Any structure or improvement shall be designed to relate to existing slopes and contours. Any grading shall blend into the natural topography of the parcel and be limited to the minimum necessary for a trail, driveway, foundation, septic, or other improvement made in compliance with this Conservation Easement.
- 2.6. Exterior Appearance:**
- 2.6.1.** The roofing color and exterior colors of any structure on the Property shall be such that they minimize the visibility of such surfaces (for example, through the use of muted tones).
- 2.6.2.** No sign shall be permitted on the Property except (i) a sign of professional quality and not more than two (2) square feet in size that indicate the name of the owner or the road number of the residence or both and (ii) signs or notices customarily used for posting and trespassing.
- 2.6.3.** Antennas, satellite dishes, or other outdoor fixtures shall be unobtrusive.
- 2.6.4.** Mobile homes and house trailers are prohibited.
- 2.7. Walls and Fences:**
- 2.7.1.** Any wall that is not part of a building and any fence shall not exceed eight feet in height above ground level and shall be composed mainly of wood or stone, except for customary and unobtrusive fencing for a garden or orchard, for protection against deer or other predators, or as required by law. Stone walls shall not be removed, except as required in the construction of permitted structures.
- 2.8. Roads, Driveways, Trails, and Drainage:** A single driveway may be constructed to provide access to a residence and permitted accessory structures. The driveway and any hiking trails within the property boundaries, may be maintained, improved and/or relocated. Trails and drainage ways may be located anywhere on the Property, provided that they are constructed and located in a manner that minimizes erosion and impact on landscape quality. Use of any motorized vehicle is permitted on or off any driveways accessing any permitted structures in connection with the maintenance of the Property or for personal transportation of the Property owner. The organized use of motorized vehicles, such as for club events, and the construction of tracks for use of organized motor vehicle events, is prohibited on any portion of the Property.
- 2.9. Dumping:** No dumping, storage or release of, sewage, garbage, refuse, scrap materials, sediment discharge, petroleum and its by-products, leached compounds, toxic fumes, non-composted organic waste, or other unsightly, hazardous or offensive material, shall be allowed on the Property, except that which is

generated by activities expressly permitted by this Conservation Easement and then only in accordance with applicable law and in a manner consistent with the conservation purposes of this Conservation Easement.

- 2.10. **Mining, Transmission Lines, Pipelines, Landfills:** There shall be no surface or subsurface mining or quarrying on the Property. No telecommunications towers or associate antennae may be placed on the Property without prior written consent of Grantee. There shall be no placement of high-voltage transmission lines, pipelines, landfills, or other land uses detrimental to the scenic character or ecosystems of the Property.
  - 2.11. **Chemicals.** No pesticide, herbicide or other chemical treatment for land, vegetation or animals shall be used unless its use is necessary, safe for humans, and will not contaminate any source of drinking water.
  - 2.12. **Waterways:** No waterways on or adjoining the Property shall be polluted by sedimentation, siltation, agricultural run-off, or otherwise by action of the owners.
  - 2.13. **Clearing of Trees:** No trees or other natural landscaping shall be cut or removed except: (a) to implement an "approved management plan" for qualifications of a forest land exemption pursuant to § 480-a of the Real Property Tax Law; (b) for trees or limbs that are fallen, dead, diseased, or dangerous; (c) to provide for the construction of structures or improvements allowed under this Conservation Easement, including to create or maintain gardens or landscaping in the vicinity of permitted structures; (d) limited cutting for firewood for personal use of the owners (not for sale) done in accordance with sound conversation practices; or (d) subject to the approval of Grantee, to create new open spaces, views, or trails. In considering any such approval, Grantee shall seek to preserve the screening of any structure from the view of another dwelling and any public road or highway. All clearing of trees and vegetation shall be conducted in conformity with sound land and forest management practices to minimize erosion and adverse impacts on natural resources.
3. **Reserved Rights.** Grantor reserves all rights with respect to the Property or any part thereof, including without limitation the right of exclusive use, possession, and enjoyment of the Property, and the right to sell, transfer, lease, mortgage, or otherwise encumber the Property, as owner, subject to the restrictions and covenants set forth in this Conservation Easement Deed. Nothing herein shall be construed as a grant to the general public of any right to enter upon any part of the Property.
    - 3.1. **Gardens.** Gardens, and all activities customary to create or maintain a garden, are expressly permitted.
    - 3.2. **Landscaping.** Subject to the purpose of this Conservation Easement set forth in Section 1.1 hereof, the Property may be landscaped for scenic effect and

beautification, including the removal and eradication of non-native, invasive plant species.

**4. Additional Covenants:**

**4.1 *Enforcement:*** Both Grantor and Grantee may enforce this Conservation Easement in law or equity pursuant to the provisions of Article 49, Title 3, of the Conservation Law against any or all owners or users of the Property.

**4.1.1** If there is a violation of any of the provisions of this Conservation Easement, Grantor or Grantee shall notify the party in violation, who shall promptly cure the violation by:

**4.1.1.1** Ceasing the violation, or

**4.1.1.2** Restoring the Property to its condition before the violation, or

**4.1.1.3** Both, as the case may be.

**4.1.2** If the violation continues, Grantor and Grantee shall each have the right, but not the obligation, to pursue legal actions or proceedings at law and equity to cause such violation to be cured, and if a court of competent jurisdiction determines that violation has occurred hereunder and that such violation was caused by the property owner, the owner shall reimburse Grantors and Grantee, as applicable, for all expenses incurred, including legal fees whether in or out of court and the cost of legal proceedings brought to cure the violation or to collect such reimbursement.

**4.1.3** Failure to enforce any restriction or covenant herein contained shall in no event be deemed a waiver of a right to do so thereafter as to the same violation or breach, or as to one occurring prior to or subsequent thereto.

**4.2 *Cost of Ownership.*** Grantor, its successors and assigns, shall retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property. Grantor and subsequent owners remain solely responsible for obtaining any applicable governmental permits and approvals for any activity or use permitted by this Conservation Easement. Nothing herein shall be construed as giving rise to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Property, or any of Grantor's activities on the Property, or otherwise to become an operator with respect to the Property with the meaning of The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA") and any corresponding state statute.

**4.3 *Existing Conditions: Baseline Data Report.*** By its execution of this Conservation Easement, Grantee acknowledges that Grantor's historical and present uses of the Property are compatible with the purposes of this Conservation Easement. In order to evidence the present condition of the Property (including both natural and man-made features) so as to facilitate future monitoring and

enforcement of this Conservation Easement, a Baseline Data Report, including a map and describing such condition at the date hereof, has been prepared and subscribed by both parties, and a copy thereof has been delivered to Grantor and kept on file with the Grantee.

- 4.4 **Notice of Changes to Property:** No structure or improvement shall be built or expanded, nor shall any substantial change be made to the Property or to any structures on the Property until Grantee is notified and plans for the work are submitted to Grantee. Grantee shall review the plans for compliance with the restrictions imposed by this Conservation Easement, and may require Grantor to make changes in the plans to comply with this Conservation Easement. No land shall be excavated or cleared, or work commenced, until thirty (30) days after Grantee receives such notice and plans, unless Grantee gives its earlier written approval. The actual clearing of land and completed structure, change, or improvement shall conform to the approved plans in all respects. Failure of Grantee to respond to the notice within thirty (30) days of the receipt of the notice and plans shall be deemed its approval to the plans as submitted.
- 4.5 **Amendment:** This Conservation Easement may be amended by a recorded instrument signed by Grantor and Grantee, provided that any such amendment is consistent with the conservation purposes of this Conservation Easement. Grantee shall have no right or power to agree to any amendment that would result in this Conservation Easement failing to qualify as a valid Conservation Easement under Article 49.
- 4.6 **Further Acts.** Each party shall perform any further acts and execute and deliver any document, including amendments to this Conservation Easement that may be reasonably necessary to carry out the provisions of this Conservation Easement or that are necessary to qualify this instrument as a conservation easement under Article 49, Title 3, of the Conservation Law and its regulations
- 4.7 **Future Conveyances and Encumbrance by Conservation Easement:** Any subsequent conveyance including, without limitation, the transfer, lease, or mortgage of the Property or any portion thereof, shall be subject to this Conservation Easement, and any deed or other instrument evidencing or effecting such conveyance shall contain language substantially as follows:
- 4.7.1 "This [conveyance, lease, mortgage, etc.] is subject to a Conservation Easement which runs with the land and which was granted to the Hudson Highlands Land Trust Inc, dated December 21 2007, and recorded in the office of the Clerk of Putnam County at Liber 1729 of Deeds at Page 186"
- 4.7.2 The failure of such language shall not affect the validity or applicability of this Conservation Easement to such Property.

- 4.8 **Taxes and Assessments:** Each owner of the Property shall pay all taxes and assessments lawfully assessed against the Property owned by such owner.
- 4.9 **Severability:** Invalidation of any provision of this Conservation Easement, by court judgment, order, statute, or otherwise, shall not affect any other provisions, which shall be and remain in force and effect.
- 4.10 **Binding Effect:** The provisions of this Conservation Easement shall run with the land and shall be binding on each owner of and party entitled to possession or use of the Property for so long as such party is the owner or entitled to possession or use thereof and only with respect to the property owned by such party or to which such party shall be entitled to possession or use, but nothing herein shall relieve any such party from any liability arising hereunder during the period that such party was the owner or entitled to possession or use of the Property. As used in this section, the term owner shall include the owner of any beneficial or equity interest in all or part of the Property.
- 4.11 **Continuity:** Grantee agrees that it will assign this Conservation Easement only to an assignee that is a qualified not-for-profit conservation organization as defined in § 49-0303(2) of the Conservation Law or a municipal corporation with the authority to acquire and enforce this Conservation Easement.
- 4.12 **Notice of Conveyance:** Grantors agree to give Grantee written notice before exercising any reserved right, the exercise of which may affect the conservation interests of this Conservation Easement. Grantors further agree to notify Grantee by certified mail within reasonable time of any conveyance, lease, or transfer of the Property.
- 4.13 **Inspection:** The Grantee and its duly authorized representatives shall have the right to enter the Property at reasonable times, in a reasonable manner, after giving at least 48 hours advance notice, to inspect for compliance with the terms of this Conservation Easement.
- 4.14 **Waiver:** Grantee may, on a case-by-case basis, waive any provision of this Conservation Easement that it deems to be non-essential to fulfilling the Conservation Easement's conservation purposes. Such waivers may not be granted with respect to the number or nature of structures that may be built. Any such waiver must be supported by a written finding in the minutes of the meeting of the Grantee at which such waiver was approved. Such finding shall state the rationale for allowing the waiver and shall indicate why such a waiver will not compromise the conservation purposes of this Conservation Easement. Such individual waivers will not affect the future applicability of any waived provision as applied to other situations, and any provision waived in an individual case shall continue in full force and effect for other cases. Any such waiver shall comply with Article 49, Title 3 of the Conservation Law and Section 170(h) of the Code. Copies of resolutions of Grantee's Board of Directors approving such waivers

shall be kept in Grantee's permanent files with this Conservation Easement. Grantee shall, if requested by an owner of the Property or portion of the Property, issue a certificate of compliance indicating that an alteration of the Property undertaken pursuant to this Section was undertaken pursuant to an approved waiver or a provision or provisions of this Conservation Easement.

- 4.15 **Extinguishment:** If and when the restrictions contained in this Conservation Easement are extinguished by eminent domain taking or otherwise, the Grantor and Grantee agree to divide the proceeds in proportions equal to the fair market value of their interest in the Property immediately after the grant of this Conservation Easement. Grantor and Grantee agree that the value of the Grantee's interest on the date of execution of this Conservation Easement shall equal the amount by which the fair market value of the Property immediately prior to the execution of this Conservation Easement is reduced by the restrictions imposed by this Conservation Easement. Grantee agrees to devote its share of the proceeds in a manner consistent with the conservation purposes inherent in this Conservation Easement.
- 4.16 **Extinguishment of Development Rights.** Grantor hereby grants to Grantee all development rights now or hereafter associated with the Property except as specifically reserved as provided herein. The parties agree that all development rights not so reserved are extinguished and that the Property's acreage may not be used to calculate permissible density or lot yield under the zoning law of the Town of Philipstown for any other land not restricted by this Conservation Easement.
- 4.17 **Indemnification.** Grantor hereby releases and agrees to hold harmless, indemnify and defend Grantee, and Grantee's directors, officers, employees, agents, or independent contractors and their heirs, personal representatives, successors and assigns of each of them (collectively "**Indemnified Parties**") from and against any and all losses, costs, expenses, causes of action, judgments, administrative actions, or liabilities, including, without limitation, reasonable attorneys' fees and disbursements, arising from or in any way connected with: (1) the violation or alleged violation of, or other failure to comply with state, federal, or local law, regulation or requirement, including without limitation CERCLA and any corresponding state statute by any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Property; and (2) the presence or release in, on, from or about the Property, at any time, of any substance now or hereinafter defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation or requirement as hazardous, toxic, polluting, or otherwise

contaminating to the air, water or soil, or in any way harmful or threatening to human health of the environment, unless caused solely by any of the Indemnified Parties.

IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first above written.

**GRANTOR:**

Barbara O. David, William C. Osborn ~~II~~, Frederick H. Osborn III, Robert L. Seaman, as Trustees for the F. A. N. Trusts created under deed of Trust dated 26 December 1976.

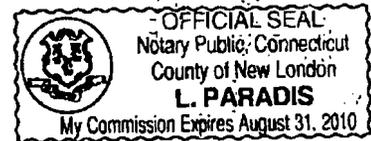
Barbara O. David  
BARBARA O. DAVID

STATE of CONNECTICUT)  
COUNTY of HARTFORD) ss:

On the 12 day of December 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Barbara O. David, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the County of

*New London* Hartford, State of Connecticut

[Signature]  
Notary Public

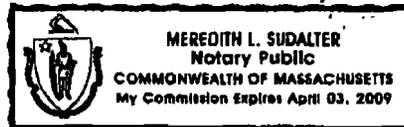


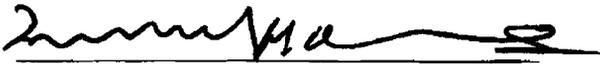
William C. Osborn  
WILLIAM C. OSBORN ~~II~~

COMMONWEALTH of MASSACHUSETTS)  
COUNTY of Norfolk ) ss:

On the 5<sup>th</sup> day of December 2005, before me, the undersigned, a Notary Public in and for said Commonwealth, personally appeared William C. Osborn II, 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 whom the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the County of Norfolk, Commonwealth of Massachusetts.

[Signature]  
Notary Public





FREDERICK H. OSBORN III

STATE of NEW YORK)  
COUNTY of PUTNAM) ss:

On the 24 day of December 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Frederick H. Osborn III, 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 whom the individual acted, executed the instrument.

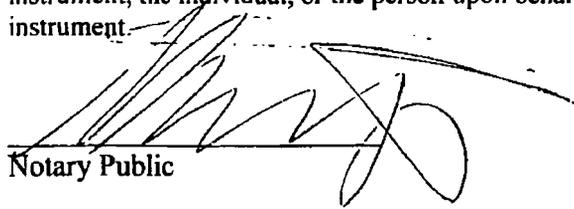
  
Notary Public

MARLOM KOVACS  
Notary Public, State of New York  
No. 01KO6111538  
Qualified in Putnam County  
My Commission Expires June 14, 2008

  
ROBERT L. SEAMAN

STATE of NEW YORK)  
COUNTY of NASSAU) ss:

On the 19<sup>th</sup> day of December 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Seaman, 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 whom the individual acted, executed the instrument.

  
Notary Public

NANINE J. WAINWRIGHT  
Notary Public, State of New York  
No. 01WA6082688  
Qualified in Queens County  
Commission Expires Nov. 4, 2006

EXHIBIT A

N.B. The meridian (North Point) used in the foregoing description is True North at 74°20'00" West Longitude which bears 14°06'30" clockwise from the meridian of Filed Map No. 1308. The substance of this note should remain with this description in any instrument to which it may become a part.

**SCHEDULE A**

**BEGINNING** at the point on the northeasterly line of Old West Point Road where it is met by the line dividing the said lands shown on said Filed Map No. 1308, on the east, from lands formerly of Silleck and now shown on that certain "Subdivision Plat prepared for Andre Grasso ...," which was filed in the Putnam County Clerk's office on June 29, 1988 as Map No. 2326, on the west.

**THENCE** from the said point of beginning along the said division line and the said lands shown on Filed Map No. 2326

N 20°30'53" E 462.99 feet

to a point now designated "Point A," which point is the point of beginning of the "Build Area" hereinafter described. Thence continuing along the said division line

N 20°30'53" E 151.00 feet

to a point now designated "Point B," which point is the point of beginning of the "No Build Area" hereinafter described. Thence continuing along the said division line

N 20°30'53" E 228.00 feet

to the northeasterly corner of the said lands shown on Filed Map No. 2326. Thence through the lands shown on Filed Map No. 1308, the following courses:

S 73°45'00" E 330.01 feet

S 11°37'10" E 543.93 feet and

S 11°59'00" E 125.60 feet

to a corner of lands now or formerly of Baldino. Thence along the said Baldino lands

N 89°35'11" W 107.33 feet

to a corner common among the lands shown on said Filed Map No. 1308, the said lands now or formerly of Baldino, lands now or formerly of Turner and lands now of formerly of Ciulla. Thence along the said Ciulla lands, the following courses:

N 06°18'33" W 29.59 feet  
N 89°35'11" W 166.41 feet and  
S 07°44'20" W 259.58 feet

to a point. Thence through the lands shown on said Filed Map No. 1308

N 82°15'40" W 50.00 feet

to the Easterly line of lands formerly of Walker and now or formerly of Paine. Thence along the said Paine lands, the following courses:

N 07°44'20" E 91.35 feet  
N 74°56'10" W 62.44 feet  
N 52°58'00" W 33.54 feet  
N 33°36'30" W 33.30 feet  
N 17°03'20" W 58.49 feet  
N 15°53'30" W 12.23 feet and  
S 07°44'20" W 425.00 feet

to another point on the northerly line of Old West Point Road. Thence westerly along the northerly line of Old West Point Road, the following courses:

N 15°52'20" W 108.29 feet  
N 25°06'01" W 115.38 feet and  
N 39°00'01" W 216.98 feet

to the point or place of beginning, containing 10.162 acres, more or less.

**SCHEDULE B**  
**"Build Area"**

**BEGINNING** at the point on the line dividing the lands shown on said Filed Map No. 1305, on the east, from the lands shown on said Filed Map No. 2326, on the west, that was designated "Point A" in Schedule A, attached hereto, which point is distant

**N 20°30'53" E 462.99 feet**

measured along the said division line from its intersection with the northeasterly line of Old West Point Road.

**THENCE** from said "Point A," along the said division line

**N 20°30'53" E 379.00 feet**

to the northeasterly corner of the said lands shown on Filed Map No. 2326. Thence through the lands shown on Filed Map No. 1308 and along the northerly line of the lands described in Schedule A, attached hereto

**S 73°45'00" E 204.77 feet**

to a point. The still through the lands shown on Filed Map No. 1308 and now through the lands described in Schedule A, attached hereto southwesterly on a non-tangent curve to the right, the center of which bears S75°16'52"W, the central angle of which is 125°14'00", the radius of which is 250.00 feet for 546.43 feet to Point A, the point or place of beginning, containing 1.870 acres, more or less, excepting therefrom the so-called "No Build Area" described in Schedule C, attached hereto.

**SCHEDULE C**  
**"No Bulld Area"**

**BEGINNING** at the point on the line dividing the lands shown on said Filed Map No. 1305, on the east, from the lands shown on said Filed Map No. 2326, on the west, that was designated "Point B" in Schedule A, attached hereto, which point is distant

N 20°30'53" E 613.99 feet

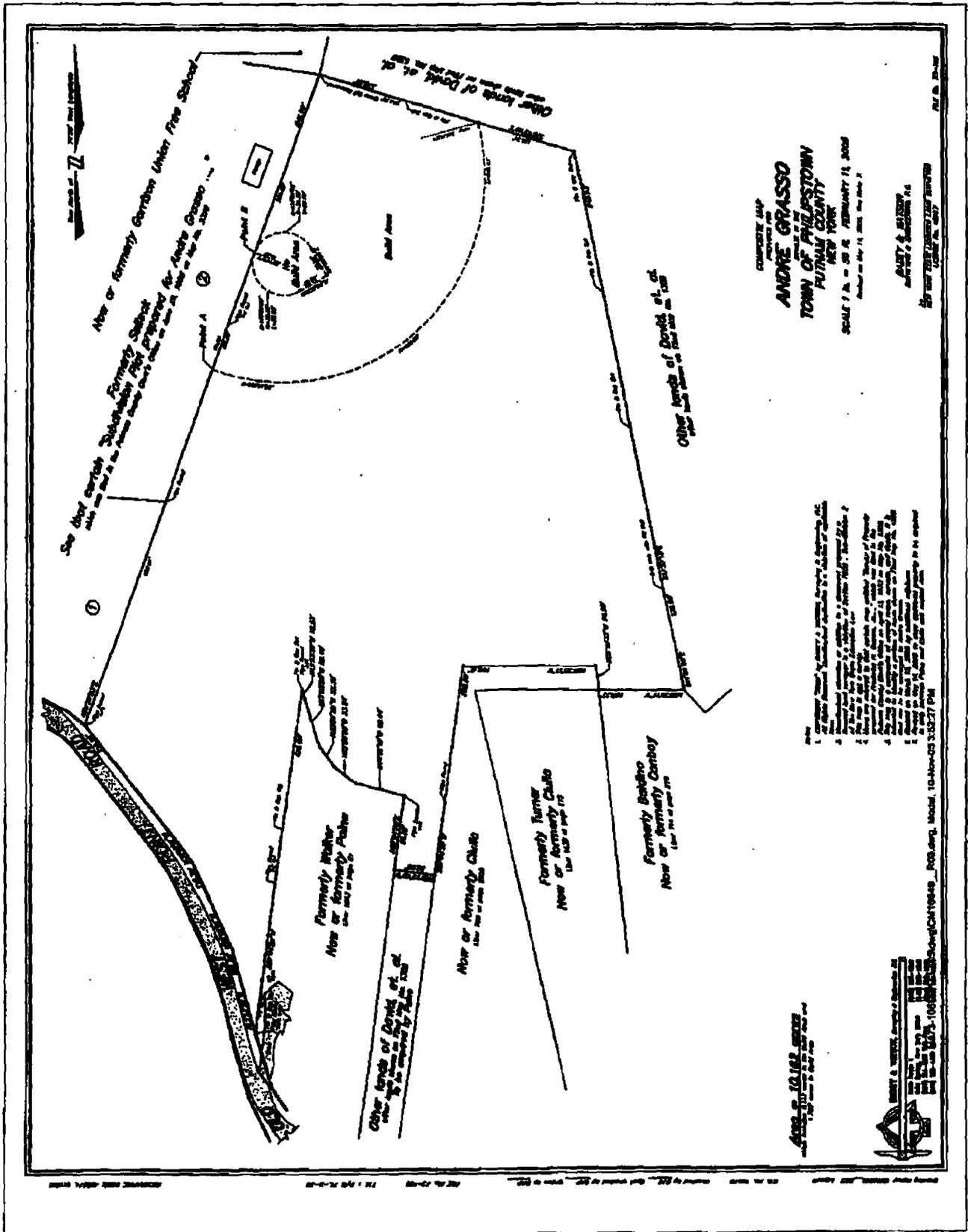
measured along the said division line from its intersection with the northeasterly line of Old West Point Road.

**THENCE** from said "Point B" through the lands shown on Filed Map No. 1305, through the lands described in Schedule A, attached hereto, and through the lands described in Schedule B, attached hereto, the following, first easterly on a curve to the right, the center of which bears S69°29'07"E, the central angle of which is 130°00'00", the radius of which is 38.30 feet for 86.90 feet, then

S 29°29'07" E 38.30 feet and  
S 60°30'53" W 38.30 feet

and then on a tangent curve to the right, the central angle of which is 140°00'00", the radius of which is 38.30 feet for 93.58 feet to said "Point B," the point or place of beginning, containing 4,923 square feet, more or less.

**EXHIBIT B**



CONCRETE MAP  
 PREPARED BY  
**ANDRE GRASSO**  
 TOWN OF PHILIPSBURG  
 FULTON COUNTY  
 NEW YORK  
 SCALE 1" = 50' 1/2" FEBRUARY 11, 2008  
 Author: May 11, 2003, See Atlas 2

ANDRE GRASSO  
 1000 W. 10th Street  
 Lawrenceville, GA 30046  
 770-962-8877

1. This map is a reproduction of the original map as shown on page 172 of the original map.  
 2. The original map is a concrete map prepared by Andre Grasso, Town of Philipsburg, Fulton County, New York, on May 11, 2003.  
 3. The original map is a concrete map prepared by Andre Grasso, Town of Philipsburg, Fulton County, New York, on May 11, 2003.  
 4. The original map is a concrete map prepared by Andre Grasso, Town of Philipsburg, Fulton County, New York, on May 11, 2003.  
 5. The original map is a concrete map prepared by Andre Grasso, Town of Philipsburg, Fulton County, New York, on May 11, 2003.  
 6. The original map is a concrete map prepared by Andre Grasso, Town of Philipsburg, Fulton County, New York, on May 11, 2003.

1000 W. 10th Street  
 Lawrenceville, GA 30046  
 770-962-8877



PHILIPSBURG TOWN ENGINEER AND PLANNING DEPARTMENT  
 1000 W. 10th Street, Lawrenceville, GA 30046  
 770-962-8877



**PUTNAM COUNTY  
RECORDING PAGE**  
PAGE 1 OF RECORDED DOCUMENT



DOCUMENT # 1500271  
DEED - COMMERCIAL  
RETT: 1653 \$1,260.00  
CONSIDERATION: \$315,000.00

01/31/2006 11:25:32 A.M.  
RECEIPT: 1753 FEE: \$217.00  
DENNIS J. SANT  
PUTNAM COUNTY CLERK  
LIBER: 1733 PAGE: 110

LIBER 1733 PAGE 110

RECORD & RETURN TO:

RESERVE FOR RECORDING INFORMATION  
TYPE OR PRINT

Andre Grasso  
P.O. Box 122  
Garrison NY 10524

GRANTOR/MORTGAGOR  
Barbara Osborn David,  
William Church Osborn,  
Frederick Henry Osborn III &  
Robert L. Seaman, as Trustees  
TO  
Andre Grasso

DO NOT WRITE BELOW THIS LINE

DEED  MTG  SAT  ASMT  CEM  POA  ESE   
OTHER \_\_\_\_\_

RECORDING FEES	# OF PAGES
EDP FEE	5.00
RCD FEE	12.00
STAT CHG	5.00
REC MGMT	20.00
CROSS REF	
<b>TOTAL</b>	<b>47.00</b>

1 + 4 = 5

**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

( ) MTA FILED  
( ) EAR  EAC

**RESERVE FOR CERTIFICATION**

THIS DOCUMENT WAS EXAMINED  
PURSUANT TO §315 REAL PROPERTY LAW

*Dennis J. Sant*

DENNIS J. SANT  
PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

**BARGAIN AND SALE DEED  
WITHOUT COVENANT AGAINST GRANTOR'S ACTS**

**THIS INDENTURE**, made the 5<sup>th</sup> day of December, 2005,

**BETWEEN**

BARBARA OSBORN DAVID, WILLIAM CHURCH OSBORN, FREDERICK HENRY OSBORN, III and ROBERT L. SEAMAN, AS TRUSTEES UNDER AGREEMENT DATED DECEMBER 1976,

having an address c/o Frederick H. Osborn, III, 200 Osborn Drive, Garrison, New York 10524

party of the first part, and

ANDRE GRASSO,

having an address at 410 Old West Point Road, P.O. Box 122, Garrison, New York 10524,

party of the second part,

**WITNESSETH**, that the party of the first part, in actual consideration of Three Hundred Fifteen Thousand and 00/100 (\$315,000.00) 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 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 as particularly described in Exhibit A attached hereto and made a part hereof.

BEING a portion of the premises described in a Deed given by Frederick H. Osborn, Jr. a/k/a Frederick Osborn, Jr. and Anne Pell Osborn, husband and wife, dated December 29, 1976 and recorded December 30, 1976 in Liber 740 cp 361.

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.

THIS CONVEYANCE is subject to those matters more particularly set forth on Exhibit B annexed hereto and made a part hereof.

AND the party of the first party, 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.

Barbara Osborn David  
BARBARA OSBORN DAVID, as Trustee

William Church Osborn  
WILLIAM CHURCH OSBORN, as Trustee

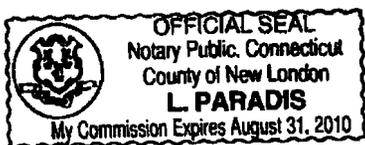
Frederick Henry Osborn III  
FREDERICK HENRY OSBORN, III, as Trustee

Robert L. Seaman  
ROBERT L. SEAMAN, as Trustee

STATE of CONNECTICUT)  
COUNTY of HARTFORD) ss:

On the 12 day of December 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared BARBARA O. DAVID, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the County of New London ~~Hartford~~, State of Connecticut.

[Signature]  
Notary Public



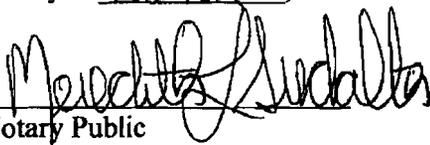
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DK: 2  
lot: p1039  
Tadno  
Philipston  
-2-

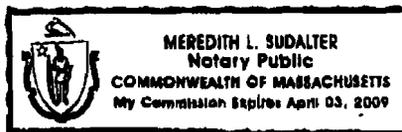
RECORDED AT REQUEST  
OF RG AGENCY  
Box 431  
Pittsford, NY 10566  
(914) 736-2700  
RETURN BY MAIL TO

Andre Grasso  
P.O. Box 122  
Barnison NY 10524

COMMONWEALTH of MASSACHUSETTS)  
COUNTY of Norfolk ) ss:

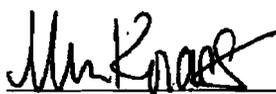
On the 5<sup>th</sup> day of December 2005, before me, the undersigned, a Notary Public in and for said Commonwealth, personally appeared WILLIAM CHURCH OSBORN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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 whom the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the County of Norfolk, Commonwealth of Massachusetts.

  
Notary Public



STATE of NEW YORK)  
COUNTY of PUTNAM) ss:

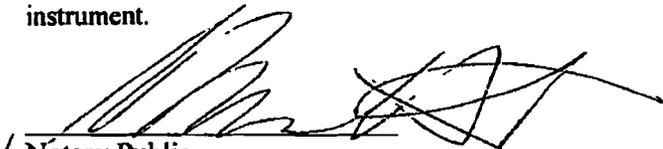
On the 21 day of December 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared FREDERICK HENRY OSBORN, III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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 whom the individual acted, executed the instrument.

  
Notary Public

MARLO M. KOVACS  
Notary Public, State of New York  
No. 01KO6111538  
Qualified in Putnam County  
My Commission Expires June 14, 2008

STATE of NEW YORK)  
COUNTY of NASSAU) ss:

On the 19<sup>th</sup> day of December 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT L. SEAMAN, 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 whom the individual acted, executed the instrument.

  
Notary Public

NANINE J. WAINWRIGHT  
Notary Public, State of New York  
No. 01WA6082688  
Qualified in Queens County  
Commission Expires Nov. 4, 2006

**LIBER 1733 PAGE 112**

**Title No. RGP 17598**

**Schedule A  
(description)**

All that certain piece, plot or parcel of land situate lying and being in the **TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM, State of New York**, that is a portion of those lands shown on that certain "Survey of Property prepared for Frederick H. Osborn Jr.," which was filed in the Putnam County Clerk's Office on April 13, 1973 as Map No. 1308 that is bounded and described as follows:

**BEGINNING** at the point on the northeasterly line of Old West Point Road where it is met by the line dividing the said lands shown on said Filed Map No. 1308, on the East, from lands formerly of Silleck and now shown on that certain "Subdivision Plat prepared for Andre Grasso...", which was filed in the Putnam County Clerk's Office on June 29, 1988 as Map No. 2326 on the West;

**THENCE** from the said point of beginning along the said division line and the said lands shown on Filed Map No. 2326, North 20° 30' 53" East 482.99 feet to a point now designated "Point A," which point is the point of beginning of the "Build Area" hereinafter described;

**THENCE** continuing along the said division line, North 20° 30' 53" East 161.00 feet to a point now designated "Point B," which point is the point of beginning of the "No Build Area" hereinafter described;

**THENCE** continuing along the said division line, North 20° 30' 53" East 228.00 feet to the northeasterly corner of the said lands shown on Filed map No. 2326;

**THENCE** through the lands shown on Filed Map No. 1308, the following courses: South 73° 48' 00" East 330.01 feet; South 11° 37' 10" East 543.93 feet and South 11° 59' 00" East 125.60 feet to a corner of lands now or formerly of Baldino;

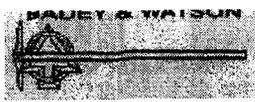
**THENCE** along the said Baldino lands, North 89° 35' 11" West 107.33 feet to a corner common among the lands shown on said Filed Map No. 1308, the said lands now or formerly of Baldino, lands now or formerly of Turner and lands now or formerly of Ciulla;

**THENCE** along the said Ciulla lands, the following courses: North 06° 18' 33" West 29.59 feet, North 89° 35' 11" West 166.41 feet and South 07° 44' 20" West 259.58 feet to a point;

**THENCE** through lands shown on said Filed Map No. 1308, North 82° 15' 40" West 50.00 feet to the easterly line of lands formerly of Walker and now or formerly Paine;

**THENCE** along the said Paine lands, the following courses: North 07° 44' 20" East 91.36 feet, North 74° 58' 10" West 62.44 feet, North 52° 58' 00" West 33.64 feet, North 33° 38' 30" West 33.30 feet, North 17° 03' 20" West 58.49 feet, North 15° 53' 30" West 12.23 feet and South 07° 44' 20" West 425.00 feet to another point on the northerly line of Old West Point Road;

**THENCE** westerly along the northerly line of Old West Point Road, the following courses: North 15° 52' 20" West 108.29 feet, North 25° 08' 01" West 115.38 feet and North 39° 00' 01" West 216.98 feet to the point or place of **BEGINNING**.



**"info request"**

1 message

Michele Wilcox <mwilcox@badey-watson.com>

Wed, Mar 25, 2015 at 2:57 PM

To: naturalheritage@dec.ny.gov

**OWPP, LLC 410 Old West Point Road - Endangered Species Inquiry**

We have been engaged to design and process a Subdivision for the above captioned property. The project is located in the Town of Philipstown, County of Putnam.

It is a proposed 2 lot subdivision on 14.314 acres in a rural residential area. One lot has an existing dwelling and the other lot is vacant.

We are also requesting this information so that we may complete an Environmental Assessment Form for the Town of Philipstown Planning Board.

Please see attached location and vicinity map of the property.

Should you have any questions or if you need more information, please do not hesitate to contact us.

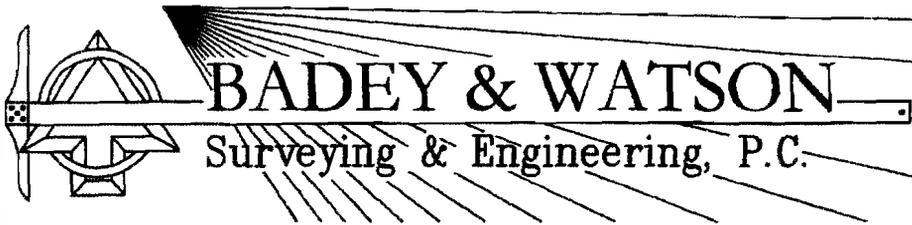
Thank you in advance regarding this matter.

Regards,  
Michele

—  
Michele E. Wilcox  
BADEY & WATSON  
Surveying & Engineering, P.C.  
3063 Route 9  
Cold Spring, New York 10516  
845-265-9217 x 18 (v)  
845-265-4428 (f)

Please visit our website. It contains links to math games for kids. More importantly, you can learn about our laser scanner. You can view a short movie explaining its capabilities and use a simulator created from an actual project. Click here -----> <http://www.Badey-Watson.com>

410 Old West Pt. Rd.\_Vicinity & Location Map.pdf  
60K



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

3063 Route 9, Cold Spring, New York 10516  
 (845)265-9217 (877)3.141593 (NY Toll Free) (845)265-4428 (Fax)  
 email: info@badey-watson.com website: www.badey-watson.com

Glennon J. Watson, L.S.  
 John P. Delano, P.E.  
 Stephen R. Miller, L.S.  
 Jennifer W. Reap, L.S.  
 Robert S. Miglin, Jr., L.S.  
 Mary Rice, R.L.A., Consultant  
 Peter Meisler, L.S., Consultant  
 George A. Badey, L.S., (1973-2011)

April 2, 2015

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

RE: Hudson Highlands Reserve - Meeting Request

Dear Mr. Merante:

Enclosed are 12 prints each of the original and most recently revised Constraints Map (Sheet 3 of 5) for Hudson Highlands Reserve project. As you review them you will notice that an additional 55 acres has been added to the project area. Our client is under contract to purchase the additional land. All of it is within the Open Space Overlay District. Our client's plan is to add this land to the permanently conserved area that the project will create. We are certain that this additional land will remove any question as to whether the Permanently Conserved land resulting from the project will satisfy the requirements of the Zoning Law.

We are also in receipt of the recommendations from Mr. Gainer and AKRF regarding the scope of the analyses that are being suggested for inclusion in the Conservation Analysis, a copy of which is attached. We have been in contact with Mr. Gainer and have expressed some concerns for the breadth of the suggestions. Mr. Gainer recommended that we meet with him and Ms. Jainchill, via a conference call, to review the suggested scope. We plan to do that between now and the April 16th meeting of the Planning Board and are hopeful that we will be able to reach an agreement as to that scope. If we are successful, we are hopeful that the Planning Board will concur and endorse the scope of the Conservation Analysis, which will allow us to move forward.

Please place Hudson Highlands Reserve on the agenda for the April meeting of the Planning Board to review the extent of the revised project area and review the scope of the Conservation Analysis. As always, thank you for your consideration.

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

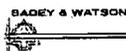
by  
 Glennon J. Watson, L.S.

GJW/bms  
 Encl. 3

cc: File U:\86-228B\WO\_21792\_Hudson Highlands Reserve\Agency\_Correspondence\Town\_Correspondence\AM02AP15BP\_Agenda\_Request\_CA.docx  
 Ulises Liceaga  
 Anthony Sunga  
 Stephen Coleman  
 Richard O'Rourke

Owners of the records of:

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



Glenn Watson <gwatson@badey-watson.com>

**(T) Philipstown Planning Board - Horton Road LLC Conservation Subdivision - further Environmental Studies required**

2 messages

Ron Gainer <rgainer@comcast.net> Thu, Mar 19, 2015 at 3:52 PM  
To: Dave Merandy <dmerandy@gmail.com>, Tony Merante <adm1243@gmail.com>, Pat Saxton <PSa1377978@aol.com>, Ann Gallagher <amgal720@yahoo.com>, Stephen Gaba <sgaba@urakeloeb.com>, Michael Leonard <michaellleonard9544@gmail.com>, Kim Conner <kkoonner@gmail.com>, Mary Ellen Finger <horsementrail@gmail.com>, Neal Zuckerman <Zuckerman.Neal@bcg.com>, David Hardy <dhardy@highlands.com>, Joseph Giachinta <Giachinta@msn.com>, Dave Merandy <dmerandy@philipstown.com>  
Cc: Glenn Watson <gwatson@badey-watson.com>, Ulysses Liceaga <uliceaga@fractal-construction.com>, Anthony Sunga <asunga@fractal-construction.com>

Chairman & Board members -

As you recall, at the February Planning Board meeting we reviewed technical comments that had been jointly raised by AKRF and my office as to the completeness of the applicant's "Conservation Analysis" that had been submitted on the project. We identified various issues which required either clarification and/or further environmental study in order to comply with the intent of the Town Code covering such projects.

As a result, the applicant's representatives (Badey & Watson) subsequently submitted additional information outlining further field studies they proposed to perform in order to resolve our concerns. The AKRF email below summarizes our assessment of this latest information from the applicant, and identifies matters which still remain to be addressed in the applicant's proposed scope of further environmental studies to be performed.

Hopefully, this will permit the applicant to finalize the scope of these required investigations, so that all necessary environmental assessments can be completed without delay, leading to the re-submittal of a revised Conservation Analysis which the Board can find acceptable. If it would help, we also stand ready to meet directly, or conference by telephone, with the applicant's representatives to discuss these comments so they can move forward promptly.

I also wish to advise that I have also had communications with David Klotzle on the matter, concerning the Conservation Board's review of the materials provided by the applicant. The Board will likely be receiving comments from that agency, as well, which should be shared with the applicant upon receipt.

If you have any questions on the matter, or the further studies deemed necessary, or wish to have us include comments any of the individual Board members may wish to provide, please don't hesitate to contact Susan or I. Further, to assist the applicant in moving this forward on a timely basis, we can transmit this information directly to them, as well.

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From: Susan Janchill  
Sent: Wednesday, March 11, 2015 12:32 PM  
To: Ronald J. Gainer, PE, PLLC  
Subject: HHR- Environmental Studies

Ron--

As we all want to expedite this process so the studies can be carried out as soon as possible since 'tis the season...you may want to relate the following to Glenn, but it should be made clear that this is an unofficial review. This does not reflect the views of the Planning Board, only some of the advice we may include in the future based on the information received.

AKRF's natural resource specialist, Jim Nash, reviewed what Glenn sent. He says that it looks "basically good" but some of what we had jointly requested is missing. We think the following needs to be added/ clarified:

- Should add qualitative characterization of macroinvertebrates in stream which is important to calculate ecological value and should request past electrofishing records from DEC Fisheries Division this stream (in addition to the fish netting he proposes).
- Should address Indiana bat and northern long eared bat habitat and protocols, regardless of the NHP records result.
- Dates of all field work should be included in report.
- Federally species listed for the County by USFWS IPac system should be discussed.
- The herp study should specify that the timber rattlesnake assessment will conform to DEC protocol, specifically the critical habitat emergence dates (see attached protocol).
- Surveys of plant/animals should extend 750' to offsite properties if undeveloped. Proximity of offsite (adjacent) habitat, wetlands, vernal pools, and T&E species should be addressed to the extent feasible (especially critical for reptiles/amphiba).

