

**MEETING AGENDA**  
**TOWN OF PHILIPSTOWN PLANNING BOARD**  
**Old VFW Hall, 34 Kemble Ave., Cold Spring, New York 10516**  
**April 19, 2018**  
**7:30 PM**

Pledge of Allegiance

Roll Call

Approval of Minutes: March 15, 2018 – Workshop

March 15, 2018 – Regular Monthly Meeting

**Return of Escrow:**

**Alltec Service Center/Robert Miller, 1380 Route 9**

**TM# 82.-2-7**

**Old Business (All Old Business Pending):**

**James Copeland, 3052 Route 9, Cold Spring**

**TM# 27.16-1-27**

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

**Surprise Lake Camp, 382 Lake Surprise Road**

**TM# 27.-1-1.1**

(The applicant is seeking amended site plan approval for various site improvements proposed to improve vehicle/pedestrian safety and circulation as well as stormwater improvements to preserve the quality of the lake.) (Town Engineer was directed at the end of the March meeting to prepare resolutions adopting a Negative Declaration under SEQRA as well as a Resolution for Approval from the PB pending responses from agencies to which a referral was made)

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

(The 210.1-acre tract, involving 6 separate tax parcels, is located on the east side of Route 9 between Horton Road and East Mountain Road North. The eastern edge of the property has frontage on East Mountain Road South. The largest part of the property, 194.5 acres, is located in the "Rural Residential" (RR) zoning district, of which 153.5 acres are also in the "Open Space Overlay" (OSO) district. There are 11.1 acres of the property, in the most westerly part of the tract with frontage along Route 9, that are located in the "Industrial/Manufacturing" (M) zone. The remainder of the property, 4.5 acres is located in the "Highway Commercial" (HC) zone along Route 9. The application for Preliminary Approval is being processed as a "Conservation Subdivision" pursuant to the standards contained within §175-20 of the Zoning Ordinance. A minimum of 154 acres of the overall tract is proposed to remain undeveloped and protected as "Open Space". The Applicant seeks Preliminary Approval of a subdivision that includes 25 residential lots, each containing approximately 1 acre. The 25 lots will be served by individual wells and community wastewater treatment facilities. An equestrian center is also proposed. The 4.5-acre parcel, which is improved with an office building will remain a separate but smaller lot making room for the proposed access road.) (At the March meeting, the Public Hearing was held open for 30 days for written comment only [April 14th])

**New Business:**

**Garrison Property Holdings LLC, 88-92 Whippoorwill Pond Rd.**

**TM #'s 90.-1-21 & 90.11-1-6**

(The applicant is seeking Major Site Plan approval for the construction of a new single-family residence (accessory cottage), resurfacing and improving a portion of the driveway and the installation of a septic system. Additionally, 3 building will be razed, a cottage, a barn & a garage)

**Alex Campbell, 4 Cliffside Court & 28 Upland Dr.**

**TM# 82.20-2-23 & 21**

(The applicant is seeking approval of access to the property with the intent to construct a new single-family residence)

**Other Discussion:**

**Comprehensive Plan Update Committee** – Mr. Lithgow Osborne will be in attendance to address the Board about the Comprehensive Plan.

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

**Workshop Meeting**

**Old VFW Hall  
34 Kemble Ave.  
Cold Spring, NY 10516**

Present: Anthony Merante (Chairman)  
Kim Conner  
Neal Zuckerman  
David Hardy  
Peter Lewis  
Neal Tomann  
Dennis Gagnon  
Ron Gainer, Town Engineer  
Stephen Gaba, Town Attorney  
Graham Trelstad (AKRF), Town Planning Consultant

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

Chairman Merante opened the workshop meeting at 7:14 p.m.

Mr. Gaba stated the Board is in the process of reviewing and concluding the public hearing for the Hudson Highlands Reserve and had expressed some concern over how to conclude the SEQRA process. He added that it was decided to hold this workshop to discuss the SEQRA process, in general terms, and answer any questions the board may have on that process.

Mr. Gaba stated the purpose of the State Environmental Quality Review Act (SEQRA) is to identify potential significant adverse environmental impacts that any action or project presents, to analyze those potential impacts through the applicant's submissions of data, studies, and information, and if necessary, require independent studies to be conducted. He added, the starting point for the SEQRA review is the Environmental Assessment Form (EAF). Mr. Gaba stated the EAF has 3 parts; part one provides project information such as potential impacts the project may have. Part 2 identifies what impacts there are and how significant they may be. He stated, once the moderate to large impacts are identified, they need to look at how likely those potential impacts are to occur and how they can be mitigated. Mr. Gaba continued, at that point the applicant can return to the board with a Part 3, which contains all the information and studies that the applicant submits, which explain either why a potential impact will not occur or how they plan to mitigate the impact to the maximum extent practicable. Mr. Gaba stressed the obligation that the applicant is obligated to mitigate adverse impacts **to the maximum extent practicable**, not necessarily eliminating the impacts altogether. He stated that SEQRA requires the Lead Agency to look at what each potential adverse impact is and look at the proposed solution for each and decide if they are reasonable. Mr. Gaba added, as long as what the board requires to mitigate the impact to the maximum extent practicable is reasonable and has a rational basis, the courts would uphold it.

Mr. Gaba stated that in looking at the Part 2 EAF for this project, you will see that there are a number of general areas which have specific boxes checked off as potential “moderate to large” impacts. He stated those areas are: impacts on land, surface water, groundwater, plants & animals, aesthetic, historical archaeological, transportation (traffic), and noise, odor, & light. Mr. Gaba stated, you’ve got these various areas in your Part 2 which have been identified as “moderate to large” impacts and you have the Part 3 that the applicant has submitted. The Board is not expected to make the analysis of the proposed mitigation measures but rather hire consultants to review the document and report to the Board on each impact. Once the Board has received all the information, from the EAF document provided by the applicant as well as reports provided from any consultants hired by the Board, the Board can then decide if they’ve mitigated the adverse impacts to the maximum extent practicable.

Mr. Gaba continued, if the Board talks with their consultants and decides that there’s potential impacts that the applicant hasn’t mitigated to the maximum extent practicable or not enough information has been provided to make a reasonable determination, then the Board is in a position to issue a Positive Declaration and would require the EIS (Environmental Impact Statement) process to go forward. Mr. Gaba explained that this is not something to be done lightly as the EIS process is lengthy, expensive, and, in this case, should be undertaken much earlier in the process. However, if after review from consultants, what they are proposing is deemed acceptable by the Board’s consultants, a Negative Declaration should be issued.

Mr. Trelstad of AKRF supplied the board with several sections of the NYS DEC EAF workbook, one on “evaluating significance” and another on “understanding significance”. He stated, Section 617.7 of the SEQRA regulations is entitled “Determining Significance” and it provides process and requirements for that, as well as guidance on the criteria for determining significance. He added, subsection C of 617.7 is the criteria for determining significance and it lists 12 items. For example, item 1 is whether or not the project would have a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, etc. Mr. Trelstad stated, all of these criteria for determining significance are then reflected in the EAF. He stated that the EAF which the applicant filled out and the Board reviewed contains questions that get to each of the 12 items listed in the regulations.

Mr. Trelstad stated that they went through the Part 2 and identified which items were potentially “moderate to large” impacts and which were small or no impacts, and in doing that they use the “moderate to large” category in a few ways: 1) Primarily to indicate where they were most concerned and 2) to ask the applicant for additional information. He clarified that they were not making a determination at that point whether it was really moderate or large or even if it existed at all, but simply indicating the Board’s desire to see more information on that potential impact. That, in turn, is what became the Part 3.

Mr. Trelstad reported that his staff had reviewed all of the technical studies and in November of last year had issued a letter with a number of further revisions that the applicant came back to later in that month. Then at the December meeting, Mr. Trelstad continued, he reported to the board that he and his staff had reviewed all of the revisions and are now satisfied that they have addressed all of he and his staff’s concerns and they believe the board has enough information to proceed in making a determination of significance. He added that it was then determined that the board would like to hear from the public and the public hearing process was initiated.

Mr. Trelstad reiterated that a Negative Declaration would indicate that there would be no significant adverse impacts that could not be avoided, minimized or mitigated to the maximum extent practicable; issuing a Positive Declaration would require the applicant to prepare a formal Environmental Impact Statement and go through that lengthy process.

Mr. Trelstad read an excerpt from the NYS DEC document he provided which stated *"The term 'significant' is somewhat subjective. That is because the significance of an impact is dependent on the magnitude, duration, and likelihood of that impact occurring. It is also dependent on the scale and context of the project."* Mr. Trelstad stated his opinion that the scale and context are the two important things, adding they are 2 concepts that are used throughout environmental impact assessment to help guide the decision-makers to determine whether something is actually significant and adverse. In reference to the magnitude, duration, and likelihood, he referenced the second handout, "Understanding Significance": *"Magnitude assesses factors such as severity, size, or extent of an impact. Duration looks at how long an impact may last. Importance relates to how many people are going to be impacted or affected by the project or what role a resource, including natural resources, may have in the community. Likelihood measures how probable it is that the impact may occur."* He continued *"Taken together, magnitude, duration, and likelihood; along with the context and scale of the proposal; define an impact's importance."* Mr. Trelstad stated, those are the things they are looking at. He reiterated Mr. Gaba's point earlier that, the impacts need to be mitigated **to the maximum extent practicable**, not to the fullest extent adding that SEQRA recognizes that 100% certainty is never a possibility. Mr. Trelstad stated you need to balance the potential negative impacts against the positive impacts of a project and whether or not in the broad range of social, environmental, and economic issues, the project will have a benefit.

Mr. Trelstad explained that this expanded EAF, or the Part 3, is in essence an Environmental Impact Statement. He added, the amount of material and the depth of evaluation contained in the Part 3 EAF is comparable, in many respects, to what would be seen in an Environmental Impact Statement, stating there are certain differences that the board doesn't have, such as an evaluation of alternatives. He stated that there is a substantial body of evidence that he opines answers all of the questions they addressed as potential moderate to large impacts and have enough material to substantiate a Negative Declaration, if that is what the board chooses to do. Mr. Trelstad stated that if the board feels that some of the issues do not avoid, minimize, or mitigate potential impacts to the maximum extent practicable, then a Positive Declaration could be issued and further information required.

Mr. Gaba explained to the board that, although technically, SEQRA review is separate from approval of the project, there is some overlap; and when the board makes it's SEQRA determination, if a Negative Declaration is made, the board will be hard pressed to, in the approval decision, that you want certain things to be done because of environmental impacts. He furthered that statement by saying that once SEQRA determination is made, the board is then tied to the conservation subdivision regulations. Mr. Gaba told the board to take a hard look and make sure they are satisfied with those impacts and mitigation aspects of the project before a Negative Declaration is adopted. Mr. Gaba clarified, however, that if there were new evidence indicating there was a change in the project, it is possible to vacate a Negative Declaration, but it does not happen very often.

Mr. Trelstad explained, in the boards consideration of the subdivision and the site plan, consistent with the conservation subdivision zoning requirements, they have the ability to ask for further detail on certain information.

Mr. Gaba continued, the board has the criteria for the conservation subdivision and the requirements that the board can impose are basically based on 3 main things: 1) Environmental impacts, 2) Engineering considerations, and 3) Planning. Once a SEQRA determination is made, environmental is essentially done and it would be difficult to impose environmental requirements, if a Negative Declaration is made. Mr. Gaba stated that one of the other 2 factors, engineering considerations or planning, could contribute to requested changes by the board, but any further changes requested could not be based on the environmental aspects once a Negative Declaration has been made.

Chairman Merante reported he had reached out to Tim Miller's office following the February meeting concerning the Aquifer Study which was mentioned and was told that study was issued in December of 1991. He questioned if the water table was sufficiently addressed in the EAF of that study. Mr. Gaba suggested speaking with the board's consultants concerning that and have them explain whether or not it is an appropriate study to go off of or if it should be updated. Chairman Merante stated that there have been a lot of public concerns expressed about the water table.

Mr. Hardy questioned, when mentioning experts and consultants for the board, is the Conservation Board considered expert? Mr. Gaba stated that the input from the Conservation Board is valuable, however they are not necessarily considered experts unless they can show some sort of certification in an area of expertise, for example as a certified arborist. Mr. Hardy asked the same about the Fire Department. Mr. Gaba stated they are certainly relevant in terms of things like impacts on water, but many of the things they mention are more site-specific things, such as internal circulation of roadways.

Mr. Gagnon questioned, if a Positive Declaration is made, can the EAF be used towards the EIS or do they essentially start from scratch? Mr. Trelstad explained that the material that the applicants and their team have assembled in the EAF Part 2 along with the material that was in the Conservation Analysis could be assembled into an Environmental Impact Statement, with some additional new items. He added, however, the SEQRA regulations require that an Environmental Impact Statement contain several chapters that are not currently represented in these documents, such as an executive summary and an alternatives chapter, among other things. Mr. Trelstad stated there are other procedural elements to the process as well. The applicant typically prepares the draft EIS, a public hearing is held, and a final EIS is prepared which responds to the comments received.

Mr. Gaba clarified what Mr. Trelstad in terms of preparing the EIS stating that, the applicant would not have to start over again substantively. He continued, if this board were to adopt a Positive Declaration, the EIS process would start from square one with a scoping document and a scoping session would be held and people can come in and request that certain things be looked at, not knowing what anyone may say. Mr. Gaba stated it is not as easy as just taking the EAF and Conservation Analysis and saying, this is our EIS; it is a time consuming, detailed process. The final EIS would have to address each and every concern brought up at the public hearing for the draft EIS. Once the Final EIS is prepared, a Finding Statement, equally as detailed, must be prepared.

Ms. Conner stated that she had recently attended a training session and was given a document that mentioned a Conditional Negative Declaration and asked Mr. Gaba to explain what that is. Mr. Gaba explained, when you have an unlisted action you can issue a Negative Declaration with certain conditions imposed. He stated you cannot issue a Conditional Negative Declaration on a Type 1 action, which this project is.

Mr. Gainer reiterated Mr. Gabu and Mr. Trelstad's earlier statement that there is a significant body of information that the board has received on the project and within the last few days, the applicant has submitted responses to every public comment that's been received, as well as comments raised by the Conservation Board, in a few different technical documents. He suggested it would be appropriate to move forward with the public hearing this evening but they would also need time to absorb the information provided by the applicant in the last day or so, before the board considers making a SEQRA determination.

Mr. Gabu also suggested the board review the new response documents submitted by the applicant before a determination is made.

The workshop closed at 7:58 p.m.

Date approved \_\_\_\_\_

Respectfully submitted by,

Tara Percacciolo

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

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

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

Present: Anthony Merante, Chairman  
Kim Conner, Acting Chair  
Peter Lewis  
Neal Tomann  
Dennis Gagnon  
Neal Zuckerman  
David Hardy  
Stephen Gaba, Counsel  
Ronald Gainer, Town Engineer  
Graham Trelstad, AKRF Consultant

Chairman Merante opened the meeting at 7:58 p.m. with the Pledge of Allegiance. Roll call was taken by Ms. Percacciolo. He stated that he was rearranging the agenda slightly and that the public hearing for the Hudson Highlands Reserve would be continued first, followed by the other items on the agenda.

**A. Minutes**

The minutes of February 15, 2018 were reviewed. Ms. Conner noted a sentence which appeared to be cut off and that the spelling of Ulmar Pond was incorrect. Noting the changes, Ms. Conner made a motion to adopt the minutes and Mr. Tomann seconded the motion. The vote was as follows:

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

**B. Return of Escrow - Olspan, 2700 Route 9, Cold Spring**

**TM# 38.-2-24.2**

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

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

### C. Public Hearing

Chairman Merante stated that the board would like to hear new comments only, to give anyone who has not spoken a chance to be heard.

#### **Hudson Highland Reserve, Rte 9 & Horton Road (continued from 2/15/18)**

**Richard Butensky, 407 East Mountain Road S:** Mr. Butensky stated that it was mentioned at the last meeting that the impacts he had brought up about horses weren't relevant because it would be a dressage operation. He reported that his good friend had purchased a dressage operation a number of years ago. He added that since his friend purchased the operation, there has never been a dressage horse on that operation and it is used for other types of horses. He stated that his point is, it may be built as a dressage operation, but may not necessarily always be a dressage operation. He expressed his belief that his concerns about the horses are valid, regardless of how the applicant uses the horse facility. Mr. Butensky requested that if the project does get approved, outside construction be limited to weekdays only.

**Nancy Berner, Hudson Highlands Land Trust:** Ms. Berner stated she is the Chair of the Hudson Highlands Land Trust and read the following statement:

“As many of you in this room know, we've been part of the discussion of this development for the past four years. We've written letters explaining our concerns at every turn. And in fact, we've been an important player in discussions about development in the town since we first organized the Philipstown 2020 forums that preceded the work on writing and adopting our comprehensive plan in 2007. The mission of the Land Trust is to preserve and protect the natural resources, scenic beauty, and rural character of the Hudson Highlands. No small task but one we know we share with the larger community, which has shown over and over again that it values the importance of our extraordinary Highlands landscape. In taking on this task, we honor the legacy of all the conservation efforts that have come before us. We take our mission very seriously and believe that we protect and preserve land and vital resources such as water, not just for those of us who are lucky enough to live here now, but for future generations. We could not do this without the extremely hard work that goes on in this planning board, the conservation advisory board, the Zoning Board, and our town board, and by our citizens. I wish I were proudly standing here tonight accepting the first conservation easement on our town's first conservation subdivision on behalf of the Hudson Highlands Land Trust. However, as we've already told the board, as the project stands today it does not meet the standards for an acceptable conservation easement, and in fact it sets a dangerous precedent for prospective developments. But it doesn't have to be this way, we could still have an outcome that we would all be proud to be part of, the Planning Board, the developer, and the community, if changes are made to the site plan, namely, removing the houses that ring the pond and thus preserving the most environmentally sensitive part of the property and reducing the scale of the equestrian facility and the number of horses involved, which has not been adequately addressed. If these changes are made HHLT would be willing to reconsider taking the easement. If these changes are not made, we ask for you to give the project a positive declaration so that the conservation aspects can be fully considered.” Thank you very much.

**Karen Doyle, Hudson Highlands Land Trust:** Ms. Doyle stated she is the Manager of Public Policy and Planning for Hudson Highlands Land Trust. Ms. Doyle stated that they had received a fairly lengthy document from the applicant in response to the Conservation Board's comments and requested that the Trust be given the time to review and respond to those submissions.

**Nicole Wooten, Hudson Highlands Land Trust:** Ms. Wooten stated she is the Conservation Stewardship Manager with the Hudson Highlands Land Trust. She stated she has a Masters degree in Environmental Management from the Yale School of Forestry, sits on the board committee of the Adirondacks to Algonquin Connectivity Corridor, the board of the Society for Wilderness Stewardship, and the Beacon Conservation Advisory Council. She stated she has some significant concerns, primarily the relative levels of fragmentation and the scale of importance of this property in relation to the rest of the properties in Philipstown. She added her belief that some of the wording around fragmentation and some of the different ideas presented are based on outdated assumptions. Ms. Wooten stated that this development covers a large portion of undeveloped land as it is proposed and renders the gaps among the developed areas primarily useless to wildlife and by breaking the land into smaller parts, that is effectively breaking apart the important habitat areas of this land. She added that the study, provided by the applicant, by Dr. Margaret Conroy does not address water, which is HHLT's primary concern. Ms. Wooten also pointed out that over 2/3's of the studies that are cited within that paper were done over a decade ago and there are many new concepts around the idea of fragmentation connectivity that have been put forth since then.

**Emily Duncan, 311 East Mountain Road S:** Ms. Duncan stated she has been unable to attend the previous meetings but has been keeping up by watching them on television. She stated that these properties that will be created as a result of this subdivision are being marketed as weekend homes and questioned if there was any way to make that official. She stated that many people that she knows in Philipstown came here as weekenders and now live here full time.

Glenn Watson of Badey & Watson was in attendance on behalf of the applicant. He stated that some of the speakers mentioned that 2 rather lengthy documents were received in the last 2 days and wished to touch on some of the highlights of those documents. Mr. Watson stated that they had compiled the comments that were made at the last 2 sessions of the public hearing and provided responses to those comments, noting that virtually all of them had been previously addressed. He stated they had received some positive feedback from the fire company, which had previously made 4 distinct recommendations: 1) they inquired about the dry hydrant system and the consideration of tanks on the property, 2) the possibility of sprinkling the houses, 3) the strength of the roads, and 4) gates. Mr. Watson stated they had already spoken about gating the road and putting in a Knox box on the emergency access gate. He stated the applicant has made a commitment in the latest document to sprinkler all of the buildings.

Mr. Zuckerman questioned if there is any additional information in the most recently submitted documents that was not submitted in the Part 3 EAF, beyond the fire department topics. Mr. Watson clarified that he was speaking about the one document responding to comments made by the public and that there was another report.

Mr. Watson reported that the dry hydrant had been eliminated, one reason being that they would have to build a road down to the lake and pump the water up and that would be detrimental to the protection of the lake.

Regarding the comments received from the Conservation Board, a separate document was generated to address their concerns further. Mr. Watson reported that they have prepared a preliminary SWPPP which provides calculations, a map that shows where they plan to, tentatively, treat the stormwater, how they will convey the stormwater, what will be done in terms of mitigation in that treatment, as well as what proportion of the stormwater would be infiltrated. Mr. Watson stated, on that same plan, they have provided 5-acre phasing of the construction with regard to the SWPPP. Mr. Watson reported, in the response document they also talk about the septic as well as reiterate their commitment to the lake and mitigations that were offered. He added, they went back to their lake consultant and had the plan, in terms of the build out, reviewed and commented upon, which is included. Mr. Watson stated it was his belief that the comments in the EAF regarding water supply were based on Chazen's later aquifer study. The only other thing added in the Conservation Board response document was a commitment to native species.

Mr. Steve Gross of Hudson Highlands Environmental Consulting was also in attendance on behalf of the applicant. Mr. Gross stated that the board has heard him mention Rick Lathrop on several occasions regarding questions on fragmentation. Mr. Lathrop is a professor at Rutgers University who has been working on the issue of fragmentation for more than 20 years. Mr. Gross stated he had reached out to Mr. Lathrop to weigh in on this project; Mr. Lathrop was too busy at the time but recommended someone who had studied and worked with him and received her PhD under his guidance, Dr. Margaret Conroy, who's report is included in the documents the board received the last day or so.

Dr. Margaret Conroy then spoke, stating that she has a PhD in Ecology from Rutgers University. She stated that her work with Mr. Lathrop as well as on her own has been on threatened and endangered species habitat and the fragmentation and how to mitigate that fragmentation, specifically in the state of New Jersey. She added she was on the Connecting Habitat Across New Jersey committee for about 5 years. Ms. Conroy stated she was asked to assess the impact of the Hudson Highlands Reserve on forest fragmentation specifically. Ms. Conroy stated she conducted an independent review and has not read the EAF. She stated that most connectivity, and looking at fragmentation potential, is looking on a landscape level. Here, she continued, on a landscape level, the Hudson Highlands Reserve is part of a forest fragment, surrounded completely by roads which fragment that. She added, most of those roads have some type of development on them.

Dr. Conroy reported, in looking at this, she used an older study as a basis because it was a seminal study and was used to set up Sterling State Forest; that work was done back in 1998. She stated she used this because, especially from a public policy aspect, it is important to know what has been accepted, not just what has been published by professors but not actually accepted in public policy. She stated that the Sterling analysis looked at a simple measure, distance from already developed land and broke things down into either very slight, slight, moderate, severe or very severe environmental limitation rankings or forest fragmentation potential

Dr. Conroy continued, looking at the Hudson Highlands Reserve from that, one of the most important things to remember is that it is right next to Route 9, which is a major barrier for many species in terms of crossings, the noise and pollution. She stated, looking at the distance from Route 9, and from some of the surrounding roads, she finds that under this measure, 63% of the developed areas in the HHR would fall under that "very slight" category for forest fragmentation potential and 37% would fall under "slight". She clarified that none of it would fall under "moderate", "severe", or "very severe". She stated that she has looked at some more recent studies on the science of fragmentation, or non-fragmentation. Ms. Conroy stated that sometimes in the past fragmentation talked about anything that would increase the edge habitat. She stated that certain species like to be on the edge of the forest while others like to be in the core. She stated that the ones on the edge gain more habitat when people move into areas, not less, so those species are the ones who usually don't tend to become threatened or endangered species. The species more at risk are those that like the core or the interior.

In regards to connectivity, Ms. Conroy stated the applicant has done what they can to make connections and added that any time you develop, you will have a loss of habitat. She asked the question, what can we do through the remaining habitat to increase the value to offset a lowering of value in the developed areas and stated that that's where preserving that large tract of land is going to keep that habitat there forever.

Ms. Conroy stated, another issue that is very important in fragmentation and in connectivity is that there have been many studies recently that show that the quality of the matrix, the developed portion between the habitat areas, is very important; a high-quality matrix can lessen the impact of any fragmentation. In this case, she continued, there are several things that are being done to increase the quality of that matrix, one of the most important, in Ms. Conroy's opinion, is to plant native plantings. She stated this habitat will no longer be forest, but with native plantings it should become habitat for native species. She added, another important thing to keep in mind is the scale of the habitat loss or the perforation, the area that is now taken out of what used to be forest in that area. Ms. Conroy stated that 154 acres of the total 210 are going to be in a conservation easement and of the remaining land, approximately 9.9 acres are going to be impervious and a total loss of habitat. She continued, the approximately 33.7 acres that is going to be landscaped or meadows, if it is landscape and native plants, should become habitat for some of those meadow and edge species.

Ms. Conner questioned if Ms. Conroy visited the property to which Ms. Conroy responded that she had.

Chairman Merante suggested closing the public hearing at this time. Mr. Gaba suggested, given the influx of information just received by the applicant the previous day, the hearing be left open at least for written comment for the next 30 days. Mr. Rick O'Rourke, attorney for the applicant, stated they have no objection to keeping the public hearing open to written comment but requested that the period of time be limited to a specific timeline. Mr. Trelstad expressed his concern that if the public hearing is left open, they will be inundated at the last minute with other materials which will cause the board to then have to again extend the hearing. He suggested the board limit the submission to 15-20 days, no more, to allow the board time before the next meeting to digest that material. Mr. Trelstad stated that ultimately, keeping the hearing open will end up in an endless cycle of responses to comments and makes it difficult to respond to the applicant. Mr. Gaba suggested closing the public hearing to oral comment and keeping it open to written comment for 30 days.

Ms. Conner moved to close the public hearing except for written comments which will only be accepted for 30 another days and Mr. Tomann seconded the motion.

Mr. Zuckerman stated that the board's advisors continually talk about more information which is reinforcing of the plan and the plan being unchanged. He stated, they can only read so much more about the same plan, which they are opining about. He continued, it is the same plan, more information, and he is personally at a place where, any more explanation or detail is not going to help; his capacity for information is about at capacity. Mr. Zuckerman stated he is a board member, not an expert. Chairman Merante stated he felt the same way when reading the most recent responses to public comments from the applicant; things become repetitive. He continued, the board members get saturated with information and it becomes easy to lose sight of the whole main discussion.

Chairman Merante stated that there is a motion on the floor. A vote was taken. The vote was as follows:

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

Mr. O'Rourke stated, for clarification purposes, the public hearing is closed except for written comments which will only be accepted for another 30 days.

Chairman Merante exited the meeting at this time. Ms. Conner continued the meeting as Acting Chair.

**Robert Miller/Alltec Service Center, NYS Route 9**

**TM# 82.-2-7**

Acting Chair Conner reported that the Robert Miller/Alltec Service Center application, 1380 Route 9 in Garrison, had been withdrawn. Therefore, that public hearing would not take place as scheduled.

**Surprise Lake Camp, 382 Lake Surprise Road**

**TM# 27.-1-1.1**

Ms. Percacciolo read the notice of public hearing for Surprise Lake Camp.

Mr. Rich Williams of Insite Engineering and Sheryl Kirschenbaum, associate director of the camp, were in attendance representing the applicant. Mr. Williams explained that they are seeking major site plan approval and have been before the Conservation Board where they were granted a conditional wetland permit. He stated they need to obtain coverage under the NYS DEC SPDES general permit for stormwater discharges from construction activities. Mr. Williams reiterated that they are seeking a series of site improvements; there are no buildings or building additions proposed nor an increase in the intensity of use proposed with this application. The site improvements proposed are to address some existing concerns and upgrades to the camp facility, primarily to improve camper's safety by separating an area where the children happen to congregate around vehicles. He added, as an ongoing mission of the camp, they are seeking to preserve the quality of the lake, as there are some ongoing

erosion control issues and maintenance of existing roadways that need to be addressed. They also wish to improve the aesthetic quality and recreation experience for the campers themselves.

Mr. Williams continued, the property is located at 382 Lake Surprise Road and is approximately 465 acres, in the northwest corner of the town, in the IC zoning district. It sits just south of the county line and is surrounded by the Hudson Highlands State Park. He noted the series of improvements are located centrally in the camp, just east of the lake. Mr. Williams used the visual to point out the location of the proposed work to the board members. He stated that the area in front of the main building happens to be a main congregational area for the children, but also serves as the main parking lot for visitors, delivery trucks, and anyone coming to the camp. Mr. Williams explained they are seeking to construct a visitor parking lot to help separate visitors from that congregational area. They are also looking at paving the access road, or a portion of it, alongside the main building where the slope is steep and continually eroding. He continued, between the main building and the lake there is a series of improvements:

- 1) to improve the aesthetics right in front of the building, expand some green space, change some seating areas,
- 2) to remove some invasive species that exist along the steep slope, stabilize it by creating a series of tiered sitting walls to create amphitheater style seating,
- 3) a series of grading improvements adjacent to the lake, increasing the fringe plantings as part of mitigation for some of the buffer disturbance at the request of the Conservation Board, installing stormwater which will treat not only the changes in impervious surfaces but existing impervious surfaces in that lower lawn area.

Mr. Williams reported, those are all the improvements in the front of the building. He stated, the second part of the plan to separate the children from the vehicles is to improve the lower access road by widening the existing lower access road and creating a hammerhead turn around which will allow the camp to focus deliveries to the rear of the building and make the front area a pedestrian only area.

Mr. Gainer stated the board has seen this proposal before and has already performed a site inspection of the property. He stated the Conservation Board stands ready to issue a wetlands permit for the activity. Mr. Gainer reported the necessary referrals just recently went out and will not be returnable until the April meeting. He added that comments from the North Highlands Fire Department had also recently been received and have been referred to the applicant for response. Mr. Gainer stated the purpose of this evening was to conduct a public hearing on the application.

Acting Chair Conner opened the hearing to public comment. No public comment was made.

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

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

Mr. Williams reported, for the April meeting they would like to respond to the outstanding engineering comments as well as to the comments received from the North Highlands Fire District. He communicated that the camps goal would be to try and construct the lower access road improvements before camp starts in June, acknowledging that window is quickly closing, and requested that a draft resolution be prepared to discuss at the April meeting, pending their responses to the comments from the fire department and the outstanding engineering comments.

Mr. Gainer stated, the typical process used, once this comes towards the end of the review process, is that he will work directly with the design engineer so that the next submittal that comes in should be clean and resolve all issues from a technical perspective, pending any comments that may come in from the environmental SEQRA circulation.

Mr. Zuckerman stated that he is generally opposed to this signaling of intent, though it is done often. He stated he is empathetic to the applicant's plight, given the narrow window of their business is one that is very seasonal and stated he would make a rare exception. Mr. Zuckerman wanted to make the statement, simply for the record, that this is often asked of the board and he is generally opposed to signaling intention ahead of actually having fact to make a judgement call.

Acting Chair Conner stated that, generally speaking, they would say that they are prepared if the board wishes to act on them but are not required to if they are not ready to move on the application.

Mr. Gaba stated that the applicant pays for the preparation of the resolutions and if the applicant asks to have a resolution prepared, that the board can't use, it's on their dime. He continued that Mr. Zuckerman rightly pointed out that this is not the usual practice of this Planning Board; the practice and procedure is to make a determination and then have Mr. Gainer prepare them for consideration. In this instance, not much is going to change with the plan and it is fairly straightforward, so the likelihood of the resolution prepared by Mr. Gainer not being usable is minimal.

Mr. Zuckerman clarified that he is okay with this particular one but this is something that is asked of this board a lot and he is not a fan of the request.

Mr. Tomann moved to have Mr. Gainer prepare a draft approval resolution and a draft SEQRA resolution to be voted on at the next meeting and Mr. Zuckerman seconded the motion. The vote was as follows:

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

## D. Old Business

### **James Copeland, 3052 Route 9, Cold Spring**

**TM# 27.16-1-27**

Acting Chair Conner stated the board would not be rescheduling the site visit for this property and asked that Ms. Percacciolo reach out to the applicant to check on the status.

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

**TM# 82.-7-14**

Glenn Watson of Badey & Watson was in attendance representing the applicant. He reported there was a public hearing held on the matter last month. He stated that the most important thing that came out of last meeting was, the board had requested the building inspector perform a compliance inspection. Mr. Watson stated he had a phone conversation with the building inspector and he found that there were 2 trailers, illegal buildings, on the property. Mr. Watson stated they modified the plan to state that they would be removed but because he is not the owner yet, he can not take any action until he has approval from the board. He stated that all of Mr. Gainer's technical comments have been addressed, except for a detail on the racks for the outside storage.

Acting Chair Conner stated there was a comment in the building inspector's letter addressing "*a pair of tractor trailer bodies not appearing roadworthy are located along the eastern border, contents unknown*", but doesn't say anything about removing them and they still appear on the plan. Mr. Watson stated, his understanding is that there is a charity that keeps their donations in there but if the board wishes to see them removed, they will remove them. Acting Chair Conner questioned if they are considered additional structures. Mr. Watson stated they are on wheels. Mr. Gainer stated there is a standard note on the drawings that indicates any trailers on the site are to be removed and are not permitted. Mr. Watson stated the applicant has no objections to removing them.

Mr. Zuckerman stated it was discussed at the site visit as well as last month's meeting about making a note that does not allow for painting to ensure that it doesn't get into the water supply.

Mr. Gainer stated the board received 3 separate documents from his office, one was a technical memorandum to identify the last remaining issues to be resolved as well as present the current status of the project. He stated the board also has a draft negative SEQRA declaration and a draft site plan approval resolution. Mr. Gainer continued, in the technical memorandum he has summarized all the technical concerns that the board had previously raised. Those concerns included a requirement that no exterior fabrication, painting or other activities that could cause an environmental concern be accomplished, implementation of safety protections relative to the painting and use of solvents within the building to prevent groundwater pollution, and to acknowledge that the town's environmental performance standards relating to noise, light trespass, etc. apply to any activities performed on the project. Mr. Gainer suggested the project could be moved along this evening and if the applicant has an issue with any of the conditions, the project will merely have to come back in front of the board.

Mr. Zuckerman made a motion to adopt a Negative Declaration under SEQRA, conditioned on the applicant agreeing to terms previously discussed, and Mr. Tomann seconded the motion. The vote was as follows: vote was as follows:

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

Mr. Gainer stated, there is one “Whereas” on page one of the draft Site Plan approval document that talks about the referral to County Planning indicating the board was still awaiting that response. He reported that that response was actually received today, with the County advising that the project “is approved as submitted” and stated he would therefore make this correction in the resolution. Related to this issue, Mr. Gainer added that also on the second page of the resolution, in the list of conditions under item 3A it specifies the need for receipt of a satisfactory response from Putnam County Department of Planning. He noted that can be stricken as this has now been received and is now part of the record.

Mr. Gagnon moved to approve the minor site plan as revised and Mr. Lewis seconded the motion. The vote was as follows:

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

### **Other Discussion**

#### **1657 LLC (Chris Buck) Site Plan, Route 9D**

**TM# 49.-1-24.1**

Glenn Watson stated he spoke with Chairman Merante at the beginning of the meeting, not realizing he would be leaving early, and asked if he could obtain permission for Chris Buck to install his underground electric line from Route 9D into the property as his other lines are down. He acknowledged that the board is still waiting on receipt of comments from OPRHP concerning the renovations done to the structure on the property.

Mr. Gainer reported that some months ago, because of the exterior changes made to a structure on the National Registry of Historic Structures, the board wanted a referral made to SHPO, and has not yet received a response. Mr. Gainer clarified that the request being made tonight only concerns the utility extension which is to be done underground and is shown on the Site Plans which are currently under review.

Mr. Gaba suggested that is a building inspector issue and not a planning board issue.

Mr. Watson responded that SEQRA is open and it is part of the site plan. Mr. Watson stated he would go to the building inspector with his request. He just wanted to mention it to the board to ensure the site plan approval would not be jeopardized.

Mr. Gainer stated it is his understanding they lost electrical service due to the recent severe wind/snow storm, so the intent is not to replace something that will in turn be abandoned on receipt of Site Plan approval, but to put in the new service now if acceptable to the Board.

Mr. Gaba suggested a motion to direct the engineering consultant to send a letter to the building inspector to that effect, stating there is a site plan before the planning board and they propose putting in an electrical line now that will not have any bearing on the site plan.

Mr. Zuckerman moved to have Mr. Gainer send a letter to the building inspector regarding the request for Chris Buck to install an underground electrical line and Mr. Tomann seconded the motion. The vote was as follows:

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

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

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

The motion passed unanimously, and the meeting adjourned at 9:20 pm.

Date approved \_\_\_\_\_

Respectfully submitted by,

Tara K. Percacciolo

March 29,2018

Philipstown Planning Board

Old VFW Hall 34 Kemble Ave.

Cold Spring, N.Y. 10516

Mr, Anthony Merante, Chairman

Dear Mr. Merante,

Would you please return our escrow deposit of \$5,000.00 as we will no longer be pursuing the 1380 Rt .9 project in Garrison.

Thank you in advance for your consideration .

Sincerely,

Robert Miller



Alltek Service Center



April 5, 2018

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

RE: Surprise Lake Camp  
Lake Surprise Road  
Tax Map # 27.-1-1.1

Dear Chairman Merante and Members of the Board:

Enclosed please find twelve (12 copies) of the following items, unless otherwise noted:

- Drawing Set, 11 sheets, last revised April 5, 2018.
- Drawing FM-1, "Fire Truck Maneuvering Plan", last revised April 5, 2018.
- Stormwater Pollution Prevention Plan (SWPPP), dated April 5, 2018 (3 copies).
- CD containing PDF's of submitted items (1 copy).

With respect to the comments offered by Mr. Ronald J. Gainer, P.E., New York State Office of Parks Recreation and Historic Preparation, the Conservation Board and the North Highlands Fire District we offer the following:

**Mr. Ronald J. Gainer, P.E. Memorandum dated February 20, 2018:**

**SWPPP:**

1. The SWPPP has been bound with the pages in the correct order as requested.
2. The reference to the Town of Bedford in Section 2.0 has been revised as requested.
3. With respect to the comments offered on Appendix B, we offer the following:
  - a. Pond 2.1P (Water Quality Swale 2.1P)
    - i. The invert for Device #1 has been coordinated between HydroCAD and the Drainage Structure Table.
    - ii. Device #3, the rim elevation has been coordinated between the HydroCAD and Drainage Structure Table.
    - iii. As requested the stormwater management practice (SMP) design was revised so the primary outlet pipe conveys the entire 10-year and 100-year storm events.
    - iv. A detail for the emergency spillway has been added to the plans as requested.

- b. Pond 3.1P (Water Quality Swale 3.1P)
  - i. The 18-inch outlet pipe has been included in the HydroCAD routing as requested.
  - ii. The HydroCAD, detail and Drainage Structure Table have been coordinated as requested.
  - iii. The SMP design was revised to provide 6 inches of freeboard in the 100-year storm event.
4. The reference in the Water Quality Volume calculation has been corrected as requested.
5. The previous revisions noted in Appendix B were performed in Appendix E.
6. The Drainage Summary Table was revised as requested.
7. Regarding the comments offered on Drawing D-3, we offer the following:
  - a. It has been clarified on the detail where the 4-foot weir is required.
  - b. The length and crest elevation between the detail and HydroCAD have been corrected as requested.
  - c. Rim elevations have been specified for both ponds as requested.
  - d. The details for 2.1P and 3.1P have been clarified to represent the specific pipe orientations as requested.
8. In regard to the comments offered on the Organic Filter Detail on Drawing D-3, we offer the following:
  - a. The general scale of the detail has been adjusted as requested.
  - b. The outlet pipe has been clarified on the detail as requested.
  - c. The 4-foot long weir has been shown on the 4-foot side of the outlet structure.
  - d. The specific requirements of the Engineered Soil have been added as requested.

**New York State Office of Parks Recreation and Historic Preservation (NYSOPRHP) Letter, dated February 13, 2018:**

1. Concurrent with this submission, a submission for a Jurisdictional Determination was made to the NYSDEC Region 3 office.
2. An Alternate Erosion Control Blanket has been specified as requested.
3. An Alternate Erosion Control Blanket with larger openings was provided as requested.
4. The grate pattern has been revised such that ADA compliant grates with openings ½" wide will be provided to minimize potential impacts to wildlife.

5. Notes have been added to the drawings to address the potential impacts of invasive species as a result of soil import. These notes also address avoidance of invasive species transport should onsite soil be relocated.
6. The project erosion control plan has been designed to contain sediment within the limits of disturbance to prevent downstream water quality impacts. In addition, water quality swales and an organic filter have been proposed and will treat existing impervious areas not currently receiving treatment.

**Conservation Board Comments, dated February 25, 2018:**

1. Concurrent with this submission, a submission for a Jurisdictional Determination was made to the NYSDEC Region 3 office.
2. Responses to the February 13, 2018 NYSOPRHP comments have been provided above.
3. Native, non-invasive plantings have been provided as requested.

**North Highland Fire District Comment Letter, dated March 12, 2018:**

1. The main road width will remain the same size as currently exists. The lower access road will be widened from approximately 10 to 11 feet to 20 feet.
2. The Fire Truck Maneuvering Plan has been revised to show a 100-foot ladder truck. The proposed plan does not eliminate any maneuvers that a fire truck currently can make. Instead, additional Fire Department access by way of the circular turn around has been provided.
3. The parking lot in front of the "Little Playhouse" has been designed to accommodate the ladder truck as requested. The turning maneuvers have been shown on the Fire Truck Maneuvering Plan.
4. The circular turn around has been designed to accommodate the ladder truck as requested.
5. The proposed roadway has been designed in accordance with typical road standards which are able to support a fire truck.
6. Siren activated gates currently exist and will be provided on the proposed gates as requested.
7. Based on the existing grades, a fire truck currently would need to pass through the lower access road to gain access to the front of the building. This same access route is maintained except the lower access road is being widened a circular turn around provided for additional site access and maneuverability.

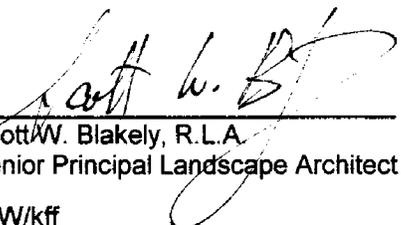
We trust this satisfies the comments provided to date. As discussed at the previous Planning Board Meeting, we respectfully request approval of the project at the April 19<sup>th</sup> Planning Board meeting so construction of the lower access road can begin this spring.

If you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:

  
\_\_\_\_\_  
Scott W. Blakely, R.L.A.  
Senior Principal Landscape Architect

SWB/RDW/kff

cc: B. Solmsen (with enclosures)

Insite File No. 17166.100

# Town of Philipstown

238 Main Street  
Cold Spring New York 10516

## PLANNING BOARD

SPECIAL USE PERMIT/SITE PLAN APPLICATION PACKAGE

## MAJOR PROJECT

Project Name: SITE PLAN FOR GARRISON PROPERTY HOLDINGS LLC

Date: 04/05/2018

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

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

Application for Planning Board  
Special Use & Site Plan Approval

Date: 04/05/2018

TM# 90.-01-21 & 90.11-01-6

Project Name: SITE PLAN FOR GARRISON PROPERTY HOLDINGS LLC

Street Address: 88-92 WHIPPOORWILL POND ROAD

Fee Amount: \$1,250.00 Received: \_\_\_\_\_

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

---

Applicant:

Name GARRISON PROPERTY HOLDINGS LLC

Address 88-92 WHIPPOORWILL POND ROAD  
GARRISON, NY 10524

Telephone 646-430-1296

Design Professional:

Name BADEY & WATSON, P.C.

Address 3063 U.S. RT 9  
Cold Spring, NY, 10516

Telephone (845) 265-9217

Tenant:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Surveyor:

Name BADEY & WATSON, P.C.

Address 3063 U.S. RT 9  
Cold Spring, NY, 10516

Telephone (845) 265-9217

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

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

TM# 90.-01-21 & 90.11-01-6

Project Name: SITE PLAN FOR GARRISON PROPERTY HOLDINGS LLC

Project Description: Major Residential Site Plan for the construction of a new Single Family Residence (accessory cottage), resurfacing and improving a portion of the driveway and the installation of a septic system.

Additionally, three buildings will be razed; a cottage, a barn and a garage.

**ZONING INFORMATION**

175-7 Zoning District: RC

175-10 Proposed Use: RESIDENCE

Proposed Accessory Use(s): RESIDENCE

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

Yes or No

175-13 Floodplain Overlay District - NFIP Map — — — — (FPO)	<u>NO</u>
175-1 8.1 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>YES</u>
175-16 Aquifer Overlay District — — — — — — — (AQO)	<u>YES</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>YES</u>
175-36 Ridge Line Protection — — — — — — — — — —	<u>YES</u>
175-37 Protection Agricultural — — — — — — — — — —	<u>NO</u>

TM# 90.-01-21 & 90.11-01-6

Project Name: SITE PLAN FOR GARRISON PROPERTY HOLDINGS LLC

**175-11 Density and Dimensional Regulations**

Zoning District	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road	60	407.6	407.6		
Measured from the travel way County/State	60	407.6	407.6		
Minimum side yard setback	30	55.4	94.4		
Minimum side yard setback (2)					
Minimum side yard setback (3)					
Minimum rear yard setback	50	307.3	307.3		
Maximum impervious surface coverage	10%	0.02	0.02		
Maximum height	40	<40	<40		
Maximum footprint non-residential Structures	6,000				

SUBMISSION:

**13 copies with one electronic file in .pdf form 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:     \$1,250.00     Received: \_\_\_\_\_
9. Escrow:     \$5,000.00     Received: \_\_\_\_\_

## Town of Philipstown Town Code Chapter 175

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

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

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

#### C. Minor and Major Projects

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

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

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

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

D. In reviewing any project subject to special permit or site plan approval, the reviewing board should consider Putnam County Pathways: A Greenway Planning Program Linking Putnam's Open Space, Historic, Cultural and Economic Resources, 11 as amended from time to time, as a statement of land use policies, principles and guides,

## **§175-66 PROCEDURE FOR MAJOR PROJECT SITE PLAN APPROVAL**

### **A. Applicability**

This §166 applies to Major Project Site Plan approval applications where no Special Permit is required. See §175-67 for Minor Project Site Plan applications.

### **B. Pre-Application Meetings**

Before filing an application, a preliminary conference with the Zoning Administrative Officer and one Planning Board Member designated by the Planning Board Chair is required to discuss the nature of the proposed use and to classify it as a Major or Minor Project. If the Zoning Administrative Officer classifies the project as a Major Project, a preliminary conference with the Planning Board is required to discuss the nature of the proposed use and to determine the information that will need to be submitted in the Site Plan.

### **C. Submission**

All Major Project Site Plans shall be submitted, with multiple **13 copies with one electronic file in .pdf format** as required by the Planning Board, to the Zoning Administrative Officer, who shall distribute them to the Planning Board and such other municipal boards, officials, and consultants as the Planning Board deems appropriate. The Planning Board's consultant or a designated Town employee shall make the initial determination as to whether or not the application is complete for the purpose of accepting it for review. In addition to the Site Plan drawings, the applicant shall submit:

- 1 - A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
2. An agricultural data statement as defined in 75-74, if required by § 175-37C.
3. 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,

### **D. Application for Area Variance**

Where a proposed Site Plan contains one or more features which do not comply with the dimensional regulations of this Chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 175-59F without a decision or determination by the Zoning Administrative Officer.

### **E. SEQRA Compliance**

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

### **F. Public Hearing and Decision**

1. The Planning Board shall hold a public hearing on the Site Plan and shall follow the provisions on notice, agricultural data statements, county review, Conservation Board review, and time limits for Special Permits in §175-62 E through G.
2. Criteria for decisions on Site Plans shall be limited to those listed in §175-65D. In granting Site Plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this Chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §175-20, specifying location, character, and number of vehicle access points, requiring landscaping and/or screening, requiring clustering of

structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities, and/or requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.

3. A copy of the decision shall be immediately filed in the Town Clerk's office and mailed to the applicant. resolution of either approval or approval with modifications and/or conditions shall include authorization to the Planning Board Chairman to stamp and sign the Site Plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.

4. If the Planning Board's resolution includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.

X   6. The location of all present and proposed public and private ways, off-street parking areas, driveways, Outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

  N/A   7. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures- The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown,

  N/A   8. The location, height, Size, materials, and design of all proposed signs in compliance with § 175-39. In lieu of specific sign proposals in connection with the site plan submission, the applicant may submit and the Planning Board may approve a general sign plan and program for the premises, specifying intended locations, sizes, areas, message, design, and illumination.

  X   9. The location of all present and proposed utility systems including:

    X   a. Sewage or septic system;

    X   b. Water supply system;

    X   c. Telephone, cable, and electrical systems; and

    X   d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

  X   10. Erosion and sedimentation control plan required by §175-32 to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable,

  X   11. Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood plain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.

  N/A   12. A landscape, planting and grading plan showing proposed changes to existing features.

  X   13. Land Use District boundaries within 200 feet of the site's perimeter shall be drawn and identified on the Site Plan, as well as any Overlay Districts that apply to the property.

  N/A   14. Traffic flow patterns within the site, entrances and exits, and loading and unloading well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas to satisfy the requirements of § 175- 40N.

  N/A   15. For new construction or alterations to any structure, a table containing the following information shall be included:

    N/A   a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;

    N/A   b. Estimated maximum number Of Current and future employees;

    N/A   c. Maximum seating capacity, where applicable, and

    N/A   d. Number of parking spaces existing and required for the intended use.

  N/A   16. Elevations at a scale of one-quarter inch equals one foot for all exterior facades of tile proposed structure(s) and/or alterations to or expansions of existing, facades, showing design features and indicating the type and color of materials to be used.

  N/A   17. Where appropriate, the Planning Board may request soil logs, percolation test results, and storm run-off calculations.

X 18. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

X 19. Part One of a long Form Environmental Assessment Form or Draft Environmental Impact Statement.

N/A 20. Where appropriate, a cultural resource survey of resources with historic or archaeological significance.

X 21. A letter from the Zoning Administrative Officer stating either that there are no outstanding zoning violations on the property or that the requested site plan approval is needed in order to correct a violation.

\_\_\_\_\_ 22. Other information that may be deemed necessary by the Planning Board.

- a) No work is proposed in the Scenic Protection Overlay, Ridge Line Protection, steep slope or wetland buffer
- b) \_\_\_\_\_
- c) \_\_\_\_\_

**c. Waivers**

The Planning Board may waive or allow deferred submission of any of the information required in Subsection B above, as it deems appropriate to the application. Such waivers shall be discussed in the course of pre-application conferences. The Planning Board shall issue a written statement of waivers for all major projects. This statement shall be filed in the permanent record of the property.

- a) \_\_\_\_\_
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_
- e) \_\_\_\_\_

## D. Criteria

In reviewing Site Plans, the Planning Board shall ensure that the application complies with all applicable provisions of this Chapter, including the environmental performance standards in §175-40. The Planning Board shall also consider apply the criteria set forth below, The Planning Board may also refer for non-binding guidance to the three-volume set of illustrated design guidelines published by the New York Planning Federation in 1994, entitled *Hamlet Design Guidelines, Building Form Guidelines, and Rural Design Guidelines*. The Planning Board may also refer to the Design Handbook adopted by the Philipstown Planning Board as advisory guidelines for the Route 9 Corridor as well as any other design guidelines that it adopts from time to time as non-binding advisory material. In applying the criteria contained in this subsection and the reference documents above, the Planning Board shall take into consideration the location, character, and context of proposed development and adapt these criteria to the setting (e.g. rural, hamlet, institutional, suburban, industrial) as appropriate.

### 1. Layout and Design

a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, and other pertinent natural features. The Planning Board may require that an applicant prepare a conservation analysis as described in §175-20A of this Chapter.

b. All structures in the plan shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses. Structures shall, where practical, be laid out in the pattern of a traditional hamlet.

c. Except for retail and service businesses that require visibility, the visual impact of Structures from public roads shall be minimized through the use of vegetative screening, topography, and colors that blend with the natural surroundings. Structures that are visible from public roads shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, proportion, texture, color, and placement. Building components Such as windows, roof lines and pitch, doors, eaves, and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows and steeply pitched roofs are encouraged but will not be required. Rooftop and ground level mechanical equipment shall be screened from public view using materials harmonious with the building, or shall be located where they are not visible from any public ways or other adjacent properties.

d. Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.

e. The Planning Board shall encourage the creation of landscaped parks or squares easily accessible by pedestrians.

f. Trademarked architecture which identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of the Town or the Building Form Guidelines.

g. Impacts on historic and cultural resources shall be minimized.

h. Newly installed utility service systems and service modifications necessitated by exterior alterations shall be installed underground. When feasible, existing above ground utility service systems shall be placed underground.

i. Buildings shall have a finished exterior on all sides.

X j. Metal buildings that are principal buildings (larger than a small storage building in an unobtrusive location) shall be of color consistent with earth tones; shall have sufficient fenestration and trim to break continuums of metal wall areas; and shall have brick, stone, wood trim or composite materials providing a similar

**2. Landscaping and screening. Landscaping shall be provided and permanently maintained as follows:**

N/A a. All areas of the lot not covered by buildings and other structures, outside storage and approved paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain, if not disturbed by filling, grading or excavation.

N/A b. In the HC and OC districts, a strip of land not less than 20 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 20 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

N/A c. In the M district, a strip of land not less than 30 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 30 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

N/A d. Off-street parking and loading areas shall be provided with landscaped planting islands within or border landscaping adjacent to such area in such a manner as to enhance the appearance of the area. Any parking area accommodating 20 or more cars shall be provided with not less than one tree for each 20 cars or fraction thereof, which trees shall be not less than three inches diameter at breast height and 10 feet in height,

N/A e. Landscaping, including grading, provided in the area required for a building setback from the street line or center line of U.S. Route 9 shall be of a type, size and height as to avoid obstruction of minimum sight lines along the highway as well as from access driveways onto the highway, whether located on the lot or any other lot, as specified by the State Department of Transportation.

N/A f. All landscaping materials shall be of a type and/or species suitable for the location of the lot in the Town and suitable for the soil conditions on the lot and shall be planted and maintained in accordance with good landscaping practice. Landscaping shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides, and fertilizers.

N/A g. All landscaping, including growing materials, that are specified on an approved landscape plan for a site shall be well maintained to carry out the intent of the landscape plan. Failure to maintain healthy landscaping associated with a site plan approval will be a violation of said approval.

N/A h. Trees, shrubs and other plant materials which are otherwise not in a condition to fulfill the approved landscape plan shall be replaced in the next planting season by similar plant material.

N/A i. Fences and walls used for landscaping and screening shall be made of natural materials such as wood, stone or brick or otherwise effectively landscaped.

N/A j. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

N/A k. Existing native tree stock eight or more inches in diameter at breast height shall be protected and preserved to the extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedge rows, wetlands, and woodlots shall be encouraged and included as a design element in the development of the site.

N/A l. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall and two-inch caliper shall be planted and maintained at 20- to 40-foot intervals along roads at a setback distance acceptable to the Highway Superintendent.

### **3. Parking Circulation, and Loading**

N/A a. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.

N/A b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, set-back roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.

N/A c. Off-street parking and loading standards in § 175-38 shall be satisfied.

N/A d. Access from and egress to public highways shall be approved by the appropriate highway department, including Town, County, and State.

X e. All buildings shall be accessible by emergency vehicles.

N/A f. Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.

N/A g. Spaces and racks shall be provided in an area that does not conflict with vehicular traffic. Designated van/car pool parking, and other facilities for alternatives to single occupancy vehicle use shall be provided wherever possible.

N/A h. In developments where links to schools, churches, shopping areas, trails, greenbelts, and other public facilities are feasible, or where a trail connection is recommended in the Comprehensive Plan or in a Town Open Space Plan, a trail corridor shall be reserved on the approved Site Plan for this purpose.

### N/A 4. Reservation of Parkland

For any Site Plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law § 274-a-(6).

### **5. Outside Storage**

Any areas for outside storage (including temporary storage of waste materials; storage and display of merchandise, supplies, machinery and other materials; and outside manufacture, processing or assembling of goods- but excluding areas for parking of registered motor vehicles in daily use) shall be shown on the site plan and located and screened as follows:

N/A a. In the HC and OC districts, outside storage areas shall not extend into the area required for a building setback from a street line or from the center line of U.S. Route 9, as determined under § 175-30(J), or from a residential district boundary line. Outside storage shall be enclosed (except for necessary access drives) by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other adjacent lot or any street. In no case shall the height of outside

storage exceed the height of the approved screening. Screening shall be of a density as to be at least 75% effective 'in screening such view, at the time of occupancy, except that when evergreens are used, such height and density shall be achieved within five years after establishment of tile outside storage area.

N/A b. Outside storage on properties in the HC or OC districts shall not exceed 20% of tile lot area located in such district.

N/A c. In the M District, outside storage areas shall not extend into the area required for a building setback from property line, or a residence district boundary line, and shall not exceed 15% of the lot area located in the industrial M District.

#### 6. Miscellaneous Standards

X a. Buildings and other facilities shall be designed, located, and operated to avoid causing excessive noise on a frequent or continuous basis.

X b. Drainage of the site shall recharge ground water to the extent practicable. The peak rate of surface water flowing off-site shall not increase above pre-development conditions and shall not adversely affect drainage oil adjacent properties or public roads.

X c. Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.

X d. No materials shall be placed below the finished grade of a site other than utilities, sand, gravel, rocks, and soil that are uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted under this Subsection (e), except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.

N/A e. Structures shall be located, constructed, and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate, and shall include fencing, walls, and natural buffers, such as berms and landscape planting with trees and large shrubs.

N/A f. Lighting shall comply with the standards in § 175-40L.

#### **§175-68 IMPLEMENTATION, REVISION, AND ENFORCEMENT OF APPROVED SITE PLANS**

A. Within 6 months after receiving approval of a Site Plan, with or without modifications, the applicant shall submit multiple copies of the Site Plan, as determined by the Planning Board, for stamping and signing. The Site Plan submitted for stamping shall conform strictly to the Site Plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information.

1. Record of application for and approval status of all necessary permits from Federal, State, and County officials.
2. Detailed sizing and final material specification of all required improvements.
3. An estimated project construction schedule. If a performance guarantee pursuant to Subsection B is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
4. Proof of payment of the Planning Board's reasonable review costs.

5. Upon stamping and signing the Site Plan, the Planning Board shall forward copies of the approved Site Plan to the Zoning Administrative Officer and the applicant, The Zoning Administrative Officer may then issue a Building Permit. A Certificate of Occupancy may only be issued if the project conforms to all applicable requirements of the Site Plan Approval.

**B. Performance Guarantee**

No Certificate of Occupancy shall be issued until all improvements shown on the Site Plan are installed, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in §277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Planning Board, Town Attorney, Zoning Administrative Officer, other local officials, and its consultants.

**C. As-Built Plans and Inspection of Improvements**

No Certificate of Occupancy shall be granted until the applicant has filed a set of as-built plans with the Zoning Administrative Officer, indicating any deviations from the approved Site Plan. The Zoning Administrative Officer shall be responsible for ensuring compliance with the site plan approval and for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a Certificate of Occupancy upon a finding that the project as built complies in all material respects with the Site Plan. The Zoning Administrative Officer shall also have the authority to inspect soil mines for compliance with conditions authorized by

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

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

**A. Project and Sponsor Information.**

Name of Action or Project: Site plan for Garrison Property Holdings LLC		
Project Location (describe, and attach a general location map): 88-92 Whippoorwill Pond Road (see map attached)		
Brief Description of Proposed Action (include purpose or need): Minor residential site plan for the razing of three structures, a cottage, a barn and a garage and the construction of a new single family residence (cottage) and garage, updating and paving of the existing driveway, and installation of a new septic system.		
Name of Applicant/Sponsor: Garrison Property Holdings, LLC		Telephone: 646-430-1296 E-Mail: genevieve@chrishughes.com
Address: 88-92 Whippoorwill Pond road		
City/PO: Garrison	State: NY	Zip Code: 10524
Project Contact (if not same as sponsor; give name and title/role): Margaret McManus, Badey & Watson		Telephone: (845)-265-9217 x19 E-Mail: mmcmanus@badey-watson.com
Address: 3063 US RT 9		
City/PO: Cold Spring	State: NY	Zip Code: 10516
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Site Plan Approval, Philipstown Planning Board	April 5, 2018
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Putnam County DOH and Planning 239 Referral	Jan 2017(DOH), TBD (Planning)
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

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

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? Rural Conservation District	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located? Garrison Union Free School District	
b. What police or other public protection forces serve the project site? putnam county sherif	
c. Which fire protection and emergency medical services serve the project site? garrison volunteer fire, garrison volunteer ambulance	
d. What parks serve the project site? n/a	

**D. Project Details**

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? residential structure, garage, septic system, and driveway	
b. a. Total acreage of the site of the proposed action?	80.81 acres
b. Total acreage to be physically disturbed?	0.57 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	80.81 acres
c. Is the proposed action an expansion of an existing project or use? i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) ii. Is a cluster/conservation layout proposed? iii. Number of lots proposed? iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Will proposed action be constructed in multiple phases? i. If No, anticipated period of construction: _____ months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	1			
At completion				
of all phases	1			

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

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

**D.2. Project Operations**

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

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

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

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

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

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

If Yes:

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

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

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

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 600 gallons/day

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

If Yes:

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

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

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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

If, Yes:

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

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

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

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

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 600 gallons/day

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

sanitary wastewater

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

If Yes:

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

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

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

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

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

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
heavy equipment  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
none  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
none

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

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

If Yes:

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

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

---

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

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

---

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

If Yes:

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

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

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

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

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

---

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

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

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

---

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

If Yes:

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

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

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

---

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 8 am - 5 pm</li> <li>• Saturday: _____ 8 am - 5 pm</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours</li> <li>• Saturday: _____ 24 hours</li> <li>• Sunday: _____ 24 hours</li> <li>• Holidays: _____ 24 hours</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration: \_\_\_\_\_

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

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Typical residential lighting at entrances to house and garage, dark sky compliant fixtures will be used.

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

---

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

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

---

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

If Yes:

i. Describe proposed treatment(s): \_\_\_\_\_

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

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

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

---

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

If Yes:

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

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

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

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

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

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

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

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

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

a. Existing land uses.

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

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): Graymoor

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

---

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.31	1.38	+0.07
• Forested	62.71	62.71	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	10.25	10.25	0
• Agricultural (includes active orchards, field, greenhouse etc.)	-	-	-
• Surface water features (lakes, ponds, streams, rivers, etc.)	2.00	2.00	0
• Wetlands (freshwater or tidal)	1.44	1.44	0
• Non-vegetated (bare rock, earth or fill)	-	-	-
• Other Describe: <u>Lawn</u>	3.10	3.03	-0.07

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

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

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

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

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

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

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

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_

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

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

---

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

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ 2 %

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

Hollis-Rock outcrop complex Hr	22.6 %
Charlton fine sandy loam Ch	21.7 %
Charlton Chatfield complex Cr	21.1 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ > 6 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 90.8 % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ 9.2 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 37.7 % of site  
 10-15%: \_\_\_\_\_ 24.6 % of site  
 15% or greater: \_\_\_\_\_ 37.7 % of site

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

---

h. Surface water features.

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

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

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

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

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, PUBHh, PBHh, and PEM1Eh Approximate Size 1.8, 1.5 AND 1.4
- Wetland No. (if regulated by DEC) \_\_\_\_\_

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

---

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

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

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

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

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p>		
<p>deer _____</p> <p>_____</p>	<p>small mammals _____</p> <p>_____</p>	<p>birds _____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p>		
<p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 40px;">Chestnut Oak Forest</p>		
<p>ii. Source(s) of description or evaluation: _____</p>		
<p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ 736.68 acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>		
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>Timber Rattlesnake, Northern Long-eared Bat</p>		
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>Eastern Wormsnake</p>		
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>		
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>		
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>		
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____ 17 +/-</p> <p>ii. Source(s) of soil rating(s): USDA Web soil survey - Prime Farmland and Farmland of statewide importance</p>		
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>		
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>		



Alex K. Campbell  
207 East 21<sup>st</sup> Street, apt 6F  
New York, NY 10010

April 4, 2018

Town of Philipstown  
Attn: Planning Board  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

RE: Approval of Access Permit Application for 4 Cliffside Court/28 Upland Drive

Dear Planning Board,

I am the owner of 4 Cliffside Court and 28 Upland Drive (collectively, the "Properties"). I write this letter to supplement my Approval of Access Permit ("Permit") application for the Properties.

On November 10, 2016 in my first pre-application meeting, the Planning Board stated I would have to upgrade Upland Drive to New York State Town Law §280-a<sup>1</sup> private road standards where I would bear the full cost burden without compensation. It was also discussed that 26 Upland Drive, which has been under foreclosure notice since January 2010 and is contiguous to the Properties, if acquired under a short sale or foreclosure, could be combined with the Properties and grandfather me into the former Town private road regulations, preventing a costly upgrade of Upland Drive. After 12 (twelve) months of outreach to 26 Upland owners, lenders, foreclosure lawyer, and eventual debt collection agent, it was determined the property could not be acquired and will remain in duress because the outstanding mortgage is more than the property value after eight (8) years of negligence.

On April 28, 2017 in my second pre-application meeting with the Planning Board, I gave a presentation to the Planning Board (the "Presentation") stating my intentions for the Properties, building plan. I also introduced the Koontz v. St. John's River Water Management District Supreme Court case ("Koontz Case") which I discussed with Barbara Scuccimarra, District Legislator of Continental Village. The majority opinion of the Koontz Case generally states that a government entity cannot impose an exaction (or, a condition for development) onto a developer which burdens the development beyond a reasonable doubt without providing just compensation under the Fifth Amendment to the United States Constitution.

After my Presentation, I received a letter from Drake Loeb, the Town Attorney for the Town of Philipstown, on May 18, 2017 ("Town Letter"). The Town Letter noted that within my Permit application that [emphasis added in **bold**]:

---

<sup>1</sup> <http://codes.findlaw.com/ny/town-law/twn-sect-280-a.html>

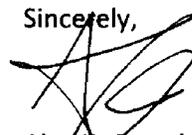
Conclusions:

- Safety: Based on the statement that CVFD provided, it can be inferred that Upland Drive and Cliffside Court are sufficient to allow for safe and suitable ingress and egress. The current residents on Upland Drive and Cliffside Court have posited its safety through no accident reports over decades.
- Valuable Home: I have designed a home build with the intent to:
  1. minimize land impact – accomplished by 28 Upland Drive acquisition for a water well;
  2. minimize environmental impact with a Passivhaus design, one of the most environmentally friendly home designs available which complement the Town of Philipstown’s Comprehensive Plan 2006 Goals; and
  3. increase the home values of surrounding homes to eventually increase tax revenues for the Town of Philipstown.
- Legal Basis: The Koontz Case does not support the Town of Philipstown imposing an exaction (i.e., upgrade the road) to receive a building permit without just compensation. Further, the Koontz case undermines the 1952 Brous v. Smith case which the Town Letter claims for its ruling basis. I understand that if a developer buys, for example, 100 acres of land and subdivides it into twenty (20) five (5) acre plots, the Town of Philipstown needs to have road construction standards in place to reach the subdivisions. In my case, Upland Drive and Cliffside Court already exist and to upgrade to any Town Code standards is:
  1. not necessary according to the CVFD Letter;
  2. not necessary because the neighbors have noted that over decades the road has not had any accidents, to from experience, is safe;
  3. a burden to my home build beyond any reasonable doubt;
  4. according to Glenn Watson on November 30, 2006 related to John & Edey McCarthy’s Approval of Access meeting for 105 Upland Drive, he noted that “...first of all the Board’s standard of fourteen percent grade is an impossible situation”; and
  5. a condition which requires land acquisition from current land owners and without the use of eminent domain, it is further a burden to my home build beyond a reasonable doubt.
- External Conditions: The housing market needs an uplift in new home builds that aren’t \$1 million or more which will cost those home owners more because of lower tax deductions.

If approved, I will hire GO Logic to design my home and fulfill the full building permit package requirements and then use a local contractor for home, water well, and sewage treatment construction. The home is pre-fabricated offsite in Maine and brought on lorries. It does not need a crane to install and takes around 6 months total from design to finish. I will also go through the Town process to combine my properties.

Please use this letter and supplemental attachments for full consideration and please grant Permit approval as soon as possible. My goal is to build a quiet home for my family that is minimally invasive to my land, neighbors and planning authorities.

Sincerely,



Alex R. Campbell

4 Apr 2018



**RONALD J. GAINER, P.E., PLLC**  
31 Baldwin Road, Patterson, NY 12563  
Mailing Address: PO BOX 417, Pawling, NY 12564

office 845-878-6507

cell 845-527-1432

---

TO: Town of Philipstown Planning Board    DATE: November 10, 2016  
FROM: Ronald J. Gainer, PE    SUBJ: Campbell "Access Approval"; Upland Drive

---

A meeting was held on November 10, 2016 concerning a proposal to develop a new residence on property along Upland Drive in Continental Village.

In attendance were the following:

Anthony Merante	–	Planning Board Chairman
Peter Lewis	–	Planning Board Member
Neal Tomann	–	Planning Board Member
Greg Wunner	–	Code Enforcement Officer
Linda Valentino	–	Planning Board Secretary
Ron Gainer	–	Town Engineer
Alex Campbell	–	Property Owner
Glenn Watson	–	Applicant/Owner's representative

The following matters were discussed:

Campbell explained that he owns 2 lots at the intersection of Upland Drive and Cliffside Court, totaling 4.2 acres. The former owner of the corner (1 ac.) lot had obtained DOH approval for an SSTS for the property. However, Campbell proposes to construct an SSTS in a different location, now that he owns 2 contiguous lots, and so a new approval will be required.

Watson advised that Upland Drive is a private road, serving several homes built many years ago. Pursuant to the Town's ODA regulations, no Site Plan approval is required; however, "access" approval is necessary from the Planning Board. §112-60 discusses the procedure for Town approval. Specifically, the BI alone can issue building permits if the private road serves no more than 8 lots, and the roadway complies with town standards for private roads (summarized in §112-64). However, since the roadway serves more than 8 homes, and Upland Drive does not conform to the maximum grade and traveled width requirements in multiple locations, the matter must come before the Planning Board for grant of "access" approval.

For the Board to move the application forward, more detailed plans of the existing roadway and drainage, and proposed site development, must be provided. The applicant must also identify what sections of Upland Drive do not conform to the Town's construction standards, and what mitigation he can offer to improve conditions (even if the roadway can't be brought entirely up to standard). The potential cost of such improvements was then discussed.

Campbell then advised that there is an existing residence just to the west of his property (closer to Winston Lane) which is un-occupied and in foreclosure. He wondered if he purchased this property whether it would simply be the Town's review/approval of his proposed site development.

Ron explained that, unless Campbell demolished the house and merged all three properties, it would have no effect. However, should he wish to consider this alternative, then he essentially would merely be demolishing

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

**APPLICATION TO CONSTRUCT A WATER WELL**

Please print or type

PCHD Permit # PH-04-05

Well Location	Street Address: <u>4 CLIFFSIDE COURT PHILIPSTOWN</u>	Town/Village: <u>PHILIPSTOWN</u>	Tax Map # Map <u>02-20</u> Block <u>2</u> Lot(s) <u>23(:21)</u>
Well Owner:	Name: <u>ALEX CAMPBELL</u>	Address: <u>207 E 21st St APT 6F NY, NY 10009</u>	Phone # <u>(507) 640-5877</u>
Use of Well 1- Primary 2- Secondary	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Business <input type="checkbox"/> Industrial	<input type="checkbox"/> Public Supply <input type="checkbox"/> Farm <input type="checkbox"/> Institutional	<input type="checkbox"/> Irrigation <input type="checkbox"/> Test/Monitoring
Amount of Use	Yield Sought <u>5</u> gpm	# People Served <u>5</u>	Est. of Daily Usage <u>500</u> gal.
Reason for Drilling	<input type="checkbox"/> Replace Existing Supply <input checked="" type="checkbox"/> New Supply (new dwelling)	<input type="checkbox"/> Test/Observation <input type="checkbox"/> Deepen Existing Well	<input type="checkbox"/> Additional Supply
Detailed Reason for Drilling	<u>TO PROVIDE A POTABLE 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 <input checked="" type="checkbox"/> No ___ Name of subdivision <u>MAP 11 OF CONTINENTAL VILLAGES</u> Lot No. <u>31-34</u> Water Well Contractor: <u>NORMAN ANDERSON</u> Address: <u>PUTNAM VALLEY, 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>2 MILE</u> Proposed well location & sources of contamination to be provided on separate sheet/plan. Date: <u>01/18/18</u> Applicant Signature: <u>[Signature]</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 groundwater.

Additional Permit Requirements: \_\_\_\_\_

**APPROVED FOR CONSTRUCTION:** This approval expires two years from the date issued unless construction of the well has been completed and inspected by the PCDOH 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 licensed by Putnam County.

Date of Issue: 3/13/18 Permit Issuing Official: [Signature]  
 Date of Expiration: 3/13/20 Title: PHE  
 Permit is Non-Transferable

James R. Loeb  
Richard J. Drake, *retired*  
Glen L. Heller\*  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Timothy P. McElduff, Jr.  
Ralph L. Puglielle, Jr.  
Nicholas A. Pascale

Lisa M. Card  
Alana R. Bartley  
Aaron C. Fitch  
Emily R. Grandolfo  
Judith A. Waye

Jennifer L. Schneider  
*Managing Attorney*

\*LL.M. in Taxation

May 18, 2017

Mr. Alex Campbell  
207 East 21<sup>st</sup> Street – Apt 6F  
New York, New York 10010

Re: 4 Cliffside Court/28 Upland Drive  
Our File No.: 6082-68201

Dear Mr. Campbell:

I am the Town Attorney for the Town of Philipstown. The Town's Building Department and Engineering Consultant have referred to me for review and comment certain materials and e-mails that you submitted to the Town regarding proposed construction of a home on the above-referenced property.

New York State Town Law §280-a provides that a Town cannot issue building permits unless the property on which the structure is to be built has direct access to a state, county or town highway or a private road built to town road specifications which appears on an approved subdivision plat. The statute goes on to provide that if a property owner's lot is not located on a state, county or town highway or a private road built to town construction specifications, such a property owner may nevertheless obtain a building permit by applying for and obtaining "access approval" from the Town. The standard for obtaining access approval is generally a showing that the private roadway in question provides "safe and suitable" access for visitors and emergency vehicles.

Thus, the purpose of access approval under Town Law §280-a is not to require that all private roads be brought up to the Town Code's construction standards, but rather *to grant variances to those standards* such that the roads in question are merely sufficient to allow for safe and suitable ingress and egress. The determination of whether a private road provides "safe and suitable access" is largely an engineering question. Often the roadway at issue may be approved "as-is"; whereas in other cases some grading or drainage improvements may be necessary. It is almost never necessary to bring an existing private road completely up to the Town Code's private road specifications, although there are certain circumstances, such as extremely steep slopes, where it may be necessary to come very close to it.

The constitutionality of the private road access requirements imposed by Town Law §280-a has been upheld by the New York State Court of Appeals. Brous v. Smith, 304 N.Y. 164, 106 N.E.2d 503 (1952).

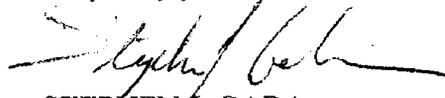
In your case, both Cliffside Court and Upland Drive are private roads which do not meet Town construction standards for private roads and are not exempt. Accordingly, in order to obtain a building permit for your property you need to apply for access approval under Town Code §112-57. On such application you will be required to show that the private roads at issue provide safe and suitable access to your property or, at least, that with certain improvements the roads could provide such access.

It appears that you submitted an application for a building permit and that the Building Inspector referred you to the Planning Board for access approval. I am advised that you attended pre-application meetings with the Planning Board Chairman, the Town's Engineering Consultant and the Building Inspector on November 10, 2016 and April 28, 2017. However, rather than submitting renderings and elevations regarding the existing road conditions, you have submitted a document stating, in sum and substance that: (1) the Town is requiring you to improve Upland Drive to meet the Code's private road construction specifications, (2) that the Town's regulations are allegedly unconstitutional and unenforceable and (3) the Town should waive the Code's access approval requirement and simply issue a building permit to you. I'm told that in subsequent e-mails you have suggested dedicating the southwest corner of your property to the Town in exchange for a grant of access approval.

Please be advised that neither the Building Inspector nor the Planning Board can waive the access approval regulations set forth in the Town Code or to enter into the proposed agreement with you for the issuance of a building permit. They can only process applications in accordance with the Town Code's terms and provisions. Unless you apply for and receive access approval from the Planning Board, the Building Inspector cannot issue a building permit to you.

If you have any questions or comments feel free to contact me.

Very truly yours,



STEPHEN J. GABA

SJG/ev/574216

cc: Building Inspector  
Planning Board  
Ron Gainer, P.E.

Gellert, Klein & MacLeod, LLP  
Attorneys at Law

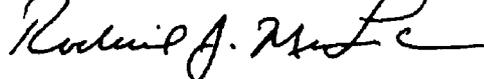
-2-

In the past, the Fire Department has responded to calls for assistance on Upland Drive and Cliffside Court. And the Fire Department will continue to respond to calls for assistance to those roads and, to the best of the Fire Department's ability, render whatever assistance is needed, regardless of the condition of those roads - and even if they are not safe and suitable. The fact that the Fire Department has been able to access properties on Upland Drive and Cliffside Court in the past should not be relevant in the Town Planning Board's determination (but I leave it to the Planning Board to decide that).

The Fire Department is not road engineers and does not possess the expertise to render an opinion as to what is a "safe road" or a "suitable road". Accordingly, the Fire Department is unable to provide an opinion that Upland Drive and Cliffside Court are safe and suitable for the ingress and egress of the emergency vehicles.

Very truly yours,

Gellert, Klein & MacLeod, LLP



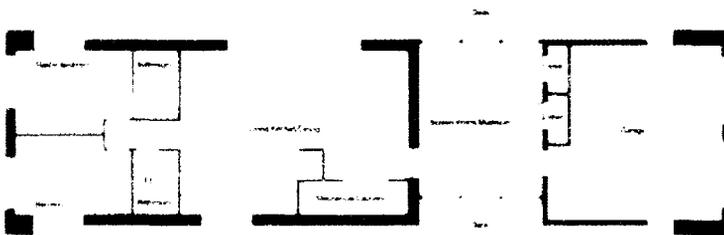
Roderick J. MacLeod

RJM/pmp

cc: Stephen J. Gaba, Esq., Drake Loeb, PLLC, via facsimile, 845-561-1235  
Lou Mettey, Continental Village Fire Department, via e-mail



Single-story design with a combined kitchen/living/dining space, two bedrooms, and two full baths.



Amenities include a connected two-car garage, screened entry/sitting porch, and laundry closet.

+passive house design

**FEATURES**

Total Floor Area	1080 sq ft
Screen Porch	280 sq ft
Open Deck	180 sq ft
Beds	2
Baths	2
Garage Area (optional)	485 sq ft

*Any GO Home plan can be customized to fit your site and personal requirements. If your needs call for a more individualized design, visit the GO Logic website to learn about our custom architectural services.*