

MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Butterfield Library, Cold Spring, New York 10516
April 20, 2017
7:30 PM

Pledge of Allegiance

Roll Call

Approval of Minutes – February 16, 2017

Public Hearing:

- 1. Jeremy & Amy Samson, 362 West Point Road, Garrison** **TM# 71.-2-42**
(The applicant is seeking to divide the lands of Jeremy; & Amy Samson from lands of John E & Catherine A Ciulla [372 Old West Point Road])

Old Business:

- 2. Kristin Sorenson, 1000 Old Albany Post Road, Garrison** **TM# 16.20-1-18**
 - Consideration of a negative SEQRA declaration
 - Draft resolution for a subdivision
- 3. John and Kimberly Sabatini, 101 Dick's Castle Road, Garrison** **TM# 60.-1-11**
 - Consideration of a negative SEQRA declaration
 - Draft resolution for consideration
- 4. Stone Crop Gardens, 61-115 Stonecrop, Cold Spring** **TM#39.-2-10**
 - (Amended Site Plan to review in response from Board member comments from the March 16, 2017 meeting)
- 5. Hudson Highland Reserve, Rte 9 & Horton Road.**
(review Evaluation of Allowable Project Density letter and Discussion of findings from the site visit)
- 6. OLSPAN, LLC, 235 East 87th Street Apt. 1L, New York, NY property address is 2700 Route 9, Cold Spring** **TM#38.-3-24.2**
(Amended Site Plan including the removal of the driveway entrance from the previous plans)
- 7. Rockman-Berquist, 67 Old West Point Road, Garrison** **TM#82.-2-32.1 & 32.2**
(revised location of the proposed main building. Discussion of findings from the site visit.)

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

PHILIPSTOWN PLANNING BOARD

Public Hearing – April 20, 2017

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, April 20, 2017 starting at 7:30 P.M. at the Butterfield Library on Morris Avenue in Cold Spring, New York to consider the following application:

Jeremy & Amy Samson, 362 Old West Point Road, Garrison TM#71.-2-42. The applicant is proposing a Subdivision Merger of 3 lots into 2 parcels by merging portions of the lot to be eliminated into the adjoining residential parcels. The two lots that remain after the merger presently contain single family residences. As the size of the property conveyance exceeds 10% of the smaller of the original lots, this property transfer is deemed a “subdivision” pursuant to §112 of the Town’s Land and thus requires “Subdivision approval” from the Planning Board. The property is located in RR District.

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

Dated at Philipstown, New York, this 28th. day of March 2017.

Anthony Merante, Chairman

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
March 16, 2017**

The Philipstown Planning Board held its regularly monthly meeting on Thursday, March 16, 2017 at the Butterfield Library, 10 Morris Avenue, Cold Spring, New York.

Present: Kim Conner (acting Chair)
 David Hardy
 Peter Lewis
 Neal Tomann
 Neal Zuckerman
 Stephen Gaba, Counsel
 Ronald Gainer, Town Engineer

Absent: Anthony Merante (Chairman)

Ms. Conner opened the meeting at 7:31 P. M. with the Pledge of Allegiance.

Roll call was taken by Ms. Valentino.

1. Minutes:

The minutes of February 16, 2017 were reviewed. Mr. Zuckerman moved to adopt the minutes as presented and Mr. Lewis seconded the motion. The vote was as follows:

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

2. Public Hearing:

1. Kristin Sorenson, 1000 Old Albany Post Road, Garrison TM#16.20-1-18

The public hearing opened at 7:34 P. M. Ms. Valentino read the following legal notice:

“Kristin Sorenson, 1000 Old Albany Post Road, Garrison. The applicant is proposing a lot line adjustment between two adjacent parcels along the east side of Old Albany Post Road. The proposal is to transfer approximately 0.324 acres of land currently owned by Thompson/Watt, representing an un-used, narrow access way to their lot, to Sorenson. No new development is proposed. The land transfer is deemed a subdivision pursuant to Chapter 112 of the Town of Philipstown Code.”

Mr. Eric Stark is seeking a lot line adjustment which requires a subdivision between his lot and a neighbors lot. The applicant sold an existing lot to the neighbor and requested, in return a 20 foot portion of a flag section of property owned by the neighbor. Mr. Stark noted that the lots were illegally subdivided several years ago. The Planning Board then referred the Applicant to the Zoning Board of Appeals for two variances. Both lots are non-conforming and the neighbors lot will have less than the 35 foot road frontage. Mr. Stark noted he received both variances from the Zoning Board of Appeals.

There were no comments from any members of the public.

Mr. Zuckerman moved to close the public hearing and Mr. Hardy seconded the motion.

The vote was as follows:

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

The public hearing closed at 7:39 P. M.

Mr. Gainer reviewed the proposal as being a lot line adjustment, The Applicants have received the variances, The latest plans received by the Board on March 8, 2017 satisfies the Boards concerns from the February 16, 2017 meeting.

Mr. Gaba noted that since the public hearing is closed the Board can react on the application by directing Mr. Gainer to prepare a draft Negative Declaration for SEQRA review and a draft Subdivision approval if the Board is so inclined.

Mr. Lewis moved to direct Mr. Gainer to prepare a draft Negative Declaration for SEQRA review and a draft subdivision approval. Mr. Tomann seconded the motion. The vote was as follows:

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

2. Griffin's Landscaping Corporation, 3032 Route 9 Cold Spring

TM#27.20-1-14

Mr. Glenn Watson from Badey and Watson noted that at the February 16, 2017 meeting the Planning Board voted to direct Mr. Gainer to prepare a draft resolution and a draft Negative Declaration for the SEQRA review.

Mr. Gainer noted the Board closed the public hearing February 16, 2017 and held the public hearing open a couple of months to ensure that the public had enough time to comment. Concerns of the Planning Board were reviewed in a memo drafted on February 14, 2017. Public hearing comments were also reviewed. At the meeting of February 16, 2017 the Board directed Mr. Gainer to draft a Negative Declaration for the SEQRA review process and a draft resolution which Mr. Gainer had done.

Mr. Zuckerman moved to approve the Negative Declaration for SEQRA review and Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	Absent
Kim Conner	-	Aye

Mrs. Rice noted that she discussed the Planning Board concerns with her clients. Mrs. Rice reviewed how the visitors get to the site by first going to the welcoming pavilion. In that pavilion is a map, a list of what flowers are in bloom that week, upcoming events, ticket cost and the days the gardens are open for the year. The visitors of the gardens would follow the boardwalk come through the conservatory to the potting shed to purchase tickets. The existing configuration allows people to come up through the garden, through a section of the parking lot which would allow them access to the gardens without purchasing a ticket. The proposed building should help them with the ticket collections. The gardens are closed during the off season and is opened about 190 days per year.

This new phase proposes a larger parking area. The intention is to have the parking lot become a part of the garden by making it look like the cars are being parked between the trees. Some trees immediately around the proposed parking area will be removed. A majority of the trees are oak which have a high survival rate even when work comes close to them. The parking lot configuration will be for one way traffic only. The handicap parking Court/area will consist of three parking spaces and will begin as a boardwalk, which will be virtually flat, it will continue until you reach the welcome pavilion. Everyone that enters the parking lot will be led along the road or on a trail to the Welcome Pavilion which is the beginning of the gardens. Currently the grade in the existing parking area is 15% which makes it much harder for handicap people to access the gardens.

Mr. Watson noted that the Planning Board expressed concern over the distance a handicap person would have to travel to get from the parking lot into the site. Mr. Watson noted that the distance from the handicap parking and the proposed building is code compliant regarding what is allowable. There is a notice on the Stonecrop Garden website that asks anyone who is handicapped or with a handicap person to call ahead and make arrangements if needed. Stonecrop Gardens will also transport a person who is in need of being transported.

Ms. Conner asked that since the building is larger, if the applicants expect it to attract more people, and if people will come to the gardens for the building experience? Mrs. Rice replied that people generally come for the whole garden experience.

Mr. Tomann asked about the road leading up to the parking lot that looks like a turnaround area. Mrs. Rice responded that the turn around spot is used for deliveries.

Mr. Tomann asked how long the distance of the path is from the parking area to the welcome center? Mrs. Rice replied that it is 150 feet. The material that will be used for the parking lot is a handicap accessible material gravel surface that is compacted and is smaller than item 4. The purpose of the proposed parking configuration is to keep cars off the rest of the site. The walk is a flat walk, ½ football field long. Mr. Tomann noted that the Town Code notes that the handicap parking should be located as close as possible to the building that it services. Mrs. Rice responded that section of the code is for a single building only not a site with several structures and paths. There is no language that mitigates the meaning of an experience. Mrs. Rice noted that by moving the parking lot closer you could be handicapping the handicapped. Mrs. Rice responded that it means it must be as close to an accessible pathway as possible. Currently the classes are held in the existing library. Currently the workshops and lectures consist of 10-12 people and that is not expected to change. The people who attend workshops and lectures usually visit the Gardens they don't usually go to the lecture or workshop and then leave.

Mr. Tomann expressed concern over the potential lawsuit and liability of the handicap parking location years from now and for the future of Stonecrop Gardens.

Mr. Zuckerman requested citations regarding ADA within the Town Code as well as in the Federal Code because he did not know if the standards that is being stated by Badey and Watson meets those codes.

Mr. Hardy questioned whether or not you could get the same effect of the garden experience by moving the pavilion closer to the handicap parking area. Mrs. Rice replied that the main reason for having the parking located where it is, is to help prevent the conflict between the vehicle and pedestrian crossing. The welcome pavilion is an identifier, it is used so people can pick up information such as the maps, tells visitors where to get tickets and where to start the tour.

Mr. Zuckerman responded that the handicap should be able to park closer if they choose to.

Mrs. Rice replied that if the road is opened all the time it will be hard for Stonecrop Gardens to control vehicle and pedestrian traffic because no one is stationed at that location.

Mr. Watson replied that his view is that the liability issue would be a lot less with this parking configuration as it is being proposed, since it is meant to keep the traffic off the pedestrian paths, than it would be if it were to be changed.

Mr. Rasic pointed on the map to a road by noting that the road is meant to be kept clear and used for emergency vehicles only.

Mr. Hardy asked if the handicap parking can be moved up closer to the road for emergency vehicles? Mrs. Rice responded that you would be running out of space if you move the parking closer to the emergency access road and then screening will be an issue. There is a ledge and topography that is in that area and would make it difficult to relocate the handicap parking to that area.

Ms. Conner noted that Mrs. Rice earlier said that the boardwalk area was flat. Mr. Watson replied it was the boardwalk that is making that area flat. Mrs. Rice replied that the area levels and dips without the boardwalk.

Ms. Conner added that ADA compliance is about fairness and accessibility. It's an easy beautiful walk depending on who you are. ADA does not mean that all people are in wheelchairs. Mrs. Rice replied that is why Stonecrop Gardens offers help if it is needed for additional assistance. The primary reason to come to the garden is to take a path to view the gardens, it is not about going to a building. If the code calls for accessibility and cannot go from one building, the next thing would be to go to the first accessible path.

Ms. Conner responded that if you are a person of limited liability the "Bothy" gives you an opportunity to go to a place you would not ordinarily go to.

Mr. Tomann noted he agreed with Mr. Zuckerman regarding the code. Mr. Watson noted he will get that information for the Board members. Mr. Watson noted that they have a public hearing scheduled for the

ZBA in April and asked if the Planning Board would schedule a public hearing so the applications can continue to run parallel to each other.

Mr. Gainer asked if there had been any other configurations for parking discussed during the process of getting to where the proposal for parking is today. Mrs. Rice replied that the proposed parking was the only place that was reviewed for parking because it is the closest area and will have minimum site disturbance. The proposed handicap parking is within five feet of the foundation of the building. The number one purpose of the parking location was to keep vehicle and pedestrian conflicts down.

Mr. Gainer noted that the proposed parking layout still utilizes that point of access. Or considers that as being the only potential access. Mr. Gainer noted that there could be any other path through that proposed parking area that heads to the path that leads to where you reach the proposed building. Mr. Gainer asked that instead of considering the existing path or handicap access closer to the building, if the applicants had any new connection that was conceivable from the new parking area that would lead you to another path that may avoid conflicts? Mrs. Rice responded that the purpose of the parking configuration is to keep the vehicles less visible. The applicants like this configuration because it keeps the cars down below without disturbing to many trees. Mr. Gainer noted there must be other conceivable ways to respect the issue of visibility and screening.

Mr. Watson added that the location of the handicap parking and the configuration of the parking will be discussed again. But there are issues with steep slopes. Even though the property is 67 acres you have to go well north where the equestrian center is before you can get a place where a parking lot can get developed. That area will be remote and further away for everybody not just handicap people and would require driving through the garden and work areas around the garden.

Mr. Gaba noted that the Planning Board now has the option to schedule a public hearing or not. The ZBA public hearing will take place after the April 21st Planning Board meeting. Ms. Conner commented that at the last Planning Board meeting held February 16, 2017 the Planning Board agreed not to schedule a public hearing until they get an approval or denial from the ZBA. Ms. Conner added that if the Planning Board scheduled a public hearing before the ZBA made their decision the proposal could be misleading to the public. Mr. Watson noted that by delaying the public hearing the project's possible approval is pushed back to June. Ms. Conner responded that she would poll the Board.

Mr. Zuckerman responded that he had no problem scheduling a public hearing. If the public commentary was intense he did not believe a lesser plan would make the commentary more intense.

Mr. Lewis – responded that he was not comfortable scheduling a public hearing without having an actual plan that can be debated as an actual product. Mr Lewis added he would like clarification as to what is allowed in the code regarding the handicap parking before scheduling the public hearing.

Mr. Hardy – responded that he agreed with Mr. Lewis and that he would like to see the issues resolved because it would be strange to have a public hearing on the way things were supposed to happen and then have them not happen.

Mr. Tomann – responded that he would like to see the public hearing be held even though he has problems with the proposed site plan. Mr. Tomann added he did not think the ZBA will have an issue with the height of the building and that the handicap parking issue can be resolved.

Mr. Gaba noted that to be in favor of a public hearing you would need four votes since the Planning Board is a seven member board.

6. Hudson Highland Reserve, Route 9 & Horton Road

Mr. Zuckerman asked the Planning Board Secretary, Ms. Valentino, if the following request captured in the Minutes of the January 12, 2017 meeting and quoted as follows was ever received: "Mr. Zuckerman asked to see in writing how the density calculations were calculated and to see the steps involved as to how the calculation was done following the detailed criteria in the Zoning Ordinance, and added he would like to see mapped what is the "constrained" and "unconstrained" areas on the map to see how the applicant's 25 dwelling unit density count came to be? Mr. Richard O'Rourke (applicant's attorney), of Keane & Beane, PC, responded that the calculation has been done and will be submitted to the Planning Board members." Ms. Valentino responded "No" Mr. O'Rourke responded that he did remember that conversation and believed he did submit the Calculations Statement prior to this meeting. Mr. Zuckerman added that he was not prepared to have a conversation with the Hudson Highlands Reserve without having the very most basic question answered. Mr. Zuckerman added "The concern over the Calculation Statement was expressed 60 days ago and was expressed in the minutes and has not yet been received. Mr. O'Rourke responded that he did not realize the Calculation Statement was not given to the Board." Mr. O'Rourke apologized for not having the paper submitted and noted that he did not realize they were going to discuss the Calculations Statement at this meeting. Mr. Zuckerman added that even if the Calculations Statement were to be distributed now he (Mr. Zuckerman) would not have time to review it and is not prepared for a discussion with the applicant tonight. Mr. O'Rourke noted that the consultants and the staff is here and they would like to give a presentation.

Ms. Conner noted that she was surprised to see Hudson Highlands Reserve on the agenda for this meeting since a scheduled site visit had been postponed.

Mr. Gaba suggested to let the applicant's do the presentation since they are on the agenda. The Board doesn't have to respond or comment given that they did not receive the Calculations Statement and did not do the site visit.

Mr. Watson noted that the site visit was delayed due to the request of the Applicants environmental consultant. Mr. Watson noted that the plan being presented at this meeting is different from the previous plans and that was in response to some comments made by the Planning Board. The primary difference is the road grades have been worked out. Plans and profiles and road grades were submitted so the Board members will have them and also to give Mr. Gainer time to study them before the site walk. The road has been moved back to it's original location. The entry road from Route 9 was moved further to the north and lengthened so that there was more road to cut the grade. Common driveways will be used in some of the lots for the proposed housing. There was a significant change in the cut and will reduce the amount of excess spoil by about 90%. The applicants are at a point where they will take comments regarding the layout Mr. Watson noted that the Planning Board received response letters from the Conservation Board, Hudson Highlands Land Trust and a response letter from Hudson Highlands Environmental Consulting. The project has been under the Planning Board review process for over three years.

Mr. Gainer responded that there is no issue of time since this is the first application for a Conservation Subdivision that has been processed by the Board or any applicant since the ordinances have been revised. The Board recently considered and adopted a Conservation Findings Report. The Board has provided calculations to follow the ordinance that has been filed for review by AKRF. Mapping of the Conservation Areas that is based on the specific areas have not yet been done.

Mr. Gaba noted that a lot of time has been spent on the project but it is time well spent. The work that has been done so far has laid the groundwork for a negative SEQRA declaration.

Mr. Licegan reviewed a slide presentation which showed the latest layout, the zones of the proposed houses. Mr. Licegan noted the site contains 205 acres. There is no development near the wildlife corridor that exists between the pond and Clove Creek. The last page of the slide presentation projected the following: "Our Conclusion by looking at those precedence is only the conservation easement will guarantee and perpetuity. A Conservation subdivision will provide more environmental Protection inside the develop-able areas. The wildlife corridor will not be disturbed." Mr. Licegan thanked the Board and everyone for their time and apologized for not sending the Calculations Statement.

New Business:

7. Index Industrial Design, 1602 Route 9 Garrison

TM# 71.20-1-17

Mr. Andre Grasso, property owner, reviewed the proposal for an over 3000 square foot addition on the rear of the existing building. The proposed addition will be a two story steel frame structure with stucco finish to match the existing building. The proposed addition will have concrete footings. The ground floor will be about 1800 square feet consisting of a garage, additional shop space. The second floor is about 2020 square feet consisting of storage space. The basement adds another 1800 square feet. The total of all three is 5600 square feet. Mr. Grasso noted there should be little impact to the site because the addition will be in the rear of the building. The stairwell in the rear will flow into the existing stairwell. The proposed building and the addition will consist of a valley about six feet between them. The addition will have a flat roof to match the existing building. The applicant submitted an additional packet that addressed concerns on a memo from Mr. Gainer dated March 14, 2017.

Mr. Hardy moved to declare this proposal a major project and Mr. Tomann seconded the motion.

The vote was as follows:

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

Mr. Gainer noted that the overall size of the project is 9% over the 60% allowable impervious surface. The Planning Board will have to refer this proposal from Index Industrial Design to the Zoning Board of Appeals. the Planning Board will need further action before they can act on this proposal. Mr. Gainer added that if the Planning Board chooses to do a site visit one can be done.

Mr. Gaba questioned the figures on the drawings for the side yard set backs. Mr. Gaba noted he did not know if this application from Index Industrial Design would have to go to the Zoning Board of Appeals for a side yard variance.

Mr. Zuckerman moved to send the applicant to the Zoning Board of Appeals for impervious surface coverage and possibly for a side yard variance if needed. Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Zuckerman questioned whether or not a site visit should be scheduled since it is unknown if the Zoning Board of Appeals will approve the variances.

Ms. Conner responded that a site visit is different from having a public hearing.

Mr. Tomann moved to schedule a site visit and Mr. Lewis seconded the motion. The vote was as follows:

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

A site visit was scheduled for April 9, 2017 at 9:30 A. M.

8. John and Kimberly Sabatini, 101 Dick's Castle Road, Garrison

TM#60.-1-11

Mr. Justin Kacur from Highlands Architecture represented the applicant. Mr. Kacur noted that the Applicants are seeking an amendment to the originally approved site plan. Mr. Kacur distributed "An Amending Site Plan Drawing showing the West elevation dated 3/16/17." Mr. Kacur noted that the Applicant is scaling down the originally approved proposal from 1492 square feet to 1206 square feet. The second driveway will be eliminated as well as two of the three bay garages. The impervious surface will be reduced which will decrease site disturbance and tree removal. The reading loft will be eliminated. The terracing has been framed in and the addition is being reduced. The pool will remain and will not change in shape and size. The plans are going back to the Putnam County Health Department for a second review regarding the bedroom count. The septic tank will be changed for capacity.

Mr. Lewis moved to declare this proposal a minor project and Mr. Hardy seconded the motion.

The vote was as follows:

Anthony Merante	-	Absent
Kim Conner	-	Aye

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

Ms. Conner noted that the EAF form was missing from the packet submitted and that once that EAF form is complete, the project can be deemed complete.

Mr. Gainer noted that a site visit is not necessary since the Board has been to the site at least two times before. Mr. Gainer noted that the project is a minor project which would not require a public hearing.

The Board agreed that they did not need to do a site visit.

The Board discussed whether or not a public hearing should be held.

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

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

Mr. Zuckerman moved to consider action on this application and direct Mr. Gainer to prepare the necessary resolutions and Mr. Tomann seconded the motion.

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

9. Jeremy and Amy Samson, 362 Old West Point Road, Garrison TM#71.-2-42

Mr. Watson distributed a Final Subdivision Map dated 2/24/16. Mr. Glenn Watson from Badey and Watson reviewed the proposed Subdivision between Jeremy and Amy Samson and John and Catherine Ciulla who are neighbors and both live on non-conforming lots. The Samsons own one small lot and the Ciullas own two lots. Neither of the lots owned by the Ciullas are conforming. The Ciullas decided to consolidate the portion of the vacant lot and add it to their lot. Take another section of the vacant lot and add it to the Samson lot. Since one lot is being eliminated and two lots are becoming less conforming. There is no need to send the applicant to the Zoning Board of Appeals. Mr. Watson noted that there is no building and no construction being done. Mr. Watson asked the Board to schedule a public hearing and asked if the Board can approve the subdivision next month.

Mr. Gainer noted that a 239m request referral must be done to the Putnam County Department of Planning. A public hearing will need to be scheduled since a public hearing is mandatory for subdivisions.

Mr. Zuckerman asked if something came about that made the choice to do this subdivision. Mr. Ciulla responded that the previous owner of the vacant lot subdivided incorrectly in his opinion. There is a driveway that does not work and no-one uses that driveway. That previous owner also put a driveway on the Ciulla property. There is a catch basin that was in the Ciulla property and exhaust pipe goes over the lands of the Samson property. Mr. Ciulla noted that with the subdivision he can eliminate the wrong driveway, consolidate his own property. Fix the catch basin and was also being done for esthetic reasons.

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

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

The Planning Board did not feel a site visit was necessary.

Mr. Lewis moved to have the Planning Board declare themselves Lead Agency for the SEQRA Review Process for an “uncoordinated” review for an “unlisted action”. Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Hardy moved to schedule a public hearing and Mr. Tomann seconded the motion. vote was as follows:

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

A public hearing was scheduled for Thursday, April 20, 2017.

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

Anthony Merante	-	Absent
-----------------	---	--------

Kim Conner	-	Aye
David Hardy	-	Aye
Peter Lewis	-	Aye
Neal Tomann	-	Aye
Neal Zuckerman	-	Aye

10. Rockman – Berquist, 67 Old West Point Road, Garrison TM# 82.-2-32.1 & 32.2

Mr. James Hartford from River Architects represented the applicants.

Mr. Hartford described the proposal as being several passive house structures. These proposed structures will use about 70-90% less energy than a house of regular construction. The driveway is already there.

The main structure that is being proposed will be in an area that is highly disturbed. The main residence will have a garage and a pool adjacent to the house. All the structures except the main residence will be placed in an area that is fairly flat. The Putnam County Board of Health has approved the septic system for a four bedroom house. Mr. Hartford noted that he will be looking to expand that pre-approved septic system and will be looking to add more bedrooms. Portions of the EAF permit were left out due to a misunderstanding of the process and it will be corrected. This proposal is still in the development and evolution stage.

Mr. Gainer noted that this project should be classified as a major project. The applicant indicated that no steep slopes will be disturbed and should be illustrated on the plans because there are areas of regulated slopes that exist on the property. If no work is being done in regulated slope areas a Special Permit is not needed. A referral to Putnam County Planning for a 239m is needed. And the Board can schedule a site visit.

Mr. Hardy moved to declare this proposal a major project and Mr. Lewis seconded the motion.

The vote was as follows:

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

The Applicants must file supplemental information to determine whether a Special Permit is required. The EAF will be completed and submitted.

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

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

Mr. Tomann moved to schedule a site visit for April 9, 2017 at 10:30 A. M. and Mr. Lewis seconded the motion. The vote was as follows:

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

Mr. Gainer noted that another possible involved agency could be the Putnam County Department of Heath for the SSTS.

Mr. Gaba reviewed the “Unlisted /Coordinated Review Policy” when Putnam County Department of Health is involved in a proposed project.

Mr. Lewis moved to declare the Planning Board as lead agency for an unlisted action for a “coordinated review” and Mr. Zuckerman seconded the motion. The vote was as follows:

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

Ms. Conner asked Mr. Hartford if the proposal is in the Ridge Line Protection Area? Mr. Hartford responded that it was not in the Ridge Line Protection Area. Mr. Hartford noted he reviewed the overlays. Mr. Hartford noted that the entire project will be a total of 11,836 square feet. The places where buildings will be located will be flagged for the site visit.

Mr. Hartford will meet the Board members on the site and will have a key with him to get in the gate for the site visit.

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

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

The motion passed unanimously and the meeting adjourned at 9:59 P. M.

Date approved _____

April 6, 2017

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



RE: Amended Major Site Plan for Stonecrop Gardens, Inc.
NYS Route 301-Response to Technical Comments

Dear Mr. Merante and Honorable Board Members:

Listed below are several changes that were made to the site plan set in response to comments received during the March Planning Board meeting:

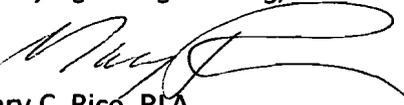
1. A parking space for people with disabilities and access aisle has been added near the Bothy. This space is in addition to the previously sited disability spaces.
2. A drive, equipped with a lift gate and a call box has been added between the new parking lot and Stone Crop Lane to access this parking. The call box will be utilized to gain access to the disability space at the Bothy.
3. Way finding signs for both pedestrian and vehicle circulation have been added to the plan set.

Enclosed please find thirteen (13) copies each of the following:

1. Amended Major Site Plan for Stonecrop Gardens, Inc., last revised on April 6, 2017, 6 sheets;
2. A sample of the website copy pertaining to Accessibility at Stonecrop Gardens. As noted, future text will reference options for parking for the disabled.

Please place this project on the April Planning Board agenda, at which time we are hopeful that a public hearing can be scheduled. Thank you for your continued attention to and concern for this project.

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

by 
Mary C. Rice, RLA
845.265-9217 x15
mrice@badey-watson.com

RECEIVED

APR 07 2017



Enclosure (2)
MCR/bms
U:\78-148B\WO_23074_Stonecrop_Parking\AM06AP17BP - cover ltr to PB.docx

STONECROP GARDENS WEBSITE:

ACCESSIBILITY

Many parts of the garden at Stonecrop can be enjoyed by all. However, there are areas in the garden that are not wheelchair or stroller accessible due to narrow paths, uneven surfaces, steep slopes and rocky conditions. Visitors with limited mobility are welcome to contact us prior to their visit to arrange for assistance if required.

FOR FUTURE ADDITION TO WEBSITE

Wheelchair-accessible parking is available on site at two locations. Please contact Stonecrop prior to your visit to discuss the most suitable parking site for your specific mobility needs.

For those requiring additional assistance at the handicap parking court, please pull up to the "Service Road" sign and use the call box to contact a member of staff. This will allow us to guide you safely to the reserved handicap parking space.

April 6, 2017

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

Re: Hudson Highlands Subdivision
Evaluation of Allowable Project Density

Dear Chairman Merante and Members of the Planning Board:

Keane & Beane submits the following comments on behalf of Horton Road, LLC (the "Property Owner" or "Applicant") in response to the memorandum from Susan Jainchill and Ronald Gainer (the "planning consultants" or "consultants") to the Planning Board dated March 24, 2017. We submit these comments in response to the technical evaluation of the Property owner's density calculation.

First, we are pleased that the planning consultants find the analysis used to calculate the density in each zoning and overlay district, or category, to be accurate. We are also pleased that the consultants agree with the Property Owner's calculation of "acreage available for development."

In so far as the Industrial/Manufacturing ("M") Zoning District is concerned the applicant intends to file for a zone change to change the zoning of the portion of the property which lies in the M Zone to Rural Residential ("RR"). A portion of this land is currently undevelopable due to steep slopes. In addition, the purpose of the M Zone is to allow industrial and related uses that are not compatible with most commercial, office, or residential uses. *See* Town of Philipstown Town Code § 175-7.I. Property designated as M is supposed to be located in an isolated well-buffered

KEANE & BEANE P.C.

ATTORNEYS AT LAW

Chairman Anthony Merante
and Members of the Town of
Philipstown Planning Board Members
April 6, 2017

location. Once the conservation subdivision is built, this area will be located immediately adjacent to a residential area, and the M Zoning District classification will no longer be appropriate. Therefore, the 10.73 acres zoned as M should be rezoned to RR.

The consultants point out that the Property owner uses three decimal places to calculate density, and importantly, further notes that the Town of Philipstown Town Code is silent as to how many decimal places must be used in the density calculation. There is no prohibition on the use of three decimals. In addition, the use of three decimal places is common, accepted area practice by professional surveyors as indicated by Glenn Watson, a licensed surveyor with many years of service. Calculations using one decimal place indicate that the calculation is only good within 5% of the real value, 1/20 or 5% of an acre is 2,178 square feet. The use of three decimal places greatly improves the accuracy of the calculation.

The consultants correctly point out that the applicant rounded up the fractional units for each of the density categories. The consultants take the position that the property owner should round up only once, after totaling the three separate categories. This is a fair position and one which we accept. Nevertheless, there is precedent for the use of three decimal places and rounding up each category individually before totaling the overall density number. For example, interest is rounded and charged or posted to individual bank accounts and then totaled. Each category of property is like an individual bank account.

The property owner believes that a 15% density bonus, as permitted by the Town Code, should be granted by the Planning Board because the applicant provides public access for various recreational uses to 165 acres of its land preserved by the

KEANE & BEANE P.C.

ATTORNEYS AT LAW

Chairman Anthony Merante
and Members of the Town of
Philipstown Planning Board Members
April 6, 2017

conservation area. The bonus allows an additional four dwelling units. The Town Code provides that an applicant may receive an increase in the permitted number of dwelling units of up to 15% if the Planning Board finds the Property owner provides significant recreational benefit to the Town. Under the proposed project, the public will have access not only to 165 acres of open space, but also to the equestrian center, the pond, and parks. The public will have the opportunity to use and enjoy the conservation area and miles of trails.

The equestrian center should not be counted as a separate lot and is not part of the lot count. There is no intention to convey the equestrian center in fee simple, but instead there will be a ground lease to the homeowner's association or a professional management operator to run and manage the equestrian center. Therefore, the equestrian center is not a separate lot and may not be sold as a separate lot. Insofar as the caretaker's quarters and office are concerned, it will not be constructed as an additional dwelling unit but instead is a preexisting use that is customary and incidental to the permitted equestrian center use. Horses need 24 hour care, some may become ill or injured, foals are born, and predators may make their way on the property. The caretaker's quarters will be located in the equestrian center, but will not be constructed as a separate structure.

As pointed out in the memorandum, there is an existing occupied residence on the north side of the property. This building will be torn down or used as a "tool shed/garage" for the development (accessory building).

As far as the three historic structures are concerned, one will be photographed and razed because it is no longer structurally stable. The other two structures will not be occupied and therefore should not be considered in the applicant's density

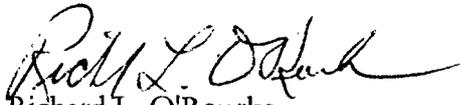
KEANE & BEANE.P.C.

ATTORNEYS AT LAW

Chairman Anthony Merante
and Members of the Town of
Philipstown Planning Board Members
April 6, 2017

calculations. These two historic structures will be preserved and adaptively reused as amenities within the Hudson Highlands Reserve. The white house will be used as the headquarters of the HOA and will be a part of a club house for members of the community. The barn will be preserved and renovated to be used for grain storage and/or accessory uses for the equestrian center. The barn will be preserved as an example of an historic barn that is testament to Philipstown's agricultural history and early settlement.

Very truly yours,



Richard L. O'Rourke

RLO/

cc:

Stephan J. Gaba, Esq.
Susan Jainchill, AICP
Ronald J. Gainer, P.E.

April 6, 2017

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



RE: Major Site Plan Application of Olspan LLC

Dear Mr. Merante:

In furtherance of amended site plan approval for our client Olspan, LLC, we respectfully submit 13 copies of the 5-sheet plan set entitled "Amended Site Plan prepared for Olspan, LLC..." last dated April 6, 2017. The plans have been revised as follows:

1. The relocation of the driveway entrance has been removed from the plans. The NYSDOT have several concerns in relation to the new location, including design standard compliance, changes to the existing cross culvert located under Route 9 and disturbance or relocation of the existing guide rail. In order to comply with the NYSDOT driveway design criteria the driveway entrance would need to be located no closer to the property line than its present location. Without moving the driveway to the south, it was determined that replacing the culvert was neither desirable or necessary.

The walls of the existing culvert structure will be cleared of the existing parging and paint, restoring the original bare concrete. The wall will then be a neutral gray color allowing them to blend in with their surroundings.

2. In response to Conservation Board comments, additional plantings have been added to the plan in the northern section of the site and other minor revisions were made in response to their comments.

As stated in my March 18, 2017 letter, we request that its application for approval of further amendments to its site plan be positively decided during the April 2017 meeting of the Planning Board and a resolution for your consideration be prepared by the Town Engineer.

Thank you for your consideration of this request.

Yours truly,

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

by 
Glennon J. Watson, L.S.
845.265-9217 x14
GWatson@Badey-Watson.com

RECEIVED

APR 11 2017



GJW/bms

cc: U:\74-148B\WO_23157_OLSPAN_AmendedSitePlan\AM06AP17BP_COVER LTR pb.docx

April 6, 2017

Attn: Anthony Merante, Chairman
Planning Board
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

RE: Rockman-Berquist – Tax Map ID 82.-2-32.-1 & 82.-2-32.-2
REVISED SITE PLAN

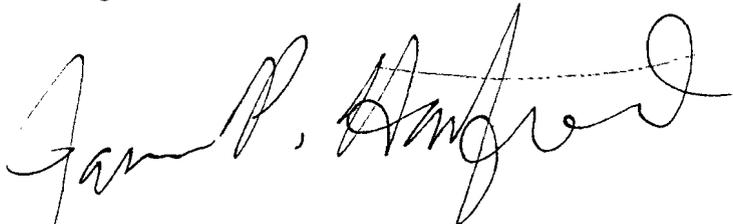
Dear Chairman Merante,

We are submitting 13 copies of revised site plan (1:30 scale printed on 11x17) for the site walkthrough that will take place this Sunday, April 9th, 2017.

Note that the building locations are relatively in similar locations. The minor changes are :

1. The Bridge between the Main House and the Garage has been eliminated.
2. The Garage moved to the south side of the existing driveway.
3. The Main House reduced in footprint.
4. The Fire Truck Turning Area has been moved to the existing "Y" in the road to minimize the site disturbance.

Best Regards,



James P. Hartford, AIA. LEED AP, CHPC

cc: Clients - Glenn Rockman and Darron Berquist

RECEIVED
APR 07 2017



