

MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Old VFW Hall, 34 Kemble Ave., Cold Spring, New York 10516
May 16, 2019
7:30 PM

Pledge of Allegiance

Roll Call

Approval of Minutes: April 18, 2019 – Regular Monthly Meeting

Correspondence:

Old Business:

Miranda L. Grimm-Juby, Trustee, 977 East Mountain Road South

TM# 18.-2-11.2, 18.-2-9.1, 18.-2-9.2

(The applicant is seeking approval for Final Subdivision Plat (Lot line adjustment) to adjust the line dividing lands of Trustee Helen L. Grimm Irrevocable Trust from lands of Herbert L. Grimm Irrevocable Trust. Due to an oversight at last month's meeting, resolutions have been prepared for a re-vote this evening.)

1657 Route 9D (Buck), 1657 Route 9D, Cold Spring

TM# 72.18-1-5

(The applicant received Site Plan Approval in May of 2018. The application is now seeking modification of the Approved Site Plan for a change in the layout of the secondary driveway out to Gilbo Lane and expansion of the approved re-grading. Due to an oversight at last month's meeting, resolutions have been prepared for a re-vote this evening.)

Daniel Schaublin & Mimi Fortunato, 359 East Mountain Road S

TM# 17.-3-28

(The applicant is seeking site plan approval to construct a new single-family residence and detached garage to be served by an individual private septic system and well. The approximate 1.58-acre property is located in an "RR" (Rural Residential) zoning district and is currently vacant. A site visit was performed on April 28th.)

Hudson Highland Reserve, Route 9 & Horton Road

(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.)

Return of Escrow:

Miranda L. Grimm-Juby, Trustee, 977 East Mountain Road South
TM# 18.-2-11.2, 18.-2-9.1, 18.-2-9.2

New Business:

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
April 18, 2019**

The Philipstown Planning Board held its regular monthly meeting on Thursday, April 18, 2019 at the Old VFW Hall, 34 Kemble Ave., Cold Spring, New York.

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

Absent: Neal Zuckerman

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

A. Minutes

The minutes of the March 21, 2019 Regular Monthly Meeting were reviewed.

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

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

B. Return of Escrow

Jaymark Jewelers, 3612 Route 9

TM# 17.-1-46

Mr. Gagnon moved to return the escrow of Jaymark Jewelers 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	-	Absent
David Hardy	-	Aye

C. Public Hearing

Miranda L. Grimm-Juby, Trustee, 977 East Mountain Road South TM# 18.-2-11.2, 18.-2-9.1, 18.-2-9.2

Glenn Watson of Badey & Watson was in attendance representing the applicant; Ms. Grimm-Juby was also present. Mr. Watson explained this is essentially a 20-acre piece divided into 2 parcels approximately 5 acres and 15 acres. Their intent is to adjust the lot line so that the smaller parcel becomes much larger and takes the bulk of the land and the larger parcel becomes smaller. The parents are deceased now and the family wants dispose of the piece of property on which they resided, with some land attached to it and maintain the bulk of the property in the back. Mr. Watson reported there is no proposed plan for construction; there is no plan for anything that would result in a physical activity on the property.

Mr. Watson stated there had been a couple of questions with regard to the guest quarters that are over a garage and reported they have determined that was there prior to zoning and is probably still okay but at the very worst represents a pre-existing, nonconforming use. There was also a question with regard to the driveway stone wall. There was a bit of a conflict in terms of wanting to preserve the wall but not being able to because they have to keep the driveway a certain distance from the wall and moreover the family's direct instructions to his office were that they want to keep the entire wall so they can maintain it into the future. Mr. Watson explained that wall lines the driveway on the easterly side. Mr. Watson stated the outcome will be that piece encompassing exactly 10 acres and the remainder in the back.

Mr. Gaba stated there was some indication that there's a possibility that there might be some preexisting nonconforming rights in regard to that apartment but in fact what it is recognized as is a legal accessory apartment.

Mr. Gainer reported the board was in receipt of a technical memorandum from his office last month. As the applicant's representative explains it involves only a lot line adjustment and proposes no new development. He stated at the last meeting the board took care of various administrative issues and made necessary referrals, though a response from Putnam County Planning is still outstanding. Mr. Gainer reported that he has prepared a draft approval resolution for the board's consideration this evening, should they choose to close the public hearing, as he was directed to do at last month's meeting.

Ms. Conner apologized for her absence from last month's meeting. She questioned if these were both legal building lots, as this exists now. Mr. Watson stated they are. Ms. Conner questioned if this adjustment changes that. Mr. Watson stated, as far as he knows, there is only 1 issue. He stated, first of all, that they are removing the nonconformity of the smaller lot by bringing it over

10 acres. He stated the smaller lot doesn't have sufficient frontage but, as a practical matter, they can't really remove that nonconformity because of the distance between the driveway and the house. So, they are leaving that nonconforming condition on the map but are removing the nonconforming with regard to area. It was clarified that the zoning in this area is 10 acres, not 15. Mr. Gainer stated the only nonconformity is the frontage on one lot and it's not being made any more nonconforming so you're permitted to act on the application.

Unrelated to this specific application, Ms. Conner questioned if the zoning in this area was 15 acres, at the point that this change is made, does that change one's rights based on the 2011 designation? Mr. Gainer explained that they would have to comply with current zoning. Mr. Gainer stated they are maintaining the lot that they are making smaller, at the minimum 10-acre size required.

Mr. Watson reported that the frontage actually got a little larger; it is still not conforming but it did get a few feet bigger.

Chairman Merante opened the floor to the public. No public comments were made.

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

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

Mr. Gagnon moved to approve the Subdivision and Lot Line Adjustment resolution 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	-	Absent
David Hardy	-	Aye

1657 LLC (Buck), 1657 Route 9D, Cold Spring

TM# 72.18-1-5

Glenn Watson was present representing the applicant along with Tim Moore, architect on the project. Mr. Moore stated the plans are very similar to what was previously approved and have just been expanded and developed in terms of details. The pallet of materials is pretty much stone. They are going with black and stainless-steel metal windows and lead coated copper

standing seam roofs. There will also be some wood elements that'll be most likely cedar or teak, woods that are all grayed and weathered. Fundamentally, the addition is going to be a series of muted grays. They will be using fresh split face granite block. Mr. Moore provided views at different angles of the house and explained the layout and what materials are being used where.

Mr. Moore explained that there will be plantings along different areas of the house including ornamental trees and shrubs. He stated as you approach the house what you're going to perceive more than anything is the old house; the whole addition is meant to be very recessive and quiet. He described this as a little big house because it's very tall, not as big as it appears to be, which is classic for older houses. Mr. Moore showed the elevation looking toward the river stating it is pretty much hidden from West Point and looks straight down the river. Mr. Moore explained there will also be solar panels with brise-soleil trellises that provide shade along with some trees.

Mr. Moore explained that even though it is a large addition, they have really worked to try to make it deferential to the old house. He stated the old house will remain a cream or yellowish color and still very much be an object on the hill.

Chairman Merante stated that Mr. Gainer identified numerous changes in his most recent memo and requested the representatives address all the changes from the originally approved plan to what is proposed now. Mr. Moore began by explaining that originally, they had planned to remove the existing tennis court but have since decided to keep it and rebuild it. There was originally an office proposed along with reconstituting the old farm road that went out that way, that has been abandoned along with that the associated septic system and utility extension. Mr. Moore explained the building has been extended slightly in one direction and have also accounted for more land disturbance than originally proposed and are doing some regrading. He explained that the house originally had more of an English basement relationship to the ground; so, there is a stoop now coming out the front door, about 30 inches above the grade. So, they're pushing the grade back down so they can re-expose the original entrance to the kitchen which is underneath the house.

Mr. Watson explained, because the small office building went away and because that driveway didn't have to be reconstituted and because the owner has now acquired the Richley property, the former greenhouse parcel, they decided it would be an easier and more desirable route and changed the layout of the driveway. So, the driveway, instead of going down the hill and connecting to the original driveway, they decided to take it more straight out; so that driveway has moved up hill and now requires less grading and less disturbance. Chairman Merante questioned if the greenhouse will be removed. Mr. Watson stated he is unaware of any plans concerning the greenhouse at this time. Additionally, Mr. Watson continued, the original plan showed the driveway, the way it had been for years, into the neighbor's house which went north of the new barn and circled into the neighbor's property. An arrangement has been made with the neighbor to relocate that and the driveway is now going down and off the property. Those are 2 significant changes that have been calculated in their disturbance and one of the reasons the disturbance increased.

Mr. Gainer explained there is a whole list of changes being made to the site plan, on which the original approval was granted. In total there aren't too many different things; the majority of the

building additions that they were proposing were minor changes. The significant issue was the relocation of the secondary driveway out to Gilbo Lane and the elimination of the small office and that associated driveway, septic, and utility extension; those are significant reductions in disturbance. Mr. Gainer continued, the basic issue is that now that the construction has commenced, the owner and the architect have decided to make further enhancements that were not covered by the original approval.

Chairman Merante opened the floor for public comment.

Henry Christensen – Mr. Christensen stated he is a member of the Board of Directors of Boscobel Restoration and was in attendance at the request of Jennifer Carlquist, the Executive Director. Mr. Christensen stated he was here this evening to speak in favor of the project and the modifications. He stated they find the project and the modifications appropriate, consistent, and in harmony with the landscape and the surrounding properties and their uses.

Evelyn Berkley – Ms. Berkley stated she is a neighbor on Gilbo Lane and also knows Mr. Buck and Dr. Schwartz. She stated she is very inspired by the changes they are making and feels they are doing right by this old estate and property. Ms. Berkley explained she has one request and one question. Her request is that, if at all possible, if at the base of the new driveway there can be some screening because it looks right into her bedroom. It may not be logistically possible because there's not a lot of land right there; it's kind of a little wedge between where the driveway comes out in the lane. She stated it may be something they have to do on her and her neighbors' property on their side of Gilbo Lane. Mr. Moore suggested they could walk it and stated their plan right now is to actually screen it with new plantings and screen trees like evergreens and that sort of thing there. He stated they will definitely work with Ms. Berkley. The other question Ms. Berkley had concerned drainage at the base of the driveway. She stated when there is a heavy rain event there is a lot of sheeting down Gilbo Lane and there is already really poor drainage at the end of Gilbo Lane going down into the Foundry. She stated she has tried to get Scenic Hudson to come out and do some things on their part of the property, which is sort of on the non-public side of the Foundry, to no avail. Ms. Berkley reported there are some failing rock walls there where the water jets down and just wanted to make sure there won't be a big influx of water added to the water that's already hitting the bottom of Gilbo Lane. Mr. Moore stated that is a question of how the topography of the driveway is handled. Mr. Watson stated they would take another look at it.

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

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

Mr. Hardy moved to adopt a Negative Declaration under SEQRA 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	-	Absent
David Hardy	-	Aye

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

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

D. Old Business

1122 Route 9D Realty, LLC

TM# 60.18-1-46

There was no one in attendance for this application this evening. Chairman Merante questioned where the board stands on this. Mr. Gainer reported that the board recently performed a site inspection of the premises at which the applicant was present. There were various neighbors present as well to help advise the board of what concerns they had identified. Mr. Gainer stated all of his notes from that meeting were reduced to a memorandum that was issued to the board as well as the applicant's engineer & attorney. Mr. Gainer explained he has, on multiple occasions, tried to reach both the applicant's engineer and attorney to attempt to start some dialog in order to assist them in perfecting their application, but this has been unsuccessful to date. There's various things that they still have to resolve on both the site plan and the EAF, which was very deficient. He stated that just today he received some information from NYSDEC that he had FOIL'ed, to just understand the status of the environmental spill that occurred many years ago on the property, and whether that was in fact properly closed and accepted by DEC, but he has yet to review the information recieved. He stated he will forward that information to the board as well. Mr. Gainer explained there is a variety of things that have to be addressed by the applicant before the application is perfected and he is still trying to reach their representatives to accomplish it.

Mr. Gaba reported the only other issue the board dealt with last month was the "accessory use" issue. It was discussed how accessory uses are uses that are usually and customarily operated on the same property with the main use and secondly are secondary to the main use. It was discussed how car sales are recognized in the Town of Philipstown as permitted accessory uses

with repair shops, at least on a limited basis. However, whether they're permitted with gasoline stations is an open question and whether they're permitted with repair shop/gasoline stations is an open question. So, the board has to draw on its own experience and what it has seen in the town and how it's operated over the years. And, if you can say definitely that accessory automobile sales are a permitted accessory use with a gasoline station/repair shop then the applicant should be permitted to go forward with their application. If the board is not certain that it's a permitted accessory use then the applicant should be sent to the ZBA for an interpretation. Mr. Gaba stated this was somewhat kicked around last month but the board did not make a determination as to which way they were going to go on that.

Chairman Merante explained that is partly because there has been a back and forth and there hasn't yet been a full-fledged discussion on the application. Mr. Gaba stated the board was going to take a look on the site walk to see just how secondary it will be and whether this is the type of thing the board has seen before. Chairman Merante stated the board would wait until the applicant comes back in front of the board.

Hudson Highland Reserve, Route 9 & Horton Road

Chairman Merante reported the applicant has submitted another lengthy DEIS. Richard O'Rourke, attorney from Keane & Beane, was in attendance representing the applicant and stated it is a long pDEIS because obviously they wanted to be as responsive as possible to all the comments they received. He stated they submitted hard copies for all board members along with flash drives to enable members to review it however they choose. Mr. O'Rourke stated they were in attendance this evening to say they are pleased that it is off their desks and in the hands of the board. In addition to that, Mr. O'Rourke stated that he and Mr. Gaba discussed that the board may need some additional time to review the document. Mr. O'Rourke reported that, obviously, this is now on a clock under SEQRA and as a courtesy the applicant has no objection to extending the time to the May 16th meeting. He stated there was some correspondence between Mr. Gaba and Mr. Werner of AKRF on some issues and questioned whether there is anything else that needs to be addressed.

Aaron Werner of AKRF stated his office is still going through the revised document but noted it is already a lot better than the first. He stated they will take a look at the comments that were compiled in the memo from December and if they've been addressed, they will note it has been addressed and if not, they will request an explanation as to why or that it be fixed before next meeting. Mr. Werner clarified, there shouldn't be major revisions needed. He stated he would like to bring up a few things he noticed, minor things to consider. For instance, the photo simulation set that's in there right now, figures 35A-L, is nicely done and was not included in the first edition, so now we have photographic simulation showing viewpoints from various locations, showing outlines of homes where they would be in a leaf-off condition which is good. Mr. Werner noted there is a cross-section illustrating the view in the lower left corner of each one of those figures that did not really translate well to the prints, or in the electronic PDF that they received, so the dimensions and distances aren't legible and suggested that merely be made clear for the public release when it happens. Also, on the executive summary, Mr. Werner suggested they add a table summarizing each topic, if there's impacts or not, and if there's mitigation or not, so that it's clearly up front in the executive summary because, not to dismiss all the hard

work done by the applicants team, a lot of people go right to that executive summary right away to see what the conclusions are on this. He stated there is a section at the end of the document that says ‘unavoidable impacts’ and a few things were mentioned. For example, the removal of forests is listed as an unavoidable impact but in the “wildlife and vegetation” section it is stated that there are no significant impacts that need mitigation. Mr. Werner suggested blending the two seemingly opposed views in any way the applicant sees fit, but a summary up front of the impacts, mitigation, unavoidable impacts in that executive summary is necessary.

Mr. O’Rourke stated that obviously they want to be responsive and questioned when these comments would be provided to the applicant. Mr. Werner stated that it will likely be the last week in April/first week in May. Mr. Gainer stated that it will be a similar joint memorandum issued as was done before, likely within the 30-day review period, which will end either on May 3rd or 4th.

Mr. Werner explained that this is for “completeness” to establish whether it’s suitable for release to the public, and not yet substantive review of the document; that will happen after its release to the public. There will be a public hearing and public comment and likely more comments from AKRF, Mr. Gainer & Mr. Gaba. This is just to address the technical comments contained in the completeness memo that was issued in December.

Chairman Merante stated in Mr. Gainer’s memo he saw a distinction between notifying the applicant of acceptance and completeness and questioned if they are to accept the document tonight or wait until the May meeting. Mr. Werner stated that the Board’s determination of “completeness” will be at the May meeting. Mr. Gainer stated tonight the board is simply acknowledging receipt of the revised document; at the May meeting the board will actually have to take a vote on determining whether it’s complete or not.. The “completeness” determination is just to establish whether it sufficiently responds to everything that was in the original scoping document issued by the Board, as Lead Agency. Mr. Gainer explained if the board finds that it is acceptable and determines it to be complete, that then initiates a public comment period. Mr. Gainer suggested the board simply acknowledge tonight that they received it. Mr. Gaba stated a vote was not required.

Mr. O’Rourke suggested the board may want to formally acknowledge that the applicant has granted an extension until the May 16th meeting for the Board to complete their review of the revised document.

Ms. Conner moved to acknowledge the extension to May 16th granted by the applicant 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	-	Absent
David Hardy	-	Aye

E. New Business

Daniel Schaublin & Mimi Fortunato, 359 East Mountain Road S

TM# 17.-3-28

Ms. Conner recused herself as she is a neighboring property to the applicant.

Glenn Watson was in attendance representing the applicants, Daniel Schaublin and Mimi Fortunato who were also present. Mr. Watson explained this is a preexisting lot which was here before zoning and has a ridgeline running through it. There is a buildable area down in the back and the plan is to construct a driveway down to a garage and a modest house to the rear of the property. There is a septic area which has been tested and will service the proposed house.

Mr. Watson stated they have respected the wetlands and have kept off the ridgeline. The new house may be visible from the former Carlson Nursery, but that's about it. He explained they are aware that the house site that's been selected is in the setback area and understand that will require a variance before it can be approved. Mr. Watson requested the board make a site visit to the property to see why they have located the house in that area; it just makes more sense. He noted the property is approximately 1.6 acres.

Mr. Gainer explained the board is in receipt of a technical memorandum issued from his office, covering his review of the application documents. As described, it is a small parcel and a small structure that is being proposed. Normally this would not come before this board for consideration but, because it's got an identified Town designated Ridgeline across the frontage of the property, those regulations specify that it requires site plan approval from this board. Mr. Gainer stated, as Mr. Watson indicated, the building is in the rear of the property and intrudes on the rear yard setback and that is being done for a few reasons. One is to avoid regulated steep slopes that also exist on the tract and there is a stone wall in the rear that they wish to maintain.

Mr. Gainer was in agreement with the representative's assessment that even though it does require a denial so that they can proceed with the ZBA application, the board should consider scheduling a site visit in order to evaluate potential environmental considerations and to understand the development concept that's being proposed. He reported that Fahnestock Park is in the environs of the property and he has asked the surveyor to just verify whether the park is within a 500-foot radius of the parcel boundaries to determine if it requires county referral or not. Then there are just some standard technical issues that have to be resolved for the site plan that's presented to the board ultimately for consideration.

Mr. Gaba suggested the board make a decision as to whether it wants to move forward with referrals and making a declaration as to its classification on SEQRA and whatnot. That could be done now or conduct a site visit and wait for them to come back from the ZBA and then do it, it doesn't really matter. He suggested if the applicant has a preference the board may want to accommodate them. In regards to a County Planning referral, Mr. Gaba suggested it might be easier just to send it as opposed to trying to figure out whether they are 500 feet away or not. Mr. Watson stated it is easy enough to check.

Mr. Lewis moved to declare this proposal a minor project and Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Lewis moved to schedule a site visit for April 28th at 9:30 am and Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Tomann moved to refer the project to the ZBA and Mr. Gagnon seconded the motion. The vote was as follows:

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

Mr. Tomann moved to declare this an "Unlisted Action" under SEQRA and Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Lewis moved to refer the project to the local Fire Department and Putnam County Department of Health (if deemed necessary) and Mr. Tomann seconded the motion. The vote was as follows:

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

Mr. Gainer stated he would not be in attendance at the site visit on April 28th but would visit the site independently sometime in the upcoming week.

Ms. Conner rejoined the meeting at this time.

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

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

The motion passed unanimously and the meeting adjourned at 8:21 pm.

Date approved _____

Respectfully submitted by,

Tara K. Percacciolo

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

M. Grimm-Juby Trustee H Grimm Trust Escrow Deposit

Subject: M. Grimm-Juby Trustee H Grimm Trust Escrow Deposit

From: mlgrimm2@aol.com

Date: 4/25/2019, 12:07 PM

To: tpercacciolo@phillipstown.com

Hi Tara,

Let this serve as a formal request for return of the balance of the \$5,000 escrow deposit made with the town for purposes of the subdivision approved at the Board meeting of 4/18. Thank you and let us know if you need any additional information. We would also like an itemization of expenses incurred.

Sincerely,
Miranda Grimm-Juby Trustee H. Grimm Irrevocable Trust