MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Butterfield Library, Cold Spring, New York 10516
May 19, 2016
7:30 PM

Pledge of Allegiance
Roll Call
Approval of Minutes – March 24, 2016

Public hearing
starting at 7:30 PM or soon thereafter

Garrison Station Plaza (Guinan's), 7 Station Road, Garrison NY TM#60.-17-1-7
Site Plan application for a major site Plan Approval for a proposed mixed use development comprising of 2 apartments, wine bar and a restaurant.

Correspondence and Referrals

Old Business:

1) Garrison Station Plaza (Guinan's), 7 Station Road, Garrison NY TM#60.-17-1-7
Following the public hearing – Review of 239m Putnam County referral response letter, response letter from the Conservation Board, Review SEQRA and final Site Plan approval.

2) John & Kimberly Sabatini, 101 Dick's Castle Road, Garrison TM#60.-1-11
Consideration of a negative SEQRA declaration and final site plan approval for a Minor Site Plan which include a Special Permit.

3) ESP/Kehr, 3330 NYS Route 9, Cold Spring, NY TM# 16.20-18,20 & 21

- Zoning Change - Subdivision approval
- Site Plan - Proposed site plan for construction of a new building

New Business:

Olspan LLC, 2700 NYS Route 9, Cold Spring NY TM# 38.-3-24.1
Review of proposed lot line adjustment involving more then 10% of the smaller parcel.

Return of Escrow:

- Synergy Gas Site Plan, (Now Cornerstone Propane) 3247 Route 9 {TM#27.8-1-2}
- Lee Kristoferson, 93 Old Albany Post Road North {TM#7.-1-2}

Adjourn
Anthony Merante, Chairman

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

PHILIPSTOWN PLANNING BOARD
Public Hearing – May 19, 2016

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, May 19, 2016 starting at 7:30 p.m. at the Butterfield Library on Morris Avenue in Cold Spring, New York to consider the following application:

> **Garrison Station Plaza, Inc. 7 Station Road, Garrison, New York.** - for a proposed mixed use development comprising of 2 apartments, wine bar and a restaurant for the former Guinan's Store in Garrison. The existing structure lies on a 6.674 acre parcel, and will be renovated as part of this application. An on-site wastewater treatment facility is proposed, which will involve a surface discharge.
>
> The property lies along the easterly shore of the Hudson River, and is within the 100 year flood boundary.
>
> The property is situated in a "HM" (Hamlet Mixed use) Zoning District in the Town of Philipstown. TM# 60.17-1-7.

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

Dated at Philipstown, New York, this 27nd day of April, 2016.

Anthony Merante, Chairman

PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
April 21, 2016

The Philipstown Planning Board held its regularly monthly meeting on Thursday, April 21, 2016 at the Butterfield Library, 10 Morris Avenue, Cold Spring, New York.

Present: Anthony Merante (Chairman)
Kim Conner
Mary Ellen Finger
David Hardy
Peter Lewis
Neal Zuckerman
Stephen Gaba, Counsel
Ron Gainer, Town Engineer

Absent: Neal Tomann

Chairman Merante opened the meeting at 7:30 P.M. with the Pledge of Allegiance.

Roll call was taken by Ms. Valentino

Approval of Minutes:
The minutes of March 24, 2016 were reviewed. Ms. Valentino reviewed the following changes she made prior to the meeting and distributed by email: two spelling items and one clarification regarding a distinction change to Cold Spring Farm which would apply only if lessens will be given. The distinction would need to change from a horse farm to a riding academy. Ms. Conner moved to adopt the minutes as amended and Mr. Lewis seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Application withdrawal and return of escrow:
Rockwell/ Cold Spring Farm (TM# 38.-3-25) Chairman Merante reviewed a letter dated April 8, 2016 written by Glennon Watson from Badey and Watson as follows:

"Rockwell/Cold Spring Farm - withdrawal of application & request for the return of Escrow Balance.

This letter is sent on behalf of our clients Nicholas and Marian Rockwell. It is the formal withdrawal of their application for Site Plan Approval to construct a horse barn on their Route 9 property.

We also request return of any remaining balance in the escrow account for the project."

Ms. Conner moved to approve the withdrawal of the application and Mr. Zuckerman seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Mr. Zuckerman moved to return the escrow after verifying there are no outstanding consulting fees. Ms. Conner seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Public Hearing

John and Kimberly Sabatini, 101 Dick's Castle Road, Garrison NY (TM#60-1-11)
The public hearing opened at 7:34 P.M. with Secretary, Ms. Valentino reading the following legal notice:

"John and Kimberly Sabatini – for approval of alterations to an existing Single Family Residence. The proposal involves a 7.099 acre parcel lying along a private right of way extending southerly off Dick's Castle Road. The tract currently contains an existing residence, with a 1,500 square foot alteration and addition planned. The overall site improvements planned incorporate a swimming pool, terracing of yard areas, landscaping, new driveway and parking.

The tract is situated in a Rural Residential ("RR") Zoning District in the Town of Philipstown.

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 29th day of March, 2016.

Anthony Merante, Chairman"

Mr. Watson reviewed the proposal as being located at the southern end of Dick's Castle Road which is a private road. The footprint will increase from what is currently 2800 sq. ft. to 4300 sq. ft. The following two variances have been received:

- Construction on steep slopes.
- Total impervious coverage.

There is only a small portion of the property which allows for building. The basic site plan is to come off the second driveway. The proposed pool is to the northeast of the proposed addition. The pool area was selected for privacy and the least interference to the neighborhood since there are a significant number of houses to the north and to the west.

Drainage issues are being addressed but various technical issues are still being addressed.

Mr. Kacur, Highlands Architecture, submitted to the Board a packet of 10 architectural drawings which are labeled as follows:

1. New Construction: West Elevation.
2. North Elevation – A.
3. SP-2 Site Section Facing South dated 11/11/15.
4. A—0 Proposed Basement Plan dated 6/25/15.
5. A-1 Proposed First Floor Plan dated 6/25/15.
6. A-2 Proposed Second Floor dated 6/25/15.
7. A-3 Building Elevations dated 9/30/15.
8. A-4 Schematic East Elevations dated 9/30/15.
9. SP-1 Location Map & Site Photos dated 4/11/15.
10. SP-1B Site & House Photographs dated 4/11/15.

Mr. Kacur reviewed the drawings he submitted. The proposed addition will be a recreation and break room with a gym below and a screened in porch and will be about 1500 Sq. Ft. The proposed addition will primarily be a Douglas Fir timber frame, cedar siding with some copper accents, and a Fieldstone base. The plan is to transform the rest of the existing house to match the proposed addition. Some trees will need to be removed which have been identified. Previously the Planning Board asked to see cross-sectional drawings of the slope. Mr. Kacur reviewed the drawing which showed the existing slope, showing the driveway is and the proposed pool. Since the process started the following changes have been made:

- Changed route of driveway.
- Lowered the driveway slope.
- Lowered the height of a lot of the retaining walls.
- Pool has been made smaller.

Mr. Kacur noted that the Planning Board has done a site visit on the property.

There were no comments from the Planning Board and no public comments.

Mr. Gainer noted that as of this meeting he had not seen any comments from the Conservation Board. Some technical comments still need to be addressed and that the Planning Board is very familiar with the development proposal.

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

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

The public hearing was closed about 7:46 P.M. by a unanimous decision.

Ms. Finger moved to direct Mr. Gainer to draw up the SEQRA and approval Resolutions which must also include Special Permit Approval. Mr. Lewis seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Philipstown Square, 3166 Route 9, Cold Spring TM# 27.12-1-10

Mr. Gainer reviewed the proposed resolutions transmitted to the Board members earlier, noting that the plans have now been finalized and were reviewed informally by the Design Engineer and his office.

Jamie McNiff from Lawrence J. Paggi, PE, PC reviewed the additional landscaping along the frontage that was previously suggested by the Planning Board members after a site visit. Ms. Conner moved to declare a negative declaration on the SEQRA and Mr. Hardy seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Mr. Gainer reviewed the Approval Resolution and noted the new submission of the modified planting scheme were acceptable.

Mr. Zuckerman moved to adopt the resolution, approving this application and Mr. Hardy seconded the motion. The vote was as follows:

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

The motion passed unanimously.

County Line Equities, LLC, 1980 Route 9 Garrison TM#60.-2-84

Paul Lynch from Putnam Engineering represented the applicant. Mr. Lynch noted that keeping the gate at the NYS Route 9 exit closed, as the Planning Board has suggested, would be problematic for the owners of the property and the current tenant. Mr. Gainer noted he had numerous conversations with the applicant's engineer for an alternate solution. Mr. Lynch suggested an alternate solution which was to add additional screening to the area where the cars are parked out front and additional Arborvitae along the north end of the property to block the view of the southbound traffic into the site. A line of Arborvitae would block the view from the front of the building.

Chairman Merante asked the Board members if the front gate being open was an issue for them.

Mr. Gainer responded that at a recent meeting the Board raised the concern of keeping the gate at the NYS Route 9 entrance closed and possibly reconsider using the entrance at Travis Corners Road. The Travis Corner Road side of the property was noted as being less of a visual impact.

Ms. Conner asked what would happen if the plantings do not survive. Mr. Gainer responded conditions can be put on the Site Plan regarding what is to be done if the trees don't survive.

Ms. Conner asked about the height of the trees and Mr. Lynch responded the trees would start at a height of 3-4 ft. and it would take a couple of years to reach a height of about 7-8 ft.

Mr. Zuckerman noted he missed the last meeting which discussed the application but was familiar with the site and had been to the site several times. As a resident it may be a benefit to the community to see one entrance closed, and as a resident, the entrance at Travis Corners Road should be closed because it has its own impacts. In general it would be good to close one gate and noted there are arguments for keeping the gates closed on either road.

Chairman Merante asked if it would be a burden to keep the Travis Corners Road closed and only open it as needed. Mr. Lynch responded that it would be a burden to keep one gate closed because the building is divided in half. One half is currently vacant and at some point it could be rented. That entrance could possibly benefit that tenant and therefore could not make a determination on closing the gate. The gate at Travis Corners Road is not used by the current tenant.

Ms. Finger suggested additional plantings in front of the fence at the NYS Route 9 gateway as a screen. Ms. Finger noted that when you leave the property, you would still be able to pull out far enough to see the view of NYS Route 9. Ms. Finger asked about planting multiple species that will grow at different heights at different times. Mr. Lynch noted that should be fine. Ms. Finger asked if Mr. Lynch could

agree to the plantings at the concrete barriers at the front gate as well. Mr. Lynch noted that should be fine to plant additional plantings by the concrete barriers as well.

Mr. Lewis noted that closing the gates could cause accidents.

Ms. Conner moved to declare a negative declaration on the SEQRA and Mr. Lewis seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Mr. Gaba suggested the following language be added to amend the resolution: "addition of landscaping details as per discussion before Planning Board at the meeting of April 21, 2016".

Ms. Finger moved to approve the resolution with the discussed conditious and Ms. Conner seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Vista 44, LLC (Garrison Cafe') Route 9D, Garrison TM#60.18-1-15 & 16

Mr. Watson noted the following revisions to the plans have been made which came from comments made by the Planning Board at the last meeting (March 24, 2016).

- The Arborvitae Hedge at the rear of the property has been staggered.
- Found and identified location of Groundwater Monitoring Wells and they have been added to the Site Plan.
- Provided the definition of easement and specified that easement on the southerly piece to service the site for access to the rear. Mr. Watson contacted the Applicant's Attorney who provided the information that will be necessary for the declaration of the easement to be made.
- Lighting specifications had timers added so they will be on only when necessary.

Mr. Watson noted that the application has been shrunk down to only a change of use in the existing deli area.

Ms. Conner asked if the bathrooms were ADA compliant? Mr. Watson responded he did not know the answer but, that the building is and there is a parking space that is ADA compliant and added that a note can be put on the plan regarding the bathroom being made ADA complaint.

There has been no response back from the Conservation Board as of this meeting.

Mr. Gainer reviewed the proposed draft resolution.

Mr. Gainer noted that at the last meeting a Board member asked about the possibility of a sidewalk on the strip of property from the US Post Office to Grassy Lane. Ms. Conner responded the sidewalk was suggested because of the traffic in this area. A part of the Comprehensive Plan suggests encouraging this section of the town to become a hamlet and as such, the sidewalk should be put in the section between the US Post Office and the Garrison Cafe'. The idea is to lead people to want to follow a path.

Mr. Zuckerman suggested having a crosswalk rather than a sidewalk. Grassy Lane is a private Road. Mr. Watson responded that if the Planning Board wants a crosswalk painted across Grassy Lane it can be done as a condition. Mr. Watson noted that on Grassy Lane the property owners own the piece of the road in front of their property. Since the Applicant owns property on both sides of the road that means he owns the section of the road which is to be marked as a crosswalk.

Mr. Zuckerman moved to declare a negative declaration on the SEQRA and Ms. Finger seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Mr. Gainer noted that the following modifications will be added to the resolution as additional conditions:

- Plans to incorporate the Towns Site Plan Notes.
- condition that the easement be created across the adjacent lot.
- Painted crosswalk across Grassy Lane.
- ADA bathroom.

Ms. Finger moved to approve the resolution with the conditions and Mr. Lewis seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Absent

Neal Zuckerman Aye
The motion passed unanimously.

Garrison Station Plaza (Guinan's), 7 Station Road, Garrison TM#60.17-1-7

Mr. Lewis recused himself from this application.

Mr. Watson noted the owner of the building is the Garrison Landing Association. This is a new application to re-approve a Site Plan that was previously approved in 2012. The application was for a restaurant on the main and lower floor. The upper floor will be for two apartments. There will be patio dining in the summer time. The current application seeks the very same approval. The only difference is that the apartments on the upper floor will be reconfigured. The apartments now will be equal in size. There is landscaping. The installation of a Sewage Treatment System was approved by New York State and the Putnam County Health Department. Mr. Watson noted he is currently in the process of reapplying to the Putnam County Health Department for the Wastewater Treatment System Permit and The New York State DEC for the Stream Disturbance Permit. The SPDES is in place and continues to be in effect. The original permit was issued to Garrison Properties and has now been transferred to Garrison Station Plaza. Parking is on Garrison Station Road which is owned by The Garrison Landing Association and will remain the same. The Garrison Landing Association has sent and will send another letter acknowledging that parking is in place along Station Road. A little construction will be done to change the entrance to make it a little nicer. The applicant's met with the Wetlands Inspector and the Conservation Board. A Wetlands Application has been made out. A Wetlands Permit was never issued. At the time of the original application the Wetlands Permit would have been granted by the Planning Board but now the authority has changed and a permit would be approved by the Conservation Board.

Mr. Gainer noted the applicants are here to seek re-approval of the former approval granted for the site. This is a new application. A Putnam County 239m referral has to be done. Since the Board has seen the application before the Board can take it to a negative SEQRA declaration and Site Plan approval.

Mr. Gainer advised that, since it qualifies a "major" project, a "no violations" letter must be obtained from the Town Code Enforcement Officer (CEO). However, Mr. Watson then advised that he had staff go down to the CEO's office to apply for this letter; however, they were informed by the CEO directly that no "no violations letter" is needed for this latest application. The Board accepted this finding.

Mr. Gainer noted that, based upon this guidance, the Planning Board can now find this application complete and can schedule a public hearing if they choose.

Mr. Zuckerman noted that as a commuter and a commuter representative on the Metro North committee of the MTA governing board he is thrilled to see this reused by the commuters and noted it would be helpful to know who will be running this facility. Mr. Watson responded that this is the first time the owner of the property will be the applicant.

An Audience Member noted that since the very first public hearing a local caterer has been very interested and has submitted a letter of intent and added that they are reputable.

Ms. Conner moved to schedule a public hearing for May 19, 2016 and Mr. Zuckerman seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Ms. Finger moved to schedule a site visit Sunday, May 8, 2016 at 9:30 A.M. and Ms. Conner seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Mr. Gaba noted the Board must do the following for the resolution: declare the application complete, declare an unlisted action, declare themselves as lead agency (responsible agency under SEQRA) do the Putnam County 239m Referral and make the referral to the Conservation Board.

Ms. Conner moved to accept the conditions listed above by Mr. Gaba and Ms. Finger seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Mr. Watson asked if Mr. Gainer can prepare the resolution for the next meeting so it can be reviewed after the close of the public hearing.

Ms. Finger moved to have Mr. Gainer prepare the resolution for May 19, 2016 and Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	Aye
Kim Conner	Aye
Mary Ellen Finger	Aye
David Hardy	Aye
Peter Lewis	Aye
Neal Tomann	Absent

Neal Zuckerman Aye
The motion passed unanimously.

Griffin's Landscaping, 3032 Route 9, Cold Spring TM# 27.20-1-14

Chairman Merante noted there could be a possible conflict which he discussed with Mr. Gaba regarding his position on the Home Owners Associatiou at Glassbury Court since Glassbury Court signs contracts with Griffin's Landscaping. Mr. Gaba responded that he didn't see any impact during the application process but that Chairman Merante was right to notify the Board members regarding the issue on the record.

Mr. Gainer noted that the original application goes back a year, and has been reactivated. Mr. Watson reviewed a memo he distributed dated April 20, 2016 from Badey & Watson to Ronald Gainer regarding the Griffin Landscaping application.

Mr. Watson noted that Glenn Griffin is the owner of Griffin Landscaping and is in violation of changing the use of the property without getting site plan approval. Mr. Watson noted he believed the previous owner changed the use. Mr. Watson reviewed the history of the property and previous owners.

Mr. Griffin noted he paid off the property after a period of five years.

Mr. Watson noted that Mr. Griffin put a kiln in the building. The kiln is used to dry out the wood after it is cut and spit. Customers must call and order wood then it is delivered. Customers are never on the site. Mr. Griffin is trying to purchase the land to the north in the hope of resolving the building extension being over the property line, as well as the wood piles stored over the line. Mr. Watson noted they tried to modify the site plan to try to make it as close to legal as possible. The kiln and some storage encroaches on another property. The outdoor storage has been shrunk and moved back from the road and pushed it up away from the creek. A variance will be needed for the small building that is encroaching too close to the property to the north. There is no building permit for that building which makes it illegal non-conforming. The larger building was, but built under the old Zoning Code which makes it legally non-conforming. Mr. Watson also noted that float-able materials are not to be stored in a floodplain or within 100 ft. of a stream. There are Wetlands to the north and a stream goes under NYS Route 9. An application has been made out for a Wetlands Permit. Mr. Watson also noted that they are 50 ft. from the edge of the brook which is the edge of the wetlands.

The following two variances are needed:

- For the proximity of the building which would require a variance or removal of the building.
- Maximum amount of outside storage. Limit is 20%;the applicant has about 36%.
- The location of the kiln, which is an encroachment of the neighbor, so a variance can't even be requested.

Mr. Watson noted the applicant is not eligible for Planning Board approval and so asked for a Zoning Board of Appeals referral.

Ms. Conner noted that at one point the lot was used to store cars, since the history of the project was being reviewed with the Board.

The adjacent wood carving operation is not part of the Griffin's Landscaping lot.

There is a stockpile of wood that is encroaching on the neighboring lot.

Mr. Gainer noted that it must be shown on plan exactly where the Clove Creek "Floodway" and "Floodplain" exist. The Floodway boundary map is attached to the Wetlands Map. The lines must be shown on the Site Plan.

Mr. Gaba suggested that the Planning Board adopt a resolution making a finding that the applicant does not qualify for Site Plan approval because he does not meet the qualifications of the code and so the Planning Board will refer the Applicant to the Zoning Board of Appeals to seek appropriate variances.

Ms. Finger moved to approve a resolution to deny the application and send the application to the Zoning Board of Appeals and Mr. Hardy seconded the motion. The vote was as follows:

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

The motion passed unanimously.

Mr. Gaba will give the Planning Board the Referral form.

ESP/Kehr, 3330 Route 9, Cold Spring TM#16.20-18,20&21

Mr. Watson noted that at the April meeting of the Town Board they introduced the change to Zoning Law Chapter 175 which is to change the Zoning Law on this piece of property so it will be in absolute conformity. A Developer's Agreement will have to be done before the Zoning change will happen. This means that the developer will have to agree with the town contractually to put covenants and restrictions on the property to create a Conservation Easement and provide contractual guarantees that if the Zoning is changed those things will happen. The Town Board adopted the resolution at the April meeting introduced the resolution to consider the re-zoning application, it was referred to the Putnam County Planning Board, and referred to the Town of Philipstown Planning Board, which is required by law. Mr. Watson asked that the Planning Board give the Town Board a positive recommendation provided that all the paperwork and requirements are acceptable.

Mr. Gaba reviewed a letter he wrote to the Planning Board. He discussed the implications of the impact of the Zone change and what items the Planning Board would like to see if the Zoning Code is changed. The Town Board accepted the Developers Agreement. The second step is what the Planning Board feels about the Zoning Code change.

Mr. Gaba noted that the three lots will be combined into two lots. The planning board can comment or not on the proposed zoning amendment.

Putnam County
Department of Planning, Development, and Public Transportation

www.putnamcountyny.com

Sandra M. Fusco
Deputy Commissioner

841 Fair Street
Carmel, NY 10512

Phone: (845) 878-3480
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SECTION 239 CASE REFERRAL

Case Received: 4-22-16 **Report Required:** 5-22-16 **Completed:** 5/6/16

Application Name: Garrison Station Plaza, Inc. Site Plan **Referral #:** 16-PC-32

TOWN: Carmel: [ ] Philipstown: [x] **VILLAGE:** Brewster: [ ]

Kent: [ ] Putnam Valley: [ ] Cold Spring: [ ]

Patterson: [ ] Southeast: [ ] Nelsonville: [ ]

Referred by: PB: [x] ZBA: [ ] Town Board: [ ] Historic District Review Board: [ ]

Location of Project: 7 Garrison Landing, Garrison, NY 10524

Present Zone: HM **Tax Map #:** 60.17-1-7

Type of action: Variance: [ ] Zoning Ordinance: [ ] Master Plan: [ ]

Subdivision: [ ] Special Use Permit: [ ] Subdivision Regulations: [ ]

Site Plan: [x] Rezoning: [ ] Certificate of Appropriateness: [ ]

Zoning Amendment: [ ]

DECISION BY COUNTY:

Approved as Submitted: [X] Modification: [ ] Disapproved: [ ]

Basis for Decision Other than Approval:

Reviewed by Barbara Barosa *(Signature)* Barbara Barosa, Planner *(Title)*

rc 1-14/word

received 5-6-16

BADEY & WATSON
Surveying & Engineering, P.C.

May 5, 2016

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

RE: ESP - Request to Approve Subdivision

Dear Mr. Merante:

The Public Hearing on the petition to change the zoning of the ESP/Kehr property on Route 9 is scheduled for this evening. If the hearing is closed, the Town Board will be in a position to act on the application. If the Town Board adopts the proposed law, the zoning will be changed and the Planning Board will be in a position to approve the Subdivision and consider the Site Plan.

While there is still work to be done before the site plan can be approved, the subdivision should be ready for approval. For this reason we respectfully request that, if the zoning change is adopted by the Town Board, both the subdivision and site plan be placed on the agenda for the May meeting of the Planning Board. We are hopeful that your May review of the applications will result in the Town Engineer being directed to prepare a resolution for approval of the subdivision and that your review of the site plan will result in a punch list to be addressed for the June meeting.

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

GJW/bms
cc: File U:\89-159B\WO_21038-ESP\AM05MY16BP_Requests_Sub_Approval.docx
Bruce & Donna Kehr

received
5-5-16 W

WHEREAS, the Town of Philipstown Town Board has received a proposed Developer's Agreement from BRUCE KEHR and DONNA KEHR in regard to use of certain real property located on New York State Route 9 in the Town of Philipstown as a site for a combined "retail/service/warehouse" business called Expanded Supply Products (ESP); and

WHEREAS, the said Developer's Agreement has been reviewed and approved by the Attorney for the Town as to both form and content; and

WHEREAS, the purpose of the said Developer's Agreement is to take certain measures and impose certain limitations on use and development of the property to address potential adverse impacts of the proposed use of the property which would otherwise exist if it were not for the terms and provisions of the Developer's Agreement;

NOW, THEREFORE, BIT IT RESOLVED as follows:

1. That the Town Board of the Town of Philipstown hereby approves the proposed Developer's Agreement, a copy of which is annexed hereto, and agrees to enter into the same; and

2. That the Town Supervisor is hereby authorized to execute the Developer's Agreement on behalf of the Town.

Councilman Leonard presented the foregoing resolution which was seconded by Councilman Flaherty.

The vote on the foregoing resolution was as follows:

Supervisor Shea	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Leonard	AYE
Councilman Flaherty	AYE

The resolution was thereupon declared duly adopted.

CERTIFICATION

I, **Tara K. Percacciolo**, the duly qualified and acting Deputy Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on May 5,

2016, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 5th day of May, 2016.

Tara K. Percacciolo
DEPUTY TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on May 5, 2016.

Tara K. Percacciolo
DEPUTY TOWN CLERK

WHEREAS, heretofore the Town Board has introduced Local Law No. 1 of the year 2016 entitled: A Local Law to amend the Town Code, Chapter 175 by amending Town Code Section 75-8 "Zoning Maps" to change the zoning designation from "RR" to "HC" ; and

WHEREAS, this is an action subject to SEQR, and

WHEREAS, the Town Board is the sole Involved Agency, and such has caused to be prepared a Short Environmental Assessment Form, and

WHEREAS, the Town Board has conducted a public hearing on the proposed local law and heard all persons interested in the subject matter of the same,

NOW, THEREFORE, BE IT RESOLVED as follows: That after considering all of the information presented to it including the short EAF the Town Board determines that the adoption of the Local Law No.1 of the year 2016 will not result in any significant adverse environmental impacts and does hereby adopt the Negative Declaration attached hereto.

Councilman Van Tassel presented the foregoing resolution, which was seconded by Councilman Flaherty.

The vote on the foregoing resolution was as follows:

Richard Shea, Supervisor	voted	AYE
Nancy Montgomery, Councilwoman,	voted	AYE
John Van Tassel, Councilman	voted	AYE
Michael Leonard, Councilman	voted	AYE
Robert Flaherty, Councilman	voted	AYE

CERTIFICATION

I, **Tara K. Percacciolo**, the duly qualified and acting Deputy Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on May 5, 2016, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 5th day of May, 2016.

Tara K. Percacciolo

Tara K. Percacciolo
DEPUTY TOWN CLERK

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of PHILIPSTOWN

Local Law No. 1 **of the year 20**16

A local law TO AMEND TOWN CODE CHAPTER 175 BY AMENDING TOWN CODE SECTION 175-8
(Insert Title)
"ZONING MAPS" TO CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY
FROM "RR" TO "HC."

Be it enacted by the TOWN BOARD **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of PHILIPSTOWN **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on May 5, 2016.

Tara K. Percacciolo
DEPUTY TOWN CLERK

WHEREAS, the Town Board has considered the adoption of Local Law No. 1 of the year 2016 entitled: " A Local Law to Amend Town Code Chapter 175 by Amending Town Code Section 175-8 "Zoning Maps" to Change the Zoning Designation of Certain Property From "RR" to "HC;" and

WHEREAS, following due notice to the Town Board held a public hearing on the proposed local law; and

WHEREAS, a Negative Declaration under SEQRA has been adopted upon the proposed local law;

NOW, THEREFORE, BIT IT RESOLVED as follows:

That the Town Board does hereby adopt Local Law No. 1 of the Year 2016, which said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany.

Councilman Leonard presented the foregoing resolution which was seconded by Councilman Flaherty.

The vote on the foregoing resolution was as follows:

Supervisor Shea	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Leonard	AYE
Councilman Flaherty	AYE

The resolution was thereupon declared duly adopted.

CERTIFICATION

I, **Tara K. Percacciolo**, the duly qualified and acting Deputy Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on May 5, 2016, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 5th day of May, 2016.

Tara K. Percacciolo
DEPUTY TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on May 5, 2016.

Tara K. Percacciolo
DEPUTY TOWN CLERK

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of PHILIPSTOWN

Local Law No. 1 **of the year 20**16

A local law TO AMEND TOWN CODE CHAPTER 175 BY AMENDING TOWN CODE SECTION 175-8
(Insert Title)
"ZONING MAPS" TO CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY
FROM "RR" TO "HC."

Be it enacted by the TOWN BOARD **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of PHILIPSTOWN **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF PHILIPSTOWN LOCAL LAW NO. OF 2016

A LOCAL LAW TO AMEND TOWN CODE CHAPTER 175 BY AMENDING TOWN CODE SECTION 175-8 "ZONING MAPS" TO CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY FROM "RR" TO "HC".

SECTION 1. INTENT and AUTHORITY

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York, and in accordance with the Zoning Law of the Town of Philipstown, New York – Article X entitled "Amendments." To the extent the provisions of this local law are in conflict with Town Law, the Town Board hereby asserts its intention to supersede Town Law pursuant to the Municipal Home Rule Law.

SECTION 2. PURPOSE

The purpose of this Local Law is to amend the Town's Zoning Code to implement the provisions of the Town's Comprehensive Plan by changing the zoning designation from "RR" (Rural Residential District) to "HC" (Highway Commercial District) for all that real property in the Town of Philipstown, Putnam County, State of New York identified on the Tax Map as Section 16.20, Block 1, Lot 21 (SBL 16.20-1-21) and more fully described in the metes and bounds description attached hereto.

SECTION 3. AMENDMENT OF TOWN CODE

The Zoning Map of the Town of Philipstown as established by Town Code Section 175-8 is hereby amended to change the zoning designation from "RR" (Rural Residential District) to "HC" (Highway Commercial District) of all that real property in the Town of Philipstown, Putnam County, State of New York identified on the Tax Map as Section 16.20, Block 1, Lot 21 (SBL 16.20-1-21) and more fully described in the metes and bounds description attached hereto; acknowledging that a small portion of said property is presently zoned HC and that the zoning designation of the said portion shall remain HC.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the language directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

WHEREAS, heretofore the Town Board has introduced Local Law No. 1 of the year 2016 entitled: A Local Law to amend the Town Code, Chapter 175 by amending Town Code Section 75-8 "Zoning Maps" to change the zoning designation from "RR" to "HC" ; and

WHEREAS, this is an action subject to SEQR, and

WHEREAS, the Town Board is the sole Involved Agency, and such has caused to be prepared a Short Environmental Assessment Form, and

WHEREAS, the Town Board has conducted a public hearing on the proposed local law and heard all persons interested in the subject matter of the same,

NOW, THEREFORE, BE IT RESOLVED as follows: That after considering all of the information presented to it including the short EAF the Town Board determines that the adoption of the Local Law No.1 of the year 2016 will not result in any significant adverse environmental impacts and does hereby adopt the Negative Declaration attached hereto.

Councilman Van Tassel presented the foregoing resolution, which was seconded by Councilman Flaherty.

The vote on the foregoing resolution was as follows:

Richard Shea, Supervisor	voted	AYE
Nancy Montgomery, Councilwoman,	voted	AYE
John Van Tassel, Councilman	voted	AYE
Michael Leonard, Councilman	voted	AYE
Robert Flaherty, Councilman	voted	AYE

CERTIFICATION

I, **Tara K. Percacciolo**, the duly qualified and acting Deputy Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on May 5, 2016, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 5th day of May, 2016.

Tara K. Percacciolo

Tara K. Percacciolo
DEPUTY TOWN CLERK

File No. 89-158
Work Order No. 21038
File Name: DK02JL13BD_Petition_for_Zoning Change.doc
Date Created: July 2, 2013
Date Revised: April 5, 2016
Date Printed: April 5, 2016
Figure No. 406
Author: GJW

EXHIBIT A

Description of Property
prepared for
BRUCE & DONNA KEHR
Land Subject to Petition for Change of Zoning

ALL that certain parcel of land situate in the Town of Philipstown, County of Putnam, and State of New York that is a portion of those lands that were heretofore conveyed by Thomas Braia and Catherine Braia to Bruce Kehr and Donna Kehr by that certain deed dated July 19, 2005, and recorded in the Putnam County Clerk's Liber 1717 of deeds at page 479 that is bounded and described as follows:

BEGINNING at the point on the line dividing the lands so conveyed to Bruce and Donna Kehr, on the north from lands formerly of Rosa (deed incorrectly cites Roder), and now or formerly of Mueller, on the south, that is distant

S 65°39'25" E 478.89 feet

measured along the said division line from the point where it meets the easterly line of US Route 9 (deed incorrectly states "NYS Route 5149" instead of State Highway No. 5149, which is this part of US Route 9) that is the point of beginning of the lands so conveyed to Bruce Kehr and Donna Kehr.

THENCE from the said point of beginning, through the lands so conveyed to Bruce Kehr and Donna Kehr and continuing along lands formerly of Selleck and now or formerly of Kehr, lands formerly of Roder and now or formerly of Kehr and lands now or formerly of Romito that are shown on that certain map entitled "Clove Brook Homesites", which was filed in the Putnam County Clerk's office on April 18, 1952 as Map No. 645, the following courses:

N 24°51'18" E 320.45 feet,
S 63°27'51" E 20.34 feet, and
N 24°52'58" E 279.13 feet,

to a point at the line of lands formerly of Adams, formerly of Casey and now or formerly of Diebboll. Thence along the said Diebboll lands

S 38°11'14" E 752.88 feet,

to a point in the middle of Clove Brook. Thence southerly and westerly up and along the centerline of Clove Brook the following courses:

S 00°01'56" W 164.32 feet,
S 59°28'10" W 167.89 feet,
N 85°29'17" W 114.17 feet,
N 56°33'25" W 72.67 feet,
N 78°51'02" W 39.87 feet,
N 63°06'15" W 47.94 feet,
N 41°23'03" W 90.48 feet,
N 02°10'10" E 27.12 feet,
N 63°44'09" W 60.52 feet,
N 52°00'00" W 56.16 feet,
N 56°00'00" W 35.00 feet, and
S 77°00'00" W 22.56 feet,

to a point at the line of the aforementioned lands formerly of Rosa and now or formerly of Mueller. Thence along the said Mueller lands

N 65°39'25" W 138.78 feet

to the point or place of beginning, containing 7.392 acres, more or less.

N.B. The meridian (North Point) used in the foregoing description refers to the New York State Coordinate System, East Zone, NAD 1927, The Meridian is True North at 74°20'00" West Longitude and bears 13°31'50" clockwise from the meridian of the deed recorded in Liber 1717 at page 479. This note should remain with this description in any instrument to which it may become a part.

Prepared by
BADEY & WATSON
Surveying & Engineering, P.C.
3063 Route 9
Cold Spring, New York 10516
(845) 265-9217 (voice)
(845) 265-4428 (fax)
(877) 3.141593
www.Badey-Watson.com

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the (County)(City)(Town)(Village) of TOWN OF PHILIPSTOWN was duly passed by the TOWN BOARD on _____ 20____, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

---

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Lisa M. Merando
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 5-5-16

DEVELOPER'S AGREEMENT

THIS DEVELOPER'S AGREEMENT made this_____ day of _____ 2016, by and between BRUCE KEHR and DONNA KEHR, 3330 Route 9, Cold Spring, New York 10516 (hereinafter referred to as "Developer"), and the TOWN OF PHILIPSTOWN, a municipal corporation having its principal place of business at 238 Main Street, P.O. Box 155, Cold Spring, New York 10516 (hereinafter referred to as "Town");

RECITALS

WHEREAS, the Developer is the owner of certain real property identified as Town of Philipstown Tax Map Section 16.20, Block 1, Lots 18, 20 and 21 (SBL 16.20-1-18, 20 and 21), consisting of 11.239 +/- acres of land located on New York State Route 9 in the Town of Philipstown (hereinafter referred to as the "Site"); and

WHEREAS, the said lots 16.20-1-18 and 16.20-1-20 are presently designated "Highway Commercial" ("HC") under the Town Zoning Code and the largest portion of the said lot 16.20-1-21 is presently designated "Rural Residential" ("RR") under the Town Zoning Code, excepting for a small portion fronting on Route 9 which is designated "HC"; and

WHEREAS, the Developer has lot 16.20-1-18 as a combined "retail/service/warehouse" business called Expanded Supply Products (""ESP"); and

WHEREAS, the Developer has previously obtained site plan approval for ESP from the Town of Philipstown Planning Board; and

WHEREAS, the Developer has made certain improvements to the said lots 16.20-1-18 and 16.20-1-20 beyond that allowed by the said site plan and without obtaining amended site plan approval; and

WHEREAS, the Developer now proposes to seek amended site plan approval for the said unauthorized improvements as well for certain additional improvements; and

WHEREAS, the Developer has agreed to file a subdivision plat that will combine and re-divide the three (3) lots into two lots; and

WHEREAS, the Developer's proposal does not conform with the bulk requirements of the Town Code; and

WHEREAS, to remedy the said non-conformity and to allow for legal development and use of the said property the Developer proposes that a change in the applicable zoning be enacted under which the zoning designation of that portion of the said lot 16.20-1-21 currently designated "RR" shall be changed from "RR" to "HC"; and

WHEREAS, the proposed zoning change is not contrary to the terms and provisions of the Town's Comprehensive Plan; and

WHEREAS, the Town Board is willing to entertain a local law enacting the requested zoning change provided that certain measures are taken by the Developer to safeguard the community from potential adverse environmental impacts and possible detrimental effects of the proposed development; and

WHEREAS, the Developer is willing to comply with the proposed measures and safeguards on condition that the said zoning change is enacted;

NOW, THEREFORE, in consideration of the foregoing, the parties hereto agree as follows:

1. Developer acknowledges that the Town of Philipstown Town Board acts in a purely legislative capacity in regard to enactment of zoning regulations and is under no legal obligation to enact a local law changing the zoning designation of the said lot 16.20-1-21 from RR to HC; but in order to satisfy the legitimate concerns of the Town Board in regard to potential impacts of the requested zoning change, the Developer hereby agrees and covenants that, in the event that the Town of Philipstown Town Board enacts a local law changing the zoning designation of the said lot 16.20-1-21 from RR to HC:

A. The Developer shall execute and record in the office of the Putnam County Clerk the Conservation Easement a copy of which is attached as Exhibit "A";

B. The Developer shall execute and record in the office of the Putnam County Clerk the Road Maintenance Agreement a copy of which is attached as Exhibit "B";

C. Notwithstanding the provisions of Town Code §176-68(D), the Developer shall submit an application for site plan approval to the Town Planning Board which shall not be limited to new improvements but, rather, shall encompass all existing and proposed improvements on the property;

D. Any application for site plan approval for ESP's said property shall include, at a minimum, and in addition to all information required by the Town Code, the following:

- A note indicating that the said lot 16.20-1-21 is subject to a conservation easement;
- A chain link fence of at least four feet (4') in height will define the rear of the property at the ESP yard (i.e., the said lots 16.20-1-18 and 16.20-1-20);
- A fence, consisting of chain link with screening slats or the equivalent, between the Developer's property and rear yard of the Merrigan property on Stephanie Lane, starting at the existing pine trees and running towards Route 9.
- Screening, consisting of trees and/or shrubs of at least six feet (6') in height installed at the property line between the Developer's property and the Merrigan property on Stephanie Lane.

- Permanent signage and boundary markers at the rear and side boundary lines of the buildable area with the conserved area of the said lot 16.20-1-21 designating the area subject to the conservation easement;

- Appropriate notes indicating that the only allowable use outside the buildable area on the said lot 16.20-1-21will be for septic system installation;

- A note indicating that a building permit issued by the Philipstown Building Department must be secured in order to construct any additional structures;

- The maximum possible buffer for Clove Creek as established by the above-mentioned Conservation Easement; and

- A note on the site plan and on the proposed subdivision plat indicating that along the northerly property line of the said lot 16.20-1-21 the required minimum setback for the lot is 50 feet.

E. The Developer's existing right-of-way on the Merrigan property on Stephanie Lane will be released and an appropriate release of the same will be recorded by the Developer with the Putnam County Clerk;

F. The Developer's existing right-of-way on the Diebboll property on Stephanie Lane will be released, excepting for the portion thereof necessary to enter the said lot 16.20-1-21 and provide for a cul-du-sac, and an appropriate release of the same will be recorded by the Developer with the Putnam County Clerk; and

G. In the event that, following the amended site plan approval sought herein by the Developer, there shall exist a zoning violation on the said property for more than ninety (90) days after a notice of violation has been issued by the Town Code Enforcement Officer, then, in addition to all other remedies prescribed by law, the Town shall have the right to commence an action in New York State Supreme Court seeking injunctive relief requiring the property owner to remedy the said violation and in such action, if successful, the Town shall be entitled to recover actual attorneys fees incurred therein in addition to any civil fine or penalty prescribed by law.

2. All parties agree and acknowledge that:

A. In the event that the Town of Philipstown Town Board denies the Developer's petition for enactment of a local law changing the zoning designation of the said lot 16.20-1-21 from RR to HC the obligations, terms and provisions hereof shall become null and void:

B. In the event that the Town of Philipstown Town Board enacts a local law changing the zoning designation of the said lot 16.20-1-21 from RR to HC, and

such local law is subsequently voided or otherwise annulled by a court of competent jurisdiction, then the obligations, terms and provisions hereof shall become null and void:

C. The Developer retains the right to cancel and declare void the terms and provisions of this Developer's Agreement at any time prior to an affirmative vote of the Town of Philipstown Town Board to enact a local law changing the zoning designation of the said lot 16.20-1-21 from RR to HC;

D. Each of the parties was represented by counsel in connection with this Developer's Agreement and the Developer's Agreement was the result of negotiations between the Developer and the Town. The Developer hereby waives any claim or cause of action it may assert against the Town in connection with the negotiation of this Developer's Agreement or the terms hereof.

E. This Developer's Agreement shall be binding upon and inure to benefit of the parties' successors and assigns.

F. This Developer's Agreement constitutes the entire agreement between the parties and supersedes any prior understandings, agreements, or representations by or between the parties, written or oral, that may have related in any way to the subject matter hereof. Any modification or change to this Developer's Agreement or any waiver of the terms hereof must be made in writing signed by all parties.

G. The language used in this Developer's Agreement shall be deemed to be the language chosen by the parties hereto to express their mutual intent, and no rule of strict construction shall be applied against any party. This Developer's Agreement shall be governed by and construed in accordance with the laws of the State of New York.

H. Within thirty (30) days following execution by all parties, the Developer shall record this Developer's Agreement in the Putnam County Clerk's Office at the Developer's expense. The Developer shall provide proof of such recording to the Town Attorney.

I. The parties hereto shall be deemed to have executed this Developer's Agreement upon the date and year set forth above.

TOWN OF PHILIPSTOWN

By: _____
Richard Shea, Supervisor

BRUCE KEHR

DONNA KEHR

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS.:
COUNTY OF PUTNAM)

On the ___ day of _____, 2016, before me, the undersigned, personally appeared RICHARD SHEA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
) SS.:
COUNTY OF PUTNAM)

On the 28 day of April, 2016, before me, the undersigned, personally appeared BRUCE KEHR, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

THOMAS F. WOOD
Notary Public, State of New York
No. 02W04684926
Qualified in Dutchess County
Commission Expires May 31, ~~1996~~ 2018

STATE OF NEW YORK)
) SS.:
COUNTY OF PUTNAM)

On the 28 day of April, 2016, before me, the undersigned, personally appeared DONNA KEHR, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

THOMAS F. WOOD
Notary Public, State of New York
No. 02W04684926
Qualified in Dutchess County
Commission Expires May 31, ~~1996~~ 2018

SCHEDULE A TO DEVELOPER'S AGREEMENT

CONSERVATION EASEMENT

This Conservation Easement agreement is made this _____ day of _____, 2016, between **Bruce Kehr and Donna Kehr,** residing at 3330 Route 9, Cold Spring, NY 10516, Grantors, and the Town of Philipstown, a Municipal Corporation, with its offices located at Town Hall, 238 Main Street, Cold Spring, NY 10516 "Grantee".

WHEREAS, the Grantors, own in fee three (3) parcels of real property located in the Town of Philipstown, Putnam County, New York, as follows:

Tax Map ID	Deed Date	Grantor(s)	Deed Liber	Deed Page
16.20-1-18	August 25, 1989	Bart P. & Dolores Carbone	1068	35
16.20-1-20	March 27, 1992	Pauline Sammut Siebert	1154	23
16.20-1-21	July 19, 2005	Thomas & Catherine Braia	1717	479

WHEREAS, the Grantors, have applied to the Town of Philipstown to combine and re-subdivide the said three (3) parcels in a manner that will result in two (2) parcels; and

WHEREAS, when taken together the three (3) merged parcels form a single parcel that is described in Schedule A attached hereto and incorporated herein by reference, hereinafter known as the "Property"; and

WHEREAS, said parcels have been combined, re-subdivided and reconfigured as set forth on a certain map entitled "Subdivision Plat prepared for Bruce and Donna Kehr situate in the Town of Philipstown, Putnam County, NY" said map having been filed simultaneously with the recording of this declaration in the office of the Putnam County Clerk on _____, 2016 as Map #_____; (hereinafter "The Plat"): and

WHEREAS the Grantors are desirous of donating a Conservation Easement on that portion of the Property described in Schedule B, attached hereto and incorporated herein by reference (hereinafter "The Conservation Area") to preserve its wetlands, stream and wildlife habitat; and

WHEREAS, the Grantee is a Municipal Corporation, and is thereby qualified to be the grantee of conservation easements; and

WHEREAS, the Conservation Area consists of the stream corridor of Clove Creek and an adjacent wetland system, and preservation of the stream corridor and adjacent wetlands and buffer will help preserve the quality of the water flowing in Clove Creek; and

WHEREAS, the Conservation Area consists of a well vegetated primarily deciduous woodland which, pursuant to this conservation easement, will remain largely and permanently undisturbed, providing wildlife habitat for reptiles and amphibians using the wetland area, many species of birds and small mammals; and

WHEREAS, the Grantors have paid the Town _____ ($0000.00) dollars that was used to fund the preparation of a Baseline Data Report; and

WHEREAS, the conservation values of the Conservation Area are documented in said Baseline Data Report prepared by _____ , dated _____, 2016, filed in the office of the Town Clerk of the Town of Philipstown and is incorporated herein by reference; and

WHEREAS said Baseline Data Report includes an inventory of the relevant conservation values, maps, photographs, reports and other documents that the parties agree provide an accurate representation of the Conservation Area at the time of the execution of this conservation easement, and which is intended to provide objective baseline information for purposes of future monitoring and enforcement; and

WHEREAS, the Grantors desire to donate and convey to Grantee the right to preserve and protect the conservation values described herein by encumbering the Conservation Area with a conservation easement pursuant to the provisions of New York Environmental Conservation Law, Article 49, Title 3; and

WHEREAS, the Grantee agrees to accept this conservation easement and to honor the intentions of the Grantors as stated herein to preserve and protect the Conservation Area in perpetuity according to the terms of this easement for the benefit of this and future generations.

WHEREAS, the Grantors have paid the Town _____ ($0000.00) dollars to be used to monitor the Conservation Easement Area twice during the first year following the establishment of this easement and annually thereafter; and

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantors hereby voluntarily grant and convey to Grantee a conservation easement in perpetuity over the Conservation Area of the nature and character and to the extent set forth herein.

1. **Purpose.** It is the purpose of this conservation easement to protect the wetlands and the part of the wetland buffer and upland area within the Conservation Area for their wetland, water quality and wildlife habitat values. Except as herein after provided, this easement shall prevent any use of the Conservation Area that will impair or interfere with the conservation values of the Conservation Area by restricting use of the Conservation Area as provided herein.

2. **Prohibited Uses and Restrictions.** Except as provided for in Paragraph 4 herein, any activity on or use of the Conservation Area inconsistent with the purpose of this conservation easement is prohibited. Without limiting the generality of the foregoing provision, the following restrictions specifically apply to the Conservation Area;

   a. No clearing or disturbance of vegetation, soils, rocks or other material is permitted in the Conservation Area except pursuant to a plan, approved by the Grantee, to maintain the health and diversity of the woodlands and to preserve the quality of the wetlands.

   b. No quarry, gravel pit, surface or subsurface mining or drilling, or other mining or drilling activities prohibited under applicable provisions of Section 170(h) of the Internal Revenue Code shall be permitted on or under the Conservation Area.

   c. No dumping or storage of ashes, organic waste, sewage, garbage, or any other material shall be allowed on the Conservation Area.

   d. Notwithstanding any other restriction contained herein, the fee owner of the Conservation Area (or any relevant part thereof) may take such actions with respect to the Conservation Area as are necessary to protect the health and safety of the public and the persons using the Conservation Area; provided that if any such action is contrary to a restriction contained herein, the action shall be limited to the minimum variation necessary to afford the required protection and subject to the approval of the easement holder, which shall not be unreasonably withheld.

3. **Rights Conveyed to Grantee.** To accomplish the purposes of this easement, the following rights are hereby conveyed to the Grantee.

   a. The right to preserve and protect the conservation values of the conservation Area.

   b. The right to enter upon the Property for purposes of inspecting the Conservation Area at reasonable times in order to monitor compliance and otherwise enforce the terms of this conservation easement. Grantee shall provide Grantors or Grantors' successors, reasonable notice of such entry unless Grantee determines that immediate entry is required to prevent, terminate or mitigate violation of this conservation easement.

   c. The right to prevent any activity on, incursion into, or use of the Conservation Area that is inconsistent with the purposes of this easement, and to require the restoration of such areas or features of the

Conservation Area that are damaged by any inconsistent activity or use pursuant to the remedies set forth in Section 6 herein.

4. **Reserved Grantors' Rights.** Grantors reserve for themselves, their assigns, representatives, and successors in interest with respect to the Conservation Area, all rights accruing from their fee ownership of the Conservation Area, including, without limitation, the right to sell, transfer or encumber the Conservation Area, as owner, subject to the restrictions and covenants set forth in this easement; and the right to engage in, or permit others to engage in, all uses of the Conservation Area that are not expressly prohibited herein and are not inconsistent with the purposes of this conservation easement. In addition, any other provision of this easement to the contrary notwithstanding, Grantor specifically reserves for themselves and their successors in interest with respect to the Conservation Area, and they shall enjoy, the following rights with respect to the Conservation Area:

   a. Grantors reserve the right to construct, maintain, repair and/or replace a single family residential structure and appurtenant structures and facilities, including an "Accessory Apartment" as defined by and permissible under the Zoning Law of the Town of Philipstown within and only within the area designated "Building Envelope" within Lot 2 on The Plat and described in Schedule C annexed hereto.

   b. Grantors reserve the right to construct two (2) Subsurface Sewage Disposal Systems (SSTS's) within the Conservation Easement Area and outside of the Building Envelope described in Schedule C hereto. One of the SSTS's is to service improvements on the unrestricted portion of Lot 1 on the PLAT. It is to be located in the general vicinity of the area on Lot 1 designated as "Reserve Area 1". The second SSTS is to service improvements within the Building Envelope located on Lot 2 on the PLAT. It is to be located in the general vicinity of the area on Lot 2 designated as "Reserve Area 2". This reservation includes the reservation of the right to install, repair and replace pipes, conduits, wires, cleanouts, etc. as necessary to connect the proposed SSTS's to the improvements they are intended to serve. Any disturbance necessary for the installation of the SSTS's and the connections to the improvements shall be minimized to the greatest practical extent.

   c. Grantors reserve the right to include the area (acreage) of the Conservation Area or any part thereof as part of the overall area used in the calculation of allowable Lot Coverage or Impervious Surface Coverage to determine compliance with the Zoning Law of the Town of Philipstown.

   d. Grantors reserve the right to control access to the Property, including the Conservation Area, except for that access allowed to grantee under Section 3 b above.

5. **Extinguishment of Development Rights.** Except as specifically reserved in this conservation easement, Grantor grants and donates to Grantee all development rights that are now or hereafter may be allocated to, implied, reserved to, or inherent in the Conservation Area other than those rights reserved to Grantors herein, and all parties agree that, subject to such reservations, such transferred and donated development rights are terminated and extinguished by this conservation easement.

6. **Enforcement.**

   a. **Notice.** If Grantee determines that a violation of this conservation easement has occurred or is threatened, Grantee shall give written notice to Grantors of such violation and demand that corrective action sufficient to cure the violation be taken. Where the violation involves injury to the Conservation Area resulting from any use inconsistent with the terms or the purpose of this conservation easement, Grantee shall demand that Grantors restore the Conservation Area to its prior condition in accordance with a plan approved by the Grantee.

   b. **Injunctive Relief.** If Grantors fail to cure the violation within 30 days after receipt of notice of a violation from Grantee, or, where the violation cannot reasonably by cured within a 30 day period, Grantors fail to begin curing such violation within a 30 day period, or Grantors fail to diligently continue to cure such violation until it is cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this conservation easement, to enjoin the violation by temporary or permanent injunction, and to require the restoration of the Conservation Area to the condition that existed prior to any such injury.

   c. **Damages.** Grantee shall be entitled to recover damages for a violation of the terms of this conservation easement or for injury to any of the conservation values protected by this conservation easement, including, without limitation, damages for loss of scenic, aesthetic, or environmental values. Without limiting Grantors' liability therefore, Grantee may, in its sole discretion, apply any damages recovered to the costs of undertaking any corrective action on the Conservation Area.

   d. **Emergency Enforcement.** If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Conservation Area, Grantee may pursue its remedies under Section 6 without prior notice to Grantors or without waiting for the period for cure to expire.

   e. **Costs of Enforcement.** All reasonable costs of enforcing the terms of this easement against Grantors, including but not limited to the costs and

expenses of legal action, reasonable attorney's fees, and any costs involved in the restoration of the Conservation Area resulting from Grantor's violation of the terms of this easement, shall be borne by Grantors unless Grantors ultimately prevails in judicial enforcement, in which case each party shall bear its own costs.

f. **Forbearance.** Forbearance or delay by Grantee in the exercise of any of its rights to enforce this conservation easement or to exercise any right granted to it under this conservation easement shall not be deemed a waiver of such rights or of any of the terms of the conservation easement. Grantors hereby waive any defense of laches, estoppel or prescription.

g. **Acts Beyond Grantor's Control.** Grantee shall have no cause of action under this easement against Grantors for injury or damage to the Conservation Area which is beyond Grantors' control, including, without limitation, depositing of otherwise prohibited material by third parties without grantor's permission, flood, fire, wind, storms, or earth movement, or from any prudent action taken by Grantors, under emergency conditions, to prevent, abate or mitigate significant injury to the Conservation Area, the remainder of the Property or adjacent properties from such causes. In the event third parties deposit trash or other material on the Conservation Area, Grantors shall cooperate with Grantee to limit access to such third parties and to remove such materials from the Conservation Area. Grantors shall not have an obligation to remove such materials under this easement, and the presence of such materials deposited by third parties shall not be a violation of this easement.

7. **Notices and Approvals.** Grantors agree to give Grantee written notice before exercising any reserved right, the exercise of which may have an adverse impact on the conservation interests of this conservation easement. Grantors further agrees to notify Grantee of any conveyance, lease or transfer of the Conservation Area, such notice to be given in writing within 30 days of such conveyance, lease or transfer. When Grantee's or Grantor's approval is required for any action or activity allowed by this easement to be taken only with approval, such approval shall be in writing and signed by both parties to this easement agreement or their successors. Any notice required by this easement shall be deemed given when received or three days after being mailed by regular and certified or registered mail, return receipt requested, postage prepaid, properly addressed as follows: (a) if to Grantee, at address set forth above; (b) if to Grantors, at the address set forth above; (c) if to any subsequent owner, at the address provided by notice to Grantee of transfer of the property as required by this paragraph. Any party may change the address to which notices are to be sent to him, her or it by duly giving notice pursuant to this paragraph.

8. **Costs and Liabilities.** Grantors shall retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Conservation Area. Grantors shall remain solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use permitted by this conservation easement, and all such construction and other such activity or use shall be undertaken in accordance with all applicable federal, state, and local laws, regulations and requirements. Grantors shall keep the Conservation Area free of all liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantors.

9. **Monuments and Signs.** The Grantors hereby impose upon themselves, their successors and assigns, the continuing obligation to maintain, repair and replace the concrete monuments and signs and sign posts are shown on The Plat and have been installed to delineate portions of the easement boundary.

10. **Taxes.** Grantors shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Conservation Area by competent authority, including any taxes imposed upon, or incurred as a result of, this easement.

11. **Representations and Warranties.** Grantors represent and warrant that, after reasonable investigation and to the best of their knowledge the Conservation Area is in compliance with all federal, state and local laws, regulations and requirements applicable to the Conservation Area or its use, and there is no threatened or pending litigation in any way affecting, involving, or related to the Conservation Area.

12. **Amendment.** This conservation easement may be amended upon the written consent of Grantee and Grantors; provided that no amendment may alter the restrictions on use or permitted structures, nor shall it allow subdivision that is inconsistent with the purposes of this conservation easement, nor shall it in any way limit the perpetual duration of this easement. Any such amendment, variance or waiver shall be consistent with the basic purposes of this conservation easement and shall comply with Article 49, Title 3, of the New York Environmental Conservation Law. Any such amendment, variance or waiver that does not comply with Article 49 shall be void and of no force or effect. Any amendment shall be in writing and shall be recorded in the official records of the County of Putnam, State of New York.

13. **Recordation.** Grantee shall record this instrument in a timely fashion in the official records of Putnam County, New York State, and may re-record it at any time as may be required to preserve its rights in this easement.

14. **Subsequent Transfers.** Any subsequent conveyance of any interest in the Conservation Area, including, without limitation, transfer, lease or mortgage,

shall be subject to this conservation easement, and any deed, lease, mortgage or other instrument evidencing or effecting such conveyance shall contain language providing that the conveyance, lease, mortgage, easement, etc. is subject to a conservation easement which runs with the land and which was granted to the Town of Philipstown and shall note the recording data (Liber and Page) by which the Putnam County Clerk identifies this conservation easement. The failure to include such language in any deed or instrument shall not affect the validity or enforceability of this conservation easement.

15. **Binding Effect.** The provisions of this conservation easement shall run with the Conservation Area in perpetuity and shall bind and be enforceable against the Grantors and all future owners and any party entitled to possession or use of the Conservation Area or any portion thereof while such party is the owner or entitled to possession or use thereof. As used in this conservation easement, the term "owner" includes the owner of any beneficial equitable interest in the Conservation Area or any portion thereof; the term "Grantors" includes the original Grantors, his, her or their heirs, successors and assigns, all future owners of all or any portion of the Conservation Area, and any party entitled to possession or use thereof; and the term "Grantee" includes the original Grantee and its successors and assigns. Notwithstanding the foregoing, upon any transfer of title, the transferor shall cease being a Grantor or owner for purposes of this conservation easement and shall have no further responsibility or liability hereunder for acts done or conditions arising thereafter, but the transferor shall remain liable for earlier acts and conditions. The obligations imposed on Grantors by this agreement shall be joint and several.

16. **No Extinguishment Through Merger.** Grantors and Grantee herein agree that should the Town of Philipstown come to own all or a portion of the fee interest in the Conservation Area subject to this conservation easement, (i) said owner shall observe and be bound by the obligations and restrictions imposed upon the conservation area by this conservation easement, (ii) this easement shall not be extinguished through the doctrine of merger in whole or in part in view of the public interest in its enforcement, and (iii) said owner shall as promptly as practicable assign the Grantee interest in this easement of record to another holder in conformity with the requirements of subparagraph 12. The instrument shall contain language suitable to re-impose this conservation easement to the extent, if any, necessary to continue it in force.

17. **Further Acts.** Each party shall perform any further acts and execute and deliver any documents, including amendments to this conservation easement, which may be reasonably necessary to carry out its provisions or which are necessary to quality this instrument as a conservation easement under Article 49, Title 3, of the Conservation Law or any regulations promulgated pursuant

thereto or under Section 170(h) of the Internal Revenue Code or any regulations promulgated thereto.

18. **Certificate of Compliance.** Grantee shall provide Grantors, within 20 days of written request therefore, a written notice stating whether the Conservation Area is in compliance with the terms of the conservation easement, and if Grantee alleges it is not in compliance, stating the substance of the alleged violation and the proposed remedy therefore.

19. **Severability.** Invalidation of any provision of this conservation easement by court judgment, order, statute or otherwise shall not affect any other provisions, which shall be and remain in force and effect.

20. **Interpretation.** This instrument is intended to create a "qualified real property interest" for "conservation purposes", as defined in Section 170(h) of the Internal Revenue Code, and shall be interpreted consistently with such intention. In the event any provision has been omitted from this instrument which is necessary to qualify the interest hereby granted as such a "qualified real property interest" for "conservation purposes", such provision shall be deemed incorporated herein to the extent necessary to cause the interest hereby granted to be so qualified.

21. **Authorization.** Grantee warrants that acceptance of this conservation easement has been duly authorized by the Town Board of the Town of Philipstown.

22. **Grant of Access.** The Grantors further grant unto the Grantee the right of Emergency Access over their lands as described in Schedule "A" annexed.

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

GRANTOR: BRUCE KEHR _____

GRANTOR: DONNA KEHR _____

GRANTEE: TOWN OF PHILIPSTOWN _____

By: Richard Shea, Supervisor

ACKNOWLEDGMENTS

STATE OF NEW YORK)
COUNTY OF PUTNAM) ss.:

On the _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared **Bruce Kehr,** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed it in his capacity, and that by his signature on the instrument, the individual executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF PUTNAM) ss.:

On the _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared **Donna Kehr**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed it in her capacity, and that by her signature on the instrument, the individual executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF PUTNAM) ss.:

On the 5th day of May, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared **Richard Shea**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed it in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

TINA M. MERANDO
NOTARY PUBLIC, STATE OF NEW YORK
REG 01ME6079624
QUALIFIED IN PUTNAM COUNTY
COM EXPIRES JUNE 9 2019

Tina M. Merando
Notary Public

Record and Return to:
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

File No. 89-159
Work Order No. 21038
File Name: BK18JL15BD_Kehr_CE.docx
Date Created: July 18, 2015
Date Revised: April 28, 2016
Date Printed: April 28, 2016
Figure No. 1000
Author: GJW

SCHEDULE A
prepared for
CONSERVATION EASEMENT GRANTED BY BRUCE & DONNA KEHR
DESCRIPTION OF THE PROPERTY

ALL those certain parcels of land situate in the Town of Philipstown, County of Putnam, and State of New York that were heretofore conveyed to Bruce Kehr and Donna Kehr by the following three (3) deeds recorded in the Putnam County Clerk's office

Tax Map ID	Deed Date	Grantor(s)	Deed Liber	Deed Page
16.20-1-18	August 25, 1989	Bart P. & Dolores Carbone	1068	35
16.20-1-20	March 27, 1992	Pauline Sammut Siebert	1154	23
16.20-1-21	July 19, 2005	Thomas & Catherine Braia	1717	479

that when taken together are bounded and described as follows.

BEGINNING at the point on the southeasterly line of US Route 9 where it is met by the line dividing the lands so conveyed to Kehr, on the northeast from lands formerly of Rosa and now or formerly of the Sabitius Trust, on the southwest, which point occupies coordinate position

N 535,634.65 (y)
E 614,007.94 (x)

of the New York State Coordinate System, East Zone (NAD 27), which point is now designated "Point D1".

THENCE from the said point of beginning northeasterly along the said southeasterly line of US Route 9, the following courses:

N 09°35'05" E 20.68 feet,
N 10°15'08" E 28.70 feet,
N 24°28'29" E 38.68 feet,
N 10°44'29" E 86.20 feet,
N 00°07'28" E 54.48 feet,
N 13°20'42" E 94.20 feet, and
N 21°26'17" E 13.50 feet,

to a point on the line of lands formerly of Amato and now or formerly of MHCP Realty, LLC, as established by the Boundary Line Agreement between Joseph Giachinta and John Giachinta and Bruce Kehr and Donna Kehr, dated November 18, 2003, and recorded in the Putnam County Clerk's Liber 1667 of deeds at page 402. Thence along the said MHCP Realty, LLC

lands and continuing along lands formerly of Adams, formerly of Romito and now or formerly of Merrigan, the following courses:

S 65°06'31" E 19.96 feet,
S 70°49'55" E 40.93 feet,
S 67°11'44" E 35.54 feet,
S 66°52'07" E 46.33 feet,
S 67°15'49" E 25.86 feet,
S 67°25'29" E 30.81 feet,
S 19°26'13" W 9.77 feet,
S 65°11'32" E 355.16 feet,
S 63°27'51" E 20.34 feet, and
N 24°52'58" E 279.13 feet,

to a point on the line of lands formerly of Adams, formerly of Casey and now or formerly of Diebboll. Thence along the said Diebboll lands

S 38°11'14" E 45.00 feet,

to a point now designated "Point D2", which point is the point of beginning of the description of the Building Envelope described in Schedule C, also attached hereto, which "Point D2" occupies coordinate position

N 535,936.78 (y)
E 614,742.41 (x)

of the said New York State Coordinate System, East Zone. Thence continuing along the said Diebboll lands

S 38°11'14" E 707.88 feet,

to a point on the centerline of Clove Brook and the line of lands formerly of Merson and now or formerly of Chmar and Watkins. Thence southerly southwesterly and westerly along and up the centerline of Clove Brook, along the said Chmar and Watkins lands and continuing along lands formerly of Iannone and now or formerly of Giordano, "and land shown on that certain "Subdivision Plat of Rubin's Pond...," which was filed in the Putnam County Clerk's office on December 1, 2005, as Map No. 3006, the following courses:

S 00°01'56" W 164.32 feet,
S 59°28'10" W 167.89 feet,
N 85°29'17" W 114.17 feet,
N 56°33'25" W 72.67 feet,
N 78°51'02" W 39.87 feet,
N 63°06'15" W 47.94 feet,
N 41°23'03" W 90.48 feet,
N 02°10'10" E 27.12 feet,
N 63°44'09" W 60.52 feet,
N 52°00'00" W 56.16 feet,
N 56°00'00" W 35.00 feet, and
S 77°00'00" W 22.56 feet,

to a point at the line of the first mentioned lands formerly of Rosa and now or formerly of Sabitius Trust. Thence along the said Sabitius Trust lands

N 65°39'25" W 118.45 feet

to a point now designated "Point D3", which point is the point of beginning of the description of The Conservation Area described in Schedule B, also attached hereto, which "Point D3" occupies coordinate position

N 535,428.87 (y)
E 614,462.78 (x)

of the said New York State Coordinate System, East Zone. Thence continuing along the said Sabitius Trust lands

N 65°39'25" W 499.22 feet

to the southeasterly line of US Route 9 and "Point D1", the point or place of beginning, containing 11.240 acres, more or less.

N.B. The meridian (North Point) and coordinate values used in the foregoing description refer to the New York State Coordinate System, East Zone, NAD 1927. The meridian is True North at 74°20'00" West Longitude and bears approximately 13°37'32" clockwise from the meridian of the three deeds cited at the beginning of this schedule.

Prepared by
BADEY & WATSON
Surveying & Engineering, P.C.
3063 Route 9
Cold Spring, New York 10516
(845) 265-9217 (voice)
(845) 265-4428 (fax)
(877) 3.141593
www.Badey-Watson.com

File No. 89-159
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Date Printed: April 28, 2016
Figure No. 1001
Author: GJW

SCHEDULE B
prepared for
CONSERVATION EASEMENT GRANTED BY BRUCE & DONNA KEHR
DESCRIPTION OF THE CONSERVATION AREA

ALL THAT PORTION of the lands described in Schedule A, also attached hereto, that is bounded and described as follows:

BEGINNING at the point on the line dividing the said lands described in Schedule A attached hereto, on the north east from lands formerly of Rosa and now or formerly of Sabitius Trust, on the south that was designated "Point D3" in said Schedule A, which point occupies coordinate position

N 535,428.87 (y)
E 614,462.78 (x)

of the New York State Coordinate System, East Zone (NAD 27).

THENCE from the said point of beginning through the lands described in Schedule A, attached hereto

N 24°51'18" E 319.67 feet,

to the point that is the southeasterly corner of lands formerly of Adams formerly of Romito and now or formerly of Merrigan. Thence along the said Merrigan lands

N 24°52'58" E 279.13 feet,

to a point of the line of lands formerly of Adams formerly of Casey and now or formerly of Diebboll. Thence along the said Diebboll lands

S 38°11'14" E 45.00 feet,

to a point now designated "Point D2", which point is the point of beginning of the description of the Building Envelope described in Schedule C also attached hereto, and which "Point D2" occupies coordinate position

N 535,936.78 (y)
E 614,742.41 (x)

of the said New York State Coordinate System, East Zone. Thence continuing along the said Diebboll lands.

S 38°11'14" E 707.88 feet,

to a point on the centerline of Clove Brook and the line of lands formerly of Merson and now or formerly of Chmar and Watkins. Thence southerly southwesterly and westerly along and up the centerline of Clove Brook, along the said Chmar and Watkins lands and continuing along lands formerly of Iannone and now or formerly of Giordano, and land shown on that certain "Subdivision Plat of Rubin's Pond…," which was filed in the Putnam County Clerk's office on December 1, 2005, as Map No. 3006, the following courses:

S 00°01'56" W 164.32 feet,
S 59°28'10" W 167.89 feet,
N 85°29'17" W 114.17 feet,
N 56°33'25" W 72.67 feet,
N 78°51'02" W 39.87 feet,
N 63°06'15" W 47.94 feet,
N 41°23'03" W 90.48 feet,
N 02°10'10" E 27.12 feet,
N 63°44'09" W 60.52 feet,
N 52°00'00" W 56.16 feet,
N 56°00'00" W 35.00 feet, and
S 77°00'00" W 22.56 feet,

to a point at the line of the 1st mentioned lands formerly of Rosa and now or formerly of Sabitius Trust. Thence along the said Sabitius Trust lands

N 65°39'25" W 118.45 feet

to said "Point D3", the point or place of beginning of this Conservation Easement Area containing 7.243 acres, more or less.

File No. 89-159
Work Order No. 21038
File Name: BK18JL15BD_Kehr_CE.docx
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Date Printed: April 28, 2016
Figure No. 1022
Author: GJW

SCHEDULE C
prepared for
CONSERVATION EASEMENT GRANTED BY BRUCE & DONNA KEHR
DESCRIPTION OF THE BUILDING ENVELOPE

ALL THAT PORTION of the lands described in Schedule A, also attached hereto, that is bounded and described as follows:

BEGINNING at the point on the line dividing the said lands described in Schedule A, attached hereto, on the southwest from lands formerly of Adams, formerly of Casey and now or formerly of Diebboll, on the northeast that was designated "Point D2" in said Schedule A, which point occupies coordinate position

N 535,936.78 (y)
E 614,742.41 (x)

of the New York State Coordinate System, East Zone (NAD 27).

THENCE from the said point of beginning, along the said Diebboll lands

S 38°11'14" E 242.84 feet,

to a point. Thence through the said lands described in Schedule A, attached hereto, the following courses:

S 51°48'46" W 164.84 feet,
N 57°00'00" W 113.56 feet,
N 47°00'00" E 152.00 feet,
S 38°11'14" E 59.92 feet,
N 51°48'46" E 25.00 feet,
N 38°11'14" W 64.92 feet,
N 33°00'00" W 54.93 feet, and
N 20°31'00" W 66.00 feet

to "Point D2", the point or place of beginning of this Building Envelope Area, containing 0.500 acres, more or less.

AMENDMENT TO ROAD MAINTENANCE AGREEMENT

This agreement made the _____ day of _____ 2015 by and among, Joseph Dieboll and Lisa Dieboll (hereinafter the Diebolls), residing at 31 Stephanie Lane, Cold Spring, NY 10516, and Thomas C. Merrigan II and Lorraine A. Merrigan (hereinafter the Merrigans), residing at 16 Stephanie Lane, Cold Spring, NY and Bruce Kehr and Donna Kehr (hereinafter the Kehrs), residing at 3330 Route 9, Cold Spring, NY 10516.

Whereas the Diebolls own certain real property located in the Town of Philipstown, County of Putnam and State of New York commonly identified on the Putnam County Tax Map and Assessment roles by the designation #16.20-1-14 and conveyed to them by John Casey and Suzanne Casey by correction deed dated December 19, 1990 and recorded in the Putnam County Clerk's Liber 1112 of deeds at page 220; and

Whereas the Merrigans own certain real property located in the Town of Philipstown, County of Putnam and State of New York commonly identified on the Putnam County Tax Map and Assessment roles by the designation #16.20-1-17 and conveyed to them by George Mingalone, Executor of the Last Will and Testament of Bertolina Romito by deed dated August 18, 2005 and recorded in the Putnam County Clerk's Liber 1718 of deeds at page 97; and

Whereas the Kehrs own certain real property located in the Town of Philipstown, County of Putnam and State of New York commonly identified on the Putnam County Tax Map and Assessment roles by the designation #16.20-1-21 and conveyed to them by Thomas Braia and Catherine Braia by deed dated July 19, 2005 and recorded in the Putnam County Clerk's Liber 1717 of deeds at page 480; and

Whereas access to the said properties of the Diebolls, the Merrigans, and the Kehrs are accessed over a private road running easterly from U.S. Route 9, a State Highway, now known as Stephanie Lane; and

Whereas Dieboll and Merrigan previously entered into a Road Maintenance Agreement (hereinafter Agreement) with respect to Stephanie Lane dated August 5, 2005 and recorded in the Putnam County Clerk's Liber 1718 of deeds at page 91; and

Whereas the parties agree that the Kehrs will be added as a party to said Agreement

Now, therefore, it is agreed as follows:

1. That Kehr be and hereby is added as a party to the Agreement.

2. That Kehr assumes the obligations of the third lot owner as set forth in Paragraph "3" of the existing agreement.

Draft

3. The parties notify and reaffirm all of the duties and obligations contained in the Road Maintenance Agreement.

Joseph Dieboll

Lisa Dieboll

Thomas C. Merrigan

Lorraine A. Merrigan

Bruce Kehr

Donna Kehr

Acknowledgements to be added.

3rd Draft

TOWN OF PHILIPSTOWN

PUTNAM COUNTY, NEW YORK

APPLICATION FOR APPROVAL OF SUBDIVISION PLAT

The undersigned hereby make application to the Planning Board of the Town of Philipstown under Part-One Subdivision Regulations for one of the following (check one):

- ☐ for approval of a Preliminary Plat;
- ☐ for approval of a Final Plat;
- ☐ for approval of a Minor Subdivision as a Final Plat; or
- ☒ for revision of a previously Filed Plat.

For Office Use Only

1. Application # _____
2. Fee _____
3. Rec'd by _____
4. Date _____

I. Identification of Applicant and Owner:

a. Applicant/Owner (name) **OLSPAN LLC** Tel. **212-517-5252**

address **235 East 87th Street 1L**

New York, NY 10128

b. Owner of property if not same as Applicant:

(name) **CF Diversified Corporation** Tel. **914-393-8576**

address **Route 9 P.O. Box 160**

Cold Spring, NY 10516

II. Attachments: Each of the following, when applicable, shall be attached to and are made a part of this Application (check the items attached):

- ☐ A- 1 Affidavit of Ownership, executed by the individual, or by the general partner of a partnership, that is the owner of property if not same as the Applicant; OR
- ☒ A-2 Affidavit of Ownership, executed by a corporation that is the owner of property if not same as the applicant.
- ☐ Appendix B- 1 certification executed by the Applicant if the Applicant is a partnership, corporation, association or business trust.

received 5-5-16 W

II Attachments: (cont.)

☒ Appendix B-2 certification executed by the owner of property if the owner is a partnership, corporation, association or business trust

☒ Appendix C Disclosure Statement under Sec. 809 of the General Municipal law.

☒ Appendix D Identification of Property and Proposal.

☒ Appendix E Identification of Plans and Documents.

☒ EAF - Environmental Assessment Form

☒ Application Checklist

☒ Request for a Waiver of Subdivision Regulations (Topography)

III. Authorization: The Applicant and Owner hereby grant to the Planning Board, the Town Board and Superintendent of Highways, and their authorized agents, permission to enter upon the property that is the subject of this Application for the purpose of inspection and enforcement of the Subdivision Regulations, including the taking of tests and materials samples:

IV. Endorsements:

a. Applicant/Owner

OLSPAN LLC

Date **May 4, 2016** Signed

Giorgio Spanu, General Manager

b. Owner of Property if not same as Applicant

CF Diversified Corporation

Date **May 4, 2016** Signed

Christopher Fadden, President

A P P E N D I X A-2: AFFIDAVIT OF OWNERSHIP **(Corporation)**

State of New York)
S.S.:
County of Putnam)

Christopher Fadden, being duly sworn, deposes and says that **He** resides at **P.O. Box 160 Cold Spring, NY 10516** in the County of **Putnam** State of **New York** that **He** is the **President** (Title) of **CF Diversified Corp.** (Name of Corporation) which is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Philipstown , New York, aforesaid and known and designated on the Tax Map of the Town of Philipstown as Lot Number **24** Block **3rd** on Tax Map **38.** and that said corporation acquired title to the said premises by deed from **Christopher Fadden** dated **Feb. 13, 1998** and recorded in the Office of the Clerk of the County of Putnam on **Feb. 13, 1998** in Liber **1419** of Conveyances at Page **181** and that consant is hereby given to **OLSPAN LLC** to make the annexed application for approval of the map (or project) entitled **Subdivision Map to Adjust the line Dividing Lands of CF Diversified Crop. from Lands of OLSPAN, LLC** and that statements of fact contained in said application, including the statements contained in all of the exhibits transmitted herewith, are true to the best of deponant's knowledge and belief.

(signed) _____
Christopher Fadden

Sworn to before me this

3rd day of **May** 20 **16**

_____
Notary Public

GLENNON J. WATSON
Notary Public, State of New York
No. 4755184
Qualified in Putnam County
Commission Expires March 30, 2019

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

1. If owner or applicant is a general or limited partnership, attach this notarized certification listing names and addresses of all partners and participants. If a partner is a partnership, corporation, association or business trust, provide the information required by this section for such partner.

2. If owner or applicant is a corporation, association or business trust attach notarized this certification listing position, name and address of all officers, directors and all shareholders owning (whether beneficially or equitable) five (5%) percent or more of any class of such party's stock.

Certificate of CF Diversified Corporation

Position	Name	Address	% Ownership
Stockholder/President	Christopher Fadden	Route 9 P.O. Box 160 Cold Spring, NY 10524	100 %
			%
			%
			%
			%
			%
			%
			%
			%
			%

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

Christopher Fadden, President

Sworn to before me this

3rd day of May ,20 16

Notary Public

GLENNON J. WATSON
Notary Public, State of New York
No. 4755184
Qualified in Putnam County
Commission Expires March 30, 2019

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

1. If owner or applicant is a general or limited partnership, attach this notarized certification listing names and addresses of all partners and participants. If a partner is a partnership, corporation, association or business trust, provide the information required by this section for such partner.

2. If owner or applicant is a corporation, association or business trust attach notarized this certification listing position, name and address of all officers, directors and all shareholders owning (whether beneficially or equitable) five (5%) percent or more of any class of such party's stock.

Certificate of OLSPAN, LLC

Position	Name	Address	% Ownership
General Manager	Giorgio Spanu	235 East 87th Street Apt. 1L New York, NY 10128	50 %
Partner	Nancy Olnick Spanu	235 East 87th Street Apt. 1L New York, NY 10128	50 %
			%
			%
			%
			%
			%
			%
			%
			%

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

Giorgio Spanu, General Manager

Sworn to before me this

3rd day of May ,20 16

Notary Public

ALBERT SAM AYACHE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01AY6274366
Qualified in New York County
My Commission Expires January 07, 2017

A P P E N D I X C

T O W N O F P H I L I P S T O W N, N E W Y O R K

DISCLOSURE STATEMENT ACCOMPANYING APPLICATION OR PETITION

A. Identification of Application or Petition:

1. TO:
   - ☐ Philipstown Town Board
   - ☒ Philipstown Planning Board
   - ☐ Zoning Board of Appeals
   - ☐ Zoning Administration Officer/Building Inspector

2. NAME OF APPLICANT: **OLSPAN LLC**

3. RESIDENCE: **235 East 87th Street 1L New York, NY 10128**

4. DATE: **May 4, 1016**

5. NATURE OF APPLICATION OR PETITION: **Approval of Subdivision to Adjust the line Dividing Lands of CF Diversified Corp. from Lands of OLSPAN, LLC**

B. Nature and Extent of Interest of any State Officer or Municipal Officer or Employee in this Application (Set forth in detail).

None

C. Statement that no State Officer or Municipal Officer or Employee has an interest in this Application.

The undersigned Applicant or Petitioner certifies by signature on this Disclosure Statement that, with the exception of the information contained in Paragraph B, above in accordance with the provisions of Sec. 809 of the General Municipal Law, no State officer or any officer or employee of the Town of Philipstown or of any municipality of which the Town is a part has any interest in the person, partnership or association making the above application, petition or request.

OLSPAN LLC

Date : **5/4/2016**

Signed

Giorgio Spanu, General Manager

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

This informaton is provided especially for those who may be making application without assistance of counsel, so that they will be fully advised as to the purpose and requirements of this statute.

SEC. 809. DISCLOSURE IN CERTAIN APPLICATIONS

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

(a) is the applicant, or
(b) is an officer, director, partner or employee of the applicant, or
(c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
(d) is a party to an agreement with such on applicant, express or implied, whereby he may receive any payment, or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

3. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

A P P E N D I X D: IDENTIFICATION OF PROPERTY AND PROPOSAL

D-1. Property

a. Total acres **72.909**

b. Does application cover all contiguous land of the owner? **Yes**
If no, explain any excluded area **N/A**

c. Tax Map: Sheet **38.** Block **3** Parcel(s) **p/o 24.1 &24.2** (OLSPAN, LLC)

d. Last deed: Date **5/22/2014** Liber **1951** Page **126**
Last deed: Date **5/22/2014** Liber **1950** Page **130**
Last deed: Date **2/13/1998** Liber **1419** Page **181** (C F Diversified Corp)

D-2. Location:

a. Zoning District(s) **OC (Office/Commerical/Industry/Mixed Use**

b. Property abuts (street or roads) **U.S. Route 9 & Vineyard Road**

c. Municipal Districts encompassing all or part of property:

School: **Haldane Central School**

Fire Protection: **North Highlands Fire Co.**

Other: **-**

d. Does plat propose a new street or private way connecting directly into any State Highway or County Road? **No** If yes, give name and route #
U.S. Route 9

e. Does plat involve drainage lines connecting directly into any channel lines established by the County of Putnam? **No**

f. Does plat include any land within 500 feet of any abutting municipality, the boundary of any existing or proposed County or State park or recreation area, the right-of-way of any existing or proposed County or State highway, the existing or proposed right-of-way or stream channel owned by the County and for which channel lines have been established, or the boundary of County or State land on which a public building or institution is established? **Yes**
If yes, specify
Property abuts U.S. Route 9

g. Give name and address of all property owners within 500 feet of the perimeter boundary of the proposed plat (as indicated in the current Town Tax Assessor's records):
SEE ATTACHED LIST

A P P E N D I X D: IDENTIFICATION OF PROPERTY AND PROPOSAL

D-1. Property

a. Total acres **72.909**

b. Does application cover all contiguous land of the owner? **Yes**
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c. Tax Map: Sheet **38.** Block **3** Parcel(s) **p/o 24.1 &24.2** **(OLSPAN, LLC)**

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b. Property abuts (street or roads) **U.S. Route 9 & Vineyard Road**

c. Municipal Districts encompassing all or part of property:

School: **Haldane Central School**

Fire Protection: **North Highlands Fire Co.**

Other: -

d. Does plat propose a new street or private way connecting directly into any State Highway or County Road? **No** If yes, give name and route #
U.S. Route 9

e. Does plat involve drainage lines connecting directly into any channel lines established by the County of Putnam? **No**

f. Does plat include any land within 500 feet of any abutting municipality, the boundary of any existing or proposed County or State park or recreation area, the right-of-way of any existing or proposed County or State highway, the existing or proposed right-of-way or stream channel owned by the County and for which channel lines have been established, or the boundary of County or State land on which a public building or institution is established? **Yes**
If yes, specify
Property abuts U.S. Route 9

g. Give name and address of all property owners within 500 feet of the perimeter boundary of the proposed plat (as indicated in the current Town Tax Assessor's records):
SEE ATTACHED LIST

D-3. Proposal:

a. Number of Proposed Lots: **0**, number already occupied by dwellings, if any: **0** No additional lots, Lot line adjustment only.

b. Length of Proposed streets or private ways in Plat: **0** feet.

c. Does Applicant propose to dedicate to public use all of the streets shown on the proposed plat? **No**, if not, describe **None Shown - Right of way shown has previous approval and is not changing.**

d. Approximate acreage of land proposed as open space for parks and playground: **Zero** acres.

e. Does applicant propose to dedicate to public use all of the open space shown on the proposed plat? **No**, if not, describe **Previously approved (Round Hill Road), Vinyard Road is currently private. This subdivision does not alter that status.**

f. How is water supply to be provided? **Existing Individual Drilled Wells** Has any application been made to the County of Putnam or State of New York for approval of proposed water supply? **Yes**, if yes, give date and describe **already existing**

g. How is sewage disposal to be provided? **Existing Individual SSTS** Has any application been made to the County of Putnam or State of New York for sewage discharge or approval of a sewage disposal system? **Yes**, if yes, give date and describe **already existing**

h. Does proposed plat include any wetlands and/or water courses as defined by the State of New York or an applicable Local Law? **Yes**, if yes, describe **State Wetlands WP9 (No new activity proposed)**

D-4. Procedures:

a. Does applicant (in the case of preliminary plats) propose to submit a final subdivision plat to cover entire preliminary plat or to file same in sections?

- ☒ entire;
- ☐ in sections.

b. Does applicant intend to request any special authorization for the plat under any of the following? **Yes** If yes, specify,

- ☐ Sec 281 of Town Law (cluster)
- ☒ Waiver of Subdivision Regulation (Sec. 5) Applicants request waiver of requirement to provide Topography.
- ☐ Alternate road standards

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

a. easements **Drainage, Utility and Access Easement (see Plat)**

b. deed restrictions on use and development **None**

c. mortgages **None**

d. liens **None**

e. leases **None**

f. other **None**

D-6. Minor Plat: If request is made for acceptance of an application for final, approval of minor subdivision plat, complete the following:

a. Does plat incorporate all of the tract from which lots are proposed to be divided? **Yes**

b. Does the plat map show all natural water courses, ponds, swamps, flood plains or other land subject to potential flooding within the plat and any other land subject to potential flooding within the plat and any drainage onto the plat from any existing State Highway, County Road or Town Street? **Yes**

APPENDIX E: IDENTIFICATION OF PLANS AND DOCUMENTS

E-1. Surveyor and Designer(s) Responsible for Plans:

a. Surveyor (name) **BADEY & WATSON, Surveying & Engineering, P.C.**

Address **3063 Route 9**

Cold Spring, NY 10516 Tel. **(845) 265-9217 x14**

N. Y. License No. **48167 (Glennon J. Watson, L.S.)**

b. Engineer (name) _____

Address _____

_____ Tel. _____

N. Y. License No. _____

c. Other (name) _____

Address _____

_____ Tel. _____

N. Y. License, if any _____

E-2. Maps and Plans:

a. Title and Date of Proposed Plat Map: **Subdivision Map to Adjust the line Dividing Lands of CF Diversified Crop. from Lands of OLSPAN, LLC. dated, May 4, 2016**

No. of Sheets: **1**

b. Title and Date of Proposed Profiles and Construction Plans: _____

No. of Sheets: _____

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

E-3. Other: Give titles, dates and preparer of reports and documents accompanying application: (such as results of soils test and reports on drainage, sewage disposal and water supply):

E-4. Attorney (if any):

a. (name) _____

Address _____

_____ Tel. _____

Applicant	**OLSPAN LLC**
Project Name	**Lot Line Adjustment for OLSPAN, LLC**
Applicant's Representative	**Badey & Watson Surveying & Engineering P.C.**
Tax Map ID #	**38.03-24.1 & 24.2**
Date	**May 4, 2016**

PHILIPSTOWN PLANNING BOARD
SUBMISSION CHECKLIST
SUBDIVISION APPLICATIONS

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

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

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

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

C. Approved subdivision plats may not be revised

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

Preliminary Sketch Plans

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

Minor Subdivision Plat Applications

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

I. General Submission Requirements

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

II. Title and location information:

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

III. Site conditions and land evaluations:

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

IV. Property Ownership Information

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

V. Development Proposal Information:

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

Adjoiners List
for
OLSPAN, LLC

38.-3-63
Miller, Amanda
43 Armando Rd
Cold Spring, NY 10516

38.-3-61
NEGRIN, VIVIAN
45 Hofstra Dr
Plainview, NY 11803

38.-3-13.1
JORDAN, ALLEN
24 White Rocks Ln
Cold Spring, NY 10516

39.-2-20
COOPER, JOEL
120 Rockwald Rd
Cold Spring, NY 10516

38.-3-10
MCGUIRK, BARBARA A
PO Box 152
Cold Spring, NY 10516

39.-2-19
ELDRIDGE, PAUL
100 Rockwald Rd
Cold Spring, NY 10516

38.-3-25
RUSSO, JOSEPH A
50 Main St Ste 1000
White Plains, NY 10606

38.-3-24.1
OLSPAN LLC
1 East End Ave
New York, NY 10075

38.-3-64
State Road Storage LLC
3504 Rt 9
Cold Spring, NY 10516

38.-3-60
THORPE, TERRANCE J
2753 Rt 9
Cold Spring, NY 10516

38.-3-58
VIVENZIO, ARMANDO
21 Armando Rd
Cold Spring, NY 10516

39.-2-18
CANFIELD, ROBERT E
PO Box 220
Cold Spring, NY 10516

38.-3-16
CALIENDO, KATIE M
339 Rt 301
Cold Spring, NY 10516

38.-3-13.2
DILELLO, FERNANDO
10 White Rocks Ln
Cold Spring, NY 10516

39.-2-21.4
GOREVIC, ROGER
60 Round Hill Rd
Cold Spring, NY 10516

39.-2-21.1 & 21.2
FADDEN, CHRISTOPHER
Attn.: Cyberchron
PO Box 160
Cold Spring, NY 10516

38.-3-9
MCGUIRK, BARBARA A
PO Box 152
Cold Spring, NY 10516

38.-3-23
LOIS REALTY LLC
c/o Joseph F Lois Jr.
300 Corporate Dr Ste 1
Blauvelt, NY 10913

38.-3-59
VILLETTO VAUGHAN
HAMMOND CO.
70 Frazier Rd
Garrison, NY 10524

38.-3-28
VENTURA, RICKY NELSON
1 Lane Gate Rd
Cold Spring, NY 10516

38.-3-8
SHEEHAN, ROBERT W
1220 Park Ave
New York, NY 10128

38.-3-14
KIRSTEIN, CHARLES D
349 Route 301 mmmmmm
Cold Spring, NY 10516

38.-3-27
HARRISON PARK ASSOCIATES
83 Park Ln
West Harrison, NY 10604

39.-2-21.3
FADDEN, CHRISTOPHER
101 Round Hill Rd
Cold Spring, NY 10516

38.-3-24.2
CF DIVERSIFIED CORP
Attn.: Cyberchron Corp
PO BOX 160
Cold Spring, NY 10516

38.-3-66
ANASTASI, FRANK J
2779 Route 9
Cold Spring, NY 10516

38.-3-62
DELANEY, NANCY L
2757 Rt 9
Cold Spring, NY 10516

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
Approval of Subdivision to Adjust the line Dividing the Lands of CF Diversified from Lands of OLSPAN, LLC

Project Location (describe, and attach a location map):
Route 9 Cold Spring, NY 10516

Brief Description of Proposed Action:
Approval of a Lot Line Adjustment Dividing the lands of CF Diversified from Lands of OLSPAN, LLC
Proposed action will not precipitate any physical disturbance to either parcel.

Name of Applicant or Sponsor:	Telephone: 212-517-5252
OLSPAN, LLC	E-Mail: giorgio@olnickspanu.com

Address:
235 East 87th Street 1L

City/PO:	State:	Zip Code:
New York	N.Y.	10128

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Philipstown Planning Board, Putnam County 239 Referral	☐	☑

3.a. Total acreage of the site of the proposed action? 72.909 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 72.909 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☑ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: Existing individual drilled wells	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: Existing private SSTS	☑	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☑ Wetland ☐ Urban ☑ Suburban

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: OLPSAN, LLC Date: May 4, 2016

Signature: Surveyor for Applicant

PRINT FORM

11/96

BK1419PG0181

PUTNAM COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)

RECORD & RETURN TO:
(Name, Address, & Zip)

ROBERT J. FEITELSON, ESQ.
660 WHITE PLAINS ROAD, SUITE 450
TARRYTOWN, NY 10591

TYPE OR PRINT IN BLACK INK ONLY

GRANTOR/MORTGAGOR
CHRISTOPHER FADDEN
and
CF DIVERSIFIED CORP.

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ✓ MORTGAGE ____ SAT ____ ASMT ____ OTHER ____

OF PAGES 3

RECORDING FEES

RCD FEE 9
STAT CHG 5.00
REC MGMT 5.00
CROSS REF
CERT/COPY
TOTAL 19

RESERVE FOR TIME STAMP

98 FEB 13 AM 10: 11
JOSEPH L. PELOSO JR.
PUTNAM COUNTY CLERK

DEED TRANSFER TAX

CONSIDERATION $ 0

RECEIVED
$ 0
REAL ESTATE
TF# 1697
TRANSFER TAX
PUTNAM COUNTY

TP-584 ( ) $5.00
E&A ( ) $25.00

PUTNAM COUNTY CLERK'S OFFICE

RECORDED ON Feb 13, 1998
LIBER 1419 PAGE 181 AND EXAMINED.

JOSEPH L. PELOSO, JR.
PUTNAM COUNTY CLERK

MORTGAGE TAX

MTX AMOUNT
TOTAL TAX
SERIAL NUMBER

AFFIDAVIT FILED ( )

1362

MORTGAGE/DEED TAX DISTRICTS:
TOWN OF CARMEL
TOWN OF KENT
TOWN OF PATTERSON
TOWN OF PHILIPSTOWN
TOWN OF PUTNAM VALLEY
TOWN OF SOUTHEAST
UNAPPORTIONED

MORTGAGE TYPES:
A COMMERCIAL/VACANT LAND
B 1 - 2 FAMILY
C UNDER $10,000
D CREDIT UNION/PERSONAL MTG
E 3 - 6 UNITS
N EXEMPT

WCB2

Standard N. Y. B. T. U. Form 8002 - -Bargain and Sale Deed, with Covenant against Grantor's Acts--Individual or Corporation (single sheet)

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

BK 1419 PG 0182

THIS INDENTURE, made the 13TH day of February, nineteen hundred and ninety-eight

BETWEEN CF DIVERSIFIED CORP., a New York corporation with offices at the Cyperchron Building, Route 9, Cold Spring, New York 10516 and CHRISTOPHER FADDEN, residing at Indian Brook Road, Garrison, New York 10524

party of the first part, and

CF DIVERSIFIED CORP., a New York corporation with offices at the Cyberchron Building, Route 9, Cold Spring, New York 10516

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Philipstown, County of Putnam, State of New York that is known and designated as Parcel "A" on that certain "Phase One Subdivision Plat prepared for CF Diversified Corp./Fadden", which was filed in the Putnam County Clerks Office on the 20th day of May 1997, Map Number 2714.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

CF DIVERSIFIED CORP.

By: Ch Fadden /Pr.
CHRISTOPHER FADDEN, PRES.

Ch Fadden
CHRISTOPHER FADDEN, INDIVIDUALLY

Dennis J Sant, County Clerk
Putnam County Office Building
40 Gleneida Avenue, Room 100
Carmel, New York 10512

ACS-00000000336938-000000000696988-004

Endorsement Page

Document # 1501020 Drawer # 02 Recorded Date: 05/30/2014
Document Type: DEED COM OR VACANT Book 1951 Page 130 Recorded Time: 11:26:30 AM
Document Page Count: 4 Receipt # 8481

PRESENTER:
GRANITE TITLE
155 NORTH MAIN STREET
GR-29669R
NEW CITY, NY 10956

RETURN TO:
GRANITE TITLE
155 NORTH MAIN STREET
GR-29669R
NEW CITY, NY 10956

PARTIES

GRANTOR
CF DIVERSIFIED CORP

GRANTEE
OLSPAN LLC

FEE DETAILS

Consideration: $1,250,000.00
1501020

DEED COM OR VACANT	4	40.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RP-5217 COMMERCIAL		250.00
RECORD MANAGEMENT		5.00
TRANSFER TAX		5,000.00
AMOUNT FOR THIS DOCUMENT:		5,315.00

RETT # 000001648

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315 REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Dennis J Sant

DENNIS J. SANT
PUTNAM COUNTY CLERK

①

NY 005 - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYBTU 8002)

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

THIS INDENTURE, made the 22nd day of May, in the year 2014
BETWEEN

CF DIVERSIFIED CORP., 2700 Route 9, P.O. Box 160, Cold Spring, New York 10516, by Christopher Fadden, Secretary, pursuant to Resolution of Board of Directors of CF Diversified Corp. Authorizing Sale of Real Estate, dated May 15, 2014,

a New York corporation

T.T
$5000.-

party of the first part, and

OLSPAN LLC, 1 East End Avenue, New York, New York 10075,

a New York limited liability company

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of Philipstown, County of Putnam and State of New York, that is more particularly bounded and described in the annexed Schedule A.

Tax Map Designation

Dist

Sec. 38

Blk 3

Lot(s) 24.2

Being and intended to be a portion of the premises conveyed to the party of the first part by a deed from CF Diversified and Christopher Fadden dated February 13, 1998 and recorded February 13, 1998 in Liber 1419 page 181.

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

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Christopher Fadden

CF Diversified Corp. by Christopher Fadden

NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.

Title No.: GR2013-29669R

SCHEDULE A

Parcel I

ALL that certain plot, piece and parcel of land situate, lying and being in the Town of Philipstown, County of Putnam and State of New York that is shown and designated as Parcel A-2 on a subdivision map titled "Final Subdivision Plat Showing the Further Subdivision of Parcel A" prepared by Glennon J. Watson, LS, Badey and Watson Surveying & Engineering, P.C. dated April 30, 2013 and filed in the Office of the Putnam County Clerk on November 4, 2013 as Map No. 2714A.

TOGETHER with an unrestricted and unconditional easement for vehicular and pedestrian access over Parcel II and Road Hill Road, also known as Vineyard Road, a private road owned by the grantors and subject to the Road Maintenance Agreement, dated May 22 2014.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

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

On the 22 day of May in the year 2015 before me, the undersigned, personally appeared Christopher Jackson President, CF Diversified Corp. personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

WILLIAM J. FLORENCE, JR
Notary Public, State of New York
No. 30-1256235
Qualified in Westchester County
Commission Expires Dec 30, 2014

Notary Public

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:
(New York Subscribing Witness Acknowledgment Certificate)

State of New York, County of } ss.:

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

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

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

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of } ss.:

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

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

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

..... } ss.:
(Complete Venue with State, Country, Province or Monk (public)

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

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

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

BARGAIN & SALE DEED
WITH COVENANTS AGAINST GRANTOR'S ACTS
TITLE NO. GR2013-29669R

CF DIVERSIFIED CORP.

TO

OLSPAN LLC

DISTRICT
SECTION 38
BLOCK 3
LOT 24.2
COUNTY OR TOWN of Philipstown

RECORDED AT REQUEST OF
National Granite Title Insurance Agency, Inc.
RETURN BY MAIL TO

Steven M. Silverstein, Esq.
Schwartz and Silverstein, LLP
254 South Main Street
New City, New York 10956

National Granite Title Insurance Agency, Inc.
155 North Main Street
New City, New York 10956
Tel. 845-639-1415
Fax 845-639-1239

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

INSTRUCTIONS(RP-5217-PDF-INS) www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SWIS Code 3,7,2,6,8,9

C2. Date Deed Recorded 5 / 30 / 14 (Month Day Year)

C3. Book 1,9,5,1, C4 Page 1,3,0,

New York State Department of **Taxation and Finance**

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location: 2700 (* STREET NUMBER) Route 9 (* STREET NAME)
   Philipstown (* CITY OR TOWN) (VILLAGE) 10516 (* ZIP CODE)

2. Buyer Name: OLSPAN LLC (* LAST NAME/COMPANY) (FIRST NAME)
   (LAST NAME/COMPANY) (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form) (LAST NAME/COMPANY) (FIRST NAME)
   (STREET NUMBER AND NAME) (CITY OR TOWN) (STATE) (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR ☐ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:
- 4A. Planning Board with Subdivision Authority Exists ☐
- 4B. Subdivision Approval was Required for Transfer ☐
- 4C. Parcel Approved for Subdivision with Map Provided ☐

5. Deed Property Size: _____ X _____ (* FRONT FEET) (* DEPTH) OR 5.00 (* ACRES)

6. Seller Name: CF DIVERSIFIED CORP. (* LAST NAME/COMPANY) (FIRST NAME)
   (LAST NAME/COMPANY) (FIRST NAME)

*7. Select the description which most accurately describes the use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:
- 8. Ownership Type is Condominium ☐
- 9. New Construction on a Vacant Land ☐
- 10A. Property Located within an Agricultural District ☐
- 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

SALE INFORMATION

11. Sale Contract Date: 09/11/2013

*12. Date of Sale/Transfer: 05/22/2014

*13. Full Sale Price: 1,250,000.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) *Please round to the nearest whole dollar amount*

14. Indicate the value of personal property included in the sale: 0.00

15. Check one or more of these conditions as applicable to transfer:
- ☐ A. Sale Between Relatives or Former Relatives
- ☐ B. Sale between Related Companies or Partners in Business
- ☐ C. One of the Buyers is also a Seller
- ☐ D. Buyer or Seller is Government Agency or Lending Institution
- ☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
- ☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
- ☐ G. Significant Change in Property Between Taxable Status and Sale Dates
- ☐ H. Sale of Business is Included in Sale Price
- ☐ I. Other Unusual Factors Affecting Sale Price (Specify Below)
- ☑ J. None

Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY): 14

*17. Total Assessed Value: 318,900

*18. Property Class: 710

*19. School District Name: Haldane Central

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s)):

38.-3-24.2

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

SELLER SIGNATURE — DATE 5-22-14

BUYER SIGNATURE

BUYER SIGNATURE — DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

* LAST NAME — FIRST NAME

* AREA CODE — * TELEPHONE NUMBER (Ex: 999999)

* STREET NUMBER — * STREET NAME

* CITY OR TOWN — * STATE — * ZIP CODE

BUYER'S ATTORNEY

Silverstein — Steven
LAST NAME — FIRST NAME

(845) — .638-9400
AREA CODE — TELEPHONE NUMBER (Ex: 999999)

BUYER:

OLSPAN LLC, a New York limited liability company

By: _____
Giorgio Spanu, President

Dennis J Sant, County Clerk
Putnam County Office Building
40 Glenside Avenue, Room 100
Carmel, New York 10512

ACS-000000000336938-000000000696987-004

Endorsement Page

Document # 1501019 Drawer # 02 Recorded Date: 05/30/2014
Document Type:DEED COM OR VACANT Book 1951 Page 126 Recorded Time: 11:26:30 AM
Document Page Count: 4 Receipt # 8481

PRESENTER:
GRANITE TITLE
155 NORTH MAIN STREET
GR-29669R
NEW CITY,NY 10956

RETURN TO:
GRANITE TITLE
155 NORTH MAIN STREET
GR-29669R
NEW CITY,NY 10956

PARTIES

GRANTOR
CF DIVERSIFIED CORP

GRANTEE
OLSPAN LLC

FEE DETAILS

1501019

DEED COM OR VACANT	4	40.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RP-5217 COMMERCIAL		250.00
RECORD MANAGEMENT		5.00
AMOUNT FOR THIS DOCUMENT:		315.00

RETT # 000001647

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315 REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Dennis J Sant

DENNIS J. SANT
PUTNAM COUNTY CLERK

(2)

NY 005 - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYBTU 8002)

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

THIS INDENTURE, made the 22 day of May, in the year 2014

BETWEEN

CF DIVERSIFIED CORP., 2700 Route 9, P.O. Box 160, Cold Spring, New York 10516, by Christopher Fadden, Secretary, pursuant to Resolution of Board of Directors of CF Diversified Corp. Authorizing Sale of Real Estate, dated May 15 2014,

a New York Corporation

party of the first part, and

OLSPAN LLC, 1 East End Avenue, New York, New York 10075,

a New York limited liability company

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of Philipstown, County of Putnam and State of New York, that is more particularly bounded and described in the annexed Schedule A.

Tax Map Designation

Dist

Sec. 38

Blk. 3

Lot(s) 24.1

BEING AND INTENDED to be a portion of the premises conveyed to the party of the first part by a deed from CF Diversified and Christopher Fadden dated February 13, 1998 and recorded February 13, 1998 in Liber 1419 page 181.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

CF Diversified Corp. by Christopher Fadden

NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.

Title No.: GR2013-29669R

SCHEDULE A

Parcel II

ALL that certain plot, piece and parcel of land situate, lying and being in the Town of Philipstown, County of Putnam and State of New York that is shown and designated as a portion of Parcel A-1 on a subdivision map titled "Final Subdivision Plat Showing the Further Subdivision of Parcel A" prepared by Glennon J. Watson, LS, Badey and Watson Surveying & Engineering, P.C. dated April 30, 2013 and filed in the Office of the Putnam County Clerk on November 4, 2013 as Map No. 2714A and more particularly bounded and described as the following:

BEGINNING at the Southeast corner of Parcel A-2 on the aforementioned subdivision map and running the following three courses and distances:

(1) North 86 degrees 05 minutes 25 seconds East, 32.98 feet;
(2) North 83 degrees 59 minutes 59 seconds East, 41.33 feet;
(3) North 85 degrees 34 minutes 06 seconds East, 25.79 feet to a point on the westerly side of Round Hill Road;

THENCE along the westerly side of Round Hill Road North 02 degrees 30 minutes 00 seconds East 166.91 feet;

THENCE continuing along the westerly side of Round Hill Road on a curve to the right having a radius of 330.00 feet a distance of 41.62 feet;

THENCE North 85 degrees 16 minutes 25 seconds West a distance of 103.44 feet to a pin set in the westerly line of Parcel A-2;

THENCE along the westerly line of Parcel A-2, South 2 degrees 30 minutes 00 seconds 386.54 feet to the point or place of BEGINNING.

TOGETHER with an unrestricted and unconditional easement for vehicular and pedestrian access over Round Hill Road, also known as Vineyard Road, a private road owned by the grantors, but SUBJECT to the access easement granted to the owner of Parcel I which said easement shall continue to remain even if Parcel I and Parcel II shall have different owners and subject to the Road Maintenance Agreement, dated May 22 2014.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

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

On the 22 day of May in the year 2014 before me, the undersigned, personally appeared Christopher Paladino, President CF Diversified Corp. personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

WILLIAM J. FLORENCE, JR
Notary Public, State of New York
No. 60-1256235
Qualified in Westchester County
Commission Expires Oct 30, 2017

Notary Public

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:
(New York Subscribing Witness Acknowledgment Certificate)

State of New York, County of } ss.:

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

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

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

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of } ss.:

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

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

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

..... } ss.:
(Complete Venue with State, Country, Province or Municipality)

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

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

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

BARGAIN & SALE DEED
WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE NO GR2013-29669R

CF DIVERSIFIED CORP.

TO

OLSPAN LLC

DISTRICT
SECTION 38
BLOCK 3
LOT 24.1
COUNTY OR TOWN of Philipstown

pto

RECORDED AT REQUEST OF
National Granite Title Insurance Agency, Inc.
RETURN BY MAIL TO

Steven M. Silverstein, Esq.
Schwartz and Silverstein, LLP
254 South Main Street
New City, New York 10956

National Granite Title Insurance Agency, Inc.
155 North Main Street
New City, New York 10956
Tel. 845-639-1415
Fax 845-639-1239

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

INSTRUCTIONS(RP-5217-PDF-INS). www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SWIS Code 372689

C2. Date Deed Recorded 5 / 30 / 14 (Month Day Year)

C3. Book 1951 C4. Page 126

New York State Department of **Taxation and Finance**

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location: 2700 (* STREET NUMBER) Route 9 (* STREET NAME)
   Philipstown (* CITY OR TOWN) (VILLAGE) 10516 (* ZIP CODE)

2. Buyer Name: OLSPAN LLC (* LAST NAME/COMPANY) (FIRST NAME)
   (LAST NAME/COMPANY) (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form) (LAST NAME/COMPANY) (FIRST NAME)
   (STREET NUMBER AND NAME) (CITY OR TOWN) (STATE) (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR ☒ Part of a Parcel

(Only if Part of a Parcel) Check as they apply.
- 4A. Planning Board with Subdivision Authority Exists ☐
- 4B. Subdivision Approval was Required for Transfer ☐
- 4C. Parcel Approved for Subdivision with Map Provided ☐

5. Deed Property Size: ____ (* FRONT FEET) X ____ (* DEPTH) OR 0.50 (* ACRES)

6. Seller Name: CF DIVERSIFIED CORP. (* LAST NAME/COMPANY) (FIRST NAME)
   (LAST NAME/COMPANY) (FIRST NAME)

*7. Select the description which most accurately describes the use of the property at the time of sale:
D. Non-Residential Vacant Land

Check the boxes below as they apply:
- 8. Ownership Type is Condominium ☐
- 9. New Construction on a Vacant Land ☐
- 10A. Property Located within an Agricultural District ☐
- 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

SALE INFORMATION

11. Sale Contract Date: 09/11/2013

*12. Date of Sale/Transfer: 05/22/2014

*13. Full Sale Price: 1.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations) *Please round to the nearest whole dollar amount.*

14. Indicate the value of personal property included in the sale: 0.00

15. Check one or more of these conditions as applicable to transfer:
- ☐ A. Sale Between Relatives or Former Relatives
- ☐ B. Sale between Related Companies or Partners in Business
- ☐ C. One of the Buyers is also a Seller
- ☐ D. Buyer or Seller is Government Agency or Lending Institution
- ☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
- ☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
- ☐ G. Significant Change in Property Between Taxable Status and Sale Dates
- ☐ H. Sale of Business is Included in Sale Price
- ☐ I. Other Unusual Factors Affecting Sale Price (Specify Below)
- ☒ J. None

Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY): 14

*17. Total Assessed Value: 602,300

*18. Property Class: 710

*19. School District Name: Haldane Central

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
38.-3-24.2

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

Christopher Jordal 5-22-14
SELLER SIGNATURE DATE

BUYER SIGNATURE

BUYER SIGNATURE DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC,society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

(* LAST NAME) (FIRST NAME)

(* AREA CODE) (* TELEPHONE NUMBER (Ex: 9999999))

(* STREET NUMBER) (* STREET NAME)

(* CITY OR TOWN) (* STATE) (* ZIP CODE)

BUYER'S ATTORNEY

Silverstein (LAST NAME) Steven (FIRST NAME)

(845) (AREA CODE) 638-9400 (TELEPHONE NUMBER (Ex: 9999999))

BUYER:

OLSPAN LLC, a New York limited liability company

By: _____
Giorgio Spanu, President

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

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

Memo

To: Dottie

From: Kevin Donohue, Code Enforcement Officer

Date: 4/25/2016

Re: Lee Kristoferson, 93 Old Albany Post Road North 7,-1-2

The referenced Planning Board Site Plan resolution was signed by the Planning Board Chairman on August 24, 1989. A Certificate of Occupancy was issued on November 17, 1995 deeming the project in compliance with the Code of the Town of Philipstown. Any outstanding escrow may be returned.

4/25/16
To Linda for
PB May Agenda

5,000
Performance bond

received
4-25-16 N

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

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

Memo

To: Dottie

From: Kevin Donohue, Code Enforcement Officer

Date: 4/25/2016

Re: Synergy Gas Site Plan, (Now Cornerstone Propane) 3247 Route 9 27.8-1-2

The above referenced Planning Board Site Plan Approval was completed and a Certificate of Occupancy was issued on October 2, 1989 deeming the project in compliance with the Code of the Town of Philipstown. Any outstanding escrow may be returned.

4/25/16
To Linda for
PB agenda May

5000.00
Performance bond

received
4-25-16