Town of Philipstown Planning Board

Meeting Agenda
Butterfield Library, Cold Spring, New York 10516
June 18, 2015
7:30 PM

Revised 6/15/15

Pledge of Allegiance
Roll Call
Approval of Minutes: April 16, 2015 and May 21, 2015

Scanga Realty Lot 4 – Amended site plan approval – Lady Blue Devils Lane, Cold Spring, NY: Request for 6-month extension

OWPP LLC (Grasso) – Application for 2-lot subdivision and special use permit under Section 175-36B(7) – 410 Old West Point Road, Garrison, NY: Submission of revised materials

VISTA44 LLC (dba Garrison Café) – Application for major site plan – 1135 Route 9D, Garrison, NY: New submission

Local Law to amend Town Code Chapter 89 "Filming" by changing the title of the Chapter to "Filming, Events and Mass Gatherings" and amending the provisions of the Chapter to provide for regulation of Events and Mass Gatherings

Local Law to amend Town Code Chapter 172 by amending Town Code Section 17-5 "existing wood-fired furnaces" to impose time of operation restrictions on pre-existing wood-fired furnaces to the Philipstown Planning Board and the Putnam County Division of Planning for review and comment: Memo dated May 28, 2015 from Tina M. Merando to Andy Merante and members of the Planning Board

Adjourn

Anthony Merante, Chairman

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

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RECEIVED 6/5/15

Subject: Scanga Realty Lot 4

From: Lawrence J. Paggi, PE, PC (ljpaggi@optonline.net)

To: amgal720@yahoo.com; agallagher@philipstown.com;

Date: Wednesday, June 3, 2015 9:56 AM

Agenda

Hi Ann –

We're hoping that we could be placed on the Planning Board's June agenda for the Board to consider granting an additional 6-month extension for the Amended Site Plan approval. Mr. Scanga is still working on the building plans so he can obtain a building permit from Kevin.

Also, should we just be using the agallagher@philipstown.com email address?

Thank you,

Jamie McNiff

LAWRENCE J. PAGGI, PE, PC

43 Broad Street

Fishkill, NY 12524

ph 845-897-2375 fax 845-897-2239

ljpaggi@optonline.net

BADEY & WATSON
Surveying & Engineering, P.C.

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

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

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

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

June 4, 2015

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

RE: **Vista44 LLC DBA Garrison Café- Major Site Plan Application**

Dear Mr. Merante:

We are submitting a Site Plan application for the above captioned applicant.
The application is for the conversion of a 3 bedroom apartment to restaurant use (Wine Bar) and general overall site plan approval with respect to parking.

In addition we anticipate the following waivers as mentioned in the Site Plan application:

A) Erosion Control- Minimal site disturbance proposed.
B) Existing Topography- Site is generally level and no grade changes are proposed.
C) Local Wetlands- No significant work within 100 ft.
D) Trees- No site work proposed, therefore no trees affected.
E) Landscape, planting and grading plan- no applicable areas to plant along 9D frontage.

Thank you for your consideration in the matter and look forward to being put on the June 18th Planning Board agenda.

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

John P. Delano, P.E.

by
John P. Delano, P.E.

JPD/mew

Town of Philipstown

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

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

Application for Planning Board
Special Use & Site Plan Approval

Date: June 4, 2015 **TM#** 60.18-1-15 & 16

Project Name: Vista44 LLC DBA Garrison Cafe -Major Site Plan Approval

Street Address: P.O. Box 17 1135 Route 9D, Garrison, NY 10524

Fee Amount: _____ **Received:** _____

Bond Amount: _____ **Received:** _____

Applicant:

Name Vista44 LLC DBA Garrison Cafe

Address P.O. Box 17 1135 Route 9D

Garrison, NY 10524

Telephone 917-670-5091

Tenant:

Name Same as Applicant

Address _____

_____

Telephone _____

Design Professional:

Name Badey & Watson Surveying & Eng. P.C.

Address 3063 Route 9

Cold Spring, NY 10516

Telephone 845-265-9217

Surveyor:

Name Same as Design Professional

Address _____

_____

Telephone _____

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

Name Manjit Kaur Raju

Address 1135 Route 9D

Garrison, NY 10524

Telephone 845-661-6990

Name _____

Address _____

_____

Telephone _____

TM# 60.18-1-15 & 16

Project Name: Vista44 LLC DBA Garrison Cafe-Major Site Plan Approval

Project Description: Commercial building, for a change of use. Existing commercial building with a single family residence, to change to all commercial space.

ZONING INFORMATION

175-7 Zoning District: HM & HR

175-10 Proposed Use: Commercial and single family residence

Proposed Accessory Use(s): None

175-7 Overlay Districts on the property:	Yes or No
175-13 Floodplain Overlay District – NFIP Map ---------- (FPO)	No
175-18.1 Mobile Home Overlay District ---------- (MHO)	No
175-14 Cold Spring Reservoir Water Shed Overlay ---------- (WSO)	No
175-15 Scenic Protection Overlay ---------- (SPO)	No
175-16 Aquifer Overlay District ---------- (AQO)	Yes
175-18 Open Space Conservation Overlay District ---------- (OSO)	No
175-35 Within 100 foot buffer of Wetlands or Watercourse ----------	Yes
175-36 Steep Terrain ----------	No
175-36 Ridge Line Protection ----------	No
175-37Protection Agricultural----------	No

TM# 60.18-1-15 & 16

Project Name: Vista44 LLC DBA Garrison Cafe-Major Site Plan Approval

175-11 Density and Dimensional Regulations

Zoning District HM	**Required**	**Existing**	**Proposed**	**Complies**	**Variance**
Minimum front yard setback					
Measured from the travel way Town Road	25 ft.	n/a			
Measured from the travel way County/State	30 ft.	65.0 ft.	65.0 ft.	Yes	No
Minimum side yard setback	10 ft.	14.4 ft.	14.4 ft.	Yes	No
Minimum side yard setback (2)	10 ft.	151.8 ft.	151.8 ft	Yes	No
Minimum side yard setback (3)	10 ft.	n/a			
Minimum rear yard setback	15 ft.	n/a	n/a	n/a	n/a
Maximum impervious surface coverage	50 %	34%	34%	Yes	No
Maximum height	40 ft.	<40 ft.	<40 ft.	Yes	No
Maximum footprint non-residential structures	10,000 ft.	2,523 sf.	4,236 sf.	Yes	No

SUBMISSION:

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

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

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

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

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

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

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

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

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

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

§175-66 PROCEDURE FOR MAJOR PROJECT SITE PLAN APPROVAL

A. Applicability
This §175-66 applies to Major Project Site Plan approval applications where no Special Permit is required. See §175-67 for Minor Project Site Plan applications.

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

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

1. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
2. An agricultural data statement as defined in §175-74, if required by §175-37C.
3. The Site Plan application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.

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

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

F. Public Hearing and Decision

1. The Planning Board shall hold a public hearing on the Site Plan and shall follow the provisions on notice, agricultural data statements, county review, Conservation Board review, and time limits for Special Permits in §§175-62E through G.

2. Criteria for decisions on Site Plans shall be limited to those listed in §175-65D. In granting Site Plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this Chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §175-20, specifying location, character, and number of vehicle access points, requiring landscaping and/or screening, requiring clustering of

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

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

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

§175-65 SITE PLAN REVIEW AND APPROVAL

A. Applicability

1. Site Plan approval by the Planning Board shall be required for all permitted uses listed on the Use Table as requiring Site Plan approval only. Site Plan review shall be included as an integral part of the Special Permit approval process and no separate Site Plan approval shall be required for uses requiring a Special Permit.

2. The procedures for review of Site Plans for Major and Minor Projects (as defined in Article XII) are described in §§175-66 and 175-67. Agricultural structures with a footprint of over 15,000 square feet shall require Minor Project site plan approval. Agricultural structures with a footprint of 10,000 square feet or less are exempt from site plan approval requirements.

3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Land Development Law (Chapter 112 of the Town Code) as well as the provisions of this Chapter.

B. Required Information for Site Plan

An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Minor Project Site Plans shall contain the information required by §175-67C and other information listed below if the Planning Board deems such information necessary to conduct an informed review. Major Project Site Plans shall be prepared by a licensed professional engineer, architect, surveyor, or landscape architect, and shall include the following (unless waived):

SITE PLAN CHECK LIST

__x__ 1. A location map drawn at the scale of 2,000 feet to the inch or larger (or other convenient scale acceptable to the Planning Board) that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. A vicinity map shall also be submitted that shows all properties, subdivisions, streets, and easements within 500 feet of the property. Such maps may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.

__x__ 2. An existing conditions map, showing existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.

__x__ 3. A Site Plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the Site Plan and continuation sheets.

_____ 4. Name of the project, boundaries, date, north arrow, and scale of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, and/or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner.

__x__ 5. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.

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

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

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

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

- __x__ a. Sewage or septic system;
- __x__ b. Water supply system;
- _____ c. Telephone, cable, and electrical systems; and
- _____ d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

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

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

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

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

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

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

- _____ a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;
- _____ b. Estimated maximum number of current and future employees;
- _____ c. Maximum seating capacity, where applicable; and
- _____ d. Number of parking spaces existing and required for the intended use.

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

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

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

__x__ 19. Part One of a long-form Environmental Assessment Form or Draft Environmental Impact Statement.

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

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

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

a) _____

_____

b) _____

_____

c) _____

_____

C. Waivers

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

a) Erosion Control- Minimal site disturbance proposed.

b) Existing Topography- Site is generally level and no grade changes are proposed.

c) Local wetlands- no significant work within 100 feet.

d) Trees- No site work proposed, therefore no trees affected.

e) Landscape, Planting and Grading Plan- There are no applicable areas to plant along 9D frontage.

D. Criteria

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

1. Layout and Design

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

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

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

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

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

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

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

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

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

__x__ j. Metal buildings that are principal buildings (larger than a small storage building in an unobtrusive location) shall be of color consistent with earth tones; shall have sufficient fenestration and trim to break continuums of metal wall areas; and shall have brick, stone, wood trim or composite materials providing a similar appearance, and features combined with the basic metal enclosure. A complete package of elevations shall accompany any proposal for a metal building.

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Parking, Circulation, and Loading

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

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

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

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

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

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

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

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

__n/a__ 4. Reservation of Parkland
For any Site Plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law, §274-a(6).

5. Outside Storage

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

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

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

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

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

6. Miscellaneous Standards

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

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

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

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

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

x f. Lighting shall comply with the standards in §175-40L.

§175-68 Implementation, Revision, and Enforcement of Approved Site Plans

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

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

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

B. Performance Guarantee

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

C. As-Built Plans and Inspection of Improvements

No Certificate of Occupancy shall be granted until the applicant has filed a set of as-built plans with the Zoning Administrative Officer, indicating any deviations from the approved Site Plan. The Zoning Administrative Officer shall be responsible for ensuring compliance with the site plan approval and for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a Certificate of Occupancy upon a finding that the project as built complies in all material respects with the Site Plan. The Zoning Administrative Officer shall also have the authority to inspect soil mines for compliance with conditions authorized by §175-17.2D throughout the life of the mine. Costs of any required inspections may be charged to the applicant as provided in section §71-3 of the Town Code.

APPENDIX A1 AFFIDAVIT OF OWNERSHIP (Individual or Partnership)

State of New York)
ss.
County of Putnam)

Manjit Kaur Raju, being duly sworn, deposes and says that she resides at 1135 Route 9D Garrison NY in the County of Putnam, State of New York and that she the owner of Property 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 Numbers 15 & 16 Block 1 on Map 60.18 and that said individual acquired title to the said premises by deed from Baldev Singh Raju & Manjit Kaur Raju dated December 1, 1993 and recorded in the Office of the Clerk of the County of Putnam on January 7, 1994 in Liber 1226 of Conveyance at Page 339 and that consents is hereby given to Matthew McMahon to make annexed application for approval of the map (or project) entitled Site Plan prepared for Matthew McMahon 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) Manjit K. Raju

Sworn to before me this

3rd day of June 20 15

Rebecca W. Linda

Notary Public

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

ADJOINERS LIST
for
MCMAHON
60.18-1-15 & 16

60.18-1-55
WILL, TONI LYNN
PO Box 44
Garrison, NY 10524

60.18-1-6
TRUSTEES ST JOSEPH
24 Fair St
Cold Spring, NY 10516

60.18-1-31
EGAN, JOHN F
24 Grassi Ln
Garrison, NY 10524

60.18-1- 35 & 36
RAJU, BALDLEV S
PO Box 48
Garrison, NY 10516

60.18-1-12
CONS UNION FREE SCHOOL
PO Box 193
Garrison, NY 10524

60.18-1-9
RYAN, AMY JEAN
11 Lewis Ln
Garrison, NY 10524

60.18-1-8
OGORZALY, ELLEN
7 Lewis Ln
Garrison, NY 10524

60.17-1-23.1
51 UPPER STATION RD CORP
51 Upper Station Rd
Garrison, NY 10524

60.18-1-41
OPEN SPACE CONSERVANCY
1350 Broadway Rm 201
New York, NY 10018

60.18-1-43
NEILL, BENJAMIN
1140 Rt 9D
Garrison, NY 10516

60.18-1- 13 &14
WARDENS & VESTRYMEN OF
ST PHILIPS CHURCH
PO Box 158
Garrison, NY 10524

60.18-1-44
CUYLER, JOLENE E
1136 Rt 9D
Garrison, NY 10524

60.18-1-47
WHITE, RUSSELL A
PO Box 85
Garrison, NY 10524

60.18-1-48
HARRIS, MELISSA
22 Nelson Ln
Garrison, NY 10524

60.18-1-3
GARRISON VOLUNTEER FIRE
CO.
Upper Station Rd
Garrison, NY 10524

60.18-1-58
BELK, MARCUS TYRONE
6 Beckwith Ln
Garrison, NY 10524

60.18-1-4.1
SCHWEPPE, HENRY N III
54 Upper Station Rd
Garrison, NY 10524

60.18-1-4.2
SEEKIRCHER, JOHN
50 Upper Station Rd
Garrison, NY 10524

60.18-1-42
MANDY, JESSICA
1146 Rt 9D
Garrison, NY 10524

60.18-1-40
AGOSTA, MICHAEL
21 Oak Rd
Garrison, NY 10524

60.18-1-11
WARSHAW, SARAH
21 Lewis Ln
Garrison, NY 10524

60.18-1-45
1130 ROUTE 9D LLC
c/o LAWRENCE DOWNEY
108 Hudson Pointe Dr
Poughkeepsie, NY 12601

60.18-1-10
MAY, ROBERT D
15 Lewis Ln
Garrison, NY 10524

60.18-1-5
THURSTON, RICK
66 Upper Station Rd
Garrison, NY 10524

60.17-1-23.2
SHAW, PATRICIA
51 Upper Station Rd
Garrison, NY 10524

60.18-1-7
DUNCAN, JEAN
3 Lewis Ln
Garrison, NY 10524

60.18-1-2
SAWYER, REID L
77 Upper Station Rd
Garrison, NY 10524

71.6-1-5
WILL, G RANDALL
PO Box 44
Garrison, NY 10524

71.6-1-4
YANNITELLI, ANTHONY
39 Garrison Lndg
Garrison, NY 10524

60.18-1-29
SANDERSON, ALISTER
32 Grassi Ln
Garrison, NY 10524

60.18-1-33
GOLDSMITH, MATTHEW C
PO Box 39
Garrison, NY 10524

60.18-1-26
GROCOTT, JEFFREY
23 Grassi Ln
Garrison, NY 10524

60.18-1-22
SCHAEFER, WALDEMAR JR
PO Box 132
Garrison, NY 10524

60.18-1-1
REYDEL, KATHRYN M
PO Box 364
Garrison, NY 10524

60.-1-2
WILLIAMS MARK A
1344 Lexington Ave
New York, NY 10128-1507

60.18-1-28
TRAVIS, JOHN W
PO Box 22
Garrison, NY 10524

60.18-1-27
MIHALIK, SUSAN J
PO Box 172
Garrison, NY 10524

60.18-1-34
MONI, LLC
PO Box 48
Garrison, NY 10524

60.18-1-46
1122 Route 9D LLC
78 Algonquin Rd
Yonkers, NY 10710

60.14-1-1
FREEMAN, SUSAN C
56 Lake Surprise Rd
Garrison, NY 10524

60.18-1-32
KLEIN, KEVIN
PO Box 204
Garrison, NY 10524

60.18-1-56
GARRISON UNION FREE SCHOOL
PO Box 193
Garrison, NY 10524

60.18-1-25
DUNSTAN, FRED W
PO Box 8
Garrison, NY 10524

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

TYPE OR PRINT IN BLACK INK ONLY

~~GRANTOR/MORTGAGOR~~
BALDEV SINGH RAJU +
MANJIT KAUR RAJU
TO
MANJIT KAUR RAJU
~~GRANTEE/MORTGAGEE~~

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

SAIDEL AND SAIDEL
PO BOX 308, RTE 202
YORKTOWN HTS, NY 10598

DO NOT WRITE BELOW THIS LINE

INSTRUMENT # _____

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

RECORDING FEES # OF PAGES 4

RCD FEE	13.00
STAT CHG	5.00
REC MGMT	5.00
CROSS REF	.00
CERT/COPY	.00
TOTAL	23.00

RESERVE FOR TIME STAMP

PUTNAM COUNTY CLERK'S OFFICE
JAN 7 11 20 AM '94

DEED TRANSFER TAX

CONSIDERATION $ -0-

TOWNSHIP PHILIPSTOWN

RECEIVED
$ -0-
REAL ESTATE
TY# 1264
TRANSFER TAX
PUTNAM COUNTY

PUTNAM COUNTY CLERK'S OFFICE

RECORDED ON January 7, 1994

LIBER 1226 PAGE 343 AND EXAMINED.

Joseph L. Peloso

JOSEPH L. PELOSO, JR.
PUTNAM COUNTY CLERK

MORTGAGE TAX

MTX AMOUNT _____

SERIAL NUMBER _____

TOTAL TAX _____

AFFIDAVIT FILED ( )

MORTGAGE 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
B 1 - 2 FAMILY
C UNDER $10,000
D CREDIT UNION/PERSONAL MTG
E 3 - 6 UNITS
O OPTIONAL
N EXEMPT

00300

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

THIS INDENTURE, made the 1 day of December, nineteen hundred and ninety three

BETWEEN BALDEV RAJU and MANJIT K. RAJU, Husband and Wife, residing at Route 9 D, Garrision, New York

party of the first part, and MANJIT K. RAJU
residing at Route 9 D, Garrison, New York

party of the second part,

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

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

SEE SCHEDULE A ATTACHED

The premises herein are sold subject to restrictions, covenants and easements which run with the land and are binding on the heirs, assigns and successors of the party of the second part recorded in a Deed from Peter J. Ware to James H. Johnston and Susan Johnston recorded in the Putnam County Clerk's Office on 20th day of March, 1984 at Liber 808 of Deeds at page 234. Said premises are further conveyed subject to the following restrictions and covenants which shall run with the land and binding on the heir, assigns and successors of the party of the first part:

A. No buildings of any nature except for one single family residence will be built on the premies herein conveyed;

Being the same premises conveyed to the grantors herein by deed dated December 27, 1989 recorded in the Putnam County Clerk's office on January 8, 1990 in Liber 1081 page 166.

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:

BALDEV RAJU

Manjit Kaur Raju
MANJIT K. RAJU

3290

Standard N.Y.B.T.U. Form 8002. Bargain and Sale Deed, with Covenant Against Grantor's Acts—Individual or Corporation.

SCHEDULE "A"

All that tract or parcel of land situated in the Town of Philipstown, County of Putnam, State of New York, bounded and described as follows:

Beginning at a point on the Westerly line of N.Y.S. Route 9-D, said point being the intersection of the Westerly line of N.Y.S. Route 9-D, with the Southerly line of Lot No. 1, as shown on a filed map entitled "Amended Subdivision Map Property of Frank Grassi", said filed map being filed in the Putnam County Clerks Office on October 13, 1946, as map no. 356, being lands now or formerly Raju (Liber 781, CP-1); thence along the Westerly line of N.Y.S. Route 9-D, South 40-19-01 West 50.01 feet to a point; thence along lands now or formerly St. Philips Church, the following: North 51-02-00 West 274.00 feet, North 59-34-00 West 117.33 feet, North 60-13-00 West 72.97 feet and South 33-30-30 West 301.90 feet to a point; thence continuing along lands now or formerly St.Philips Church and generally along a stone wall, North 55-06-01 West 98.50 feet, North 54-26-00 West 95.00 feet, North 52-21-01 West 52.50 feet and South 41-59-02 West 62.00 feet to an iron pipe found in said stone wall; thence along lands now or formerly Shalala (Liber 782, CP-817), North 54-01-31 West 350.66 feet to a point; thence continuing along lands now or formerly Shalala (Liber 782, CP-817), and along lands now or formerly Klein (Liber 868, CP-82), South 18-14-33 West 318.65 feet to a point; thence continuing along lands now or formerly Klein (Liber 868, CP-82), along lands now or formerly VonBergen (Liber 753, CP-45), lands now or formerly O'Connor (Liber 448, CP-341), and lands now or formerly Duncan (Liber 725, CP-821), South 35-10-43 West 568.73 feet to a point; thence along the Northerly line of Upper Station Road, North 48-40-45 West 18.10 feet to a point; thence along lands now or formerly St. Josephs, lands now or formerly Byrnes (Liber 340, CP-399), and lands now or formerly Stapleton (Liber 769, CP-249), North 35-10-42 East 358.25 feet, North 34-52-39 East 210.35 feet, and North 17-39-50 East 670.23 feet to a point; thence along lands now or formerly Johnston, and along a stone wall, South 60-39-50 East 233.54 feet to a monument found in said stone wall; thence along a filed map entitled "Amended Subdivision Map Property of Frank Grassi", said filed map being filed in the Putnam County Clerks Office on October 13, 1946, as map no. 356, and along lands now or formerly Mihalik (Liber 708, CP-234), lands now or formerly Dunstan (Liber 771, CP-596), lands now or formerly Grassi (Liber 869, CP-347), and generally along a stone wall, South 60-13-00 East 561.50 feet to and South 59-34-00 East 121.34 feet to a point; thence continuing along said filed map no. 356, and along lands now or formerly Raju (Liber 784, CP-1) and lands now or formerly Raju (Liber 781, CP-1), and passing over a monument found on line at 29.96 feet, South 51-02-00 East for a total distance of 278.91 feet to the point or place of beginning. Containing 6.43 acres of land, more or less.

Subject to the existing easements and right of ways of record, if any.

BOOK 1926 PG 346

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss:

On the 1st day of December 1993, before me personally came

BALDEV RAJU

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

Marc L Saidel

MARC L. SAIDEL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 9620275
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 11-30-94

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss:

On the 1 day of December 1993, before me personally came

MANJIT K. RAJU

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

Marc L Saidel

MARC L. SAIDEL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 9620275
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 11-30-94

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No.

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

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

;

that he knows

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

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE NO.

TO

SECTION 42
BLOCK 1
LOT 13.22
COUNTY ~~OF KNOWN~~ of Putnam

Revised
60.18
1
15

Recorded at Request of COMMONWEALTH LAND TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

SAIDEL AND SAIDEL
P. O. Box 308, Route 202
Yorktown Hts., NY 10598

Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
Commonwealth.
Land Title Insurance Company

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

TYPE OR PRINT IN BLACK INK ONLY

~~GRANTOR/MORTGAGOR~~
BALDEV RAJU +
MANJIT K. RAJU
TO
MANJIT K. RAJU
~~GRANTEE/MORTGAGEE~~

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

SAIDEL AND SAIDEL
P.O. BOX 308, RTE 202
YORKTOWN HTS, NY 10598

DO NOT WRITE BELOW THIS LINE

INSTRUMENT # _____

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

RECORDING FEES # OF PAGES 4

RCD FEE	13.00
STAT CHG	5.00
REC MGMT	5.00
CROSS REF	.00
CERT/COPY	.00
TOTAL	23.00

RESERVE FOR TIME STAMP

PUTNAM COUNTY CLERK'S OFFICE
JAN 7 11 20 AM '94

DEED TRANSFER TAX

CONSIDERATION $ -0-

TOWNSHIP ~~PHILIPSTOWN~~

RECEIVED
$ -0-
REAL ESTATE
TT# 1273
TRANSFER TAX
PUTNAM COUNTY

PUTNAM COUNTY CLERK'S OFFICE

RECORDED ON January 7, 1994

LIBER 1226 PAGE 339 AND EXAMINED.

JOSEPH L. PELOSO, JR.
PUTNAM COUNTY CLERK

MORTGAGE TAX

MTX AMOUNT _____

SERIAL NUMBER _____

TOTAL TAX _____

AFFIDAVIT FILED ( )

MORTGAGE 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
B 1 - 2 FAMILY
C UNDER $10,000
D CREDIT UNION/PERSONAL MTG
E 3 - 6 UNITS
O OPTIONAL
N EXEMPT

00299

BOOK 1225 PAGE 340

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

THIS INDENTURE, made the 1st day of December, nineteen hundred and ninety three

BETWEEN BALDEV SINGH RAJU and MANJIT KAUR RAJU, his wife
residing at Route 9 D
Garrison, New York 10524

party of the first part, and

MANJIT KAUR RAJU
residing at Route 9D
Garrison, New York 10524

party of the second part,

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

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

SEE LEGAL DESCRIPTION ANNEXED

Being the same premises conveyed to the grantors herein by deed dated May 6, 1993 recorded in the Putnam County Clerk's Office May 18, 1993 liber 1197 page 258.

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:

BALDEV SINGH RAJU

MANJIT KAUR RAJU

3290

Standard N.Y.B.T.U. Form 8002. Bargain and Sale Deed, with Covenant Against Grantor's Acts—Individual or Corporation.

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Philipstown, County of Putnam and State of New York, being known and designated as Lot Nos. 1, 2, 3, 4, 5, 6, 16, 17, 18 and 19 as shown on a certain map entitled "Amended Subdivision Map, Property of Frank Grassi at Garrison, Philipstown, Putnam County, N.Y.", made by Allan Smith, P.E. and Land Surveyor, dated May 20, 1931 and filed in the Putnam County Clerk's Office on October 13, 1946 as Map No. 356.

Said premises being also bounded and described as follows:

BEGINNING at a point on the northwesterly line of N.Y.S. Rt. 9D (a/k/a Bear Mountain - Beacon Highway), which point marks the division line between Lot No. 3 as shown on said map and lands now or formerly of Johnston on the northeast;

RUNNING THENCE from said point of beginning and along the northwesterly line of N.Y.S. Rt 9D (a/k/a Bear Mountain - Beacon Highway) South 38 deg. 03 min. 00 sec. West 43.70 feet, South 18 deg. 58 min. 35 sec. West 63.90 feet and South 38 deg. 33 min. 00 sec. West 21.26 feet to the division line between Lot Nos. 15 and 16 as shown on said map;

THENCE RUNNING along the same and continuing along the division line between Lot Nos. 19 and 20 as shown on said map, North 51 deg. 02 min. 00 sec. West 248.73 feet to the southeasterly line of Grassi Lane;

THENCE RUNNING along the same, North 38 deg. 58 min 00 sec. East 125.00 feet to the southwesterly line of lands now or formerly of Johnston;

THENCE RUNNING along the same, South 51 deg. 02 min. 00 sec. East 226.03 feet to the northwesterly line of N.Y.S. Rt. 9D (a/k/a Bear Mountain - Beacon Highway) and the point and place of BEGINNING.

TOGETHER WITH the right of ingress and egress, in common with others, over Grassi Lane to and from the nearest public highway.

Subject to:

(a) Mining and Mineral Rights, if any, of the heirs of Philip Philipse, their successors and assigns.

(b) Subject to the following covenant set forth in deed dated 12/8/54 from Michael Grassi to John Bosco and Mary Bosco, recorded 12/30/54 in Liber 455 cp 46:

"The parties of the second part covenant that neither they nor their heirs or assigns, shall at any time hereafter erect, maintain or permit any mechanical business, gas station or garage on the premises herein being conveyed and that this covenant shall run with the land and bind all future owners thereof. This covenant refers to business uses only and permits the grantees, their heirs and assigns to erect and maintain any garage for personal use in connection with the residence."

BOOK 1926 PAGE 342

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss:

On the 1st day of DECEMBER 1993, before me personally came

BALDEV SINGH RAJU

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

Marc Saidel

MARC L. SAIDEL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 9820275
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 11-30-94

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss:

On the 1 day of DECEMBER 1993, before me personally came

MANJIT KAUR RAJU

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

Marc Saidel

MARC L. SAIDEL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 9820275
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 11-30-94

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No.

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

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

;

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

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE NO.

BALDEV SINGH RAJU and MANJIT KAUR RAJU

TO

MANJIT KAUR RAJU

SECTION 60.18 Revised ~~47~~ 60.18
BLOCK 1 ~~10~~
LOT 35 and 36 ~~3~~ 16+19
COUNTY OR TOWN Philipstown, County of Putnam

Recorded at Request of COMMONWEALTH LAND TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

SAIDEL AND SAIDEL
P. O. Box 308, Route 202
Yorktown Hts., NY 10598

Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
Commonwealth.
Land Title Insurance Company

B-3290
RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Baldev & Manjit Kaur Raju
1135 Route 9D
Garrison, NY 10524
845-424-3837

June 1, 2015

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

RE: **Minor Site Plan Application- 1135 Route 9D, Garrison**

Dear Chairman Merante and Honorable Board Members:

As owners of the above mentioned property, I hereby give my permission for Matthew McMahon, as applicant, to go forward with the Site Plan application.

Thank you for your attention in this matter.

Yours truly,

Manjit Raju

Manjit Kaur Raju

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

Name of Action or Project: Site Plan for Vista44 LLC DBA Garrison Cafe		
Project Location (describe, and attach a general location map): West side of Rt. 9D, 700 feet south of Philipsbrook Road		
Brief Description of Proposed Action (include purpose or need): Conversion of 3 bedroom apartment to restaurant use (wine bar), and general overall Site Plan Approval with respect to parking.		
Name of Applicant/Sponsor: Vista44 LLC DBA Garrison Cafe	Telephone: 917-670-5091 E-Mail: MSMcMahon@mcmahonmed.com	
Address: P.O. Box 17 1135 Route 9D		
City/PO: Garrison	State: NY	Zip Code: 10524
Project Contact (if not same as sponsor; give name and title/role): Same as above	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Manjit Kaur Raju	Telephone: 845-424-3837 E-Mail: n/a	
Address: 1135 Route 9D		
City/PO: Garrison	State: NY	Zip Code: 10524

B. Government Approvals

B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☐ Yes ■ No		
b. City, Town or Village Planning Board or Commission ■ Yes ☐ No	Philipstown Planning Board Site Plan	06/04/2015
c. City Council, Town or Village Zoning Board of Appeals ☐ Yes ■ No		
d. Other local agencies ☐ Yes ■ No		
e. County agencies ■ Yes ☐ No	PCDH- Change of Use	Issued 03/11/2015
f. Regional agencies ☐ Yes ■ No		
g. State agencies ☐ Yes ■ No		
h. Federal agencies ☐ Yes ■ No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ■ No

If Yes,

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☐ No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☐ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ■ Yes ☐ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ■ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ■ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ■ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ■ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ■ Yes □ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
HM-Hamlet Mixed Use/HR Hamlet Residential

b. Is the use permitted or allowed by a special or conditional use permit? ■ Yes □ No

c. Is a zoning change requested as part of the proposed action? □ Yes ■ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Garrison Union Free School District

b. What police or other public protection forces serve the project site?
Putnam County Dept. of Health

c. Which fire protection and emergency medical services serve the project site?
Garrison Fire District

d. What parks serve the project site?
Philipstown Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Commerical

b. a. Total acreage of the site of the proposed action? 9.49 acres
b. Total acreage to be physically disturbed? 0.10 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.49 acres

c. Is the proposed action an expansion of an existing project or use? □ Yes ■ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? □ Yes ■ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
_____
ii. Is a cluster/conservation layout proposed? □ Yes □ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? □ Yes ■ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

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

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

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ■ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____ acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐ Yes ☐ No
ix. Summarize site reclamation goals and plan: _____
_____
_____

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

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

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

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

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

i. Total anticipated water usage/demand per day: _____ gallons/day

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

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

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

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

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

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

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

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

d. Will the proposed action generate liquid wastes? ■ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: >1000 gallons/day

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

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

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

- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ■ No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ■ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ■ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

_____

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

If Yes:

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

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

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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

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

_____

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

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

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

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

If Yes:

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

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

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

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

SEE ATTACHED PAGE

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

Vista44 LLC DBA Garrison Café

Hours of Operation

Cafe
Monday-Friday 6:30 am to 8:00 pm
Saturday & Sunday 8:00 am to 8:00 pm
Holidays 8:00 am to 8:00 pm

Wine Bar
Monday-Tuesday- Closed
Wednesday -5:00 pm- 10:00 pm
Thursday- 5:00 pm- 11:00 pm
Friday -5:00 pm- 11:00 pm
Saturday-5:00 pm- 11:00 pm
Sunday-5:00 pm- 10:00 pm

Retail
Monday-Friday 11:00 am - 8:00 pm
Saturday- 10:00 am - 8:00 pm
Sunday - 12:00 pm - 8:00 pm
Holidays- 12:00 pm- 8:00 pm

Hours of Construction
Monday-Saturday 8:00 am- 5:00 pm

operation, or both? ☐ Yes ■ No

If yes:

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

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

Describe:

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

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Downward facing, building mounted lighting in front of buildings.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ■ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ■ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

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

If Yes:

i. Product(s) to be stored

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

iii. Generally describe proposed storage facilities:

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction:
- Operation:

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

- Construction:
- Operation:

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ■ Commercial ■ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.33	0.33	0
• Forested	—	—	—
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.94	1.94	1.94
• Agricultural (includes active orchards, field, greenhouse etc.)	—	—	—
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.04	0.04	0.04
• Wetlands (freshwater or tidal)	—	—	—
• Non-vegetated (bare rock, earth or fill)	—	—	—
• Other Describe: _____	—	—	—

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ■ No

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

Garrison Elementary School

e. Does the project site contain an existing dam? ☐ Yes ■ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ■ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ■ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ■ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

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

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

E.2. Natural Resources On or Near Project Site

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

b. Are there bedrock outcroppings on the project site? ☐ Yes ■ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

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

	60 %
	40 %
	%

d. What is the average depth to the water table on the project site? Average: 3.5 feet

e. Drainage status of project site soils:
- ■ Well Drained: 60 % of site
- ☐ Moderately Well Drained: ___ % of site
- ■ Poorly Drained 40 % of site

f. Approximate proportion of proposed action site with slopes:
- ■ 0-10%: 100 % of site
- ☐ 10-15%: ___ % of site
- ☐ 15% or greater: ___ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ■ No
If Yes, describe: _____

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ■ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Town of Philipstown # 38 Approximate Size 0.04 ac
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ■ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ■ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: N/A

n. Does the project site contain a designated significant natural community? ☐ Yes ■ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ■ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ■ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ■ No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ■ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ■ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ■ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ■ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

... project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ■ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ■ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ■ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within 5 miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ■ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ■ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ■ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Vista44 LLC DBA Garrison Cafe Date 06/04/2015

Signature John P. Delco Title Engineer for Applicant

Town of Philipstown

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

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

175

REQUEST FOR WRITTEN RESPONSE

Applicant:

Name Matthew McMahon

Address P.O. Box 17

Garrison, NY 10524

Telephone 917-670-5091

Property Information:

Name Baldev & Manjit Raju

Address 1135 Route 9D

Garrison, NY 10524

Tax Map # 60.18-1-16

Check (✓) the box that applies and submit to the Code Enforcement Department with Fee.

(X) **Municipal Records Search and Report** - $175 per Tax map parcel number.

The office will review the department records and supply a written response of any known violations, last legal use and supply a copy of any certificates.

( ) **Request for Assignment or Verification of Street Number** - $25 per tax map number.

The office will assign or verify a Street Identification Numbers for a property in writing.

( ) **Request for Inspection or Re-Inspection** (if no permit or to close an expired permit) Fee - $100

The Code Enforcement Officer will perform a requested inspection.

( ) **Bedroom Count Fee** - $25

The Code Enforcement Office will review the department records and supply a written response of the number of bedrooms to exist in a residence.

( ) **Letter of "No Violation Letter" from Zoning Administrator** - $175.00 per property tax map number

The Zoning Administrator will review the department records and supply a written response of any outstanding violations.

FEE: _____ Received: _____

74-123

TOWN OF PHILIPSTOWN
CODE ADMINISTRATOR

238 MAIN STREET
P.O. BOX 155
COLD SPRING, NY 10516

KEVIN DONOHUE, CODE ADMINISTRATOR
(845) (845) 265-3929
(845) 265-5202
(845) 265-2687 fax

Pend to Body & Watson

DATE: 5-20-15

~~FAX NO~~ 917-670-5091

TO: Matthew McMahon
P.O. Box 17
Harrison N.Y. 10524

TAX MAP NO 60.18-1-16

TITLE NO

NAME: Balder & Manjit Rajn

STREET: 1135 Rt 9D

MAINTAINED BY State

VIOLATIONS ON FILE 1484 Covers Store

BP# EXPIRES CO# 3075 COVERS Dry well

BP# EXPIRES CO# 6513 COVERS Addition

BP# EXPIRES CO# 7968 COVERS Sign

BP# EXPIRES CO# 2004: 9133 COVERS Interior renovations to existing Deli

BP# EXPIRES CO# COVERS

COMMENTS:

Note Field inspections are not conducted. Assessor and Building Department records may not reveal all possible violations, i.e. sheds, pools, decks.

TOWN ASSESSOR'S RECORDS INDICATE Deli/Live quarters WAS CONSTRUCTED PRIOR TO TOWN ZONING CODES. NO CO ISSUED.

Mariann Landolfi

MARIANN LANDOLFI, DEPUTY TOWN CLERK

TOWN OF PHILIPSTOWN
238 Main Street, PO Box 155
Cold Spring, NY 10516
(845)265-5202 / (845) 265-2687 fax

CERTIFICATE OF OCCUPANCY

SEC-BLKLOT: 89/60.18-1-16

Permit No : 2004:9133

CO/CC Issue Date: 4/30/2004

CO/CC Number : 2004:9133

OWNER'S NAME: & ADDRESS RAJU MANJIT KAUR
PO BOX 48
GARRISON, NY 10524

Location of project : 1135 RT 9D

WORK DESCRIPTION : Interior renovations to existing deli

A building permit having been issued for the herein described project, all required inspections having been completed, all required documentation having been presented, and the project having been found to be complete and in compliance with all applicable codes, rules, and laws, this certificate is hereby issued.

ISSUED BY :

Tom Monroe 4-10-12
Code Enforcement Officer

NOT VALID UNLESS SIGNED IN INK BY A DULY AUTHORIZED AGENT AND UNDER THE SEAL OF THE TOWN OF PHILIPSTOWN

TOWN OF PHILIPSTOWN
238 Main Street, PO Box 155
Cold Spring, NY 10516
(845)265-5202 / (845) 265-2687 fax

CERTIFICATE OF
____ COMPLIANCE ✓ OCCUPANCY

SEC-BLK-LOT: 89/60.18-1-16

Permit No : 6513

CO/CC Issue Date: 3/9/2004

CO/CC Number : 6513

OWNER'S NAME: RAJU MANJIT KAUR
& ADDRESS P O BOX 48
GARRISON NY 10524

Location of project : 1135 RT 9D

WORK DESCRIPTION : ADDITION

A building permit having been issued for the herein described project, all required inspections having been completed, all required documentation having been presented, and the project having been found to be complete and in compliance with all applicable codes, rules, and laws, this certificate is hereby issued.

ISSUED BY :

Tim Mace

Code Administrator

NOT VALID UNLESS SIGNED IN INK BY A DULY AUTHORIZED AGENT AND UNDER THE SEAL OF THE TOWN OF PHILIPSTOWN

CERTIFICATE OF OCCUPANCY

7968

Philipstown Tax Map # 60.18 Block 1 Lot 16 Fee Paid $ 50.00

(Date)

Located At: ROUTE 9D, GARRISON

Covering: 1 FREE STANDING SIGN; 1 BUILDING SIGN

MATT SHIPMAN (Raju) of 645 OLD ALBANY POST ROAD

having heretofore filed an application for a building permit pursuant to the Zoning Law. Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefore and the undersigned having by inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law, Now, therefore, this Certificate of Occupancy is hereby issued under the seal of the Town of Philipstown this 15TH day of MARCH, 19 2001

Not valid unless signed in ink by a duly authorized agent and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

BY: Robert Emmick

Building Inspector

BUILDING PERMIT

7968E

Philipstown Tax Map 60.18 Block 1 Lot 16

Location of Premises ROUTE 9D, GARRISON

Type of Construction: 1 FREE STANDING SIGN; 1 BUILDING SIGN

MATT SHIPMAN (Raju) of 645 OLD ALBANY POST ROAD

heretofore filed an application for a building permit pursuant to the Zoning Law, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee in the sum of $ ——— (septic) $ ——— (well) $ 160.00 (structure) it appearing from the said application that the proposed improvement is intended to and will comply with the requirements of the law as aforementioned, a building permit is hereby granted this 16TH day of JULY 19 99, being valid for a period of one year and renewable upon payment of established fee schedule.

INSPECTIONS REQUIRED: Call 265-9668, 2 days notice.

1. Soil conditions: (Footings, forms and reinforcement.)
2. Foundations: masonry, concrete (Transit-mix slips required)
3. Framing: insulation; (prior to drywall or closing)
4. Mechanicals: (rough plumbing, piping, ducts)
5. Final Driveway Inspection.
6. Final Inspection, including safety features.

NOTE: All construction shall comply with the NY State Building Code whether or not shown on approved building plans. This structure, or any portion thereof, for which this permit is issued, shall NOT BE OCCUPIED until a CERTIFICATE OF OCCUPANCY is issued. Permit must be renewed annually until such date of Certificate of Occupancy issuance.

RENEWALS:

	DATE	FEE PAID
#1	RL 8-28-00	RL 10-23-00
#2		
#3		
#4		

TOWN OF PHILIPSTOWN

BY: Tom Monroe

Building Inspector

60.18.1-16

$1.00 Bond 4/2/69 N.T.H.

CERTIFICATE OF OCCUPANCY

Certificate of Occupancy No. 1424 Application No. 1484

Location of Premises W/S Rt. 9D South of Barnum Post Office

Michael Turner of Garrison N.Y. having heretofore filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefor, and the undersigned having by personal inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law. Now, therefore, this certificate of occupancy is hereby issued under the seal of the Town of Philipstown this 2nd day of [illegible] 19[illegible]

Not valid unless signed in ink by a duly authorized agent of and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

By [illegible]

BUILDING PERMIT

Application No. 1484

Location of Premises W/S Rt. 9D South of Barnum Post Office

Michael Turner of Garrison N.Y. having heretofore filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, and having paid the required fee in the sum of $18.00, it appearing from the said application that the proposed improvement is intended to and will comply with the requirements of the law as aforementioned, a building permit is hereby granted this 8th day of April, 19 67

Additional information None

Not valid unless signed in ink by a duly authorized agent of and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

By Henry T. Hustis Bldg Insp

7m-47-6-3

CERTIFICATE OF OCCUPANCY

Certificate of Occupancy No. 3075 Application No 3075

Location of Premises Rte 9D - 1000' South of Philipse Brook Rd

Michael Grassi of Rte 9D - Garrison having heretofore filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefor and the undersigned having by personal inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law, Now, therefore, this certificate of occupancy is hereby issued under the seal of the Town of Philipstown this 2 day of June, 19 76

Not valid unless signed in ink by a duly authorized agent of and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

By [signature]

DRY WELL

BUILDING PERMIT

7m-47-6-3

BUILDING PERMIT Application No 3075

Location of Premises Route 9D - 1000 ft South of Philipse Brook Rd

Michael Grassi of Route 9D - Garrison having heretofore filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee in the sum of $10.00, it appearing from the said application that the proposed improvement is intended to and will comply with the requirements of the law as aforementioned, a building permit is hereby granted this 12 day of July, 19 75

Additional information septic system - DRY WELL

Not valid unless signed in ink my a duly authorized agent of and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

By [signature]

ALLEN BEALS, M.D., J.D.
Commissioner of Health

ROBERT MORRIS, P.E., MPH
Director of Environmental Health

MARYELLEN ODELL
County Executive

DEPARTMENT OF HEALTH

1 Geneva Road, Brewster, New York 10509
Phone # (845) 808-1390 Fax # (845) 278-7921

March 11, 2015

Badey & Watson
John Delano, P.E.
3063 Route 9
Cold Spring, NY 10516

Re: Change of Use – Garrison Cafe
1135 Route 9D
(T) Philipstown, TM 60.18-1-16

Dear Mr. Delano:

This office has received and reviewed the most recent set of plans and documents for the above-mentioned project and has no objection to the proposed change of use with respect to the existing septic system. The proposed wine bar layout is to be reviewed by the Sanitarian staff. .

Please contact us if you have any questions.

Sincerely,

Joseph S. Paravati, Jr., P.E.
Assistant Public Health Engineer

JSP:cml
cc: M. Luke

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

office 845-878-6507 cell 845-527-1432

TO: Town of Philipstown Planning Board DATE: June 1, 2015; revised

FROM: Ronald J. Gainer, PE SUBJ: Garrison Cafe Site Plan; NYS Route 9D

As provided for in Section 175-66B of the Town Code, a pre-application meeting was held on May 8, 2015 with Matthew and Lydia McMahon, concerning site improvements planned on a commercial property located at 1135 Route 9D in Garrison.

In attendance were the following:

Matthew & Lydia McMahon	–	Applicant
John Delano	–	Applicant's Consultant
Kim Conner	–	Planning Board Member
Kevin Donohue	–	Code Enforcement Officer
Ron Gainer	–	Town Engineer

The following matters were discussed:

Purpose of Application:

The property is located at the southwest corner of NYS Route 9D, at Grassi Lane. The property is currently developed with 2 commercial buildings, The Applicants currently operate the *Garrison Cafe* in a portion of the southerly building. The remainder of the building comprises a 3-bedroom apartment, which is currently unoccupied. There is parking in front and along the south side of the building housing the cafe. The northerly building contains a separate commercial use, also with parking in front. The property comprises 0.9± acre; tax map no. 60.18.-1-16. The Cafe (deli) and apartment each have their own, separate SSTS's in the rear of the tract. The northerly building likewise is provided with its own SSTS.

The applicants wish to take over the apartment space, and convert it to a Wine Bar with some limited retail wine sales area included. The apartment encompasses approximately 1,500 sf of the premises. The existing cafe and proposed wine bar would share the present kitchen area.

There is a town-regulated wetlands adjacent to, and along a portion of the rear of the property.

The property is owned by Manjit Kaur Raju. The property owner would have to provide written authorization that the McMahon's may file the Site Plan application. The parking along the south side of the building is actually on an adjacent un-developed parcel (flag lot; tax map 60-18-1-15), also owned by Raju.

Zoning District/Zoning Issues:

The property is located in a Highway-Mixed Use ("HM") Zoning District. It was uncertain whether the adjacent Raju lot was in the HM zone; the applicant was directed to identify zoning district boundaries on

RE: Garrison Cafe Site Plan; NYS Route 9D

the Site Plan to be prepared for the application, so the Board could properly understand zoning issues and potential impacts to the area.

In reviewing the "Use Table" of the Zoning Code, the existing cafe would be deemed a "retail" use, while the apartment conversion into Wine Bar & limited wine sales would encompass both "restaurant" and "retail" uses. Both are permitted in the HM Zone. Site plan approval will be needed for the proposed mixed use deli and restaurant/wine bar, with accessory retail sales of wine in the HM zone.

Site Plan Review Required:

As noted above, and per the Town of Philipstown "Use Table" contained in the Zoning Ordinance, Site Plan approval from the Planning Board will be required as the project entails a change in use for the property.

Major/Minor:

Per the provisions of Section 175-60C(1c) of the Town Code, projects entailing alteration or expansion of existing structures by 1,000 sf or more are deemed to be "Major" projects, and so the proposal must follow the procedures for "Major" projects.

Site Parking Issues:

Delano advised that 9 parking spaces are required for the existing cafe. 14 spaces would be necessary for the wine bar/retail use. He was unaware of what parking requirements existed for the northerly building. He was asked to identify all existing and proposed parking requirements on the Site Plan, when filed.

Various concerns were raised over the issue of parking, as various aspects presently do not comply with Town Code requirements. After the meeting concluded, this matter was referred to the Planning Board Attorney for guidance. The following comments were subsequently offered by Stephen Gaba on the matter:

- In regard to the parking in the front of the building, Zoning Code Section 175-38(4)(a)(1) provides that although all off-street parking is to be located behind or to the side of the principal building, the Planning Board may modify or waive this requirement on lots that are located in the HC Districts where an unusual lot configuration makes parking in the rear or side yard impractical, where parking visible from the road is a commercial necessity for the business (although no guidance is offered as to how this is determined), or where most surrounding development has parking in front of buildings. The Planning Board may modify or waive this requirement on lots that are located in the OC, M, and HC Districts only, where unusual lot configurations such as corner lots or through lots make compliance with this requirement impractical or impossible, where parking visible from the road is a commercial necessity for the business, or where most surrounding development has parking in front of buildings, provided that the applicant mitigates the visual impacts of such parking areas using appropriate landscaped buffers. So, the applicant doesn't necessarily need to go to the ZBA for this.
- Another issue for the Board's review includes the Code requirement that parking spaces located in a side yard shall, if possible, be screened from public view.

RE: Garrison Cafe Site Plan; NYS Route 9D

- The existing utilization of the adjacent vacant lot for parking, without any "principal" use associated with it, is problematic. In my opinion, Code Section 175-38 makes it clear that the Town doesn't want parking lots as a stand-alone use. It would therefore require a "use" variance to approve the applicant's use of the adjacent parcel for parking, which is felt to be very unlikely to be granted. Other possibilities to address this issue would be to seek relief from the overall parking requirements for the multiple uses on the commercial property (which the Planning Board may waive), to combine (merge) the lots, or have the property owner consider seeking a lot line change to add the space currently being utilized for parking to the northerly property containing the retail structures.

Waivers:

No waivers were identified by the applicant during the pre-application meeting. If any are to be requested, this must be done formally by letter to the Planning Board, and submitted in advance of the applicant's initial meeting with the Planning Board.

Overlays:

This property falls within:

- Town-designated wetlands
- "Regional" Aquifer Overlay District

It was noted that Route 9D in the vicinity of this property *IS NOT* within the Scenic Protection Zone, and so these regulations will not apply to this development proposal.

Stormwater/Wetlands:

The existing site is already developed, with no new site improvements planned. Further, the existing site access locations onto Route 9D will remain un-changed. Lastly, the parking areas are currently gravel, and will remain so. Therefore, no change in impervious surfaces, or increase in stormwater run-off, is expected.

Fees: Based upon review of the Town's fee schedule, the following fees will apply to the application:

- Site Plan, Major application fee $1,000.00 + $20 for every additional parking space required above the number of existing parking spaces on the site
- Public Hearing fee $250.00

Escrow: Set at an initial amount of $5,000. The applicant understood that this was only an estimate. If Consultant review costs were less, any monies remaining in the escrow account would be returned to the applicant. However, if costs exceeded this amount, the escrow would have to be replenished in order for the Board to continue to process the application.

Expected Referrals:

- Town Conservation Board (existence of town-regulated wetlands)

RE: Garrison Cafe Site Plan; NYS Route 9D

Additional Notes:

- A "No violations" letter from the CEO will be required (per §175-67C), based upon its classification as a "Major" project
- As the application represents a "Major" project, a Public Hearing is mandatory.
- Delano advised that they have already received PC DOH confirmation that the wastewater flow generation from the proposed change in use will not require any expansion of the existing on-site utility systems. He was advised that this written determination must be provided for the Board's files.
- Handicapped parking must be addressed on the Site Plan. It was suggested that this could be addressed through the use of pervious pavers or similar surface to avoid creation of additional impervious areas.
- Any and all "non-conforming" features of the site should clearly be identified.
- The applicant was asked to consider landscaping enhancements along the front of the structures, if at all possible
- Depending how the issue of "parking" on the adjacent parcel is resolved, it would appear that an easement would be required between the properties to attach this area to, and permit this parking for the benefit of, the northerly lot.
- Architectural elevations will be required as part of the site plan application package.
- The applicant expects to file a Site Plan application package for the June meeting.

As the conclusion of these discussions, the pre-application meeting concluded.

c: Kevin Donohue, Code Enforcement Officer
Stephen Gaba, Esq.
Applicant (c/o Badey & Watson, PC)