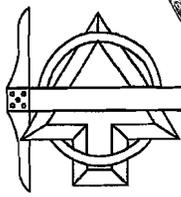


**Town of Philipstown Planning Board**  
**VFW Hall, Kemble Avenue, Cold Spring, New York 10516**  
**June 21, 2012**  
**7:30 p.m.**  
**Agenda**

- I. Pledge of Allegiance
  - II. Roll Call
  - III. Approval of Minutes – 4/19/12
  - IV. Request(s) for Extension
    - 1. **Wang & Ming H. Wang**  
Applicant(s): Jung Wang & Ming H. Wang  
Jaycox Road, Cold Spring, NY 10516  
Approval of a 3-lot subdivision  
*Third* request for 90-day extension
    - 2. **Gex**  
Applicant: Evelyn Gex  
24 Humminbird Lane, Garrison NY 10524  
Re-alignment of property line  
*Third* request for extension
  - IV. Applications
    - 1. **Entergy**  
Applicant: Robert E. Lamb (site plan)  
3 Horsemens Trail, Cold Spring, NY 10516  
Approval of site plan  
Submission (via email) of revised plans, landscape plan, lighting plan
    - 2. **SNK Farms, Inc.**  
Applicant/Owner: Syed Kirmani/3188 Route 9 LLC  
3188 Route 9, Cold Spring, NY 10516  
Site plan approval  
New submission
    - 3. **Mountain Trace**  
Applicant(s): Dominic and Debra Santucci  
Canopus Hollow/Sprout Brook Road, Garrison, NY 10524  
Subdivision approval  
Submission of plans (of four different layouts) and EAF Parts 1, 2 and 3
    - 4. **County Line Equities** (forwarded electronically)  
Applicant: J. Rodak  
Minor site plan amendment  
Route 9 and Travis Corners Road, Garrison, NY 10524  
Submission of revised plans
    - 5. **Philipstown Square**  
Applicant(s): John Scanga  
3176 Route 9, Cold Spring NY 10516  
Submission of amendment to map of site plan prepared for Philipstown Square
  - VI. Other Business
    - . Pre-application meeting/set next date
- Adjourn

Michael Leonard, Chairman



# 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.  
Peter Meisler, L.S.  
Stephen R. Miller, L.S.  
Jennifer W. Reap, L.S.

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

June 5, 2012

Michael Leonard, Interim Chairman  
Philipstown Planning Board  
Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516

RE: Request for 90-Day Extension

Dear Mr. Leonard and Honorable Board Members:

Our client's Yung Wang and Ming Hsien Wang received conditional final approval to subdivide their property on Jaycox Road on June 16, 2011.

We have previously requested two (2) 90-day extensions as permitted under Section 112-47.D(5)f of the Town Code. The 2nd 90 day extension will expire on June 12, 2012.

This letter is to formally request, on behalf of our client's that the approval granted by Planning Board Resolution P.P.B.# 6 be extended for another 90-days as permitted under Section 276(7)(c) of the New York State Town Law.

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

by:  
Glennon J. Watson, L.S.

GJW/mew  
cc: U:\77-121B\ML05JN12BP.dot  
Yung & Ming Hsien Wang

Owners of the records of:

- ◆ Joseph S. Agnoli ◆ Barger & Hustis ◆ Burgess & Behr ◆ Roy Burgess ◆ Vincent Burruano ◆ Hudson Valley Engineering Company ◆ G. Radcliff Hustis ◆  
◆ Peter R. Hustis ◆ J. Wilbur Irish ◆ James W. Irish, Jr. ◆ Douglas A. Merritt ◆ E.B. Moebus ◆ Reynolds & Chase ◆ General Jacob Schofield ◆  
◆ Sidney Schofield ◆ Allan Smith ◆ Taconic Surveying and Engineering ◆ D. Walcutt ◆

May 14, 2012

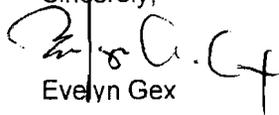
The Planning Board  
Town of Philipstown  
P O Box 155  
238 Main Street  
Cold Spring, New York 10516

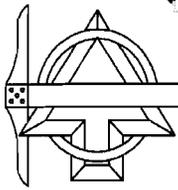
Attn; Mr Michael Leonard [Chairman]

To Whom it may Concern;

I am writing this letter requesting to be included in the agenda for the Planning Board Meeting for this coming month of June and requesting for a ninety days extention. This is regarding the lot realignment of my property located on 24 Hummingbird Lane, Garrison, New Yor, 10524 Thank you very much!

Sincerely,

  
Evelyn Gex



# 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

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

May 30, 2012

Michael Leonard, Interim Chairman  
Philipstown Planning Board  
238 Main Street  
Cold Spring, NY 10516

RE: Application of SNK Farms, Inc. - Submission of Revised Plans

Dear Mr. Leonard:

Regardless of the subject line above, with the exception of Mr. Merante, I do not think members of the Planning Board have seen the captioned application. As you know, this is because we failed to schedule a pre-application meeting with the Code Enforcement Officer and were subsequently denied a place on the Planning Board's May agenda.

We have since had the required meeting, which in addition to clearing us for a place on your June agenda, provided an alternate approach to the matter. At the suggestion of Mr. Donohue and Ms. Jainchill, we are requesting, on behalf of our client, approval of a Revised or Amended Site Plan as provided for in Section 175-68D of the Zoning Law.

We are submitting herewith a site plan that has been revised in accordance with the discussion during the pre-application meeting among Mr. Donohue, Ms. Jainchill, Mr. Gainer, Mr. Merante, the Applicant Mr. Kirmani, and me. We are also submitting a statement of use that compares the activities allowed under the previous site plan and those that we hope will be approved under the revised or amended site plan.

We respectfully request that the matter be placed on the agenda for the June 2012 meeting of the Planning Board. Thank you.

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

by  
Glennon J. Watson, L.S.

Enclosure (2)  
GJW/bms  
cc: File 75-109B\ML30MY12BP\_SubmitAdditional.doc  
Planning Board Members and Consultants  
Syed Kirmani, Applicant

Owners of the records of:

◆ Joseph S. Agnoli ◆ Barger & Hustis ◆ Burgess & Behr ◆ Roy Burgess ◆ Vincent Burruano ◆ Hudson Valley Engineering Company ◆ G. Radcliff Hustis ◆  
◆ Peter R. Hustis ◆ J. Wilbur Irish ◆ James W. Irish, Jr. ◆ Douglas A. Merritt ◆ E.B. Moebus ◆ Reynolds & Chase ◆ General Jacob Schofield ◆  
◆ Sidney Schofield ◆ Allan Smith ◆ Taconic Surveying and Engineering ◆ D. Walcutt ◆

**Statement of Use**  
of  
**SNK Farms, Inc**  
and  
**3188 Route 9, LLC**

SNK Farms, Inc. has applied for approval of a revision to a previously approved site plan for the parcel on which it operates a filling station and convenience store.

**Property** – The property is located in the North Highlands section of Philipstown on the easterly side of Route 9, opposite its intersection with Fishkill Road, as the intersection was recently realigned.

- Property Address: 3188 Route 9  
Cold Spring, NY 10516
- Owner: 3188 Route 9, LLC
- Owner Address: 3188 Route 9  
Cold Spring, NY 10516
- Applicant: SNK Farms, Inc.
- Applicant Address: 3188 Route 9  
Cold Spring, NY 10516
- Tax ID: 27.11-01-23
- Area: 1.073 acres or 46,740 square feet

Clove Creek runs through the eastern most portion of the property.

**Present Use** – The property is presently used as a filling station and convenience store. A self-serve carwash facility also exists on the property, but it is no longer regularly used because of operational difficulties having to do with the adequacy of the septic system to handle the wash water. The facility operates under the authority of Site Plan Approval granted by the Philipstown Planning Board on February 17, 1994, by its resolution number PB#\_\_-94, a signed copy of which is attached. The site plan approval was based on a site plan by McCormack Smith Engineers, dated January 5, 1994, a copy of which is also attached.

**Proposed Uses** – The applicant seeks approval of a Site Plan Revision that would allow:

- The conversion of the carwash facility located at the southerly end of the building into a automobile repair shop;
- The reopening of the easterly most lane of the pump island;
- The reconfiguration of some of the parking; and
- The removal and/or repair of some site facilities that are either no longer needed or no longer functional.

**The Repair Facility** will be housed in the former carwash. Presently, the carwash is a roof supported by sidewalls, but no end walls. This configuration allowed carwash customers to drive forward into the facility, wash their car, and drive forward to exit. There are no doors. The applicant will install doors at each end of the facility. This will allow the installation of heat and lifts and other equipment that servicing the vehicles will require. Doors will be installed on both ends, allowing the vehicles to continue their forward motion through the

facility. However, due to insurance requirements, the customers will not drive the cars. Employees will drive them.

The Repair Facility will be self-contained. There will be lifts on which the cars are placed for repair. There will not be pits. The lifts will not require excavation. All oil will be captured in containers designed for the purpose and removed from the site. Repairs will be limited to maintenance and such light repairs as oil changes, wiper changes, tire repairs, etc. Major repairs will not be conducted on site. The repair facility will be operated from 6 AM until 6 PM, Monday through Saturday. Repair services will not be provided on Sunday.

**The Filling Station** will continue to operate as it has in the past, except that all four lanes will be available for self-service customers. The previous site plan approval was conditioned upon the lane closest to the building being closed and blocked. The apparent reason for this was the location of the door into the convenience store, which is too close to the pumps. The applicant will relocate the door into the convenience store northerly along the westerly (Route 9 facing) building wall and install safety bollards that will allow room for and force cars leaving the fill-lane to turn away from the building before reaching the relocated door.

**The Convenience Store** will continue to operate as it has in the past, except for the relocated door. In order to present a more orderly appearance some of the outside sales facilities, specifically those for propane tank exchange and ice, will be relocated along the northerly face of the building.

It is anticipated that both the Filling Station and the Convenience Store will continue to operate 7 days a week from 5 AM until Midnight.

**Parking** has been reconfigured on the new site plan. Thirteen (13) spaces, including one handicap space have been provided. These spaces are exclusive of the repair bays and those spaces in the queue for it. The previous site plan showed 14 spaces, but the new zoning law has reduced the requirement for this site by 1 space.

**Miscellaneous Removals and Repairs** have been identified on the revised site plan. All of these changes are minor, involving very little by way of actual disturbance.

**Total Ground Coverage**, although more than permitted under the present zoning law, pre-exists and will remain unchanged.

Respectfully submitted,  
**SNK Farms, Inc., Applicant**

by  
Syed Kirmani, President.

**3188 Route 9, LLC, Owner**

by  
Syed Kirmani, Sole Member

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION P.B. # -94 (Cold Spring Gas and Wash, Amended Site Plan Approval, Route 9, new tax map # 21-01-30.4.

WHEREAS, Michael Sena and William Baras, the applicants, made application to the Philipstown Planning Board pursuant to Section 175 of the Philipstown code to make certain improvements to the premises known as TM#21-01-30.4 to allow the construction and operation of a carwash, the reconfiguration of fuel pumps and parking, and certain landscaping improvements;

*Background*

The Planning Board granted conditional site plan approval on August 26, 1992 requiring among other conditions, that a cash bond be placed with the town to assure appropriate erosion control and implementation of certain landscape improvements on the site. These landscape improvements included a landscaped island along the frontage with US Route 9;

This landscaping was never completed; however, the applicant did receive a certificate of occupancy. Upon receipt of the CO, the applicant requested that the Planning Board prepare a letter to the Town Board recommending a return of the full \$5,500 of the cash bond. An inspection by the town planner revealed that certain activities did not take place, as required by the site plan, including the provision of the landscape island.

The applicant proceeded to bring the site into conformity with the plan as approved, with the exception of the landscaped island and the innermost aisle along the fuel pumps, which has been blocked to traffic.

Upon reviewing the circumstances of the site, including the landscaped island and elimination of the innermost aisle along the fuel pumps, the Planning Board believes that site circulation will not be adversely affected by eliminating these features from the plan and indicated same to the applicant;

WHEREAS, the applicant requested a modification of the site plan approval of the Planning Board on August 26, 1992 to eliminate the landscaped island and above referenced aisle per a revised site plan from McCormack Smith Engineers, dated January 5, 1994;;

WHEREAS, this submission included an as-built plan for the property which indicated that the improvements were in compliance with the Town of Philipstown Zoning Code;

WHEREAS, upon due consideration of the circumstances connected with this matter, the Planning Board waived the requirement for another public hearing; and,

WHEREAS, the Planning Board has performed an uncoordinated SEQRA review based on a Long Form EAF that had not changed from the previous submission; and,

WHEREAS, the original Long Form EAF indicated that there was not a likelihood of adverse environmental impacts and a negative declaration was filed; and,

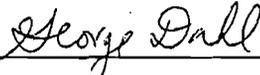
WHEREAS, based on detailed review of the previous submission including the Long Form EAF, a negative declaration was adopted by the Planning Board on the original proposal;

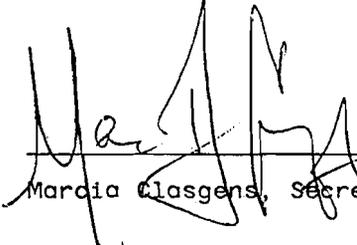
NOW, THEREFORE, BE IT RESOLVED, that

- 1) the Planning Board declares itself lead agency and approves a Negative Declaration consistent with Article 8 of Environmental Conservation Law (See Attachment for this site plan approval.
- 2) the Planning Board hereby approves the site plan, as currently proposed, subject to the following condition:
  - a. lands to the east of the existing stockade fence to the banks of Clove Creek shall be brought to an arable condition and planted with a suitable mix of grasses no later than June 30, 1994, so as to provide for the long term stabilization of the rear of the site.

Adopted at a meeting of the Philipstown Planning Board on  
February 17, 1994.

PHILIPSTOWN PLANNING BOARD

  
\_\_\_\_\_  
George Dahl, Chairman

  
\_\_\_\_\_  
Marcia Glasgens, Secretary

Philipstown Planning #3; Sena2.res February 14, 1994

ATTACHMENT 1

SEQR

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Lead Agency: Town of Philipstown Planning Board  
Town Hall  
238 Main Street  
Cold Spring, NY 10516

Date: 2/17/94

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described below will not have a significant effect on the environment.

Title of Action: Cold Spring Gas and Wash, Revised Site Plan Application

SEQR Status: Unlisted

Description of Action: Modification of site plan approval for construction of a canopy over gas pumps, a kiosk on the gas pump island, construction of a proposed three bay car wash, and relocation of gas pumps and parking spaces, on a 46,711 sf site located on the easterly side of Route 9 in a B-2 zoning district.

Location: US Route 9, Philipstown, Putnam County, New York.  
See site plan for location map.

Reasons Supporting This Determination: No significant environmental effects per Long Form EAF Part 1 and 2.

For Further Information:

TIM MILLER ASSOCIATES, INC.  
Town Planners  
15 Main Street  
Cold Spring, NY 10516  
(914) 265-4400

Copies of this Notice Sent to:  
Supervisor, Town of Philipstown  
Planning Board Chairman  
Applicant

June 6, 2012

Mr. Michael Leonard, Interim Chairman  
Town of Philipstown Planning Board  
Town Hall  
238 Main Street  
Cold Spring, NY 10516

Re: Mountain Trace Subdivision  
Canopus Hollow/Sprout Brook Road  
Town of Philipstown

Dear Mr. Leonard and Members of the Board:

Enclosed find the following materials in support of the Mountain Trace subdivision application:

1. Fourteen copies of plans for the project entitled "3 Lot Subdivision and Site Development for Mountain Trace", sheet C 1.1, Cover Sheet / Plat, sheet SD 3.1, Site Development Plan, sheet PR 4.1, Profiles and sheet EC 6.1, Erosion Control Plan. These plans have been prepared by this office and are dated December 22, 2010.
2. Fourteen copies of plans for the project entitled "3 Lot Subdivision and Site Development for Mountain Trace", sheet SD 3.1 ALT, Site Development Plan – 16% Drive Alternative and sheet PR 4.1 ALT, Profiles – 16% Drive Alternative. These plans have been prepared by this office and are dated December 22, 2010.
3. Fourteen copies of plans for the project entitled "Subdivision and Site Development for Mountain Trace", sheet C 1.1, Cover Sheet / Plat, and sheet SD 3.1, Site Development Plan. These plans have been prepared by this office and are dated February 1, 2001, and are last revised December 21, 2004.
4. Fourteen copies of plans for the project entitled "Subdivision and Site Development for Mountain Trace", sheet C 1.1, Cover Sheet / Plat, and sheet SD 3.1, Site Development Plan. These plans have been prepared by this office and are dated February 1, 2001, last revised November 1, 2002.
5. Fourteen copies of the table entitled "Mountain Trace Subdivision Comparison Table – December 2010".
6. Fourteen copies of Part I of the Full Environmental Assessment Form for the Mountain Trace Subdivision dated January 31, 2001, revised May 16, 2012.
7. Fourteen copies of the EAF Parts II and III - Mountain Trace Subdivision dated November 2002, last revised May 2012.
8. One CD containing a copy of each of the above.

These plans are being submitted to demonstrate the history of this project and the careful and thorough review that the project has been subject to over the course of the application process.

The project was originally submitted to the Planning Board in February 2001 as a five lot subdivision. The Board and residents identified a variety of concerns from Archeology to the New York City aqueduct early on in the review that the applicant was asked to analyze. Many studies were performed and the Part III of the EAF was prepared and presented to the Board based on the Part II of the EAF prepared by the Planning Board.

Following submittal of Part III of the EAF and after an extensive review of potential access locations to the site, the applicant agreed to the reduction of one lot from the subdivision in an effort to reduce the site disturbances. The four lot layout maintained the Open Development Area (ODA) Roadway and had many similarities to the five lot layout based on the requirements of the Open Development Code, but overall site disturbances were reduced by 20% with the four lot layout.

The current three lot layout utilizes a 16 foot wide common driveway to gain access to the buildable portions of the site with each lot maintaining its own frontage on the existing County Road. The common driveway is presented using grades of 17% and 16% to more closely match the grade of an existing on site trail, minimizing the overall site disturbance and tremendously reducing the amount of excess material produced in constructing the site access. The driveway alignment was also changed with the steeper grade to place the entrance approximately eighty feet further North on County Route 15, avoiding a rock outcropping that the previous site layouts could not with a 14% access road grade.

The Subdivision Comparison Table demonstrates, among other things, the substantial difference in earthwork required from the previous layouts and the current three lot layout with the steeper driveway. Overall there will be an 80% to 90% reduction in material exported from the site that can be realized in providing the steeper driveway grade for the 16% and 17% driveways respectively when compared to the standard ODA layouts.

Please place this item on the agenda of the June 21st Planning Board meeting to allow us to present the revised plans and to demonstrate the differences from previous submittals and allow for Planning Board discussion and comment. Should you have any questions or require additional information, please contact me at the above number. Thank you for your time and consideration with this matter.

Respectfully submitted,



Ronald Wegner, P.E.  
Project Engineer

cc: Dominick and Debra Santucci

**MOUNTAIN TRACE SUBDIVISION COMPARISON TABLE – DECEMBER 2010**

	5 LOT PLAN NOV. 1, 2002	4 LOT PLAN DEC. 21, 2004	3 LOT PLAN DECEMBER 2010 17% DRIVE	3 LOT PLAN DECEMBER 2010 16% DRIVE
TOTAL LAND DISTURBANCE	6.04 AC	4.72 AC	3.14 AC	3.18 AC
OPEN SPACE UNDISTURBED	30.56 AC	31.88 AC	33.46 AC	33.42 AC
WETLAND/WATERCOURSE DISTURBANCE	WETLAND – 0 WATERCOURSE – 0	WETLAND – 0 WATERCOURSE – 0	WETLAND – 0 WATERCOURSE – 0	WETLAND – 0 WATERCOURSE – 0
WETLAND/WATERCOURSE BUFFER DISTURBANCE	WETLAND – 0.55 AC WATERCOURSE – 0.98 AC	WETLAND – 0.17 AC WATERCOURSE – 0.77 AC	WETLAND – 0.00 AC WATERCOURSE – 0.65 AC	WETLAND – 0.00 AC WATERCOURSE – 0.68 AC
STORMWATER FACILITIES	1 DETENTION BASIN 1 WATER QUALITY BASIN 6 GALLEYS 20 CATCH BASINS 7 YARD DRAINS 1,388 L.F. PIPE	8 GALLEYS 14 CATCH BASINS 10 YARD DRAINS 1,144 L.F. PIPE	4 CATCH BASINS SWALES & DITCHES AS NECESSARY 300 L.F. PIPE	4 CATCH BASINS SWALES & DITCHES AS NECESSARY 300 L.F. PIPE
LENGTH OF O.D.A. ROAD/COMMON DRIVEWAYS	1,700 FT./0 FT.	975 FT./725 FT.	0 FT./1,200 FT.	0 FT./1,200 FT.
MAXIMUM GRADE OF ROAD / COMMON DRIVEWAY	14%/N.A.	14%/14%	N.A./17%	N.A./16%
LENGTH OF ROAD/COMMON DRIVE AT MAX. GRADE	910 FT./N.A.	660 FT./335 FT.	N.A./435 FT.	N.A./567 FT.
WIDTH OF ROAD / COMMON DRIVEWAY	16 FT./N.A.	16 FT./14 FT.	N.A./16 FT.	N.A./16 FT.
CUT/FILL FOR ACCESS TO ELEVATION 310	11,000 CU.YD./1,500 CU.YD.	11,000 CU.YD./1,500 CU.YD.	2,500 CU.YD./1,300 CU.YD.	2,900 CU.YD./600 CU.YD.
CUT/FILL FOR COMMON ACCESS ABOVE ELEV. 310	800 CU.YD./1,800 CU.YD.	4,000 CU.YD./200 CU.YD.	200 CU.YD./200 CU.YD.	200 CU.YD./200 CU.YD.
CUT/FILL FOR STORMWATER FACILITIES	3,500 CU.YD./100 CU.YD.	N.A.	N.A.	N.A.
CUT/FILL FOR ALL COMMON WORK	15,300 CU.YD./3,400 CU.YD.	15,000 CU.YD./1,700 CU.YD.	2,700 CU.YD./1,500 CU.YD.	3,100 CU.YD./800 CU.YD.
DEEPEST @ CUT BELOW/ABOVE ELEV. 310	13 FT./4 FT.	13 FT./11 FT.	3 FT./2 FT.	7 FT./2 FT.

**State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM**

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:       Part 1       Part 2       Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.★
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment. therefore a positive declaration will be prepared.

★ A Conditioned Negative Declaration is only valid for Unlisted Actions

**Mountain Trace Subdivision**

\_\_\_\_\_  
Name of Action

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

January 31, 2001, revised May 16, 2012

Date

## PART 1-PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION <b>MOUNTAIN TRACE SUBDIVISION</b>		
LOCATION OF ACTION (Include Street Address, Municipality and County) <b>CANOPUS HOLLOW / SPROUT BROOK ROAD (CR # 15), (T) PHILIPSTOWN, PUTNAM Co.</b>		
NAME OF APPLICANT/SPONSOR DOMINICK AND DEBRA SANTUCCI		BUSINESS TELEPHONE (914) 736-0293
ADDRESS: 15 TRAVIS LANE		
CITY/PO: MONTROSE	STATE NEW YORK	ZIP CODE 11548
NAME OF OWNER (IF DIFFERENT) SAME		BUSINESS TELEPHONE
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION: SUBDIVISION OF A 36.6 ACRE PARCEL INTO <del>FIVE (5)</del> <b>THREE (3)</b> RESIDENTIAL BUILDING LOTS TO BE SERVED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS. SUBDIVISION WILL INVOLVE THE CONSTRUCTION OF A <del>±1650 FOOT PRIVATE WAY</del> <b>±1,200 FOOT COMMON DRIVE</b> WITH ASSOCIATED STORMWATER IMPROVEMENTS.		

Please Complete Each Question- Indicate N.A. if not applicable

### A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use:     Urban     Industrial     Commercial     Residential (suburban)     Rural (non-farm)  
                                   Forest     Agriculture     Other

2. Total acreage of project area: 36.6 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>1.73</u> acres	<u>0.00</u> acres
Forested	<u>34.52</u> acres	<del>30.20</del> <u>33.46</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	<u>0.00</u> acres	<u>0.00</u> acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	<u>0.00</u> acres	<u>0.00</u> acres
Water Surface Area	<u>0.00</u> acres	<u>0.00</u> acres
Unvegetated (Rock, earth or fill)	<u>0.35</u> acres	<u>0.00</u> acres
Roads, buildings and other paved surfaces	<u>0.00</u> acres	<del>1.40</del> <u>0.92</u> acres
Other (Indicate type) <u>LAWN</u>	<u>0.00</u> acres	<del>5.00</del> <u>2.22</u> acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage:     Well drained    100 % of site     Moderately well drained    0 % of site  
                                   Poorly drained    0 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS land Classification System? N.A. acres. (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?     Yes     No

- a. What is depth to bedrock? ZERO TO GREATER THAN EIGHT FEET (in feet)

5. Approximate percentage of proposed project site with slopes:  0-10% 5 %  10-15% 10 %  
 15% or greater 85 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?  Yes  No ~~TO BE DETERMINED - SEE ATTACHED LETTER~~ SEE EAF PART III
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? > 6' (in feet)
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
 Yes  No According to ~~TO BE DETERMINED - SEE ATTACHED LETTER~~ 8-8-01 DEC LETTER  
 Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
 Yes  No Describe CLIFFS ON SITE, TYPICAL TO AREA
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No If yes, explain \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  
 Yes  No
15. Streams within or contiguous to project area: UNNAMED INTERMITTENT DRAINAGE COURSE  
 a. Name of Stream and name of River to which it is tributary CANOPUS CREEK - HUDSON RIVER
16. Lakes, ponds, wetland areas within or contiguous to project area:  
 a. Name NONE b. Size (in acres) \_\_\_\_\_
17. Is the site served by existing public utilities?  Yes  No  
 a) If Yes, does sufficient capacity exist to allow connection?  Yes  No  
 b) If Yes, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 36.6 acres.
- b. Project acreage to be developed 36.6 acres initially; 36.6 acres ultimately.
- c. Project acreage to remain undeveloped 0.00 acres.
- d. Length of project, in miles: N.A. (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed N.A. %;
- f. Number of off-street parking spaces existing 0; proposed 40 6
- g. Maximum vehicular trips generated per hour ±12 ±6 (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <u>5 3</u> | <u>-0-</u> | <u>-0-</u>      | <u>-0-</u>  |
| Ultimately | <u>5 3</u> | <u>-0-</u> | <u>-0-</u>      | <u>-0-</u>  |
- i. Dimensions (in feet) of largest proposed structure 35 height; 30 32 width; 65 74 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 940 ft.

- ±1,200 CUBIC YARDS
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 - EXCESS USED ON SITE tons/cubic yards
3. Will disturbed areas be reclaimed?  Yes  No  N/A  
 a. If yes, for what intended purpose is the site being reclaimed? LAWN, LANDSCAPING, DRIVEWAYS AND HOUSES  
 b. Will topsoil be stockpiled for reclamation?  Yes  No  
 c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? ±6.4 ±3.1 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
 Yes  No
6. If single phase project: Anticipated period of construction 12 months, (including demolition).
7. If multi-phased: N.A.  
 a. Total number of phases anticipated \_\_\_\_\_ (number).  
 b. Anticipated date of commencement phase I \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition).  
 c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.  
 d. Is phase 1 functionally dependent on subsequent phases?  Yes  No
8. Will blasting occur during construction?  Yes  No
9. Number of jobs generated: during construction 5-10; after project is complete 0
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities?  Yes  No If yes, explain \_\_\_\_\_
- 
12. Is surface liquid waste disposal involved?  Yes  No  
 a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_  
 b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No Type INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
 Explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No  
 a. If yes, what is the amount per month ±0.5 ±0.3 tons  
 b. If yes, will an existing solid waste facility be used?  Yes  No  
 c. If yes, give name RESCO location PEEKSKILL  
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No  
 e. If Yes, explain RECYCLABLES
17. Will the project involve the disposal of solid waste?  Yes  No  
 a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.  
 b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No CUSTOMARY LANDSCAPING USE
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
 If yes, indicate type(s) DOMESTIC HEAT, COOKING & ELECTRIC
22. If water supply is from wells, indicate Pumping capacity 15 gallons/minute
23. Total anticipated water usage per day 4,000 2,400 gallons/day
24. Does project involve Local, State or Federal funding?  Yes  No  
 If Yes, explain \_\_\_\_\_

25. Approvals Required:

	Type	Submittal Date
City, <u>Town</u> , Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City, <u>Town</u> , Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2/1/01
City, <u>Town</u> Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	COUNTY DRIVEWAY PERMIT
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEC – STORMWATER SPDES PERMIT
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- zoning amendment   
 zoning variance   
 special use permit   
 subdivision   
 site plan  
 new/revision of master plan   
 resource management plan   
 other

2. What is the zoning classification(s) of the site? R-80

3. What is the maximum potential development of the site if developed as permitted by the present zoning?  
± 15 LOTS

4. What is the proposed zoning of the site? UNCHANGED

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
UNCHANGED

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?  
RESIDENTIAL

8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? FIVE (5) THREE (3)

a. What is the minimum lot size proposed? ±218,000 SQUARE FEET ±263,000 SQUARE FEET

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them,

**E. Verification**

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

Applicant/Sponsor Name CRONIN ENG., P.E., P.C./RONALD WEGNER Date JANUARY 31, 2001 REV MAY 16, 2012

Signature  Title PROJECT ENGINEER

If the action is in tile Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**EAF PARTS II AND III**  
**MOUNTAIN TRACE SUBDIVISION**

**NOVEMBER 2002**

**REVISED FEBRUARY 2004**  
**REVISED DECEMBER 2004**  
**REVISED MAY 2012**

**APPLICANT:**

**DOMINICK AND DEBRA SANTUCCI**  
**15 TRAVIS LANE**  
**MONTROSE, NY 10548**

**PREPARED BY:**

**CRONIN ENGINEERING, P.E., P.C.**  
**39 ARLO LANE**  
**CORTLANDT MANOR, NY 10567**

**ATTORNEY:**

**DAVID STEINMETZ**  
**ZARIN & STEINMETZ, ATTORNEYS AT LAW**  
**81 MAIN STREET, SUITE 415**  
**WHITE PLAINS, NY 10601**

## Part 2—PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

*J. Santucci*  
*Adopted 3/20*

### General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- Answer each of the 19 questions in PART 2. Answer Yes if there will be any impact.
- Maybe answers should be considered as Yes answers.
- If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

### IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?  NO  YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.

• Other impacts removal of soil + leveling of area  
excavation of site for foundation

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)  NO  YES

• Specific land forms: area of rock outcrop  
blasting + clearing of area

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes	<input type="checkbox"/> No

**IMPACT ON WATER**

3. Will proposed action affect any water body designated as protected?  
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)  
~~NO~~ YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts: \_\_\_\_\_

4. Will proposed action affect any non-protected existing or new body of water?  
NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: Lowered stream water management plan

5. Will Proposed Action affect surface or groundwater quality or quantity?  
NO YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit. STEPS
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: \_\_\_\_\_

6. Will proposed action alter drainage flow or patterns, or surface water runoff?  
NO YES

Examples that would apply to column 2

- Proposed Action would change flood water flows.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No



- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff)
- Other impacts: \_\_\_\_\_

**IMPACT ON AESTHETIC RESOURCES**

11. Will proposed action affect aesthetic resources?  NO  YES  
 (If necessary, use the Visual EAF Addendum in Section 617.21, Appendix B.)

Examples that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts: cut along hill side + after  
removal of trees

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance?  NO  YES

Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts: fills on site - Phase I  
archaeological concerns

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?  NO  YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts: \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

18. Will proposed action affect the character of the existing community?  
 NO  YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: *Disposal of water*

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?  
 NO  YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If You Cannot Determine the Magnitude of Impact, Proceed to Part 3**

**Part 3—EVALUATION OF THE IMPORTANCE OF IMPACTS**

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions**

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

**MOUNTAIN TRACE SUBDIVISION  
NOVEMBER 2002  
REVISED FEBRUARY 2004  
REVISED DECEMBER 2004  
REVISED MAY 2012  
ENVIRONMENTAL ASSESSMENT FORM  
PART III**

**EVALUATION OF THE IMPORTANCE OF POTENTIALLY LARGE IMPACTS**

**IMPACT ON LAND**

1.	Will the proposed action result in a physical change to the project site?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----	---	---	-----------------------------

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.

Although this project requires construction on steep slopes, construction measures incorporated into the project will minimize these impacts to the point of non-significance. When delineated according to the Town of Philipstown standards, 85% or 31 acres of the entire 36.6 acre Mountain Trace subdivision site has slopes of 15% or more. The remaining 15% or 5.6 acres of land contains slopes less than 15%. The areas containing slopes of less than 15% are scattered throughout the site and range in size from 300 square feet to 130,700 square feet with the largest portion of the flatter lands being centrally located in the site approximately 180 feet higher in elevation than the road from which access to the site is gained.

The houses have been sited specifically so as to avoid significant impacts. The design and layout of the subdivision places the majority of the home sites or areas to be used most extensively following development in the areas having slopes of generally 15% or less. The exception to this is for lot 1, where the proposed residence is located in an area containing slopes generally between 15% and 25%. This residence has been located to minimize overall site disturbances and disturbances to slopes of greater than 15%. In order to locate the lot 1 house in an area containing slopes of less than 15%, additional disturbances to areas having slopes of greater than 15% would be required to provide access to the less steeply sloped area. While providing access to the flatter portion of the parcel is easily attainable, it would create a greater disturbance to the more steeply sloped areas than siting the proposed home on the 15% to 25% sloped area as proposed.

Construction of the common and individual driveways to access the home sites will require the crossing of slopes greater than 15%. The proposed access route takes the best advantage of the existing topography of the site by following the grade of the existing site trail as closely as possible, thereby minimizing the impacts to the on site steep slopes to gain access to useable portions of the site.

Other locations considered for the proposed driveways would cause greater impacts. Several alternative locations towards the southern portion of the property along County Route 15 have been analyzed and presented to the Planning Board to determine if relocating the proposed driveways would reduce the disturbance of class III slopes. All of the alternative access locations, chosen based on input from the Planning Board and the public, would produce greater overall and steep slope disturbances to the site, thereby causing greater environmental impacts to the site. The preferred location of the proposed access as shown on the current subdivision plans produces the minimum environmental impact to the site.

As proposed, the Mountain Trace subdivision will provide measures to reduce the siltation of downstream water bodies through project design. The proposed common drive will utilize a five foot wide shoulder/swale with an underdrain to capture any sediment laden runoff and reduce its velocity prior to reaching the proposed storm drainage system. The swale will be lined with stone which will act to protect the swale from scour of soils and to reduce the velocity of runoff within the swale, thereby

promoting the removal of suspended sediments from the runoff. The drainage system proposed will reduce the volume of water the swale will be required to carry with the placement of yard drains at regular intervals within the swale, reducing the runoff velocity and amount of suspended sediments leaving the site. Deep sumps on all of the catch basins within the site will act to capture grit and sediments, also reducing sedimentation from the site. As a result of these measures, the project will minimize siltation to downstream water bodies.

A soil erosion and sedimentation control plan (plan sheet EC 6.1, "Erosion Control Plan") has been formulated for the proposed project that will reduce and minimize the potential impacts of construction on areas containing steep slopes. The erosion control plan will be implemented for both the construction of the common driveway and the individual lot construction. Compliance with the Town of Philipstown Code, Chapter 147, Steep Terrain will be required. Additionally, the layout has been carefully designed to allow for the successful execution of the erosion and sedimentation control plan.

- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.

Although rock removal will be unavoidable if the land is to be developed to allow access from the road, this impact will be minimized to the point of non-significance with the use of mechanical means of removal or the strict blasting protocol outlined below. Additionally, the proposed individual lot construction will take place on the flatter areas of the site and rock removal for the construction of the home sites will be minimized. As such, lot construction will not cause any significant adverse impacts.

Access to the developable portions of the site will be achieved by construction of a proposed common driveway. The common driveway will take advantage of a steeper proposed grade than is permitted for a private road. This steeper grade will reduce the amount of rock removal over the course of the driveway and will also avoid making the initial site entrance through a large rock outcropping. Even though, with the exception of the maximum grade, the proposed common driveway will be constructed to the Town standards for an Open Development road, the current three lot layout does not require that the driveway be built to these standards. The current layout reduces the amount of cut for the common improvements by 80% compared to the previous 4 and 5 lot layouts. While avoidance of rock outcropping is not possible to gain access to the site, the project has been modified to minimize and mitigate the impacts of construction over bedrock to the greatest extent practicable.

Alternate access locations have also been analyzed to determine the access route with the least amount of rock disturbance, however, the current proposed access route produces the least amount of rock disturbance to reach the developable portions of the site. Blasting will be used to remove rock only when mechanical means (chipping or ripping) are not feasible for the construction of the proposed common driveway. Should blasting be required, a strict protocol will be followed to assure and document that any impacts due to blasting will be minimized. For individual lot construction, the driveways and houses are located to minimize conflict with rock.

Should blasting be required, permission from the Town building official will be obtained prior to any blasting and the following protocol will be adhered to:

1. The provisions of Article 16 of the Labor Law of the State of New York, as well as Industrial Code Rules contained in Title 12, Part 39 of the New York Code of Rules and Regulations are recognized as applicable to the possession, handling, storage and transportation of explosives and shall be complied with by all blasters.
2. No person, firm or corporation shall detonate explosives unless it is licensed pursuant to Section 458 of the Labor Law of the State of New York.
3. Before permission for blasting is granted by the Town, the persons to perform the blasting shall submit evidence in the form of a certificate of insurance issued by an insurance company authorized to do business in the state of New York and in a form acceptable to the Town of Philipstown Town Attorney, guaranteeing that the applicant has in full force and effect a policy of public liability insurance.
4. Prior to any blasting, a pre blast survey shall be conducted with a video camera of any residence or structure within 500 feet of any proposed blast with the consent of the owner/occupant of the residence to document the condition of the residences or structures.

5. No person shall use in a blasting operation a quantity of explosives greater than necessary to properly start the rock or other substances or use such an amount as will endanger persons or property.
6. All blasts scheduled to take place within 300 feet of any roadway or structure, including residential structures, before firing, shall be covered with metal matting or other suitable screens of sufficient size, weight and strength to prevent the escape of broken rock or other material in a manner liable to cause injury or damage to persons or property.
7. No person shall fire or explode or direct or cause to be fired or exploded any blast in or near any highway or public place in the Town of Philipstown unless competent men, carrying a red flag, shall have been placed at a reasonable distance on all sides of the blast to give proper warning thereof at least three minutes in advance of the firing.
8. Prior to any blast scheduled to take place within 300 feet of any roadway, the person(s) conducting the blasting shall implement a traffic control plan to provide for the safety and protection of all vehicles on the roadway from any damage due to blasting.
9. No person shall conduct blasting operations within the Town of Philipstown after the hour of 5:00 pm and before 8:00 am, or at any time on Sunday or any holiday.
10. Whenever blasting is to occur within 300 feet of any structure, including residential dwellings, the inhabitants of such structure or residential dwelling shall be personally notified of the date and approximate time that blasting will occur. Said notice shall be received no less than 24 hours prior to blasting.
11. No person shall conduct blasting operations without a seismograph located at the property lines.

- Construction that will continue for more than 1 year or involve more than one phase or stage.

This project will be accomplished in one phase and is expected to be completed in less than one year. It is estimated that the common driveway will take approximately six months to complete and it is believed that from the start of construction of the roadway, that the three new houses can be completed in twelve months.

The heavy construction will be associated with the common driveway and associated improvements. This should be accomplished inside of six months. This heavy construction for the driveway will comprise the majority of the project. The remainder of construction will be for the individual houses where it would be considered light construction causing minimal impacts. It is anticipated that construction for the entire project will be completed within twelve months, including the new home construction. Should the new homes have slow sales, individual home construction could take longer, however the light construction of new homes having hundreds of feet of wooded buffer from any existing residences will provide only slight impacts to the surrounding neighborhood.

- |    |   |   |
|----|---|---|
| 2. | Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|----|---|---|

- Other impacts: Areas of rock outcrop. Blasting and chipping.

The previous five and four lot layouts would have required the removal a portion of rock outcropping along County Route 15 to provide access to the site for road vehicles and adequate sight distance. With the revised driveway grade in the new three lot layout, the complete removal of the outcropping is no longer necessary. Any blasting and/or chipping or ripping of the rock face that may be required to provide adequate sight distance for the proposed common driveway will be of an outcropping that is by no means unusual or unique to the area. Any cut portion of rock face will remain as a visible rock face along County Route 15 upon completion of the work. While the texture of the cut rock face will not be smooth, the existing rock face shows lines from drilling which will match the proposed texture of the rock if mechanical means are not effective in removing the rock. If mechanical means are effective in removing the rock, no drilling marks will be present leaving a more natural texture in the rock face than currently exists.

Appendix A, Rock Removal Along C. R. #15, Photographs, includes photographs of the portion of rock that may be cut back along with photographs of other rocks along the west side of County Route 15

and a key map showing the locations of the photographs. As shown by the photographs, the rock that may be cut back near the proposed common driveway entrance is not unique to the area, or the largest rock in the vicinity. Drill marks are visible in the rock from previous removal efforts, therefore the rock does not have the same smooth face as the rocks to the south of the proposed entrance. If blasting is required, the remaining rock face will be similar to that in the existing condition. There will not be any detrimental effects to any unique or unusual land forms found on site. Rock removal will be performed in accordance with the procedure described above such that the potential impacts of this procedure will not be significant.

**IMPACT ON WATER**

3.	Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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4.	Will proposed action affect any non-protected existing or new body of water?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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- Other impacts: Stormwater management plan.

The project plans have been revised with the elimination of two parcels (from five lots to three lots) and a substantial reduction in disturbances to the overall site. Total site disturbances for the construction of all infrastructure, the private way, common driveway, individual houses, driveways, wells and septic systems has been reduced from approximately 6.0 acres in the previous plans to 3.1 or 3.2 acres with the current proposals. As such, in accordance with the New York State Department of Environmental Conservation (NYSDEC) requirements, construction of stormwater management ponds as shown in previous submissions are no longer required or proposed for this subdivision. No new bodies of water will be created with the construction of this subdivision.

With the removal of the stormwater management basins from the project, any environmental impacts that may have been realized by their creation have been eliminated.

5.	Will Proposed Action affect surface or groundwater quality or quantity?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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- Proposed action will require a discharge permit.

The proposed project will require a NYSDEC SPDES General Permit for Stormwater Discharges. This permit is required, as in accordance with the regulations, there will be more than one acre of disturbance to the overall site.

Clearly, the permit requirement in itself will not cause any adverse impacts. The acquisition of the SPDES General Permit requires that stormwater from the site is controlled to minimize adverse environmental effects due to site development. Accordingly, the proposed project has been designed in accordance with the guidelines as set forth in the SPDES General Permit. Due to the reduced size and scope of the project (3.1 to 3.2 acres disturbance for the construction of three single family residences), a full Stormwater Pollution Prevention Plan for the project is no longer a requirement. An erosion and sediment control plan has been developed for the project in accordance with the SPDES General Permit requirements to minimize adverse affects on downstream properties due to site construction.

- Construction or operation causing any contamination of a water supply system.

The project is not expected to impact potable water sources in the area. The water quality structures

previously proposed have been removed from the project plans and, therefore any concerns raised by their previous presence have been obviated. Proposed septic systems will be sited at adequate distances from water sources in accordance with health department standards to eliminate any potential impact.

The project will also not impact the New York City water supply system. The proposed project is located adjacent to property containing a portion of the Catskill Aqueduct which carries water to supply the New York City drinking water system. The New York City Department of Environmental Protection (DEP) has been contacted and given plans for review. In their correspondence of October 1, 2001, the DEP has stated that the proposed development does not pose a risk of damage to the aqueduct from the blasting which may be employed during construction of the subdivision, or from erosion or changes to storm drainage at the site. Since the time of the 2001 correspondence the scope and impact of the project has been significantly reduced. See Appendix B for correspondence with the DEP.

- Proposed action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.

While the proposed project involves construction on steep terrain in the vicinity of an on site watercourse, the project will not significantly impact this watercourse.

The proposed subdivision has been redesigned with the elimination of two lots (now a three lot subdivision instead of a five lots), and a total reduction of almost half the land disturbance from 6.0 acres to 3.1 or 3.2 acres, thereby reducing the total land disturbance by over 45% for the entire project, in turn reducing potential for erosion and sedimentation both during and after site construction.

The subdivision has been designed to facilitate the successful implementation of a comprehensive erosion control plan that will minimize adverse impacts including siltation or any other discharge into the watercourse both during and following completion of construction. The erosion control plan will prevent erosion and sedimentation of down stream lands, watercourses, road right of ways and storm drainage systems by implementing measures to reduce the velocity of stormwater runoff, increase infiltration, and direct stormwater runoff into temporary sediment basins, deep catch basin sumps, or other control devices. Direct discharge of runoff from disturbed site areas to lawn areas, watercourses, or the road right of ways and storm drainage systems without water quality enhancement features adequate to prevent sedimentation, siltation, or pollution will not be permitted. The erosion control plan can be seen as sheet EC 6.1, "Erosion Control Plan" of the plan set.

Improvements incorporated into the project are expected to reduce the amount of sediment leaving the site as compared to the existing condition. In the current condition, stormwater runoff is allowed to leave the site in an uncontrolled manner with no attempts to reduce sedimentation. The upper portion of the site allows stormwater to travel along a gently sloped route prior to discharge into the on site drainage course providing some sedimentation control, however, the lower portion of the site directs water onto the existing unpaved access trail where all of the runoff is allowed to traverse the more steeply sloped, unvegetated trail delivering its collected sediments to the on site drainage course.

The proposed Mountain Trace subdivision will reduce the siltation of downstream water bodies within the design of the project. The proposed common driveway will utilize a five foot wide shoulder/swale with an underdrain to capture any sediment laden runoff and reduce its velocity prior to reaching the proposed storm drainage system. The swale will be lined with stone which will act to protect the swale from scour of soils and to reduce the velocity of runoff within the swale, thereby promoting the removal of suspended sediments from the runoff. The proposed drainage system will reduce the volume of water the swale will carry, thereby reducing the runoff velocity and amount of suspended sediments leaving the site and deep sumps on all of the catch basins within the site will act to capture grit and sediments, reducing sedimentation from the site.

- Proposed Action will allow residential uses in areas without water and/or sewer services.

Each of the proposed lots will be serviced with an individual drilled well water supply and a separate sewage disposal system. While concern has been raised that building lots could be created that will not be able to support an individual sewage disposal system, on site soil investigations indicate that individual sewage disposal systems will be supported on each and every proposed lot. As such, no

significant impacts will be caused by the individual sewage disposal systems.

Soil investigations have been performed and witnessed by the Putnam County Health Department to verify the adequacy of the proposed sewage disposal areas. The investigation revealed soil profiles consisting of sandy loams to sands and gravels having adequate depths for the placement of the proposed sewage disposal areas. Percolation tests for the proposed sewage disposal areas revealed values of 8 to 15 minutes per inch of water drop which demonstrates that these areas can support individual sewage disposal systems. By virtue of the size and configuration of the subdivision, Health Department approval is not required for this subdivision. The total parcel of 36.6 acres is being divided into three lots of greater than 5 acres each, therefore the Health Department does not view this division of land a subdivision as specified in section 1115 of Public Health Law.

6.	Will proposed action alter drainage flow or patterns, or surface water runoff?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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- Proposed action may cause substantial erosion.

As noted above, the project has been designed to allow for the implementation of a comprehensive erosion control plan that will eliminate the potential for significant adverse environmental impacts due to erosion during construction.

The subdivision proposes a 1200 foot common driveway and three individual home sites on a 36.6 acre site, proposing to disturb up to an estimated 3.2 acres of land.

To minimize potential impacts to the point of non-significance, a stormwater management system including an extensive stormwater collection and conveyance system is proposed. The establishment of a healthy vegetative ground cover over the areas to be disturbed will further act to reduce the potential for erosion. Potential erosion from construction activities will be minimized to the point of non significance by the implementation of the erosion control plan as presented on sheet EC 6.1, "Erosion Control Plan", of the project plan set.

### **IMPACT ON AIR**

7.	Will proposed action affect air quality?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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### **IMPACT ON PLANTS AND ANIMALS**

8.	Will Proposed Action affect any threatened or endangered species?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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- Other impacts: Determination shall be made by the DEC as to the known presence of any threatened or endangered species.

Inquiries made to the DEC regarding endangered plant and animal species received a response on August 8, 2001. The response from the DEC stated that information within their response was considered sensitive and directed that it not be released to the public without permission from the New York Natural Heritage Program. The response did disclose, however, that there have been no reported sightings of any threatened or endangered species within two miles of the site for the past 100 years. As such, site development cannot be anticipated to impact threatened or endangered species.

9.	Will Proposed Action substantially affect non-threatened or non-endangered species?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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- Other impacts: Proposed action will reduce the habitat of non-threatened or non-endangered species.

The project will not significantly impact wildlife habitat. The proposed subdivision will account for the disturbance of only 3.2 acres of a 36.6 acre, mostly wooded site leaving approximately 33.4 acres or over 91% of the site undisturbed. Of the disturbed acreage, consisting of 8.7% of the site, 2.3 acres will be landscaped or covered with lawn, providing for some replacement of lost wildlife habitat. The lawn and landscape areas will provide a habitat for species able to adapt to a suburban environment such as deer, rabbits, raccoons, opossum, woodchucks, mice, songbirds, etc. The minimal loss of wildlife habitat will be more than offset by the preservation of greater than 91% of the site in an undisturbed state.

## **IMPACT ON AGRICULTURAL LAND RESOURCES**

10.	Will the Proposed Action affect agricultural land resources?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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## **IMPACT ON AESTHETIC RESOURCES**

11.	Will proposed action affect aesthetic resources? (if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.

The previous five and four lot layouts would have required the removal of a portion of rock outcropping along County Route 15 to provide access to the site for road vehicles and adequate sight distance. With the revised driveway grade in the new three lot layout, the complete removal of the outcropping at the site entrance is no longer necessary. Any blasting and/or chipping or ripping of the rock face that may be required to provide adequate sight distance will be of an outcropping that is by no means unusual or unique to the area. Some cutting back of the rock face may be required to provide adequate sight distance for the common driveway entrance, however, any cut portion of rock face will remain as a visible rock face along County Route 15 upon completion of the work. While the texture of the cut rock face will not be smooth, the existing rock face shows lines from drilling which will match the proposed texture of the rock if mechanical means are not effective in removing the rock. If mechanical means are effective in removing the rock, no drilling marks will be present leaving a more natural texture in the rock face.

Appendix A, Rock Removal Along C. R. #15, Photographs, includes photographs of the portion of rock that may be cut back along with photographs of other rocks along the west side of County Route 15 and a key map showing the locations of the photographs. As shown by the photographs, the rock near the proposed common driveway entrance is not unique to the area, or the largest rock in the vicinity. Drill marks are visible in the rock from previous removal efforts, therefore the rock does not have the same smooth face as the rocks to the south of the proposed entrance. If blasting is required, the remaining rock face will be similar to that in the existing condition.

## **IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12.	Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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- Other impacts: Provide a letter from the New York State Department of Parks, Recreation and Historic Preservation Determination regarding the possible presence of historic or archeological resources within or substantially contiguous to the site. Provide a phase I archeological review.

Correspondence with the New York State Office of Parks, Recreation and Historic Preservation in January of 2001 indicated that there are no buildings, sites or districts listed on the State or National Registers of Historic Places on or contiguous to the site. The state did, however recommend a Phase 1 archeological study be conducted for the site to determine the presence or absence archeological sites or other cultural

resources in the projects area of potential effect.

A report entitled "Phase 1A Literature review and Archeological Sensitivity Assessment and Phase 1B Archeological Field Reconnaissance – Mountain Trace Subdivision" prepared by Hartgen Archeological Associates, Inc., dated October 2002 has been prepared and is included as part of this part III of the Environmental Assessment Form. The map and literature review within the archeological report, while finding evidence of structures and activity near the project site, failed to uncover any documented historic sites within the Mountain Trace parcel. Due to the proximity of the documented activities to the site, a site visit and archeological field investigation was conducted on the Mountain Trace parcel. The site visit and field investigation failed to produce any cultural materials from the site.

At the request of the New York State Office of Parks, Recreation and Historic Preservation, an addendum to the October 2002 report was prepared entitled "Addendum, Phase 1B Metal Detector Survey – Mountain Trace Subdivision" prepared by Hartgen Archeological Associates, Inc., dated April 2003. This report is included as part of this part III of the Environmental Assessment Form. The report included a metal detector survey in which 18 metal objects, all dating from the 20<sup>th</sup> century were recovered from the site. Upon receipt and review of the study, the Office of Parks, Recreation and Historic Preservation concluded that the project will have no impact on cultural resources.

Copies of correspondence with the state office of Parks, Recreation and Historic Preservation can be found in Appendix C, Cultural Resources.

### **IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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### **IMPACT ON TRANSPORTATION**

14. Will there be an effect to existing transportation systems?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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- Other impacts: Sight distance improvements will be required at the proposed private way entrance onto County Route 15.

The project may result in sight distance improvements that would improve safety conditions on County route #15 without causing significant adverse aesthetic impacts. The construction of the proposed common driveway may require the removal of a portion of ledge rock face along County Road #15 to provide adequate site distance and a safe entrance to the site.

The existing sight distance at the proposed location of the common driveway entrance will be reviewed to determine if it is impaired by a rock outcropping along the western side of County route #15. If it is determined that the rock outcropping impairs sight distance for the proposed common driveway, then removal of a portion of the outcropping will be required.

Removal of the rock face near the proposed common driveway entrance will provide for a greater sight distance when traveling southbound along County Route 15, thereby increasing the traffic safety along the road. The rock removal would also allow for safer pedestrian passage on the west side of County Route 15, enhancing the possibilities of recreational use for the County Road.

Correspondence from the County can be found in Appendix D, Putnam County Department of Highways and Facilities. The design changes requested by the County have been incorporated into the project plans.

**IMPACT ON ENERGY**

15. Will proposed action affect the community's sources of fuel or energy supply? Yes No

**NOISE AND ODOR IMPACTS**

16. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? Yes No

- Other impacts: Chipping and/or blasting.

The proposed action is the operation of a three lot single family residential subdivision which will not cause objectionable odors, noise or vibrations. Construction of the project also will not result in significant adverse environmental impacts. The construction of the common driveway for the subdivision will require rock removal and the operation of construction machinery, therefore there will be construction related noise associated with this action. It is estimated that the common driveway construction will be complete inside of six months and this impact will be temporary in nature. The construction of the individual residences will be far removed from surrounding residences and is considered to be light construction which will produce less noise than the infrastructure construction. This impact is considered minor in nature as it will cease completely once construction operations are completed.

**IMPACT ON PUBLIC HEALTH**

17. Will Proposed Action affect public health and safety? Yes No

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

18. Will proposed action affect the character of the existing community? Yes No

- Proposed Action will set an important precedent for future projects.

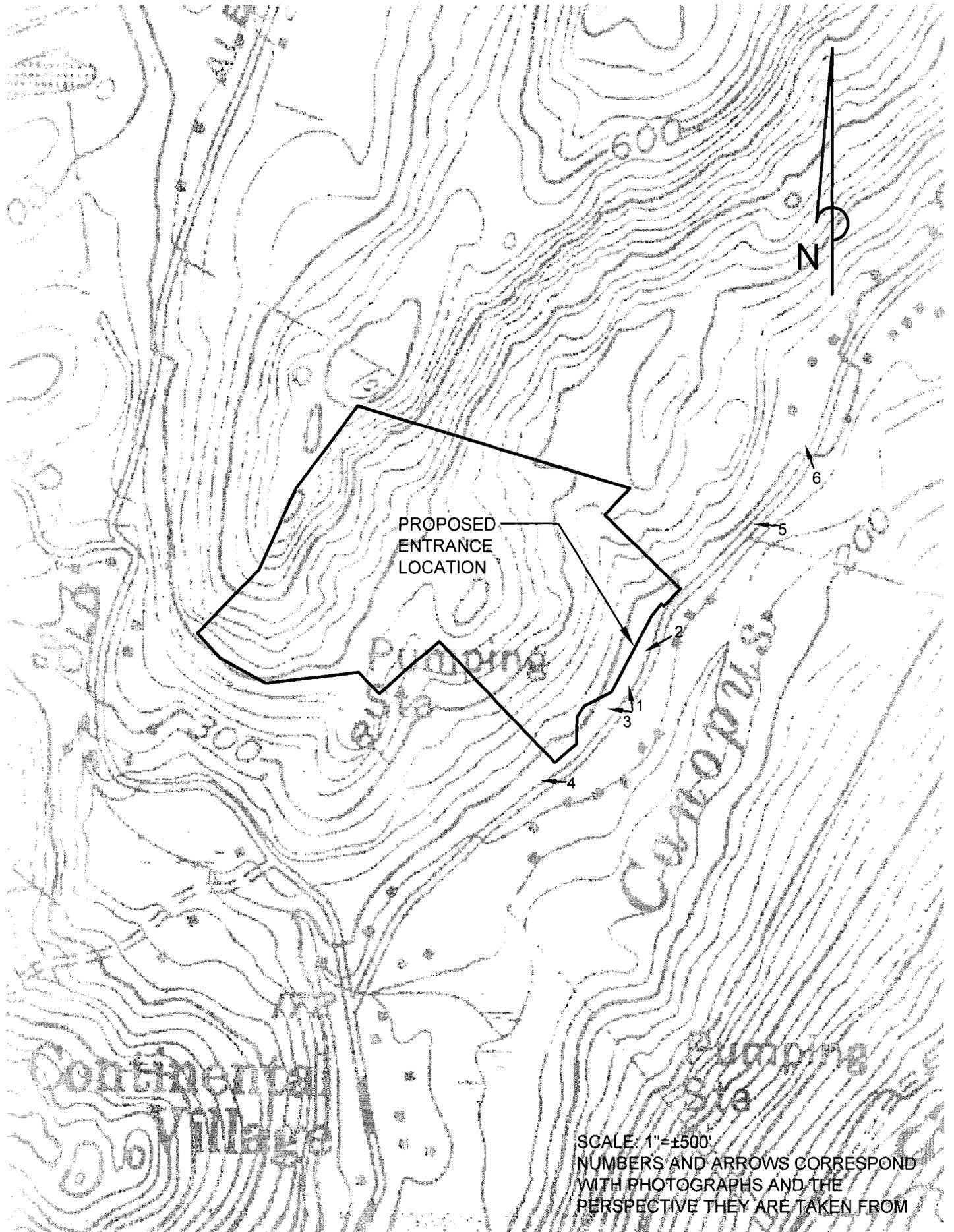
This project was one of the first to seek approval under the regulation of chapter 147, "Steep Terrain" of the Town of Philipstown Code. Chapter 147 was adopted by the Philipstown Town Board on November 2, 2000. The thorough and comprehensive review of this project is anticipated to set a sound precedent by establishing the laws effectiveness in limiting impacts to steep slopes. The applicants efforts to minimize impacts to steep slopes on the site are seen as a direct product of the new law and will set a positive benchmark for future developers to meet.

19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? Yes No

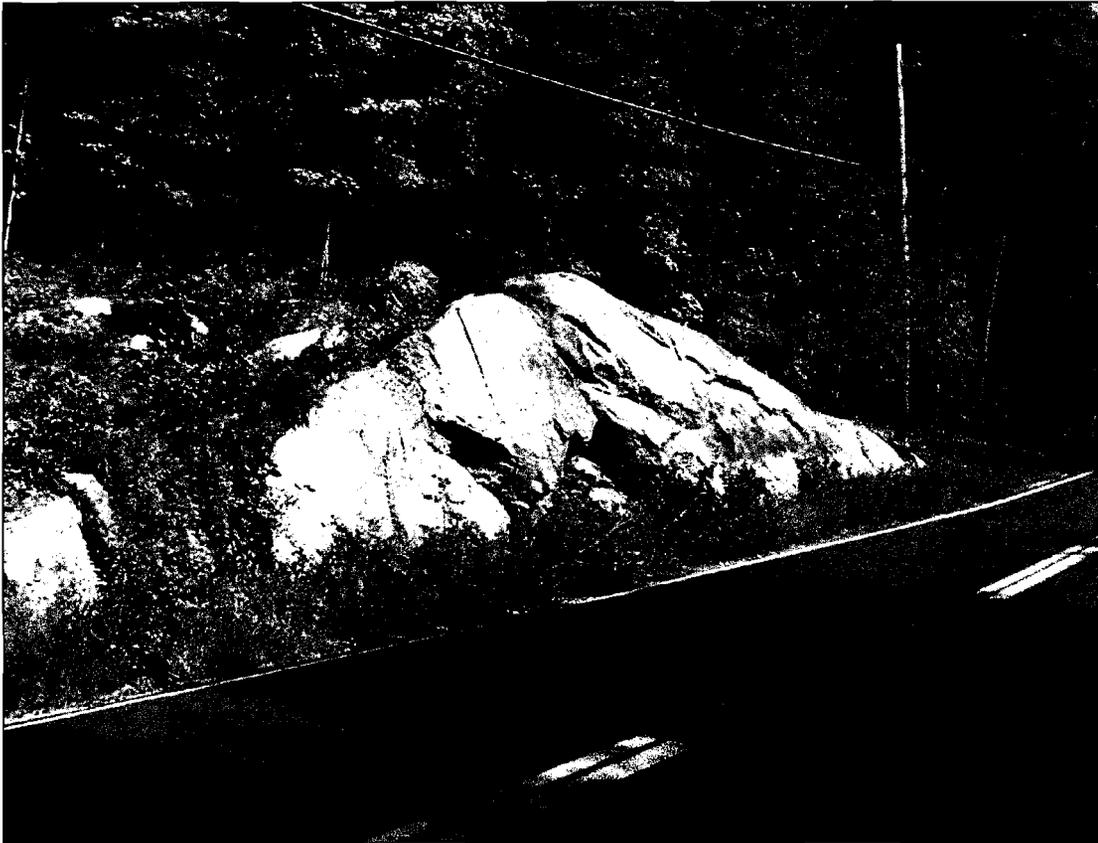
This project, like most projects of this nature, has generated community interest and concern. The points of concern raised by community members on the project have had a tremendous important impact on the project design, helping to inspire the applicant to minimize potential impacts associated with the project. Consequently, community interest in the project has had a beneficial effect.

**APPENDIX A  
ROCK REMOVAL ALONG C.R. #15  
PHOTOGRAPHS**

# MOUNTAIN TRACE SUBDIVISION - PHOTOGRAPHS KEY MAP



# MOUNTAIN TRACE SUBDIVISION - PHOTOGRAPHS



1 - Rock Adjacent to Proposed Entrance Looking North



2 - Rock Adjacent to Proposed Entrance Looking Southwest

# MOUNTAIN TRACE SUBDIVISION - PHOTOGRAPHS



3 - Onsite Rock South of Proposed Entrance Looking West



4 - Offsite Rock South of Project Looking West

# MOUNTAIN TRACE SUBDIVISION - PHOTOGRAPHS



5 - Offsite Rock North of Project Looking West



6 - Offsite Rock North of Project Looking Northwest

**APPENDIX B  
NEW YORK CITY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

# LETTER OF TRANSMITTAL

**CRONIN ENGINEERING P.E., P.C.**

June 11, 2001

The Lindy Building; Suite 200  
2 John Walsh Boulevard  
Peekskill, NY 10566  
914-736-3664 Fax 914-736-3693

Ms. Ursula Russo  
NYCDEP OWSL  
Suite 350  
465 Columbus Avenue  
Valhalla, NY 10595-1336

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**RE: Mountain Trace Subdivision**

Enclosed find a print of the cover/plat sheet for the Mountain Trace Subdivision last revised April 4, 2001.

**THESE ARE TRANSMITTED as checked below:**

---

FOR APPROVAL     FOR YOUR USE     AS REQUESTED     FOR REVIEW AND COMMENT     PLEASE REPLY

---

**REMARKS**

Let me know if you will require any further information. The public hearing is scheduled for Thursday, June 21<sup>st</sup>.

Copy to: file

Ron Wegner



Department of  
Environmental  
Protection

465 Columbus Avenue  
Valhalla, New York  
10595-1336

Joel A. Miele Sr., P.E.  
Commissioner

Bureau of Water Supply

Michael A. Principe, Ph.D.  
Deputy Commissioner

Tel (914) 742-2001  
Fax (914) 741-0348

October 1, 2001  
Ann Krause-Galler and Andy Galler  
100 Travis Corners Road  
Garrison, NY 10524

Rec'd  
10/12/01  
AG

RE: Santucci/Mountain Trace Subdivision  
Project Log # 12068  
Philipstown, Putnam County  
Out of Watershed

Dear Ms. Krause-Galler and Mr. Galler:

The New York City Department of Environmental Protection (DEP) has received your letter of 8/15/01 to Peggy Lloyd and Frank Barquet regarding potential impacts to the Catskill Aqueduct of the above-captioned proposed subdivision located on Canopus Hollow Road in the town of Philipstown.

After a visit to the site and a review of drawings and other material you provided with your letter as well as information on the Aqueduct available in record drawings, DEP did not find that the proposed development poses a threat to the integrity of the Aqueduct or to water quality within the Aqueduct. Specifically, DEP did not find a risk of damage to the Aqueduct either from blasting which may be employed during construction of the subdivision because of the large separation distance, or from erosion or changes to storm drainage at the site. Blasting beyond 200 feet from the Aqueduct does not pose a risk to its integrity. There are no manholes in the vicinity of the project which might be subject to infiltration from runoff.

DEP has no record of the developer contacting us regarding this project; and DEP appreciates your letter which notified us of the development. Thank you for your concern for the safety of the Aqueduct and the nine million consumers DEP serves. You may contact me at 914-773-4442 with any concerns you may have.

Sincerely,

Richard Matic  
Project Manager

Xc: Philipstown Planning Board  
Philipstown Town Hall  
Cold Spring, NY 10524



[www.nyc.gov/dep](http://www.nyc.gov/dep)

(718) DEP-HELP

**APPENDIX C  
CULTURAL RESOURCES**



New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

June 19, 2003

Ronald Wegner  
Cronin Engineering  
Lindy Building, Suite 200  
2 John Walsh Boulevard  
Peekskill, New York 10566

Re: INFO REQ  
5 Residential Building Lots/Canopus Hollow Rd  
Philipstown, Putnam County  
01PR00173

Dear Mr. Wegner:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Parks, Recreation and Historic Preservation Law, Section 14.09.

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Director

RLP:cmp



New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

January 14, 2003

Chris Kimbrough  
Hartgen Archeological Assoc., Inc  
1744 Washington Avenue Extension  
Rensselaer, New York 12144

Dear Mr. Kimbrough:

Re: INFO REQ  
5 Residential Building Lots/Canopus Hollow Rd  
Philipstown, Putnam County  
01PR00173

The Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the information submitted for this project. Our review has been in accordance with Section 14.09 of the New York Parks, Recreation and Historic Preservation Law and relevant implementing regulations.

The OPRHP has reviewed the Phase I report submitted for this project. As you have indicated, the project area is contiguous to the Revolutionary War Continental Village. While the strategy you used for testing is considered appropriate in most cases, we are concerned that the type of sites associated with these military activities may not be readily identified with this methodology. Since our office has also been provided with information that stone "features" have been observed within the project area, we are recommending some additional investigation.

Military sites that are likely to have ephemeral deposits can be tested using metal detecting, since ammunition, metal fragments and buttons are frequently part of the assemblage. If there were temporary outpost features along this ridge, that used a combination of logs, rocks and soil, it is possible that slumping has occurred or other modifications when the land was cleared for grazing. Any rock piles and walls should be closely examined or tested. In order to reduce the area where additional investigation will need to occur, we recommend that the APE be clearly defined within the 36.6-acre project.

If you have any questions, please contact Cynthia Blakemore at (518) 237-8643, extension 3288.

Sincerely,

Ruth L. Pierpont  
Director

RLP:cmp

✓ cc: Ronald Wegner, Cronin Engineering, P.E.

## ARCHEOLOGY COMMENTS

### 01PR0173

Based on reported resources, there is an archeological site in or adjacent to your project area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase 1 archeological survey is warranted unless substantial ground disturbance can be documented.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The Phase 1 survey is divided into two progressive units of study including a Phase 1A sensitivity assessment and initial project area field inspection, and a Phase 1B subsurface testing program for the project area. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best and most cost-effective product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, or current soil borings that verify past disruptions to the land. Agricultural activity is not considered to be substantial ground disturbance and many sites have been identified in previously cultivated land.

If you have any questions concerning archeology, please call Doug Mackey at (518) 237-8643 ext. 3291.



New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

January 31, 2001

Ronald Wegner  
Project Engineer  
Cronin Engineering, P.E., P.C.  
The Lindy Building, Suite 200  
2 John Walsh Boulevard  
Peekskill, New York 10566

Dear Mr. Wegner:

Re: INFO REQ  
5 Residential Building Lots/Canopus Hollow Road  
Philipstown, Putnam County  
01PR0173

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Director

RLP:bsd  
Enclosure(s)

**BUILDINGS-STRUCTURES-DISTRICTS  
EVALUATION COMMENTS**

**01PR0173**

Subdivision, Canopus Hollow Rd.,  
Town of Philipstown, Putnam County

\*\*\*\*\*

  X   There are no State or National Register of Historic Place listed properties within or adjacent to your project site.

       The project area is within the following State/National Register of Historic Places listed property:

       Your project area has not been comprehensively surveyed for historic resources. If you would like the Office of Parks, Recreation and Historic Preservation (OPRHP) to comment regarding properties potentially eligible for inclusion in the State or National Register of Historic Places, please submit original photographs of structures over fifty years old within or adjacent to the project area and key them to a site map.

  X   Based on the scope of the project, OPRHP has no concerns regarding impacts to historic buildings, structures or districts within your project area.

       Other: If any state or federal agencies are involved in this project, further review may be required in accordance with section 14.09 of the New York State Parks, Recreation and Historic Preservation Law or Section 106 of the National Historic Preservation Act of 1966.

\*\*\*\*\*

If you have any questions concerning these Evaluation Comments, please call **Peter Shaver** at **(518) 237-8643 ext. 3264**.

PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN RESPONDING TO THIS REQUEST

PDS 01/18/01

HAROLD J. GARY  
COMMISSIONER



May 23, 2001 DEPARTMENT OF HIGHWAYS & FACILITIES

Mr. Ronald Wegner  
Cronin Engineering, P.E., P.C.  
The Lindy Building, Suite 200  
2 John Walsh Blvd.  
Peekskill, New York 10566

RE: Mountain Trace Subdivision, Sprout Brook Road, C.R. #15

Dear Mr. Wegner:

This Department has reviewed the above referenced subdivision and we will require the following revisions:

1. The proposed water quality basin that drains DS #3 shall be relocated such that the top of slope is outside of the County R.O.W. and on private property.
2. Details of proposed outlet structures with inverts from water quality basins should be shown on plans.
3. E.S. #1 shall be removed and replaced by a catch basin for the 18" H.D.P.E. outlet from DS #3 and pipe placed along Sprout Brook Road to drain into CB #2.
4. The centerline profile of the proposed road must be changed to conform to Putnam County Standards (see attached sheet entitled "Highway Standards- Driveway Section with Plus Grade).
5. Sight distance profiles looking north and south along Sprout Brook Road from the proposed road shall be required by this Department.
6. A signature line for the Putnam County Department of Highways & Facilities shall be provided on the subdivision plat.
7. An enlarged scale drawing (1"= 20') of the proposed entranceway shall be submitted to this Department.

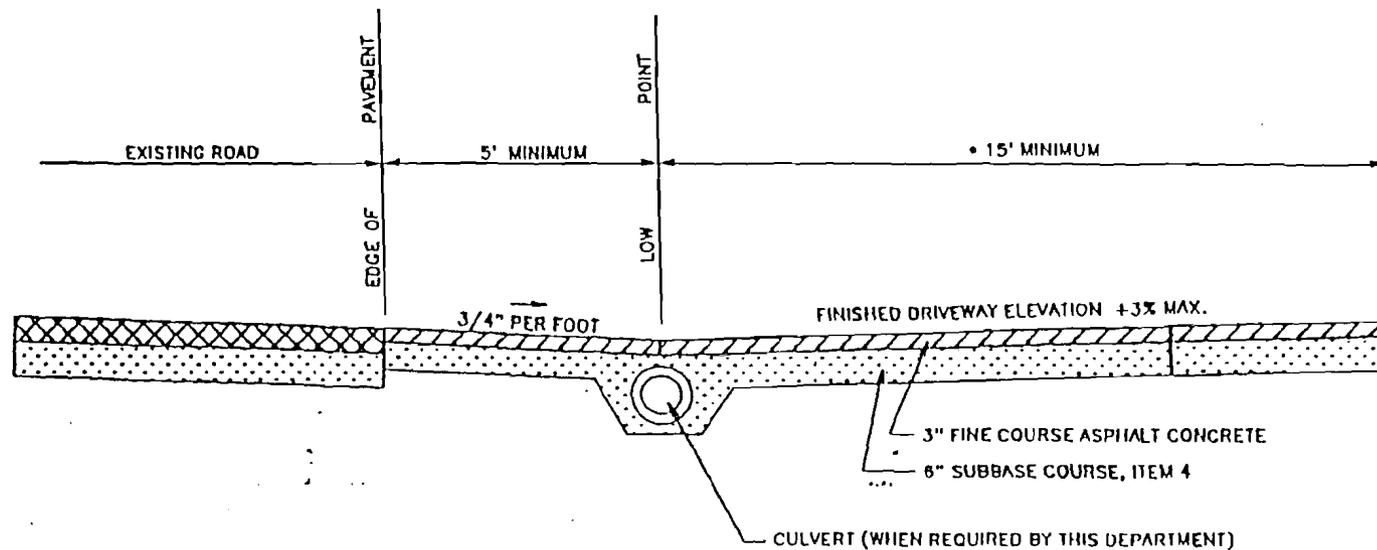
If you have any questions please call me at (845)-878-6331.

Thank you.

Very truly yours,

HAROLD J. GARY  
Commissioner

by: Paul F. Mancari  
Paul F. Mancari  
Senior Road & Safety Inspector



• TO MAKE A SMOOTH TRANSITION FROM SHOULDER GRADE TO DRIVEWAY GRADE

**NOTES:**

1. FIRST 25' FROM EDGE OF ROAD SHALL BE PAVED
2. SIZE AND DEPTH OF PIPE TO BE APPROVED BY P.C.D. of H.& F.

PUTNAM COUNTY DEPT. of HIGHWAYS & FACILITIES		
HIGHWAY STANDARDS		
DRIVEWAY SECTION WITH PLUS GRADE		
SCALE: NONE	DATE 3/2000	FIGURE: B

**C****RONIN ENGINEERING, P.E., P.C.**The Lindy Building, Suite 200, 2 John Walsh Blvd., Peekskill, New York 10566  
Tel. (914) 736-3664 • Fax. (914) 736-3693

April 24, 2001

Matthew Noviello, P.E., L.S., Supervisor, Planning and Design  
Putnam County Department of Highways and Facilities  
842 Fair Street  
Carmel, NY 10512

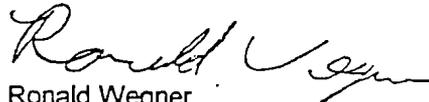
Re: *Subdivision Access*  
*Canopus Hollow/Sprout Brook Road (C.R. #15), Town of Philipstown*  
*Mountain Trace Subdivision*

Dear Mr. Noviello:

Enclosed find a set of plans for the Mountain Trace Subdivision dated February 1, 2001, last revised April 4, 2001. These plans are being sent for your preliminary comments/approval from your department as to the location and design of the subdivision entrance onto Canopus Hollow/Sprout Brook Road. The proposed subdivision involves the creation of five lots which will all gain access to the County road via a common drive to be owned and maintained by a homeowners association.

Kindly review the plans and indicate any comments that you may have. Should you have any questions or require additional information please contact me at the above number. Thank you for your time and assistance with this matter.

Respectfully Submitted,

Ronald Wegner,  
Project Engineer

cc: Dominick and Debra Santucci

**McCORMACK SMITH ENGINEERING PLLC  
11 BLACK DIAMOND HILL  
GARRISON, NEW YORK 10524  
(845) Fax: (845)**

June 6, 2012

Chairman and Members of the Board  
Town of Philipstown Planning Board  
Town Hall Main Street  
Cold Spring, N. Y. 10516

**Re: Minor Site Plan Amendment Application, County Line Equities, LLC  
N. E. QUADRANT ROUTE 9 & TRAVIS CORNERS RD., Garrison, N. Y.  
Tax Map 49. Block 1 Lot 44, Town of Philipstown, Putnam County**

Dear Chairman and Members of the Board:

The reason for this request for a Minor Site Plan Amendment is to bring an approved use for an existing business into compliance. This existing approved use was found to have exceeded the number of vehicles shown on the approved site plan. There was an ORDER OF CONDITIONAL DISCHARGE DOCKET # 10090035 dated 7/13/11. We are remediating the violation by amending the approved site plan.

This amendment addresses the automobile repair/towing operator use only.

In response to the comments expressed during the April Planning Board Meeting, and the Memorandum from the Town Planner, Susan Jainchill, RLA, AICP Technical Director, AKRF, Inc. dated 5-15-12 the following along with the revised site plan address these items.

**COMPLETENESS OF INFORMATION PRESENTED**

- 1) 14 copies of the 1992 site plan, resolution and statement of use are included in this package
- 2) Proof of ownership along with the owner authorization was emailed to Ms. Ann Gallagher for distribution to the members of the board.
- 3) With regard to the questions about the use of the property as defined by the Town Code:
  1. The use is an automobile service station meeting all criteria .... supply of gasoline or oil..... servicing, or repairing...

When the Town was writing the current zoning law the **intent** that was promised and stated over and over was that the new law would protect and not adversely effect the existing businesses. I am sure there are several interpretations to all documents but when interpreting a document it is important to know the authors intent and it is a fact that there was no intent to adversely effect the existing businesses, therefore, when reading the current code and wording is found that needs interpretation be aware of the authors intent.

2. The site is not a junkyard by definition since the vehicles are owned and registered. It is agreed that there are some vehicles that do not display license plates because the license plates fell off during the accidents, many do not have bumpers to attach the plates however they are registered vehicles waiting legal release from impoundment or release by the insurance companies and/or owners to dispose of the vehicle.

4) The Town Planner, Susan Jainchill emailed the Town Supervisors office on 5-15-12 regarding the escrow arrangement agreed to by the Town Board. The Town Supervisors office responded on 5-16-12 via email and assured that all bills to date were paid by the applicant. Susan Jainchill emailed the Town Supervisors office on 5-16-12 her thanks for the information and appeared to be satisfied with the response since there were no further questions (Ms. Susan Jainchill's Memorandum to the board was 5-15-12). A copy of these emails will be forwarded upon request.

#### **SITE PLAN CONSIDERATIONS**

1) The site plan has been revised and the topography is now shown along with existing drainage structures.

2) The site plan has been revised and now shows the location of the combination of screening planting and screening fence for the benefit of the residential uses on the adjoining HC zoned properties to the north and east. The proposal is to screen the residential uses from the site with a combination of planting and screening fence since the areas requiring screening have mature trees along the property line. These areas are shown on the revised site plan.

a.) The automobile repair/towing operator tenant will install a 4' High screening fence (detail shown) along the east property line. The grade of the automobile repair/towing operator site is 10' lower than the residential properties to the east so the 4' high screening fence and trees will provide sufficient screening.

b) The automobile repair/towing operator tenant will plant a combination of minimum 6' high white pines in a stagger pattern approximately 20' apart with American holly planted between the trees along the north property line. The combination of existing numerous mature trees along the north property line and proposed trees and holly will provide sufficient screening. The locations of tree and holly plantings are shown on the plan along with details.

3) The height of the existing fences is now shown on the plan along with a detail.

4) There is no plan to pave any additional areas of the site the entrance aprons are paved as are the aprons to the repair bays. The existing site drainage is functioning well. The site is on well draining soils with an adequate slope, graded from the northeast to the southwest. The site has a high point in the northeast corner El. 618 to a low point in the southwest corner El. 601.7

There are two (2) drainage structures (both are shown on the plan) located along the north side of Travis Corners Road (along the south side of the property)

The larger drainage structure is a Drop Inlet (Rim El. 601.7) located on the corner of Route 9 and Travis Corners Road NW Quadrant which discharges to the south thru an 18 inch corrugated metal pipe under Travis Corners Road.

The second drainage structure is a Drop Inlet located 140 feet east of the larger Drop Inlet also located along the north side of Travis Corners Road and which discharges to the southwest thru a 12 inch corrugated metal pipe under Travis Corners Road.

These two (2) existing drainage structures adequately handle both the Travis Corners Road existing drainage and the property's existing drainage.

Very truly yours,

  
Patti McCormack Smith, P. E.

14 copies enclosures plus 1 CD  
PMS

DON -  
STATEMENT OF USE  
SAYS 3 TENANTS -

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION P.B. # Q-93 (Anthony deRocco Frederick Pagano, Site Plan Approval, Route 9, new tax map # 60.0-02-84)

ONLY NORTH AND MIDDLE  
USE ARE SITING

*Jack May*

WHEREAS, the Town of Philipstown Planning Board received a site plan application from Anthony deRocco and Frederick Pagano, prepared by Badey and Watson, dated July 1, 1992 (with a site plan last revised December 18, 1992) for approval of a change of use of an existing multi-use building on a 66,451 sf parcel located in a B-2 zoning district on Route 9; and

WHEREAS, an unsigned Statement of Use was submitted with the application, dated August 1992 outlining the uses proposed for the building, and is attached hereto;

WHEREAS, Tim Miller Associates, Inc., Town Planner has reviewed the proposed site plan and use and has reported to the Planning Board by memoranda dated August 13, 1992; and,

WHEREAS, the proposed facility is wholly located within the B-2 Business zone

WHEREAS, the existing facility had fallen out of compliance with the setback and parking requirements outlined in Article VIII of Section 175 of the Town Zoning law through encroachment of the parking lot into the setback area of Route 9; and,

WHEREAS, revised versions of the plans submitted with this application has brought the proposed facility substantially in compliance with the pertinent standards in Section 175 and the application now generally complies with the same; and

WHEREAS, it was determined that this action is subject to SEQR review according to ECL Part 617 and, based on a Short Form EAF submitted by the applicant, this project is an Unlisted action; and,

WHEREAS, the Planning Board is automatically the Lead Agency under SEQR and has carried out an uncoordinated SEQR review;

WHEREAS, a public hearing was held on this application on October 15, 1992;

WHEREAS, a positive referral was received from the County per section 238M of New York State law dated September, 1992.

*over*  
1

**received**  
2-10-93

*1-25-93*

January 21, 1993

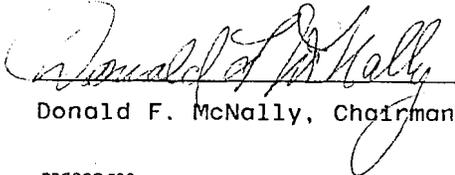
NOW, THEREFORE, BE IT RESOLVED, that:

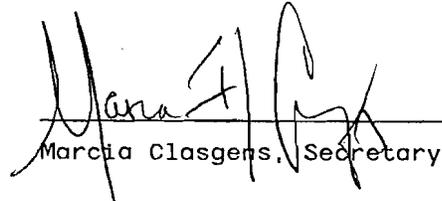
- 1) the Planning Board has reviewed the Short Form EAF part I prepared by the applicant, and part 2 (prepared by the Town Planner at its August 1992 meeting and hereby approves a Negative Declaration consistent with Article 8 of Environmental Conservation Law (See Attachment 1), and
- 2) the Planning Board approves the site plan as amended through December 18, 1992 subject to the condition that no parking or temporary storage of cars shall occur in the front of the property, except in those six spaces so noted on the site plan.
- 3) the Planning Board authorizes the Planning Board Chairman to sign a final version of the site plan drawing (an appropriate signature block is to be added to the site plan) signifying final approval of this site plan application upon receipt or proof of compliance with the following items:

- 1) a signed and dated Statement of Use consistent with previous preliminary submission;

Adopted at a meeting of the Philipstown Planning Board on January 21, 1993

PHILIPSTOWN PLANNING BOARD

  
Donald F. McNally, Chairman

  
Marcia Clasgens, Secretary

pagano.res



Revised  
Preliminary  
Statement of Use  
of  
Frederick Pagano and Anthony deRocco

Frederick Pagano and Anthony deRocco are the owners of a 1.525 acre parcel of land located on the northeasterly corner of U.S. Route 9 and Travis Corners Road. The property is designated as Sheet 60.0, Block 2, Lot 84 on the new Putnam County Tax Map for the Town of Philipstown. The previous Tax Map designation was Sheet 52, Block 04, Lot 24.2. The property lies within a B-2 (Commercial) Zoning District.

A one story building exists on the site. The building covers and contains 4,235 square feet. It was originally constructed and approved for the operation of an iron works. This operation has been discontinued. The owners purchased the property to develop rental income. At present, the entire building is rented to three tenants.

Site - General

The nature and extent of the individual uses are discussed below.

An on-site sewage disposal system exists and is shown on the site plan. A well exists on the site to supply water to the facility. It is also shown on the site plan. Both the well and septic system are functioning and appear to be adequate for the site. Solid waste is collected in the "dumpster" shown on the site plan and hauled away by a commercial carter.

Although no formal drainage facilities exist, storm water has not proven to be a problem in the past. Therefore, no provision has been incorporated into the site plan.

The maximum number of daily visitors to the site is expected to be 23. This estimate was tallied from the individual estimates explained below. Parking and loading requirements have been provided on the site plan in accordance with the Philipstown Code. A total of 14 parking spaces have been provided. It is obvious from the site plan that there is adequate space behind the building for any additional parking requirements.

A maximum of 66 trips to and from the site are expected in any one day. This number was tallied from the estimates discussed below. The peak hours are expected to occur between 7:00 AM and 8:00 AM when employees will report to work while customers of the repair shop might be dropping off their cars. During this hour a maximum of 17 trips is anticipated.

Each of the tenants, as well as the landlord, keeps cleaning agents, paints, thinners and other materials normally associated with ground and building maintenance on the site. Statements below should be deemed to include these materials. These materials are kept in small quantities. They are kept inside the building in the manufacturer's containers.

Electric, telephone and CATV utility lines are in place along Route 9 and Travis Corners Road. They presently service the facility and are adequate for that purpose.

Other than heating fuel and those listed herein, no other toxic or hazardous materials are to be used, stored or processed in connection with the proposed use or occupancy as identified in the United States Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recover Act (40 CFR 261) or Article 27 of the New York State Environmental Conservation Law (6 NYCRR 366).

#### North Use

The north portion of the building, 1,320 square feet has been rented to Cyberchron Corporation for use as a machine shop and storage facility. These uses can be found under Paragraphs 34 and 39 of Schedule A, of Section 175-25 of the Philipstown Code. Paragraph 34 states that "...machine shops occupying not more than 5,000 square feet of floor area" is a permitted use in a B-2 Zone subject to a requirement to obtain Site Plan approval from the Philipstown Planning Board. Paragraph 39 states that "Warehousing..." is a permitted use in a B-2 Zone subject to a requirement to obtain Site Plan approval from the Philipstown Planning Board.

In addition to the storage activity, machining equipment is kept and operated on the site. All machining is conducted indoors by the two full-time employees that are stationed here. The purpose of this facility is to support the business and development activities of Cyberchron Corporation. Machining is done for the purpose of constructing prototypes and making special parts necessary for the development of the corporation's products.

In addition to the two full-time employees, the site is visited less frequently than once a day by other Cyberchron employees and delivery vehicles. The anticipated parking needs for this use are, therefore, two spaces. This use is expected to produce approximately 8 trips per day. This estimate is based on the following assumptions:

1.	Full time employees - arrive and depart.	4 trips
2.	One full time employee - leaves and returns from lunch.	2 trips
2.	Visitor or Delivery -	2 trips
	<b>TOTAL,</b>	<b>8 trips</b>

Hours of operation of this facility are from 8:00 AM to 4:30 PM Monday through Friday with occasional overtime and Saturday work.

This use is not expected to affect air quality, nor is it expected to produce odors, vibration or glare that will be transmitted outside of the building. Because the activity is conducted indoors, noise is not expected to be a problem. The only hazardous material kept on the site is machine coolant which is stored in two five-gallon cans. This material is kept indoors.

#### Middle Use

The middle portion of the building, 995 square feet has been rented for use as an auto repair facility. This use can be found under Paragraph 24 of Schedule A, of Section 175-25 of the Philipstown Code. This paragraph states that "Motor vehicle ... repair garages" are permitted uses in a B-2 Zone subject to a requirement to obtain Site Plan approval from the Philipstown Planning Board.

This repair facility is operated by a single, sole proprietor. There are no full-time employees. This repair facility will be registered as a repair garage and for vehicle inspections by the New York State Department of Motor Vehicles.

Hours of operation are from 7:00 AM to 5:00 PM Monday through Friday with occasional overtime and Saturday work.

In addition to the storage activity, machining and welding equipment is kept on the site. This equipment is used on site only during those occasional periods discussed above. As many as ten tanks of Argon gas are kept on the site, however, most often, less than five are present. A single tank of oxygen and a single tank of acetylene are stored on the site. All activities are conducted indoors.

This use is not expected to affect air quality, nor is it expected to produce odors, vibration or glare that will be transmitted outside of the building. Because activities are conducted indoors, noise is not expected to be a problem.

Respectfully submitted,

---

Frederick Pagano

---

Anthony deRocco

\_\_\_\_ August, 1992

# LAWRENCE J. PAGGI, PE, PC

Consulting Engineering

43 Broad Street  
Fishkill, New York 12524

Phone 845 897 2375

Fax 845 897 2239

Email ljpaggi@optonline.net

June 7, 2012

Mr. Michael Leonard, Interim Chairman  
c/o Kevin Donohue, Code Enforcement Officer  
238 Main Street  
Cold Spring, New York 10516

Re: ***Philipstown Square – Amended Site Plan  
3166 Route 9, Town of Philipstown  
Tax ID No.:27.12-1-10***

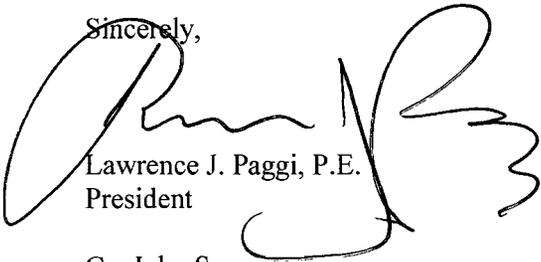
Dear Chairman Leonard and Members of the Board:

Please find enclosed thirteen (13) copies of the amendment to map of site plan, amendment of site plan application and short environmental assessment form for the above referenced project. The plan has been revised in response to the verbal comments discussed during the pre-Application meeting on May 11, 2012. The revisions and responses to request for additional information are outlined below:

1. As requested by the Code Enforcement Officer, the title of the site plan has been revised to use the original title from the previously approved site plan.
2. As requested by the Code Enforcement Officer, the drawing number has been revised to 1A to be consistent with the previously approved site plan drawing numbers.
3. This office was requested to investigate the status of the prior application for amended site plan approval to construct an addition to the existing building. Amended site plan approval was granted for the proposed building addition on March 24, 2011. That approval has since expired. We therefore request, on behalf of the applicant, that the Planning Board consider extending/reapproving the resolution previously granting approval of the addition.
4. As directed by the Code Enforcement Officer, an application is being made for “Amendment of Site Plan” rather than for a “Minor Project”. The amendment of site plan application has been provided with this submission, along with the associated \$250.00 application fee and \$500.00 escrow fee.
5. The application form has been revised to indicate that the project area is not within a flood zone. All overlays except (FPO) have been indicated as N/A.
6. The existing curb/concrete barrier has been labeled “to remain”.
7. This office was requested to investigate the status of the installation of landscaping in the rear of the property as required by the original site plan approval. We have confirmed that this landscaping still needs to be installed. Therefore, a note has been added to the plan indicating the requirement for the installation of this landscaping.

On behalf of our client, we request that this project be placed on the Planning Board’s June 21<sup>st</sup> agenda. Your consideration of this matter is appreciated. Please do not hesitate to contact our office if we may be of any assistance.

Sincerely,



Lawrence J. Paggi, P.E.  
President

Cc: John Scanga

# **Town of Philipstown**

**238 Main Street  
Cold Spring New York 10516**

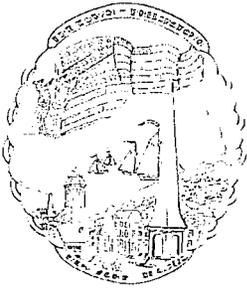
## **PLANNING BOARD**

### **AMENDMENT of SITE PLAN**

### **APPLICATION PACKAGE**

**Project Name:** Amendment to Map of Site Plan Prepared for Philipstown Square

**Date:** 5-29-12



# 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:** 5-29-12

**TM#** 27.12-1-10

**Project Name:** Amendment to Map of Site Plan Prepared for Philipstown Square

**Street Address:** 3166 Route 9

**Fee Amount:** \$250.00

**Received:** \_\_\_\_\_

**Bond Amount:** \_\_\_\_\_

**Received:** \_\_\_\_\_

**Applicant:**

Name Lausca, LLC

Address 22 Corporate Park West  
Cold Spring, NY 10516

Telephone \_\_\_\_\_

**Tenant:**

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

**Design Professional:**

Name Lawrence J. Paggi, PE, PC

Address 43 Broad Street  
Fishkill, NY 12524

Telephone 845-897-2375

**Surveyor:**

Name W.E. James Associates

Address 8 Cheanda Lane  
Wallkill, NY 12589

Telephone 845-566-6522

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

Name Lausca, LLC

Address 22 Corporate Park West  
Cold Spring, NY 10516

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

TM# 27.12-1-10

Project Name: Amendment to Map of Site Plan Prepared for Philipstown Square

Project Description: Modify existing interconnection between the parcel site and the adjoining parcel to the North to create a 16-foot wide opening with curbing on each side of the opening asphalt "speed bump" across the opening and install two-sided "speed bump" sign.

**ZONING INFORMATION**

175-7 Zoning District: HM

175-10 Proposed Use: Existing use will remain - Retail Plaza

Proposed Accessory Use(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

\*\*Project area is not within flood zone where the Floodplain Overlay is indicated.

TM# 27.12-1-10

Project Name: Amendment to Map of Site Plan Prepared for Philipstown Square

**175-11 Density and Dimensional Regulations**

Zoning District _____	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road					
Measured from the travel way County/State	30	117	N/A		
Minimum side yard setback	10	16	N/A		
Minimum side yard setback (2)					
Minimum side yard setback (3)					
Minimum rear yard setback	15	148	N/A		
Maximum impervious surface coverage	50%	61%	N/A		
Maximum height	40	39	N/A		
Maximum footprint non-residential structures	10,000	14,790	N/A		

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: \$250.00 Received: \_\_\_\_\_
9. Escrow: \$500.00 Received: \_\_\_\_\_

## Town of Philipstown Town Code Chapter 175

### **D. Site Plan Amendments**

An approved Site Plan may be amended by filing an application with the Planning Board for a Site Plan amendment.

1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable Special Permit approval (or if no Special Permit is required) and does not represent a substantial change from the approved Site Plan, it shall grant the amendment without a hearing.
2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable Special Permit approval (or if no Special Permit is required), but is a substantial change from the approved Site Plan, it shall follow the procedures for Site Plan approval contained in §175-66F and hold a public hearing if the amendment would be considered to be a Major Project.
3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any Special Permit approval, it shall consider the application to be one for a Special Permit amendment and proceed pursuant to §175-62.
4. Notwithstanding any other provision of this chapter, in considering any site plan amendment or any site plan approval for an existing use or structure, the Planning Board shall be limited to reviewing proposed changes and shall not require changes to any structures or conditions on the property legally in existence prior to such application, even if such structures or conditions are nonconforming.

APPENDIX A-1: AFFIDAVIT OF OWNERSHIP (Individual or Partnership)

State of New York )

ss. :

County of ~~Putnam~~ )

**DUTCHESS**

John P. Scanga, being duly sworn, deposes and says that He resides at 21 Scanga Lane, Cold Spring in the County of Putnam, State of New York and that he (a general partner of Lausca LLC) is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Philipstown, New York, aforesaid and known and designated on the Tax Map of the Town of Philipstown as Lot Number 10 block 1 on Map 27.12 and that deponent (said partnership) acquired title to the said premises by deed from Gabe Realty dated \_\_\_\_\_ and recorded in the Office of the Clerk of the county of Putnam on \_\_\_\_\_ in Liber 1606 of Conveyance at Page 14 and that \_\_\_\_\_ (said partnership) hereby consents to the annexed application of Lausca LLC for approval of the map (or project) entitled Philipstown Square 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 deponent's knowledge and belief.

(signed) John P Scanga

Sworn to before me this

6th Day of June 2012

Jamie M. Dimattia  
Notary Public

JAMIE M. DIMATTIA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DI6119136  
Qualified In Dutchess County  
My Commission Expires November 22, 2012

APPENDIX B-1: CERTIFICATE CONCERNING OWNERSHIP OF APPLICANT

1. If owner or applicant is a general or limited partnership, attach this notarized certification listing names and addresses of all partners and participants. If a partner is a partnership, corporation, association or business trust, provide the information required by this section for such partner.
2. If owner or applicant is a corporation, association or business trust attach notarized this certification listing position, name and address of all officers, directors and all shareholders owning (whethyer beneficially or equitable) five (5%) percent or more of any class of shuch party's stock.

Certificate of \_\_\_\_\_

<u>Position</u>	<u>Name</u>	<u>Address</u>	<u>% Ownership</u>
OWNER	JOHN P. SCANGA	COLD SPRING, NY 10516	50%
OWNER	EDDIE LAURIA	FISHKILL, NY 12524	50%
			%
			%
			%
			%

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

Sworn to before me this

6<sup>th</sup> Day of JUNE 2012

 OWNER  
Signature and Title

  
Notary Public

JAMIE M. DIMATTIA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DI6119136  
Qualified In Dutchess County  
My Commission Expires November 22, 2012

PROJECT I.D. NUMBER

617.20  
Appendix CState Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only**PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)**

1. APPLICANT/SPONSOR: LAUSCA, LLC	2. PROJECT NAME: Amendment to Map of Site Plan Prepared for Philipstown Square
3. PROJECT LOCATION: Municipality TOWN OF PHILIPSTOWN County PUTNAM	
4. PRECISE LOCATION: (Street address and road intersections, prominent landmarks, etc., or provide map)  3166 US ROUTE 9, PHILIPSTOWN, NY 10516	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>MODIFY EXISTING INTERCONNECTION BETWEEN THE PARCEL SITE AND THE ADJOINING PARCEL TO THE NORTH TO CREATE A 16-FOOT WIDE OPENING WITH CURBING ON EACH SIDE OF THE OPENING, ASPHALT "SPEED BUMP" ACROSS THE OPENING AND INSTALL TWO-SIDED "SPEED BUMP" SIGN.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <u>2.92 +/-</u> acres Ultimately <u>2.92 +/-</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agricultural <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) name and permit/approvals <b>AMENDED SITE PLAN APPROVAL – TOWN OF PHILIPSTOWN</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) name and permit/approval <b>PUTNAM COUNTY DEPARTMENT OF HEALTH APPROVAL NEW YORK STATE DEPARTMENT OF TRANSPORTATION – HIGHWAY WORK PERMIT SITE PLAN APPROVAL – TOWN OF PHILIPSTOWN</b>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>AMENDED SITE PLAN APPROVAL BEING SOUGHT</b>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor name: <u>LAUSCA, LLC</u>	Date: <u>6-6-12</u>
Signature: <u>John P. Seay</u>	

If the action is in a Coastal Area, and you are a state agency, complete a Coastal Assessment Form before proceeding with this assessment

**PART II-ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?

If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible.)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

Explain briefly:

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

Explain briefly:

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?

Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No If Yes, explain briefly:

**Part III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials.

Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date