

MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Old VFW Hall, 34 Kemble Ave., Cold Spring, New York 10516
July 18, 2019
7:30 PM

Pledge of Allegiance
Roll Call
Approval of Minutes: June 20, 2019 – Regular Monthly Meeting

Correspondence:

- Letter from Joan Turner regarding 1122 Route 9D, Garrison

Return of Escrow:

Old Business:

1122 Route 9D Realty, LLC

TM# 60.18-1-46

(The applicant is seeking site plan approval to construct a canopy over the gasoline pumps. The application also seeks to add the Accessory Use of used car sales. The property is located in an “HM” (Hamlet Mixed-Use District) and consists of approximately 1 acre.)

New Business:

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

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[Signature]

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
June 20, 2019**

The Philipstown Planning Board held its regular monthly meeting on Thursday, June 20, 2019 at the Old VFW Hall, 34 Kemble Ave., Cold Spring, New York.

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

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

A. Minutes

The minutes of the May 16, 2019 Regular Monthly Meeting were reviewed.

Ms. Conner moved to adopt the minutes of May 16, 2019 and Mr. Hardy seconded the motion. The vote was as follows:

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

B. Return of Escrow

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

Mr. Gaba reported there is one outstanding charge that needs to be remedied but suggested the board approve the return of escrow conditioned on the payment of such.

Ms. Conner moved to return the escrow of Miranda L. Grimm Juby pending the payment of the outstanding charge and Mr. Tomann seconded the motion. The vote was as follows:

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

C. Public Hearing

Hudson Highland Reserve, Route 9 & Horton Road

At the start of the discussion it was noted that the applicant had a representative on site to take a stenographic record of all discussions, which would be made available for the Town's records.

Chairman Merante read an abbreviated version of the public hearing notice.

Chairman Merante stated that on May 16th the Planning Board determined that the Draft Environmental Impact Statement was complete for public review and comment. It examines the nature and extent of identified potential environmental impacts as well as steps which could be taken to minimize or avoid adverse impacts. Written comments will be accepted until July 8th and should be addressed to the Planning Board. The Chairman explained that the board chose to extend this period beyond the minimum 10 days after the close of the Public Hearing. He requested that anyone who wishes to speak at this public hearing sign in with their name, address and any affiliations. He stated they would first give the project sponsor 5 minutes to give a brief description of the project. Chairman Merante made it clear, this is not a question and answer period, and all comments should be directed to the Planning Board. Comments should be limited to 2 minutes and should be limited to the DEIS. He noted that the meeting is being filmed and all comments will be recorded by a stenographer. It was requested that when it is your turn to speak you approach the microphone and identify yourself. Chairman Merante then asked if any of the board members had any brief comments.

Neal Zuckerman stated he had a couple of points to make and they are directed to the members of the public. He stated that as a Planning Board member he draws on 5 areas of input to ultimately vote: the applicant's word, the code, the board's experts, his own experience and judgement and the input of the public. He stated the public has had some input but most of the airtime has been confined to the first 4 areas he noted. He stated that from all of those inputs he arrived at and voted for a positive declaration of environmental impact with 3 explicit concerns supporting his vote which he has expressed numerous times. Mr. Zuckerman explained that last month when the board accepted the DEIS, which does not mean the Board's agreement with all statements in the DEIS, he again stated those same concerns about this project's environmental impact and was validated with the project's representatives that no changes were offered in this submission that addressed his concerns. He stated that public input on this project is critical and asked that the public be objective and respectful in conveying their perspective. Mr. Zuckerman informed the board as well as the public that he would have to leave the meeting by 9:45 pm.

As no other board members wished to make comments at this time, the Chairman turned the floor over to the applicant's team to give a brief description of the project.

Richard O'Rourke, attorney with the law firm Keane & Beane PC representing the property owner and the chief architect on the project, Ulises Liceaga, stated he would keep his comments brief as this meeting's concept is to hear from the public with respect to comments and questions that they have regarding the document which is the consideration of tonight's meeting. Mr. O'Rourke stated the books that are considerable are present and have been available to the public for some time and shall remain available to the public. He stated a great deal of study has gone into this and has been done with respect to this property, all of which is necessary when proposing a project that is setting aside so much open space and attempting to develop a quality subdivision and equestrian center. Mr. O'Rourke explained the proposal is for there to be a community of what could be termed 'green homes' which means that the homes shall be built to the highest standards in terms of environmental sensitivity and to complement the natural landscape, all to be developed alongside a carefully planned state-of-the-art equestrian facility. He stated the homes are not limited only to owners who intend to board horses at the equestrian facility but are targeted for those that envision using this property for seasonal use and of like-minded residents who intend to encourage and maintain ecological value of this property. Mr. O'Rourke explained the remaining 159.8 acres are to be left untouched and preserved as open space by legal instruments that will keep it as undisturbed open space in perpetuity. According to the conservation analysis previously prepared, the land intended for the preservation is of high ecological and conservation value and will be protected and will maintain the natural integrity for native species that inhabit the land. He continued, because there are some misunderstandings and misconceptions as to what is proposed, including the access points, the proposed development, and the resulting impacts, their consultants will provide a very brief review of precisely what is proposed, what the project benefits are, and why they believe this project is not only good for the community but also for the environment. Mr. O'Rourke stated they are creating opportunities for recreation in a quality development and the analysis that has been undertaken provides a framework of protection and quality development that will ultimately benefit the community on a much larger scale. He apologized because the format of the public hearing and the regulations of SEQRA do not allow questions to be answered this evening, and that by law the questions will be answered in writing as part of the process. He stated they will be responsive in accordance with the law which will require the questions posed this evening to be answered in writing in what is called the Final Environmental Impact Statement. Mr. O'Rourke introduced Steve Gross, the applicant's consulting planner, to give a quick run-through of their proposal.

Steve Gross, principal of Hudson Highlands Environmental Consulting, stated he would give a quick orientation for anyone who might not be as familiar with the project. He stated this is a conservation subdivision which means it's a design that takes into account the environmental constraints and the environmental benefits or features of the property to come up with a design. They started with a conservation analysis that looked at all of the natural resources that were on the property along with the constraints and mapped them out. The map was displayed and showed the darkest reddish areas to be of high conservation value, the yellow shows areas of medium conservation value, and the blue shows the lowest conservation value or potential development area. Some factors that are considered when deeming the conservation value of a piece of land include wetlands and watercourses, native vegetation, and steep slopes. Mr. Gross

pointed out a historic road that runs through part of the property and some existing structures as well as an area that had been subject to some previous occupation and development. He stated the flattest areas of the site are located in the blue area and pointed out other areas where steep slopes exist. Mr. Gross explained the development was planned to avoid the constraints, avoid the steep slopes and preserve the most highly beneficial parts of the property, the most ecologically sensitive parts, especially the wetlands, wetlands buffer, the pond, native areas, native vegetation & high value habitat. He stated they have a lot of invasive species in the area that had been previously subject to development, so the development was clustered into these areas.

At this time, the Chairman stated they would begin hearing public comment, going down the sign-in sheet name by name.

Lynda Ann Ewen, Glassbury Court – Ms. Ewen stated she is present representing only herself but stated she is Vice-Chair of the Philipstown Aging at Home Organization and is a member of Glassbury Court, which is a neighbor of this development. Ms. Ewen stated she was looking for clarification as all of this has been very confusing. She stated Michelle Smith wrote a wonderful article in the paper and thanked her for doing so. She suggested anyone who has not yet read it take a look. Ms. Ewen stated the applicant is applying for a conservation subdivision which means a conservator, an organization that says ‘you’ve played by the rules and we will make sure you continue to keep playing’. She stated it is her understanding that the Hudson Highlands Land Trust did not accept the proposal as it was given, which means they have serious questions about whether this is indeed a conservation subdivision. Ms. Ewen then stated that 40 horses is a lot of horses and according to the zoning regulations of the Town of Philipstown each horse requires an acre. She questioned if there is 40 acres set aside for the 40 horses. She stated those were her 2 main concerns.

Chairman Merante asked that the audience not applaud after every speaker as there are a lot of people who wish to speak tonight and the board would like to keep the meeting moving.

Nat Prentice, Garrison resident – Mr. Prentice explained he was in attendance to remind the board of the relevance of the Comprehensive Plan to this particular proceeding. He stated he is the coordinator of the town’s Comprehensive Plan Update Committee and was also a member of the special board that wrote the existing plan. He reminded the board the plan is a statement of community goals and sets out a conceptual roadmap as to how to achieve them. Mr. Prentice explained it is not the law but in fact does provide a backbone to the law in very concise and ambiguous language. When the law, in this case the open development zoning law, becomes subject to a variety of interpretations, as it has in this application, he believes there is an opportunity to go back to the Comprehensive Plan and see what it says about open space development, particularly, when this law is being interpreted for the very first time in the history of the town. Mr. Prentice read Chapter 3, Section R 2.4 of the Comprehensive Plan which states: “Allow open space (cluster) development, with safeguards to ensure that such developments do not lead to more development than would otherwise occur and that they preserve open space that the Town wishes to protect.” He repeated, “with safeguards to ensure that such developments do not lead to more development than would otherwise occur” and explained that he does not understand as much about this application as the board does but his interpretation is that because

they are in the Open Space Overlay, if the applicant was applying for a conventional subdivision they would only have the opportunity to build 10 houses. This plan calls for 25 houses and a commercial equestrian center capable of housing 40 horses.

Susan Anspach, 516 East Mountain Rd S – Ms. Anspach explained that having attended most of the public hearings held on this proposal she has seen a number of recommendations that would permit development but on a scale that's consistent with the limits of the site. However, this developer seems to think that by utilizing a conservation subdivision designation, which sets aside 159.8 of the 210 acres as undisturbed open space, he can develop however he wants, even if it's inconsistent with the character of the community or the intent of the regulations enabling such subdivisions. Accordingly, none of the suggestions from the public were accepted into the DEIS and thus no changes were made to the initial proposal. As you've heard previously or read in written submissions, there are many concerns that should stand in the way of this project going forward as is. However, at this late date what is even more revealing about the intentions of this developer is his duplicity in addressing the required traffic study for this project. She continued, when neighbors objected to access being on the windy and narrow roads of Horton Street and East Mountain Road North the developer was quick to claim that those roads would only be in cases of emergency and access to the project would be directly from route 9. Apparently, since 2014 the NYS DOT has been asking for details regarding this proposed Route 9 access. After the 2018 Scoping sessions the DOT raised a number of issues; to date those DOT concerns have not been addressed. Ms. Anspach quoted the June 7, 2019 letter from DOT stating "Therefore, under 6 NYCRR Part 617 State Environmental Quality Review (SEQR), as an Involved Agency, we are unable to endorse the DEIS for this project." She concluded, since this is Philipstown's first conservation subdivision, we need to get it right.

Glenn Lowry, 130 Horton Rd – Mr. Lowry explained that he and his wife are direct neighbors to this development. He stated they are not against development and actually believe an intelligent and sound land management program that includes housing and potentially a stable is viable. What they are deeply concerned about is the scale of the equestrian center. He requested everyone draw their attention to the idea of a 40-horse barn with all the attendant outbuildings, parking, circulation, waste removal, in the middle of what is already a beautiful environment that's about to be further protected with an easement. He equated it to putting a factory or gravel-pit on Main Street; the scale makes no sense. Mr. Lowry stated he is deeply concerned that this will have a negative impact not just on our immediate environment but on Clove Creek and the nature and natural habitats that are there. He urged the board to go and walk that land and imagine what all of that waste removal will look like, how it's going to function, and the scale of the barn and horses involved.

Irvine Flinn, Garrison – Mr. Flinn stated he was in attendance this evening particularly because the previous day our state legislature enacted the Climate Leadership & Community Protection Act which the governor has now signed into law. He stated there is scientific consensus that continued emissions of carbon dioxide, methane and other greenhouse gases caused by human intervention in the natural order will result in catastrophic climate change. The new law sets our state's goal at net zero for such emissions by the year 2050. Mr. Flinn stated we are here this evening to consider the environmental impacts of a proposal to build 25 houses on what is essentially undeveloped forest land abutting a pond and fishing stream. This project is not

designed to provide needed affordable housing for full-time residents of our community. Mr. Flinn suggested it is designed to attract apparently well-to-do New York City families seeking second homes, many of whom will likely drive back and forth on the 50+ miles each way in cars emitting exhaust from gasoline engines and when they're here they won't be walking across the street to Foodtown for their groceries. There will be 25 additional gas emitting cars driving into town seeking space in the Foodtown parking lot. He suggested their city homes will likely remain heated while their new second homes up here will be heated with oil, propane, or maybe electric heat pumps hopefully. If it is heat pumps, where will they get their cleanly generated electricity? Mr. Flinn stated there is nothing in the site plan indicating a solar array.

Jocelyn Apicello, Garrison – Ms. Apicello explained that she runs a farm in Garrison and has a small nonprofit called The Ecological Citizens Project and is a volunteer on the Climate Smart Communities Task Force. She explained the precedent that could be set here by allowing a “conservation subdivision” has really compelled her to make her voice heard tonight as a professor of public health who considers housing and land-use decisions as paramount to the public's health and particularly to the health inequities we find in our society today but also as a resident of Philipstown who is proud of this place and really encourages all of us to continue to be a positive model for a healthy ecologically conscious lifestyle up here in New York State. She continued, the truth is this region of the state is poised to take in an increasing population as a result of predicted climate change displacement patterns. She encouraged all to brace ourselves for this by continuing to conserve land and develop smartly; that is to protect important forests and wetland areas that are known carbon sinks and will do more to pull carbon out of our atmosphere than we ever realized, and to discourage the development of single family, detached homes on larger plots that cut off nature from other humans and wildlife, especially in open spaces that are deemed conservation subdivisions. Ms. Apicello stated a recent New York Times article just published reported that in most cities across this country it is illegal to build anything other than single family detached housing in roughly 75% of all land. This trend in detached, large scale, single family housing developments are a result of local zoning laws. The economic and racial segregation that persists in towns and cities across this country is not only a result of federal and private bank lending policies but a result of local zoning and planning decisions. She urged the board to use their power to really make this conservation subdivision be what it's worth.

D.J. Baker, Garrison – Mr. Baker stated he and his wife are longtime residents of Garrison. He and his wife support the right of private property owners to develop their property but only in accordance with applicable rules and regulations. He believes that the filing by Hudson Highlands Land Trust is a superb commentary on issues that have been raised by Hudson Highlands Reserve and commend the points they raised to the Planning Board. Mr. Baker stated these are not easy issues or simple questions. There has to be balance between the rights of the property owner against the welfare of the community, of water, of wildlife habitat and of vegetation. He believes it can be done but it will take a lot of thought and effort and compromise by the proposed developer. He stated it will be critically important as to who holds the conservation easement, how the community monitors compliance and what the enforcement remedies are. Mr. Baker stated they have a lot of confidence in the Planning Board and believe they can get it right. He stated this developer has the talent, ability and resources to work with the board to get it right.

Heidi Wendel – Ms. Wendel stated she is new to the area and wanted to express her view as a newcomer. She stated she moved here for the hiking and the beauty of this area which is so famous historically. She moved from 114th Street in New York City and believes this area is well known for its unbelievable beauty and hiking opportunities. To call this a conservation subdivision is extremely unfair to the new generation of hikers and nature lovers and sends the wrong message to people like her 28-year-old daughter and her boyfriend who love this area for its beauty and historic properties. Ms. Wendel stated in addition to being extremely important to have the first conservation subdivision truly be a conservation subdivision with the qualities that Michelle Smith discussed in her perspective in the PCNR, it's also important to remember that ultimately it will greatly reduce housing prices and the value of properties in this area.

Celia Imrey, 62 Horton Rd – Ms. Imrey reported she lives at 62 Horton Road and has been there for 18 years. She stated she would like to understand whether or not it's possible to have a proper set of accountability and responsibility for any type of environmental project going forward in Philipstown. The reason she asks is that Glassbury Court was put into her neighborhood in 2009 with a lot of opposition from that area. The neighbors collected together to oppose it and it was put in as a conservation. However, when she first got to her home in 2001, she could not even step into Clove Creek without being nibbled by trout. There were turtles everywhere and bats in the sky at night. There were so many night noises that she would be woken up and is sad to report that the natural habitat at her home has depleted greatly in the last 18 years, right across from that development. Ms. Imrey stated she has been calling the DEC to ask if someone can come and make a report. She stated she has gotten a permit to restock her stream with trout because she is so disturbed at how few there are. She requested the Planning Board do a follow-up report for Glassbury Court on the environmental impact that it's had on that area already. She stated she is really worried about this project for the same reasons. She urged the board to consider a rigorous accountability for any proposal for the properties.

Krystal Ford, Garrison Woods Rd – Ms. Ford stated she is concerned about a couple of things, one of them being water quality. She questioned how up to date the flood zone maps are. She explained that as we have a warming world, we're going to be wetter. She's concerned about the horse waste and septic systems overflowing and questioned how they will make sure the waste doesn't end up in Clove Creek. She questioned how pesticide and fertilizer use is going to be strictly monitored. She also questioned how the horses will impact the wildlife in the area and if wildlife will be scared off.

Madeleine McGinley, East Mountain Rd N – Ms. McGinley reported she has been living on East Mountain Rd N for 16 years. She stated she would like to focus on the traffic issues associated with access to the site. She requested clarification on exactly where the main access point will be and if it has gotten approval from NYS DOT. She questioned if a traffic study has been submitted to the DOT. Ms. McGinley explained she speaks for many of her neighbors, current and future neighbors, for whom safety is a priority when questioning about the traffic study. She stated she also speaks for the safety of any potential future neighbors who might live at the proposed Hudson Highlands Reserve. She explained she also speaks as a victim of a very serious car accident at the intersection of Route 9 & East Mountain Rd N, which is currently shown as a proposed access point to the site. She explained that last summer she was waiting on

the southbound side of Route 9 to make the left turn to go home on to East Mountain Rd N when her car was rear-ended and totaled by an 18-wheeler tractor-trailer going over 50 miles an hour and was spun into oncoming traffic. Ms. McGinley stated she suffered trauma and serious injuries and the police explained she was lucky to be alive. She stated the police also mentioned that accidents happen at that spot all the time. Ms. McGinley stated the point is not her accident but the safety of everyone who travels up and down Route 9. She expressed her hope that the Planning Board demand the submittal of a thorough traffic study for review by the DOT and that the applicant would provide mitigation given the additional traffic that the proposed project would generate. She suggested solutions such as a turning lane, flashing lights, or a reduction of the speed limit along that section of Route 9 need to be looked at. She requested the board address 2 letters received from DOT. In the first letter, dated June 20, 2018, the DOT deemed the direct access off Route 9 to the development as not necessary because there are access points on East Mountain Rd N and Horton Road. She stated it is already hard to get in and out of those 2 roads and added traffic and horse trailers would worsen the bottleneck and increase hazards on a road which is already part of the Haldane school bus route.

Michelle Smith, Hudson Highlands Land Trust – Ms. Smith stated that 2 days prior the Land Trust submitted a 25-page report with their comments on the DEIS but these 2 minutes would not allow the time to go through all of that. To summarize, she stated their 3 main concerns have to do with wildlife, the definition of open space that's conserved, and the Homeowners Association and equestrian facility management and their environmental impacts. Regarding wildlife, she reported they hired their own experts and believe there are shortcomings in the wildlife studies that need to be remedied. The Trust also believes that there is not sufficient mitigation of impacts on New York species of special concern, those are species that have been declining in population across the state. Ms. Smith stated, on the definition of open space and consistency with the zoning code, you will see that the conserved open space is actually split into 2 different segments that are disconnected; they're not contiguous. They cut off a wildlife corridor and constrict another corridor. Ms. Smith also added that the conserved open space includes the 11-acre equestrian facility which is fully developed and therefore doesn't really have any residual conservation value and therefore the Land Trust does not think it should be included in the conserved open space. Finally, she stated we can not underestimate the impact that the Homeowners Association and the equestrian facility management have on the future environmental impacts. The governance of those organizations will drive what happens with water, with Clove Creek, with the Clove Creek Aquifer and if anything goes wrong with them, if they get into financial difficulty or have problems in their governance, that will have an adverse impact on the environmental impacts of this project; there needs to be mitigation for that. Lastly, Ms. Smith expressed their concern about the loss of biodiversity locally and globally. She stated this is a difficult task and they want this project to work and the Planning Board is on the front lines of ensuring the future of biodiversity in Philipstown and hopes the board will take this information very seriously.

Scott Silver, Constitution Marsh Audubon Sanctuary & Visitor Center – Mr. Silver reported he is the new director of the Constitution Marsh Audubon Sanctuary and Visitor Center and thanked the board for the opportunity to speak. He questioned what safeguards are in place for eliminating or minimizing any impact of equestrian trail riding within the center once everything is built and there are 40 horses on the land, generating approximately one ton of manure and

urine a day. He suggested the impact on the surrounding areas will also be very great. Mr. Silver commended the board for the open space zoning law and asked that they respect the spirit of the law as well as the letter of the law when making their decisions. He stated they are very concerned with the loss of biodiversity as well. Mr. Silver stated he understands that it's always a one-way street; we make these mistakes and then we don't have a change to go back and do it again. He requested and expects that the board would be diligent in their decision making.

Hank Osborn – Mr. Osborn distributed a copy of a viewshed analysis to the members of the board. He reported he works for the New York/New Jersey Trail conference and they work to protect trails from erosion, overuse, improper use and various other threats. He posed the question, have you ever been to the top of a mountain and seen a beautiful view? A beautiful view that featured a single blemish in the middle of nature? He stated the Hudson Highlands Reserve project site is directly east of one of the most popular parks in the state, the Hudson Highlands State Park. The park includes the number one most popular day hike in North America, Breakneck Ridge. From the top of the ridge there's an amazing view to the east, over rolling hills, over all of Fahnestock park, there's nothing but green hills as far as you can see. There is some development along the Route 9 corridor but it is all concentrated right along the road. All the hillsides above are completely undisturbed. The view is spectacular; you cannot tell where Fahnestock Park begins or ends. He reported the proposed development would be seen from that viewpoint and every other viewpoint along the Fishkill Ridge and Scofield Ridge. There is a total of 11 viewpoints, all of them look directly east across the green hills; the proposed development would be the only blemish or scar in every one of those 11 viewpoints. The houses would be clearly visible from the trails, the equestrian facility would take up far less of the view than the houses but at 160,000 square feet it is the same size as a Walmart Superstore, which is 170,000 square feet. He continued, the proposed development will damage the views and damage the trail experience. He stated at the trail conference they created a viewshed analysis and the data clearly shows that the development will not be hidden at all. Mr. Osborn requested that a genuine viewshed analysis be ordered for this project.

Lynn Rogoff – Ms. Rogoff stated she has lived here for 30 years and had received notice in the mail about this public hearing inviting her to attend this evening. She stated she cannot believe that last winter the public gave a detailed and extensive dedicated feedback to the Hudson Highlands Reserve and it appears that they chose rather to expand the plan and gave short attention to the public's major concerns. Ms. Rogoff stated it appears that it was not important to them and they chose to not decrease the equestrian center or the number of houses. She stated they have indoor swimming pools on their website as something that will go in the houses. They, Hudson Highland Reserve, continue to claim on their website that people will not use the community schools, roads and resources but will spend millions to visit once in a while. Their plan still calls for 40 horses and now there are plans for commercial events and classes and manure machinery on their website. Ms. Rogoff reported she has reviewed their website and it states that the central attraction to the development is the equestrian facility and they have determined the equestrian center, clubhouse, paddocks to compose the amenities package for the development including a separate building housing a second indoor arena and spectator area. Ms. Rogoff stated it now appears that they represent that this development will not use community roads, schools and other resources such as our water, light, wildlife and air. It does not make

sense that people would pay millions of dollars and not use our community resources. She says their representation appears to be greenwashing.

Ray Warner, Cold Spring – Mr. Warner reported that his family opposes the project and stated the study does not adequately address the affects of 25 houses on the wildlife corridors in the area. What they are most concerned about is the 40-horse equestrian center. He stated this pushes it way over the top and even if the houses were not too much this would clearly be too much. They question whether it adequately addresses the effects the horses will have on wildlife and whether the horses will be limited to the equestrian center or be roaming through the other areas of the property and if so, what effect that will have. He questioned if there is anything in the plan that will prohibit that from happening later on. Mr. Warner added they think the plan does not adequately address the affect of the equestrian center on neighboring wetlands.

Judy Farrell, Town Board – Ms. Farrell stated she is on the Town Board of Philipstown and received a copy of the DEIS and read it cover to cover. She stated it struck her on page 27 under *A.2, Public Need for the Project and Benefits*, that the applicants did not discuss the public needs of Philipstown residents but the needs of New York City residents, which was puzzling. Then on page 28 there's a lot of data from the American Horse Council on the economic impact of the equine industry. Ms. Farrell stated she loves horses but putting 40 horses alongside 25 new homes raises many questions that must be answered and not just about the economic benefits. Again, on page 31 there's an analysis on the best places in the US to buy an investment property and again it says that the weekenders are likely to purchase these properties and they're good long-term investment. Ms. Farrell reported it also said a stabled horse produces 50-70 pounds of manure daily adding that with 40 horses that comes out to 2,800 pounds of poop a day in our region. It's a little vague on how that will be handled in the impact. Ms. Farrell urged that we consider the input and speak to, survey, and have focus groups with the residents of East Mountain Rd N, East Mountain Rd S and Horton Road and hear what they might see as an adequate public and community benefit.

Carli Fraccarolli, Scenic Hudson – Ms. Fraccarolli stated she is the advocacy associate at Scenic Hudson and is delivering this testimony on behalf of Jeffrey Anzevino, director of land use advocacy at Scenic Hudson. As the first project seeking Planning Board approval as a conservation subdivision the board's review of this proposal will be precedent-setting. As proposed, the applicants preferred alternative E is inconsistent with provisions in the Philipstown conservation subdivision zoning code. Further, it would result in significant environmental impacts. Scenic Hudson believes that the project should be redesigned to be more consistent with the home siting of the applicants alternative D; this relocates 5 residences from the western side of Ulmar pond and clusters them on smaller lots. In addition, they believe that the equestrian facility should be reduced in size and laid out in a more compact arrangement leaving a wider habitat corridor to the south. As proposed, Hudson Highlands Reserve does not adequately meet town requirements for, nor the generally accepted definition of a conservation subdivision. The large house lots sprawl across the entire western half of the property dividing remaining natural areas into 3 separate sections resulting in forest fragmentation and would not protect the important habitat values found on the site. Scenic Hudson also disagrees with the applicant's assertion that removing the 5 homes from around the ponds west side and reducing impervious and disturbed area is inconsequential. Any reduction of impervious and disturbed area is relevant

and consequential and would result in a smaller amount of lower quality edge habitat that would drive away species that rely on these large areas of contiguous forest. Any losses of habitat on this site are a loss to some of the largest and most intact areas of forest habitat in the Hudson Valley. This area is within the Hudson Highlands Significant Biodiversity Area as well as the Hudson Highlands Forest Block designation. A more concerted effort should be made to cluster this development.

Chairman Merante advised anyone who has prepared written statements to submit them to the Planning Board secretary which will be included in the responses.

Mark Tabashnick, East Mountain Rd S – Mr. Tabashnick reported the attorney for the applicant says a great deal of study has gone into this project. He disagrees with that and if you look into some of their proposals pertaining especially to the equestrian center you will see that in detail, they want to set up a riding stable, a riding school and a riding camp. They also want to focus their studies on this area of horsemanship called dressage. Mr. Tabashnick stated it is a very disciplined and very expensive type of horse training and is not very well taken by most of the horse community in the US. Most of the horse communities are just about riding professionally, they may be training racehorses or things like that. So, to imply that there was a great deal of study into this means to him that they didn't look at the actual specifics of what they're proposing in their equestrian community. In fact, what would be more likely, and what he suggests the board delve into, is a zoning change to make this a more commercial activity rather than a residential activity and would probably be more appropriate; if they wanted to go ahead and develop a commercial equestrian center, that would probably be something that would be separate from residential. He stated that trying to bring these 2 together does not fall under the scope of what the community wants of a residential facility and if the scale is changed it would likely improve the acceptance. Mr. Tabashnick stated we all try to live together and if this is going to be a facility for everyone that he thinks it has to be addressed that way.

Bill Schuster – Dr. William Shuster stated he is a Cornwall resident, a professional ecologist, and has been executive director for 27 years of the nonprofit Black Rock Forest in the Hudson Highlands. In that capacity he has studied extensively Highlands ecology, has published a book chapter on the subject, and has used scientific knowledge and principles to manage the 4,000-acre Black Rock Forest for decades. He stated he is commenting on the DEIS prepared for the Hudson Highlands Reserve proposal to become Philipstown's first conservation subdivision. He stated this is a laudable concept and one that should help our communities live sustainably into the future while conserving natural resources, if implemented appropriately. To qualify as a conservation subdivision the zoning code states such projects must preserve contiguous open space and must protect areas with the most conservation value; in other words, those habitats critical for maintaining populations of our native species that are of special conservation concern. Mr. Schuster's 2 concerns are first that the project as proposed fails to the contiguous conservation criterion by establishing a barrier dividing the conserved parts of the project area and second that the environmental studies today failed to adequately address the local amphibian and reptile species of highest conservation concern and the habitats required by these species. These 2 problems should be addressed first by accomplishing surveys of breeding habitats and species in the seasons necessary, particularly vernal pools, during the April to May breeding season. There's no other way to know what species of concern are on the site. He stated wood

frogs were found on the site and these are obligate vernal pool breeding species; that means there must be vernal pools on site but no appropriate search to locate and map these habitats has yet been accomplished in the March to April time period when they must be evaluated. The Philipstown community should know whether or not a vernal pond requiring species of state level conservation concern, like the marbled and spotted salamander and other wetland requiring threatened species like the wood turtle, are on site. The DEIS as it stands does not present appropriate surveys to draw conclusions on this.

J. Perry Pitt, Putnam Highlands Audubon Society – Mr. Pitt stated he represents the Putnam Highlands Audubon Society with over 250 members in the area and stated they appreciate the thought and concern that the Planning Board is giving to this project. He stated it is the Audubon Society's position that the DEIS wildlife assessment for this project does not include essential and sufficient monitoring procedures. The field sightings did not cover the breeding and nesting times. For most species it did not cover a long enough period of time to establish the biological diversity that these lands support and what species breed and nest on site. In the DEIS the wildlife sightings and existing conditions are included with 4 field date visits on May 6 & 26, July 9 and August 1, 2015. 4 field study visits is simply too short a time span to conduct meaningful monitoring of birds. The absence of breeding bird surveys and counts for birds to determine they are not nesting have been omitted or not done. They ask the Planning Board to consider this is a conservation project and is the first of many. It must be the environmental model with real seasonal monitoring assessments with environmental standards and limits that any future project must adhere to before any consideration to the town.

Karen Ertl, Garrison – Ms. Ertl stated her intent was to remind everybody in the room that almost 2 years ago today the Town of Philipstown signed a Climate Smart Community agreement. She stated the County, just a few weeks ago, unanimously voted in a Climate Smart Community County. The agenda of that initiative is to look for ways to be smart about our climate and our development. She stated that while she understands and accepts that development is inevitable, and commended the board for doing an impact report, she thinks that now 'the rubber hits the road'. There are 2 bipartisan legislations in the state that would strengthen the protection of local wetlands and streams. Current DEC protection only covers areas that encompass 12.4 acres or more and it has to be on a DEC approved map. Ms. Ertl reported New York State is the only state without such corridors for small wetlands. More than a million species are at risk. This legislation would protect smaller wetlands, rivers, streams, creeks, lakes and wildlife. She encouraged the board not to hurry this project through but to see what the state of New York is doing to protect our small wetlands. She asked that the board please understand that it is setting the precedent for what a conservation subdivision looks like in the Town of Philipstown.

Irene O'Garden, Garrison – Ms. O'Garden stated she lives in Garrison but she knows this land and Ulmar Pond well. She stated she lived there for 12 years and walked much of this property. As it says in the environmental impact statement, most of the observed wildlife is right around that pond, kingfishers, geese, etc. So, one of the things she would like to see happen is those 5 houses be removed from the west side of the pond and conserve what is irreplaceable. She stated she fully supports HHLT's 8 recommended actions. Ms. O'Garden stated she is also concerned that, according to page 38 & 39 of the environmental impact statement, the critical maintenance

of the pond, stormwater management, wastewater, is going to be the responsibility of a Homeowners Association. She stated she looked this up and a HOA is essentially like a not-for-profit organization; people get elected to the boards, it's generally a volunteer thing. She stated she's sure that people who live in New York City and have a second home might want to get really involved in the HOA but they might just want to hire a management company, which plenty of people do, and it's very difficult to have any kind of legal proceedings against that. She explained that one of the things that makes the land so attractive is the land that she and her husband donated, 27 acres that is right next to it, that then became Clove Creek Preserve. She stated there is frequent mention in the statement about exotic and invasive species and noted that humans too can be a pretty invasive species. Ms. O'Garden stated that sustainable houses are a worthy goal but suggested we sustain the habitats that surround them and that our first conservation subdivision should serve as a model for those to come after as one day we will be absent but these decisions will live on.

Andy Galler – Mr. Galler explained he is a member of the Philipstown Conservation Board and he lives about as far away from this project in southern Garrison as one can in town. He stated he has read the binder cover to cover and is very familiar with the project. Basically, the intent of SEQRA is very, very specific and that is for the applicant, the developer, to work with concerned agencies and the community to balance environmental impacts with the effects that would happen on the economy and social aspects. Looking at the DEIS he was exceedingly disappointed. He stated if you take the Scoping document and compare it to this DEIS, and asked that the Planning Board and their experts focus on this tremendously, he thinks what you will find is huge areas of deficiency, old data, questions not asked and alternative plans cherry-picked so they're not really realistic. Mr. Galler then requested everyone look at the economics of the project. The housing market is flat and probably going to remain flat not so much because of the economy but we no longer have the \$10,000 deduction and millennials really don't want houses. So, all of a sudden, we have a complex that has intense mitigation that needs to be kept up continually but what happens if only 2 houses are sold or even only 10 houses are sold, is this feasible? Who is going to take care of it after that? He urged everyone, including the board, to really think about that.

Mickey Deneher – Mr. Deneher stated the idea is not to say no but how do we say yes? He stated he has been in Philipstown for 18 years and loves the community and how everyone takes care of it. He stated his concerns are also the scale and the concentration of the houses and the equestrian center. One of the things he has been thinking about is that the equestrian center is open to the public, so what's the volume there? He questioned if the houses will in fact become Airbnb's and what the volume could be there. He stated there's been talk of a traffic study and that the amount of accidents that have been happening lately are just too much; Route 9 gets closed down all the time. There is talk about the manure as it being held on site for 14 days, that's almost 20 tons, and then it's got to be transported out. He questioned what happens with that if there is a problem on Route 9. Mr. Deneher reiterated the fact that we don't want to say no, we want to say yes and see Philipstown go forward but we also want to see Philipstown maintain the beauty that everyone here believes in.

John Benjamin – Mr. Benjamin reported that he was born in Butterfield hospital about 74 years ago. He stated he would like to speak about manure and trout. Mr. Benjamin explained he

doesn't know much about horses but Rutgers University does and referred the board to their study that the Rutgers Equine Science Center did, a document that can be looked at online labeled '*Horses & Manure*' *Fact sheet #036*. Mr. Benjamin stated he was astounded to read that the average thousand-pound horse produces 10 to 12 tons of manure a year. If you do the math, 40 horses, that's 400-480 tons of manure a year. He stated it's also interesting that the state of New Jersey considers such large commercial equine centers to be concentrated animal feeding operations (CAFO). CAFO's are tightly regulated by the state in the hopes of preventing NPK nutrient pollution as well as vermin and pathogen introduction into adjacent aquifers, wetlands, ponds and/or streams. On the other hand, Mr. Benjamin reported he does know a great deal about trout and brook trout and about clean, clear streams and fishing. He stated he was born and raised in Garrison and has fished many of the small brooks. As a guide in Colorado and as a Trout Unlimited member, he stated his knowledge has grown over these 73.5 years.

Adam Hird, 63 Horton Rd – Mr. Hird reported that he is actually a professional real estate developer. He stated he has developed over 4 million square feet and has actually never seen a project get this far along without a traffic study. His understanding is that the state has denied the direct access to Route 9 and we don't know, as he stands here today, how they're accessing the property. He stated there has been talk of traffic and accidents on Route 9 but we also know that East Mountain Road and Horton Road are tight roads. Mr. Hird opined that this really needs to slow down, there needs to be a traffic study and the access needs to be figured out before it can go any further.

Richard Butensky – Mr. Butensky reported that the law says that an applicant may increase the permitted number of dwelling units by use of density bonuses granted at the discretion of the Planning Board. The applicant seems to think that they have a right to it but it's at the board's discretion. The density bonus as described shall not be considered an entitlement, that's what the law says, though it seems some people think it is. Preserved open space must not result in fragmentation of the open space land in a manner that compromises its conservation value; it says that in the law and Mr. Butensky expressed he thinks it's been compromised. The configuration of the open space land and dwellings shall not result in fragmentation of the open space land in a manner that interferes with its proper management and protection of its conservation values. The final determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the planning board. It is not made by the developer, it's made by the Planning Board, that's in the law. Mr. Butensky stated there's an old joke, this guy prays to win the lottery, he prays and prays and prays and says "I'm a good man". Day and night, three times a day he prays. Finally, after years and years he's there praying and he hears a voice and it's God and he says "meet me half way, buy a ticket". They need to buy a ticket. This is conservation.

Hadrien Coumans – Mr. Coumans stated he was here representing a family that has been indigenous to this area for 12,000 years. He is co-director of Lenape Center, an indigenous organization. He stated they have been praying on this mountain since 2005, elders coming from Oklahoma, Wisconsin, Canada, South Dakota, Arizona and New Mexico and they know that this is a place of great sacral significance; this mountain should be left in peace. He stated he is part of an effort to bring the people home, the original people. They don't want this type of disrespect to continue anymore. He stated it is time to respect what we have in terms of our responsibility to

it and stop playing around with ideas of short-term thinking and short-term profit that only enhance the lives of maybe a minority and a few. Mr. Coumans stated we are all in this together but at the end of the day this is indigenous homeland; this is land that has deep spiritual religious significance and it must be left alone.

Madeline Rae – Ms. Rae explained that when she first was looking into the LLC that is behind this project, she was taken aback that they didn't put their names to it and that it was a blind LLC. So, she looked at the architect whose name is on all the filings and his address matches the address of the LLC, it's the same one. It's in New York, 91st Street, and also that address is shared with a construction company. So, right now, she knows who the developers are because they're all living together or working together in New York City. And not that that's a crime or means that it shouldn't be done or developed, but it seems to her that these people can move this development anywhere. The cons tonight outweigh the pros. They live in NYC, they're just looking for a place to put an equestrian subdivision. She stated equestrian subdivisions are the latest fad in subdivisions in America, California, Texas, Florida, the Carolina's. Golf subdivisions are played, they're saturated, so now they're doing subdivisions with horses. Ms. Rae reported these are first-time builders of this subdivision. If you go on the architect's website there's not a 25, 1-acre home development on the site. The construction company, there's not a 25 home, 1-acre development, there's not an equestrian center. The architect says on his site that he is the general contractor of all his projects which include homes and interiors. She stated she does not know how this is our first project and it seems to her that we have to trust these first-term developers who are just looking for a fad. They're just developers to make money promising us a lot of tax dollars. She questioned, what if this development turns into a 501-C and if that has an implication on our tax dollars, she does not know. She stated the board does not have a crystal ball but it does have a responsibility to pass the baton as stewards to the next Planning Board members.

Alan Brownstein – Mr. Brownstein informed the board that he and his wife Patty moved here in 2015 after deciding in 2005 that they were determined to move here. He stated they live in Glassbury Court which is less than 1 mile from the site. They live there with nearly 200 other residents. Mr. Brownstein stated he does not know the views of all the other residents of Glassbury Court as to whether they support or oppose the project but he does know that there is considerable concern and that concern is noticeable by the number of people from that community that are present tonight. He asked that everyone in the room from Glassbury raise their hand. He stated his point to the board is that there is a large community here with considerable concern about the decision that is being made. He stated the expertise here and the process that is taking place is excellent and it is important to avoid a mistake with this decision because once a mistake is made it cannot be undone. Mr. Brownstein questioned if people know the difference between an optimist and a pessimist and stated the answer is simple, the pessimist has better data. He stated he is impressed with the fact that many of the questions being raised are data-driven and looks forward to a good decision by this Planning Board.

David Gordon – Mr. Gordon stated that on the surface the development of only 39 acres of a 210-acre site sounds ideal, but the devil is in the details usually. There's good reason that 171 acres were left undeveloped and are not going to be ever developed and those acres tend to be on terrain that's too steep and too wet to be considered. The proposed development of 25 LEED

platinum-level certified homes and 40 horse barn dressage complex will effectively split the 210 acres in such a way as to preclude the natural and safe passage of any wildlife along this corridor. And poor old Clove Creek takes yet another hit of a magnitude that it can ill afford. Perhaps someone could explain the section in the DEIS on page 14 section *B.2.C entitled Forest Fragmentation Impacts*. Its concluding sentence states “there will be no true fragmentation though there will be some habitat perforation.” Mr. Gordon suggested the use of the adjectives ‘true’ and ‘some’ seemed to be quite telling and stated it sounds like ‘being a little pregnant’. He concluded, we here in Philipstown have more than 25 of these designated conservation subdivisions, let us not lower the bar and set a poor example in this, the first test of this enlightened zoning mechanism.

Ann Hammond – Ms. Hammond explained that her family has lived on East Mountain Rd S for 50+ years and she had written a letter to the Planning Board last year. She reported that not one point in that letter was addressed in the DEIS and nothing was changed in the plan. She reported she has also submitted a 7-page letter which she dropped off yesterday and sent via email the day before. Ms. Hammond stated she realized the 1 thing no one has mentioned, maybe someone has thought about it, but we’ve talked a lot about the tonnage of manure going out, well, this is completely unsustainable, environmentally. Everything those horses eat has to come in too because they can’t live on 11 acres. In fact, they’re not even really allowed out. She stated, we will leave aside the fact that these are actually sensitive herd animals that need to graze for health, that’s not the point of the DEIS although it is, in her opinion, inhumane. But, all of that food has to come in on great big trucks because they’re not allowed grazing out there on that land. So, however many thousands of pounds of poop are going out just as many is coming in, in great big trucks, on those two tiny roads that you can barely get out of already because we know now that DOT is not letting them out on Route 9. She opined that a lot has yet to be considered about this project and she does not like how casually all of the assumptions that it will all be okay are being made in the document.

Steven Loria – Mr. Loria reported that he lives on East Mountain Rd. He stated that he had submitted a letter back in February of 2018. He stated he did not have the time here tonight that it would take to restate all the already made points from the Hudson Highlands Land Trust and all of the public comments and letters and points made against the project, however is in complete agreement with those arguments. He wished to also highlight the points of other concerned citizens here in Philipstown including the individual from the NYS Trails Conference and the impact on the views, it’s really important to consider. He also supports the comments made about how this project is completely inconsistent with the Philipstown Comprehensive Plan and existing code related to the subdivision. This project will set a horrific precedent on future developments to be considered under that. Several other points he wished to also reiterate are the impacts on the water aquifer as well as the amount of water the project will be consuming with 25 houses and 40 horses, the numbers are astonishing. The manure that those horses would produce is also a significant reason not to allow this development as is. The traffic situation and how the DOT comments will be addressed is something he would like to know. He is concerned that if the decision is to move access to East Mountain Rd N how that would create a more dangerous situation than already exists. For those people that are making left turns on EMRN from Route 9, it’s already dangerous as cars pass on the right-hand side. He questioned if this board allows that type of access if it will take responsibility for the accidents that may cause.

Craig Muraszewski – Mr. Muraszewski stated he lives at the very bottom of the proposed plan, where the road would enter. He stated in purchasing his home two and a half years ago he had no idea, no plan, there is no sign, there is no proposal that there would ever be 25 homes and an equestrian center across from the 9 acres of property that he purchased, nor would he have put his family's life savings into a home that was abandoned essentially to know that suddenly 25 homes would be across the street from him. That being said, in his first year there they called the Sheriff's Department and 45 minutes later someone showed up. He questioned if Philipstown or Putnam County has put any plan in place for fire, additional police, ambulance or anything to assist these homeowners because at the moment when you call it's all volunteer for the Fire Department, the Sheriffs are very stretched and the ambulances are also volunteer. His last comment was to question if anyone has thought about the mental health of the people of this community, the noise, the traffic, the anger that this will bring upon the people who live within that area. He suggested we really have to think about the mental health of what people will feel; the stress on the road, being bombarded by trucks and the sounds of chainsaws and every day drilling, all of that noise. He stated there's a reason that all of these people pointed out several things here. The law is in place to protect land and they were written for reasons and the board is here to uphold those laws.

Mr. Werner stated he wished to point out, because a lot of stuff was raised about the DOT comments that, in addition to the public comments that we're hearing tonight and that are coming in in written form as well by the July 8th deadline, the DEIS was also circulated to the interested and involved agencies after it was accepted last month. So far there's been the DOT comments, again that just came this month, requesting some additional information from the applicants traffic consultant, among other items. Since these comments came from an involved agency the applicant is required to address those for the Final EIS and it is Mr. Werner's understanding that they have already agreed to do that. As far as the next steps here, the July 8th deadline is for written comments, that will remain open. Once that is expired all these comments that have been given tonight, which have been recorded by a stenographer, which are also on video and in written form, will be compiled by the applicant and their consultants. They'll share those with the board's consultants for review prior to releasing them to you guys to review them for official release on preparing the FEIS. So, at the July meeting there should be a set of comments put together by the applicant's team, reviewed by the board's consultants first, given to the board and then at that meeting the board can officially release them to address those for the FEIS. Mr. Werner continued, the FEIS, the SEQRA regulations have a minimum 45 days from the end of the public hearing is when the FEIS should be filed but that can also be extended under different circumstances should it be necessary. We will have to wait and see at the next meeting if we need to do that but for now these comments will all be compiled and shared with the consultants first and then we'll talk about them at the July meeting.

Chairman Merante questioned when this will all be ready for public review. Mr. Werner explained that after the July 8th deadline, between then and the July 18th meeting those comments should be all put into written form by the applicant's team summarizing what's been heard this evening, what's been sent in writing. They have to categorize them by topic in the DEIS and then those should be shared with the Town's consultants. The consultants will review those before

providing them to the board and then at the meeting on July 18th we'll review them all as a group and the board will decide if it wants to go ahead and give them the green light to go ahead and start addressing those for the FEIS.

Mr. Gaba stated he would just like to point out for everyone who spoke tonight that the board necessarily had to limit the amount of speaking time because of the large number of people who appeared this evening. As Mr. Werner alluded to the written comment period is open until July 8th so if anyone had something that they wanted to say that they didn't get a chance to get out in their 2 minutes or if they simply wish to reinforce what they said, you can submit written comments to the board up to July 8th and your comments will be considered. Mr. Gaba explained to the Chairman, what Mr. Werner was speaking about as far as the next step is that in order to prepare the FEIS the applicant has to put together every comment and question that has been raised and then address that in the FEIS. So, what's going to happen next is we're going to get a compilation of all the comments that you've heard, and you want to make sure all the comments are included within it so if there's something that's left out you have to point it out, and when the board is satisfied that all of the comments, all the issues raised are in that then you give the applicant the green light to prepare the FEIS and that is what's going to happen at next month's meeting.

Mr. Zuckerman suggested that sounds like an odd process. The public speaks, the applicant writes down what the public said about the project – it's strange – and then come back and tell us what these people said about their project?

Mr. Gaba explained they are going to address the comments. Mr. Zuckerman questioned who is writing the list of all the comments?

Mr. Gaba stated the applicant is. Mr. Gaba stated there will be the stenographic record to review as well. He stated that is just the first step; the second is preparing the FEIS to address those questions and comments. That document will be put together saying how those were addressed and why and how those potential environmental impacts are being mitigated, but that's a step beyond what's going to happen in July.

Mr. Gainer stated that as has been described already by the consultants, all the comments received, both written and verbal, are going to be assembled. That's going to be done through the Planning Board Secretary, and with the receipt of the stenographic record, and then formally the board is going to submit that record to the applicant and ask them to respond. So, there's going to be significant effort to put together all those comments to assure that the compilation is complete and is formally transmitted from the Planning Board, as lead agency, to the applicant with the direction to respond to all comments raised.

Mr. Werner stated we are giving the applicant first crack at compiling the comments for review by the Planning Board, approving them, and then going ahead and addressing them for the FEIS after the July meeting. A member of the public questioned what happens then. Mr. Werner explained, July 18th is when the board will officially release the set of comments for the applicant to address in the FEIS, which could take a while to develop but, in that document, there will be responses to all the comments raised. There will be responses to the DOT and any other involved

agency comments that come in between now and July 8th. Mr. Werner noted that the board is welcome to also submit comments by July 8th and the consultants are also going to have some comments as well.

Peter Hoffman of Garrison approached the microphone and questioned when the board anticipates that there will be a conclusion to these deliberations. Chairman Merante stated they do not have an answer for that question.

Mr. Gaba explained the way that it works is the FEIS will be prepared by the applicant and submitted to the board. The board will consider it much like they considered the DEIS and determine whether or not to accept it, whether all the comments have been adequately addressed, all of the issues were addressed within it. Then, once they accept that the board will go on to consider a document called a Findings Statement, and the Findings Statement is going to determine whether or not all of the identified potentially significant adverse environmental impacts have been mitigated to the maximum extent practicable or, if they haven't been, do you have to make changes to the plan in order for that to occur or, if they can't be, whether the application should be denied because they're not. So, the Findings Statement is, he thinks, the penultimate step before determination is made on this, and we can't give a time as to when that's going to occur. It's going to depend in large part on how soon the applicant turns around submitting the FEIS and whether it's complete once it's submitted.

Ms. Conner moved to close the public hearing except for written comments which will be accepted through July 8th and Mr. Tomann seconded the motion. The vote was as follows:

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

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

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

The motion passed unanimously and the meeting adjourned at 9:16 pm.

Date approved _____

Respectfully submitted by,

Tara K. Percacciolo

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

2 July 2019

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

RE: 1122 ROUTE 9D: GARRISON GULF STATION

Dear Members,

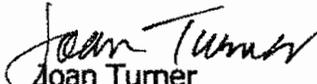
I write to direct your attention to the non-conforming status (Article VI: sections 175-23 – 175-28) of property located at 1122 Route 9D, Garrison, NY.

Over the years, multiple building permits have been granted to this property that have ignored these regulations. The pre-existing gas station on this site in 1947, and subsequently granted non-conforming status in 1957 under the introduction of the Philipstown Zoning Code, has morphed into a gas station, full-scale service/repair garage, convenience store, and an illegal used-car sales lot. Additionally, an awning was installed over the entrance to the store contrary to code regulations

The application before you today seeks once again for a permit for a canopy over the gas pumps and for a limited used car sales. In May 1995, The Zoning Board denied a building permit for a canopy sought by Sprain Oil (Appeal #545). The files show no other application or approval for a canopy in 2011. The further expansion on this site and again another change of use would be an egregious violation of the Philipstown code, as well as having a detrimental impact on the health, safety and welfare of the Garrison community. The Garrison Hamlet Association's detailed letter to the Planning Board (17 March 2019) outlines the concerns of Garrison residents, particularly those who have suffered the effects of contamination of their water supply in the past.

It is essential that the Planning Board pause in their review of 1122 Route 9D's application until the Zoning Board has thoroughly reviewed it, and has either granted the variances or denied them according to the zoning code, namely Article VI: sections 175-23 to 175-28.

Thank you for your consideration of these issues.


Joan Turner
1213 Route 9D
POB 184
Garrison, NY 10524

Building Department File Notes for 1122 Route 9D

- 1947 James Bosco owner. Gas station/garage and pumps
- 1968 Bosco sells to Arnold Oil
- 1973 Irving Cohen leases from Arnold Oil. Files ZBA appeal for permission to operate used car lot on 9/30/ 1973. ZBA Denies on 10/15/1973 (see minutes)
- 1995 Arnold Oil/Spain Oil—permit application Jan, 27, 1975 for canopy over new dispenser pumps
- 1995 ZBA decision on 5/8/1995 Appeal #545. Spain Oil (aka Arrow oil)
Denied canopy. See minutes. Note: it is clearly stated that the service station is a pre-existing, non-conforming use. (see sections 175-23 to 175.28 of Philipstown Zoning Code).
- 2002 On May 31, 2002 several violations and confirming non-conforming status according to Philipstown Assessors office.
- 2011 Letter from David Klotzle, Wetlands Inspector state “properties on 1122 Route 9D contain local wetlands and some activities will require

a wetland permit.”

2011 Ronald Gainer site plan inspection report for Drake Petroleum

2011 Building permit #879 for new sign seeking variance from set. ZBA
approves

There are multiple actions for sign replacements/ approvals from

ZBA with accompanying C/Os (certificate of occupancy) in the file.

2011 Drake Petroleum request on 10/20/2011 for minor site plan approval
from PPB to replace underground infrastructure. In minutes, mention
septic system and Putnam County Dept. of Health.

2019 New PPP site plan approval