

**Philipstown Planning Board Meeting  
Butterfield Library  
10 Morris Avenue  
Cold Spring, New York  
July 25, 2013  
Agenda**

Public Hearing

- Arthur Fisher
- C.F. Diversified

Pledge of Allegiance

Roll Call

Approval of Minutes – June 20, 2013

1. **Arthur Fisher** – Approval of access and site plan application for minor project – 19 Sky Lane, Town of Philipstown: Discussion
2. **C.F. Diversified** – Application for two-lot subdivision – PO Box 160, 2700 Route 9, Cold Spring: Submission of Homeowner’s Association agreement and copy of previously filed map #2714/discussion
3. **Gex** – Realignment of property line – 4/24 Hummingbird Lane, Garrison: Request for six-month extension
4. **Manitou Properties Co. LLC** – Site plan application – 1656 Route 9D, Cold Spring: New submission

Old Business

**Entergy** – Site plan application – 3 Horseman’s Trail, Cold Spring: Approval of Resolution

Adjourn

Michael Leonard, Chairman

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

**Philipstown Planning Board  
Public Hearing – July 25, 2013**

The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, July 25, 2013 at 7:30 p.m. at the Butterfield Library, 10 Morris Avenue, Cold Spring, New York to consider the following applications:

**Arthur Fisher** – Application for approval of access and site plan for a minor project. The parcel is approximately four acres in size and lies at the northerly side of Sky Lane, a private roadway. The property falls within the Town’s “Scenic Protection/Ridge Line” Overlay Zone, which will affect the development of the tracts. The parcel also contains steep slopes to the north of the proposed dwelling site. The property is located in the Town of Philipstown in a “SR” (Suburban Residential) Zoning District. Tax map #83.13.01-33&34.

**C.F. Diversified** – Application dated June 6, 2013 for proposed two-lot subdivision to re-subdivide a 72.909 acre parcel lying along the east side of NYS Route 9, just north of Vineyard Road, a private road serving multiple lots to the east of the overall tract. Lot “B” comprises of an existing commercial business (Cyberchron site). Lot “A” comprises the balance of the property. No development of either parcel is proposed pursuant to this application. The property abuts NYS DEC designated wetlands WP-9, with proposed lot “B” also encumbered by its 100-foot “control zone”. The property is located in the Town of Philipstown in an Office/Commercial/Industry mixed-use zoning district. Tax map #38.3-24.

At said hearings all persons will have the right to be heard. Copies of the application, plat map, site plan and related material may be seen in the Office of the Planning Board at the Town Hall.

Dated at Philipstown, New York this 29<sup>th</sup> day of June, 2013.

Michael Leonard, Chairman

ROUND HILL ESTATES

Home Owners Association  
Agreement

Where, by purchasing the premises known as 60 Round Hill Road, Cold Spring, New York, more fully described in Schedule A attached hereto, Grantees, wish to become part of the Round Hill Estates Home Owners Association who all are equally bound by its covenants and restrictions do hereby agree to the following:

1. *SINGLE FAMILY DWELLING HOUSE ONLY*

The Premises shall be used for residential purposes only and each lot in said Association shall be used by no more than one family and no dwelling or structure erected, placed or maintained thereon shall be used for a boarding or lodging home or apartment house or for any purpose except as a private dwelling for one family and uses incidental thereto.

2. *COMMERCIAL VEHICLES, EQUIPMENT, MACHINERY, MOBILE HOMES, ETC.*

No trucks or other commercial vehicles, boats, recreational vehicles equipment, machinery, trailers, mobile homes, campers, motorcycles, motor bikes, snowmobiles, or trail bikes shall be permitted to be parked, stored or maintained overnight on any residential lot except in an enclosed garage.

Automobiles and vehicles, equipment and machinery referred to in the preceding sentence shall not be parked overnight on any access Road. Unregistered and/or unlicensed trucks, other commercial vehicles, equipment, machinery, trailers, mobile homes, campers, motorcycles, motor bikes, snowmobiles, trail bikes, and automobiles shall not be permitted to be parked, stored, or repaired on any part of a residential lot except if garaged, and shall not be permitted to be parked, stored, repaired or operated on any access Road. Snowmobiles, motorcycles, motorbikes and trail bikes shall not be operated in such a manner as to cause annoyance to residential lot owners.

3. *NO STRUCTURE OF A TEMPORARY CHARACTER*

No structure of a temporary character, trailer, tent, shack, out-building, garage, barn, or similar adaptation for the temporary habitation of any character shall be erected, placed, used, maintained upon any residential lot.

4. *NO ANIMALS, LIVESTOCK OR POULTRY*

No animals, livestock or poultry of any kind shall be raised, bred or kept on any residential lot excepts dogs, cats, or other domesticated household pets provided further that such pets are not vicious, offensive, annoying or dangerous, or kept, bred or maintained for commercial purposes. All such dogs, cats or other domesticated household pets shall be kept within the confines of their owner's residential lot unless they are properly leashed and shall be kept within the

owner's dwelling or garage during the hours of darkness. No outdoor kennels are permitted.

5. *RUBBISH, TRASH, ETC.*

No residential lot shall be used or maintained as a dumping ground. Rubbish, trash, garbage or other waste shall be kept in adequate sanitary containers concealed from public view. No incinerators or other equipment for the disposal of such material shall be permitted.

6. *ROAD MAINTENANCE*

Each owner of each residential lot shall be required to pay a proportionate share for the maintenance of the access Road. Such proportionate share shall be determined by the usage of the access Road from a public highway or road to each lot, measured in footage, to establish a percentage of use of the access Road. Each lot owner shall pay the determined percentage bi-annually upon billing. Said maintenance shall include but not be limited to, snow plowing and necessary draining, grading and scraping, or any other maintenance as required. Payment of proportionate share is required within 30 days of notice of payment due. Payment shall be made to the Association.

7. *STRUCTURAL ALTERATIONS*

No building or structure erected or constructed on any lot which shall otherwise be in compliance with these covenants shall at any time be altered so as to be in violation of any covenant or restriction herein.

8. *LIGHTING REQUIREMENTS*

All outdoor lighting must be installed and maintained in a manner that shall not result in any substantial glare visible off of the premises which is an irritant to other lot owners in the Association.

9. *ENFORCEMENT*

If any payment due to the Association under this agreement is not received timely, an uncontested lien for the amount due shall be placed upon the delinquent premises. If litigation is required to collect such debt or to enforce a violation of the covenants and restrictions herein, the defendant(s) shall pay the reasonable attorney's fees of the plaintiff(s) provided that it is determined by a court of competent jurisdiction that the defendant has, in fact, violated the said covenants and restrictions or a judgment is imposed to collect said debt. Nothing herein shall preclude the court from awarding money or other damages to the plaintiff(s) in addition to the attorney's fees.

10. *MEETINGS OF THE ASSOCIATION*

The Association shall hold a meeting at least once annually and the Secretary shall send written notices to each member of the Association as to the time and place of the meeting. The President may at his discretion call other meetings from time to time as necessary or as determined by a majority of the Association membership. Robert's Rules of Order shall govern said meetings.

*11. ELECTION OF OFFICERS*

At each annual meeting a President and Secretary shall be elected by a majority vote of the members each to serve a term of one year. All business of the Association shall be conducted by said elected officers.

*12. VOTING*

Each member of the Association shall have the following voting rights (husband and wife or co-owners of a premises shall have only one shared vote)

- (a) Owner of 60 Round Hill Road - one vote
- (b) Owner of 101 Round Hill Road - two votes
- (c) Owner of 117 Round Hill Road - one vote
- (d) Owner of 119 Round Hill Road - one vote

All members are required to attend at least the annual meeting. In the absence of any one of the qualified voters at a duly noticed meeting, the Elected President shall vote in that voter's place and stead.

*13. NOTICES*

Any notice required to be sent to any residential lot owner shall be deemed to have been properly sent when delivered personally or when mailed certified, return-receipt post paid to the last known address of the person who appears as the residential lot owner on the records of the Putnam County Clerk's Office at Carmel, New York, at the time of such mailing.

*14. INVALIDATION*

Invalidation of any provision of this agreement by court judgment, order,

statute, or otherwise, shall not affect any other provisions, which shall be and remain in force and effect.

DATED: 12/22/03

GRANTEES:

*John Blum*  
*Nancy Bloese*

STATE OF NEW YORK, COUNTY OF PUTNAM SS:

On the 22 day of Dec, 2003, before me personally came \_\_\_\_\_ and \_\_\_\_\_ to me known to be the individuals described in and who executed the foregoing agreement, and acknowledged that they executed the same.

*Eileen Carroll*  
NOTARY PUBLIC

SECTION 99  
BLOCK 2  
LOT 21.4  
TOWN PHILIPSTOWN

EILEEN CARROLL  
NOTARY PUBLIC  
STATE OF NEW YORK  
NO. 4760386  
QUALIFIED IN PUTNAM COUNTY  
COMMISSION EXPIRES 5/31/06

*KPP 13814*

KENNETH PREGNO AGENCY LTD.  
Park Circle Building  
At Jan Peek Square  
Peekskill, New York 10566  
(914) 739-8293

Anne M Nichter, Esq  
519 Fishkill Road  
Cold Spring NY  
10516

Subject: July 2013 Planning Board Meeting  
From: Lady Eve (evg8230@yahoo.com)  
To: amgal720@yahoo.com;  
Cc: sgaba@drakelob.com; chrismarconi@earthlink.net;  
Date: Wednesday, June 12, 2013 10:00 PM

June 13, 2013,

Planning Board  
Town of Philipstown  
238 Main Street  
Cold Spring, New York, 10516

Dear Ms. Anne Gallagher,

I am writing this letter requesting to be included in the July 2013 Planning Board Meeting Agenda. I am requesting a 90 days extension. This is in regards to the realignment of the property line located on 4 and 24 Hummingbird Lane, Garrison, New York 10524. Thank you very much for your help and assistance.

Sincerely,

Evelyn Gex  
914-329-5773

# Town of Philipstown

238 Main Street  
Cold Spring New York 10516

## PLANNING BOARD

### SPECIAL USE PERMIT/SITE PLAN APPLICATION PACKAGE

### MAJOR PROJECT

Project Name: Site Plan prepared for Manitou Properties Co., LLC

Date: July 11, 2013

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

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

Application for Planning Board  
Special Use & Site Plan Approval

Date: July 11, 2013

TM# 49.6-2-1

Project Name: Site Plan prepared for Manitou Properties Co., LLC

Street Address: 1656 Route 9D Cold Spring, NY 10516

Fee Amount: \_\_\_\_\_ Received: \_\_\_\_\_

Bond Amount: \_\_\_\_\_ Received: \_\_\_\_\_

Applicant:

Name Manitou Properties Co., LLC

Address 7 Old Manitou Road  
Garrison, NY 10524

Telephone 646-295-7349

Tenant:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Design Professional:

Name Badey & Watson Surveying & Engineering, P. C.

Address 3063 Route 9  
Cold Spring, NY 10516

Telephone 845-265-9217

Surveyor:

Name Badey & Watson Surveying & Engineering, P. C.

Address 3063 Route 9  
Cold Spring, NY 10516

Telephone 845-265-9217

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

Name Route 9D Cold Spring, LLC

Address c/o Edward I. Sumber, Esq.  
18 Fair Street  
Carmel, NY 10512

Telephone 845-225-1100

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

TM# 49.6-2-1

Project Name: Site Plan prepared for Manitou Properties Co., LLC

Project Description: Conversion of an existing restaurant into a school.

**ZONING INFORMATION**

175-7 Zoning District: HM (Hamlet mixed use)

175-10 Proposed Use: Educational use, private elementary school, pre-school classes, evening extracurricular classes, and summer programming

Proposed Accessory Use(s): 2nd floor to be used for school offices.

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

	<u>Yes or No</u>
175-13 Floodplain Overlay District - NFIP Map _____ (FPO)	<u>No</u>
175-1 8.1 Mobile Home Overlay District _____ (MHO)	<u>No</u>
175-14 Cold Spring Reservoir Water Shed Overlay _____ (WSO)	<u>No</u>
175-15 Scenic Protection Overlay _____ (SPO)	<u>No</u>
175-16 Aquifer Overlay District _____ (AQO)	<u>General</u>
175-18 Open Space Conservation Overlay District _____ (OSO)	<u>No</u>
175-35 Within 100 foot buffer of Wetlands or Watercourse _____	<u>No</u>
175-36 Steep Terrain _____	<u>No</u>
175-36 Ridge Line Protection _____	<u>No</u>
175-37 Protection Agricultural _____	<u>No</u>

Project Name: Site Plan prepared for Manitou Properties Co., LLC

**175-11 Density and Dimensional Regulations**

Zoning District	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback	-	-	-	-	-
Measured from the travel way Town Road	40 ft.	283.02 ft.	283.02 ft.	x	-
Measured from the travel way County/State	50 ft.	550.97 ft.	550.97 ft.	x	-
Minimum side yard setback	10 ft.	40.7 ft.	40.7 ft.	x	-
Minimum side yard setback (2)	-	-	-	-	-
Minimum side yard setback (3)	-	-	-	-	-
Minimum rear yard setback	15 ft.	N/A	N/A	N/A	-
Maximum impervious surface coverage	50%	13%	19%	x	-
Maximum height			Pre-exists		-
Maximum footprint non-residential Structures	10,000 sf.	9,500	9,500 sf.	x	-

**SUBMISSION:**

**13 copies with one electronic file in .pdf form 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: \$1,800.00 Received: \_\_\_\_\_

9. Escrow: \$2,000.00 Received: \_\_\_\_\_

State of New York)

ss. :

County of Putnam )

Edward I. Sumber, Esq.

, being duly sworn, deposes and says

that he has an office at 18 Fair Street Carmel, NY 10512 in the County of

Putnam

State of

New York

that he is

the

Attorney

for

Route 9D Cold Spring, LLC

(Title)

(Name of Corporation)

which is the owner in fee of all that certain lot, piece or parcel

of land situated, lying and being in the Town of Philipstown, New York, aforesaid

and known and designated on the Tax Map of the Town of Philipstown as Lot Number

1

Block

2

on Tax Map

49.06

and that said cor-

poration acquired title to the said premises by deed from Grischun Restaurant Corp.

dated August 26, 2004 and recorded in the Office of the Clerk of

the County of Putnam on September 8, 2004 in Liber 1680

of Conveyances at Page 98 and that consent is hereby given to

Manitou Properties Co., LLC

to make the application for approval

of the project entitled Site Plan prepared for Manitou Properties Co., LLC

Route 9D Cold Spring, LLC



(signed) by:

Edward I. Sumber

Attorney for

Route 9D Cold Spring, LLC

Sworn to before me this

9th

day of

July

20

13

Sarah E. Croak

Notary Public

SARAH E. CROAK

Notary Public, State of New York

No. 01CR6173784

Qualified in Dutchess County

Commission Expires Sept. 4, 2014

## Town of Philipstown Town Code Chapter 175

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

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

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

#### C. Minor and Major Projects

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

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

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

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

D. In reviewing any project subject to special permit or site plan approval, the reviewing board should consider Putnam County Pathways: A Greenway Planning Program Linking Putnam's Open Space, Historic, Cultural and Economic Resources, 11 as amended from time to time, as a statement of land use policies, principles and guides,

## **§175-66 PROCEDURE FOR MAJOR PROJECT SITE PLAN APPROVAL**

### **A. Applicability**

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

### **B. Pre-Application Meetings**

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

### **C. Submission**

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

1. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
2. An agricultural data statement as defined in 75-74, if required by § 175-37C.
3. The Site Plan application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board,

### **D. Application for Area Variance**

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

### **E. SEQRA Compliance**

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

### **F. Public Hearing and Decision**

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

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

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

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

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

## §175-65 SITE PLAN REVIEW AND APPROVAL

### **A. Applicability**

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

2. The procedures for review of Site Plans for Major and Minor Projects (as defined in Article X11) are described in §175-66 and §175-66 Agricultural structures with a footprint of over 15,000 square feet shall require Minor Project site plan approval. Agricultural structures with a footprint of 10,000 square feet or less are exempt from site plan approval requirements.

3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Land Development Law (Chapter 1 12 of the Town Code) as well as the provisions of this Chapter.

### **B. Required Information for Site Plan**

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

### **SITE PLAN CHECK LIST**

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

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

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

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

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

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

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

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

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

  x   a. Sewage or septic system;

  x   b. Water supply system;

       c. Telephone, cable, and electrical systems; and

  x   d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

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

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

  x   12. A landscape, planting and grading plan showing proposed changes to existing features.

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

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

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

  x   a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;

  x   b. Estimated maximum number of current and future employees;

       c. Maximum seating capacity, where applicable, and

  x   d. Number of parking spaces existing and required for the intended use.

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

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

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

  x   19. Part One of a Long Form Environmental Assessment Form or Draft Environmental Impact Statement.

\_\_\_\_\_ 20. Where appropriate, a cultural resource survey of resources with historic or archaeological significance.

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

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

- a) \_\_\_\_\_  
\_\_\_\_\_
- b) \_\_\_\_\_  
\_\_\_\_\_
- c) \_\_\_\_\_  
\_\_\_\_\_

**c. Waivers**

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

- a) **TBD**  
\_\_\_\_\_
- b) \_\_\_\_\_  
\_\_\_\_\_
- c) \_\_\_\_\_  
\_\_\_\_\_
- d) \_\_\_\_\_  
\_\_\_\_\_
- e) \_\_\_\_\_  
\_\_\_\_\_

## D. Criteria

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

### 1. Layout and Design

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

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

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

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

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

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

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

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

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

j. Metal buildings that are principal buildings (larger than a small storage building in an unobtrusive location) shall be of color consistent with earth tones; shall have sufficient fenestration and trim to break continuums of metal wall areas; and shall have brick, stone, wood trim or composite materials providing a similar

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

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

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

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

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

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

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

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

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

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

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

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

TBD 1. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall and two-inch caliper shall be planted and maintained at 20- to 40-foot intervals along roads at a setback distance acceptable to the Highway Superintendent.

### 3. Parking Circulation, and Loading

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

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

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

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

x c. All buildings shall be accessible by emergency vehicles.

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

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

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

### N/A 4. Reservation of Parkland

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

### 5. Outside Storage

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

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

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

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

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

## 6. Miscellaneous Standards

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

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

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

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

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

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

## §175-68 IMPLEMENTATION, REVISION, AND ENFORCEMENT OF APPROVED SITE PLANS

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

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

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

**B. Performance Guarantee**

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

**C. As-Built Plans and Inspection of Improvements**

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

**ADJOINERS**  
**MANITOU PROPERTIES CO., LLC**  
**49.6-2-1**  
**COLD SPRING**

49.-1-25  
PATTERSON, SUSAN H  
Fair Oaks Farm PO Box 112  
Cold Spring, NY 10516

49.6-2-5  
DAVIES, JULIEN T  
75 Moffatt Rd  
Cold Spring, NY 10516

49.-1-26  
BOSCOBEL RESTORATION INC  
1601 Route 9D  
Garrison, NY 10524

49.5-5-10  
TRAINA, BERNARD F  
53 Peekskill Rd  
Cold Spring, NY 10516

49.5-5-3  
BERKLEY, MICHAEL  
1711 Route 9D  
Cold Spring, NY 10516

49.5-5-1  
RICHLEY, RONALD H  
1701 Route 9D  
Cold Spring, NY 10516

49.5-5-13  
COLD SPRING CEMETARY  
Peekskill Rd  
Nelsonville, NY 10516

49.6-2-4  
CASEMENT, SUSAN BARRETT  
65 Moffatt Rd  
Cold Spring, NY 10516

49.5-5-11 & 12  
AMERICO, JOSEPHINE  
37 Peekskill Rd  
Cold Spring, NY 10516

49.5-5-8  
GARRISON GREEN REALTY  
LLC  
1698 Rt 9D  
Cold Spring, NY 10516

49.5-5-7  
FRANZ, JOHN  
1710 Rt 9D  
Cold Spring, NY 10516

49.5-5-2  
NERI, MARGARET  
1715 Rt 9D  
Cold Spring, NY 10516

49.6-2-3  
HARRIS, WILLIAM L  
61 Moffatt Rd  
Cold Spring, NY 10516

49.6-2-2.1  
ZENZ, FREDERICK A  
PO Box 49  
Cold Spring, NY 10516

49.5-5-5  
BEAUCHAMP, JEFFREY  
1716 Rt 9D  
Cold Spring, NY 10516

49.6-2-2.2  
OLSEN, JAMES B JR  
39 Moffet Rd  
Cold Spring, NY 10516

49.-1-24.1  
1657 Route 9D LLC  
444 W 49th St Apt 3B6  
New York, NY 10019

**ADJOINERS**  
**MANITOU PROPERTIES CO., LLC**  
**49.6-2-1**  
**NELSONVILLE**

49.5-1-27  
COLD SPRING CEM ETARY  
PO Box 188  
Cold Spring, NY 10516

49.6-1-7  
Logan, Douglas W  
PO Box 188  
Cold Spring, NY 10516

49.6-1-1  
HARRIS, WILLIAM L  
61 Moffatt Rd  
Nelsonville, NY 10516

49.6-2-5  
DAVIES, JULIEN T  
75 Moffatt Rd  
Cold Spring, NY 10516

617.20  
Appendix A  
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:

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.

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.

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.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

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

**Identify the Portions of EAF completed for this project:**



Part 1



Part 2

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:

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**.

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.\***

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

**Approval of Site Plan prepared for Manitou Properties Co., LLC**

Name of Action

**Philipstown Planning Board**

Name of Lead Agency

**Michael Leonard**

Print or Type Name of Responsible Officer in Lead Agency

**Chairman**

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

**PART I - 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>Approval of Site Plan prepared for Manitou Properties Co., LLC</b>			
LOCATION OF ACTION (include Street Address, Municipality and County) <b>1656 Route 9D, Town of Philipstown, Putnam County</b>			
NAME OF APPLICANT/SPONSOR <b>Manitou Properties Co., LLC</b>		BUSINESS TELEPHONE <b>(646) 295 7349</b>	
ADDRESS <b>7 Old Manitou Road</b>			
CITY/PO <b>Garrison</b>		STATE <b>New York</b>	ZIP CODE <b>10524</b>
NAME OF OWNER (if different) <b>Route 9D Cold Spring, LLC c/o Edward I. Sumber</b>		BUSINESS TELEPHONE <b>(845) 225-1100</b>	
ADDRESS <b>18 Fair Street</b>			
CITY/PO <b>Carmel</b>		STATE <b>NY</b>	ZIP CODE <b>10512</b>
DESCRIPTION OF ACTION  <b>Approval of Site Plan to convert existing restaurant into proposed school with 2nd floor office space.</b>			

**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:    5.269    acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Bushland (Non-agricultural)	<u>0.5</u> acres	<u>0.5</u> acres
Forested	<u>1.3</u> acres	<u>1.1</u> acres
Agricultural (Includes orchards, crop land, pastures, etc.)	<u>0.0</u> acres	<u>0.0</u> acres
Wetland (Freshwater or tidal as per Articles 24, 25 or ECL)	<u>0.0</u> acres	<u>0.0</u> acres
Water Surface Area	<u>0.0</u> acres	<u>0.0</u> acres
Unvegetated (Rock, earth or fill)	<u>0.3</u> acres	<u>0.3</u> acres
Roads, buildings and other paved surfaces	<u>0.7</u> acres	<u>1.0</u> acres
Other (Indicate type) <u>Lawns, gardens, landscaped areas</u>	<u>2.5</u> acres	<u>2.4</u> acres
<b>TOTALS</b>	<u>5.3</u> acres	<u>5.3</u> acres

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

- a. Soil drainage:     Well Drained    100    % of Site     Moderately well drained    \_\_\_\_\_    % of Site  
                                   Poorly Drained    \_\_\_\_\_    % 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 3700.)

4. Are there bedrock outcroppings on project site?     Yes     No    % of site  
     a. What is the depth to bedrock?    0 to >5'    (in feet)

5. Approximate percentage of proposed site with slopes:  0-10% 66.3 %  10-15% 15.2 %  
 15% or greater 18.5 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No
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? >5' (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 Previous inquiry  
Identify each species N/A
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations.)  
 Yes  No Describe N/A
13. Is the project site presently used by the community or neighborhood as an open space or recreational area?  
 Yes  No If yes, explain N/A
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: None  
a. Name of Stream and name of River to which it is tributary N.A.
16. Lakes, ponds, wetland areas within or contiguous to project area:  
a. Name None b. Size (in acres) N.A.
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 5.30 acres
- b. Project acreage to be developed: 2.9 acres initially; 3.1 acres ultimately.
- c. Project acreage to remain undeveloped 2.2 acres.
- d. Length of project, in miles: N.A. (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed? 10 %
- f. Number of off-street parking spaces existing 40, proposed 40
- g. Maximum vehicular trips generated per hour 24 (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family  | Two Family  | Multiple Family | Condominium |
|------------|-------------|-------------|-----------------|-------------|
| Initially  | <u>N.A.</u> | <u>N.A.</u> | <u>N.A.</u>     | <u>N.A.</u> |
| Ultimately | <u>N.A.</u> | <u>N.A.</u> | <u>N.A.</u>     | <u>N.A.</u> |
- i. Dimensions (in feet) of largest proposed structure N.A. height; N.A. width; N.A. length.

- j. Linear feet of frontage along a public thoroughfare project will occupy is? 833 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? Zero 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? Lawns, gardens  
 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? 0.2 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? N/A months, (including demolition).
7. If multi-phased:  
 a. Total number of phases anticipated? N/A (number).  
 b. Anticipated date of commencement phase 1 N/A month N/A year, (including demolition)  
 c. Approximate completion date of final phase N/A month N/A 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, after project is complete 5
10. Number of jobs eliminated by this project? 0
11. Will project require relocation of any projects or facilities??  Yes  No  
 If yes, explain N/A
12. Is surface liquid waste disposal involved?  Yes  No  
 a. If yes, indicate type of waste (sewage, industrial, etc.) and amount. N.A.  
 b. Name of water body into which effluent will be discharged. N.A.
13. Is subsurface liquid waste disposal involved?  Yes  No
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 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No  
 a. If yes, what is the amount per month .75 Tons  
 b. If yes, will an existing solid waste facility be used?  Yes  No  
 c. If yes, give name Commercial Carting, location Unknown Name  
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No  
 e. If yes, explain Recyclables will be segregated for that purpose.
17. Will the project involve the disposal of solid waste?  Yes  No  
 a. If yes, what is the anticipated rate of disposal? N.A. tons/month.  
 b. If yes, what is the anticipated site life? N.A. years.
18. Will project use herbicides or pesticides?  Yes  No
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) Energy consumption is expected to decrease from that required for the existing restaurant.
22. If water supply is from wells, indicate pumping capacity 5 gallons/minute.
23. Total anticipated water usage per day 900 gallons/day.
24. Does project involve Local, State or Federal funding?  Yes  No  
 If yes, explain N/A

25. Approvals Required:

	Yes	No	Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
City, Town, Village Planning Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan	July 11, 2013
City, Town Zoning Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
City, County Health Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Other Local Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Other Regional Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	County Planning 239	T.B.D.
State Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Federal Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

**C. Zoning and Planning Information**

- 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 \_\_\_\_\_
- What is the zoning classification(2) of the site? HM (Hamlet mixed use)
- What is the maximum potential development of the site if developed as permitted by the present zoning?  
Perhaps 100,000 square feet of commercial building
- What is the proposed zoning of the site? No change HM (Hamlet mixed use)
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
N.A.
- Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No
- What are the predominant land use(s) and zoning classifications within a 1/4 % mile radius of proposed action?  
Residential, commercial, office
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 % mile?  Yes  No
- If the proposed action is the subdivision of land, how many lots are proposed? N.A.  
 a. What is the minimum lot size proposed? N.A.
- Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes  No
- 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

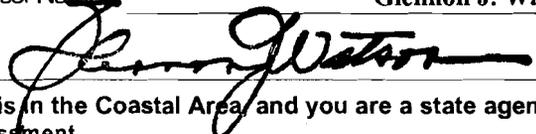
**D. Informational Details**

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 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 Glennon J. Watson, L.S. Date July 11, 2013

Signature  Title Surveyor for Applicant

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

---

# Town of Philipstown

238 Main Street  
Cold Spring New York 10516

## Zoning & Planning Board

### PREAPPLICATION MEETING

for

### Special Use and Site Plan Applications

Project Name: Manitou School

Meeting Date: June 28, 2013

Meeting held and confirmed by: SUSAN JAINCHILL - TOWN PLANNER  
MICHAEL LEONARD - PLANNING BOARD CHAIR  
KEVIN DONAHUE - CODE ENFORCEMENT AGENT  
HILARY HAYES } APPLICANT.  
CHRIS MARRISON }  
MARIA STEIN - MARRISON }  
GLENNON WATSON } APPLICANT CONSULTANT.  
MARY RICE }

**Determine Special Use Permit and/or Site Plan application is;**

Major ✓ (D) Minor Amendment

1. Discuss of proposal and scope of work
2. Discuss existing and proposed uses
3. Determine zone and uses to be approved
4. Review fee schedule format through process
5. Determine fees for submission
6. Review escrow through process
7. Determine escrow for submission

Resturant - Educational <sup>EU</sup> <sup>PU</sup>  $\rightarrow$  PS  
 Hamlet Mix Use (HM) SITE PLAN APPROVAL  
 EDUCATIONAL USE.

8. Determine waivers  $\leftarrow$  175-65 C - TBD - WILL BE DISCUSSED AT FIRST PB. MEETING.
9. Review overlays:

a. 175-13 Floodplain Overlay District - NFIP Map -----	(FPO)	<u>NO</u>
b. 175-18.1 Mobile Home Overlay District -----	(MHO)	<u>NO</u>
c. 175-14 Cold Spring Reservoir Water Shed Overlay -----	(WSO)	<u>NO</u>
d. 175-15 Scenic Protection Overlay -----	(SPO)	<u>NO</u>
e. 175-16 Aquifer Overlay District -----	(AQO)	<u>GENERAL</u>
f. 175-18 Open Space Conservation Overlay District -----	(OSO)	<u>NO</u>
g. 175-35 Within 100 foot buffer of Wetlands or Watercourse -----	N	<u>- WILL CONFIRM</u>
h. 175-36 Steep Terrain -----		<u>- WILL LOOK AT.</u>
i. 175-36 Ridge Line Protection -----		<u>NO</u>
j. 175-37 Protection Agricultural -----		<u>NO</u>

**10. ZDA Special Use Permit Fee and Escrow**

- a) 175-17 Soil Mining - \$500 + Escrow
  - b) 175-62 Special Use Permit Minor - \$500 + Escrow
    - 1) 175-62 Special Use permit Major - \$500 + Escrow
    - 2) Conservation Board Referral -
    - 3) Full Environmental Assessment Form - \$250
    - 4) Environmental Impact Statement - \$1,000
    - 5) Public Hearing - \$250
    - 6) Final or Conditional Final Approval - \$250
    - 7) Re-approval of Final or Conditional Final Approval - \$250
  - Request for extension of time - \$250
- TOTAL \$ \_\_\_\_\_

NOT OWNERS YET  
 - SUBMIT CONTRACTOR'S  
 = DETERMINI COMPLETNESS  
 TRY TO SCHEDULE PUB. HEARING IN SEPT.  
 - SUBDUVE SITE VISIT  
 PRIVATE ELEMENTARY, PRE SCHOOL, EVENING CLASSES

- ALL EDU RELATE + OFFICES ON 2ND FLOOR. - NOTE LOCATION ON PLAN  
 - PLAY FACILITY  
 - PARKING )  
 - MINIMAL GRADN  
 - NO SEPTIC CHANGE  
 - HANDICAP ACCESS.  
 - BUILDING CODE ISSUES.  
 - ADA ACCESS AUTERATIONS  
 - SIGNAGE IN SAME LOCATION  
 - EXTERIOR LIGHTING.  
 TRAFFIC - AM RUSH ? - MAY NEED A TRAFFIC STUDY.  
 FULL BUILD - out = 75 STUDENTS.  
 - START AFTER PUB. School



**Environmental and Planning Consultants**

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

---

**To:** File  
**From:** Susan Jainchill  
**Date:** July 2, 2013  
**Re:** Manitou School Pre Application Notes  
**cc:**

---

As provided in Section 175-66B of the Town Code a preapplication meeting was held for this potential application on June 28, 2013.

The following information was discussed:

*Zoning District:* The property is located in a Hamlet Mixed Use district.

*Purpose for application:* Existing use is restaurant, potential use would be educational. The change in use will require site plan approval.

*Major/minor:* It will be considered a major project since it would convert an existing structure of 5000 SF or greater to a different use (Section 175-60 C1d).

*Waivers:* Potential waivers to the site plan requirements will be discussed at the first planning board meeting.

*Overlays:* Applicant's engineer will confirm that the property is not within 100 foot buffer of wetland or watercourse and that there is no steep terrain on the property. No other overlays would apply to this project.

*Fees:* \$1800 (Major site plan application - \$1000, Full EAF - \$300, Public hearing - \$250, Final approval - \$250)

*Escrow:* \$2000

*Other notes:*

Applicants do not own property yet, contract pending outcome of site plan approval. Proposed use is for a private elementary school, pre-school classes and some evening extracurricular classes which would be

open to others. There would be summer programming as well. All uses will be education related. A full build-out of 75 students is anticipated.

Offices would be on the second floor. ADA access to second floor would be created. There would be minimal regrading of the site. No changes to septic are anticipated. Signage would remain in existing location. Changes in exterior lighting are unknown at this time. A fenced in children's play area would be proposed. A traffic study may be needed. Applicant is anticipating scheduling school hours to avoid traffic conflict with public schools.

Once application is received the Planning Board will need to determine if it is complete, schedule a site visit and potentially schedule a public hearing for the following month's meeting.

---

**THIS CONTRACT HAS BEEN CREATED SPECIFICALLY FOR THIS TRANSACTION**

**Contract of Sale—Office, Commercial and Multi-Family Residential Premises**

**between**

**ROUTE 9D COLD SPRING, LLC (“Seller”)**

**and**

**MANITOU PROPERTIES CO., LLC (“Purchaser”)**

**dated \_\_\_\_\_, 2013**

**Premises:**

Street Address:	1656 Route 9D
Town:	Philipstown
County:	Putnam
State:	New York

## Table of Contents

Section 1.	Sale of Premises and Acceptable Title .....	1
Section 2.	Purchase Price, Acceptable Funds, Existing Mortgages, Purchase Money Mortgage, Escrow of Downpayment and Foreign Persons	<b>Error! Bookmark not defined.</b>
Section 3.	The Closing.....	<b>Error! Bookmark not defined.</b>
Section 4.	Representations and Warranties of Seller.....	<b>Error! Bookmark not defined.</b>
Section 5.	Acknowledgments, Representations and Warranties of Purchaser	<b>Error! Bookmark not defined.</b>
Section 6.	Seller's Obligations as to Leases.....	6
Section 7.	Responsibility for Violations.....	<b>Error! Bookmark not defined.</b>
Section 8.	Destruction, Damage or Condemnation .....	<b>Error! Bookmark not defined.</b>
Section 9.	Covenants of Seller.....	<b>Error! Bookmark not defined.</b>
Section 10.	Seller's Closing Obligations.....	<b>Error! Bookmark not defined.</b>
Section 11.	Purchaser's Closing Obligations .....	<b>Error! Bookmark not defined.</b>
Section 12.	Apportionments .....	<b>Error! Bookmark not defined.</b>
Section 13.	Objections to Title, Failure of Seller or Purchaser to Perform and Vendee's Lien.....	<b>Error! Bookmark not defined.</b>
Section 14.	Broker .....	<b>Error! Bookmark not defined.</b>
Section 15.	Notices .....	<b>Error! Bookmark not defined.</b>
Section 16.	Limitations on Survival of Representations, Warranties, Covenants and other Obligations .....	<b>Error! Bookmark not defined.</b>
Section 17.	Due Diligence Period.....	<b>Error! Bookmark not defined.</b>
Section 18.	Miscellaneous Provisions .....	<b>Error! Bookmark not defined.</b>

## Contract of Sale—Office, Commercial and Multi-Family Residential Premises

CONTRACT dated \_\_\_\_\_, 2013 between **ROUTE 9D COLD SPRING, LLC** (“Seller”), a New York Limited Liability Company with its principal office located at 213 Peaceable Hill Road, Brewster, New York 10509 and **MANITOU PROPERTIES CO., LLC** (“Purchaser”), with its principal office located at 7 Old Manitou Road, Garrison, New York 10524.

Seller and Purchaser hereby covenant and agree as follows:

### Section 1. Sale of Premises and Acceptable Title

§1.01. Seller shall sell to Purchaser, and Purchaser shall purchase from Seller, at the price and upon the terms and conditions set forth in this contract: (a) the parcel of land more particularly described in **Schedule A** attached hereto (“Land”); (b) all buildings and improvements situated on the Land (collectively, “Building”); (c) all right, title and interest of Seller, if any, in and to the land lying in the bed of any street or highway in front of or adjoining the Land to the center line thereof and to any unpaid award for any taking by condemnation or any damage to the Land by reason of a change of grade of any street or highway; (d) the appurtenances and all the estate and rights of Seller in and to the Land and Building; and (e) all right, title and interest of Seller, if any, in and to the fixtures, equipment and other personal property attached or appurtenant to the Building (collectively, “Premises”). ~~For purposes of this contract, “appurtenances” shall include all right, title and interest of Seller in and to (i) the leases for space in the Building, and all guarantees thereof, as shown on Schedule E attached hereto and any leases entered into by Seller between the date of this contract and the Closing (as hereinafter defined); (ii) the Service Contracts (as hereinafter defined); (iii) plans, specifications, architectural and engineering drawings, prints, surveys, soil and substrata studies relating to the Land and the Building in Seller’s possession; (iv) all operating manuals and books, data and records regarding the Land and the Building and its component systems in Seller’s possession; (v) all licenses, permits, certificates of occupancy and other approvals issued by any state, federal or local authority relating to the use, maintenance or operation of the Land and the Building to the extent that they may be transferred or assigned; (vi) all warranties or guaranties, if any, applicable to the Building, to the extent such warranties or guaranties are assignable; and (vii) all tradenames, trademarks, servicemarks, logos, copyrights and good will relating to or used in connection with the operation of the Land and the Building.~~ The Premises are located at or known as **1656 Route 9D, Cold Spring, New York 10516**, which Premises are physically located in the Town of Philipstown, State of New York.

§1.02. Seller shall convey and Purchaser shall accept fee simple title to the Premises in accordance with the terms of this contract, subject only to: (a) the matters set forth in **Schedule B** attached hereto (collectively, “Permitted Exceptions”); and (b) such other matters as (i) the title insurer specified in **Schedule D** attached hereto (or if none is so specified, then any title insurer licensed to do business by the State of New York) shall be willing, without special premium, to omit as exceptions to coverage or to except with insurance against collection out of or enforcement against the Premises and (ii) shall be accepted by any lender described in Section 274-a of the Real Property Law (“Institutional Lender”) which has committed in writing to provide mortgage financing to Purchaser for the purchase of the Premises (“Purchaser’s Institutional Lender”), except that if such acceptance by Purchaser’s Institutional Lender is unreasonably withheld or delayed, such acceptance shall be deemed to have been given.

1. Address for notices (§15.01):

If to Seller:               Route 9D Cold Spring, LLC  
                                  c/o Alam El Din  
                                  213 Peaceable Hill Road  
                                  Brewster, New York 10509

With a copy to Seller's attorney:   Edward I. Sumber, P.C.  
  18 Fair Street  
  Carmel, New York 10512  
Tel: (845) 225-1100  
Fax: 1-845- 225-1187

If to Purchaser:           Manitou Properties Co., LLC  
                                  7 Old Manitou Road  
                                  Garrison, New York 10524

with a copy to Purchaser's attorney: Stephen G. Tomann, Esq.  
  1705 Route 9D  
  P.O. Box 313  
  Cold Spring, New York 10516  
Tel: (845) 265-9231  
Fax: (845) 265-9232

TCP 15971



LIBERTY 1680 PAGE 98

DOCUMENT # 27975  
RETT: 358 \$3,000.00  
CONSIDERATION: \$750,000.00  
09/08/2004 12:23:12 P.M.  
LIBER 1680 PAGE 98  
RECEIPT: 20714 FEE: \$97.00  
DENNIS J. SANT  
PUTNAM COUNTY CLERK

PUTNAM COUNTY RECORDING PAGE  
PAGE 1 OF RECORDED DOCUMENT

RESERVE FOR RECORDING INFO

RECORD & RETURN TO:

TYPE OR PRINT

Edward I. Sumber, Esq.  
18 Fair Street  
Carmel, NY 10512

GRANTOR/MORTGAGOR  
Grischun Restaurant Corp.  
to  
Route 9D Cold Spring, LLC

DO NOT WRITE BELOW THIS LINE

DEED  MTG  SAT  ASMT  CEM  POA  ESMT   
OTHER

RECORDING FEES	# OF PAGES
RCD FEE	5
STAT CHG	5.00
REC MGMT	20.00
CROSS REF	
TOTAL	42.00
( ) MORTGAGE TAX AFFIDAVIT FILED \$5.00	

MORTGAGE/DEED TAX DISTRICTS:

- TOWN OF CARMEL
- TOWN OF KENT
- TOWN OF PATTERSON
- TOWN OF PHILIPSTOWN
- TOWN OF PUTNAM VALLEY
- TOWN OF SOUTHEAST
- APPORTIONMENT MORTGAGE

MORTGAGE TYPES:

- COMMERCIAL/VACANT LAND
- 1-2 FAMILY
- CREDIT UNION/ PERSONAL MTG
- 3-6 UNITS
- EXEMPT

RESERVE FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED  
PURSUANT TO §315 REAL PROPERTY LAW

*Dennis J. Sant*

DENNIS J. SANT  
PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS  
(INDIVIDUAL OR CORPORATION)**

**FORM 8002 (short version), FORM 8007 (long version)**

CAUTION. THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

**THIS INDENTURE**, made the 26th day of August, 2004,

between

GRISCHUN RESTAURANT CORP., a New York Corporation with its principal office located at 1656 Route 9D, Cold Spring, New York 10516

party of the first part, and

ROUTE 9D COLD SPRING, LLC., a New York Limited Liability Company with its principal office located at 213 Peaceable Hill Road, Brewster, New York 10509

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land situate, lying and being in the Town of Philipstown, County of Putnam, State of New York bounded and described as follows:

BEGINNING at a point, said point being the intersection of the southerly line of lands of the Cold Spring Cemetery Association with the easterly line of the Peekskill Road and running thence along said southerly line of the Cold Spring Cemetery Association the following North 62 degrees 36' 10" East 129.31 feet, North 64 degrees 01' 15" East 132.12 feet, North 64 degrees 02' 40" East 131.82 feet and North 63 degrees 23' 10" East 131.98

THENCE along other lands now or formerly Michael A. Scalpi South 20 degrees 07' 25" East 613.20 feet;

THENCE along the northerly line of Moffatt Road the following South 76 degrees 50' 25" West 29.99 feet, South 79 degrees 02' 05" West 15.73 feet, South 81 degrees 14' 45" West 69.65 feet, North 89 degrees 14' 50" West 60.84 feet, South 89 degrees 38' 20" West 90.30 feet, North 86 degrees 39' 20" West 16.51 feet, North 74 degrees 08' 50" West 13.97 feet and North 70 degrees 33' 45" West 82.67 feet to the easterly line of Peekskill Road;

THENCE along the said easterly line of Peekskill Road the following North 61 degrees 49' 00" West 11.61 feet, North 50 degrees 23' 35" West 16.90 feet, North 45 degrees 52' 50" West 30.55 feet, North 40 degrees 13' 10" West 22.72 feet, North 38 degrees 15' 40" West 54.32 feet, North 44 degrees 04' 05" West 61.53 feet, North 52 degrees 39' 00" West 21.33 feet, North 50 degrees 44' 20" West 25.61 feet, North 46 degrees 56' 00" West 23.78 feet, North 41 degrees 31' 10" West 17.58 feet, North 39 degrees 29' 35" West 167.48 feet to the point of BEGINNING.

Party of the first part reserves a right of way of ingress and egress over the existing driveway situate at the easterly end of the premises, which driveway is used for access to the party of the first part's cottage.

Party of the first part reserves and easement for electric and telephone through the existing lines and replacements thereof from the restaurant building being conveyed herein to the party for the first part's cottage on the east .

Being and intended to be the same property conveyed in a certain deed made by Michael A. Scalpi to Grischun Restaurant Corp dated May 20, 1985 and recorded in the Putnam County Clerk's office on June 4, 1985 in Liber 851 of Deeds at page 167.

The Holders of all the outstanding shares of Grishun Corporation, have consented to the conveyance herein pursuant to section 615 of the Business Corporation Law.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

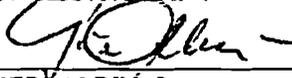
**AND** the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

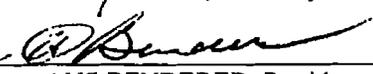
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost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

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

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

GRISCHUN RESTAURANT

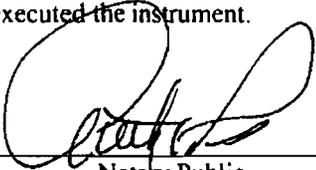
By:   
GIERI ALBIN, Secretary

  
HANS BENDERER, President

**IN PRESENCE OF:**  
\_\_\_\_\_

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

On the 26<sup>th</sup> day of August in the year 2004, before me, the undersigned, personally appeared Gieri Albin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

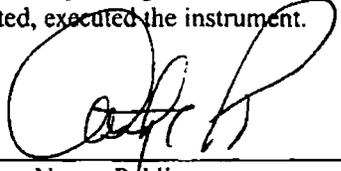


Notary Public

**ANTHONY L. PAGONES**  
NOTARY PUBLIC, State of New York  
Qualified in Dutchess County  
Commission Expires August 31, 2004

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

On the 26<sup>th</sup> day of August in the year 2004, before me, the undersigned, personally appeared Ans Benderer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

**ANTHONY L. PAGONES**  
NOTARY PUBLIC, State of New York  
Qualified in Dutchess County  
Commission Expires August 31, 2004

**Deed**

**Title No. TCP-15971**

GRISHUN RESTAURANT CORP.  
To  
ROUTE 9D COLD SPRING, LLC

Section 49.6  
Block 2  
Lot 1  
County or Town Putnam  
Street Address 1656 Route 9D  
Cold Spring, New York 10516

*T/O Philips town*

**Return By Mail To:**

Edward I. Sumber, Esq.  
18 Fair Street  
Carmel, New York 10512-1391

**Reserve This Space For Use Of Recording Office**

**PRELIMINARY  
Statement of Use  
of  
MANITOU SCHOOL**

This Statement of Use is submitted with the request of Manitou Properties Co., LLC for approval of a site plan to establish a private school, to be known as The Manitou School in the present Plumbush Restaurant.

The property is presently used as an Inn/Restaurant with banquet facilities that will accommodate a reported 350 guests.

If the request for site plan approval is granted, the restaurant will be closed and the property sold. The new owner will establish a private day school anticipated to reach a maximum student population of 75 over a period of several years.

**Property Identified** – Route 9D Cold Spring, LLC is the owner of the premises at 1656 Route 9D, which is the subject of the application. The premises will be sold to the applicant Manitou Properties Co., LLC, which will operate the private school. The property is located at the intersection of Route 9D with Peekskill Road and with Moffat Road, just south of the southeasterly line of the Village of Cold Spring. It is shown on the Putnam County Tax Map for the Town of Philipstown as Sheet 49.06, Block 2, Lot 1 (49.06-2-1). The area of the parcel is 229,509 square feet or 5.269 acres. The property is located in a HM (Hamlet Mixed Use) zoning district.

**Proposed Use Permitted** - The property is improved with a 7,600 square foot (footprint) structure in which the Plumbush Inn and Restaurant is located. If approved, the plan is to renovate the building and grounds to accommodate the private school.

The zoning, Chapter 175 of the Town Code, enacted in 2011 establishes a HM or Hamlet Mixed Use Zone and places the subject property in that zone. Attachment 1 to Chapter 175 provides a table indicating what uses may be established in the zone. Uses permitted in the HM zone include: Educational Institutions. The use planned by the applicant falls squarely into this category.

**Planned Activities** – Manitou School will provide educational services, in the form of a day school, for students from Pre-K to 6<sup>th</sup> Grade. Manitou School will also offer educational services and educational facilities to others in the form of evening classes such as “ESL”, specialized classes for professional and similar educational uses. The private school, which is the core of the facility, will operate in a manner similar to other private schools. In doing so, there is an expectation that group events, such as graduations, parent appreciation days, student conferences and the like will occur throughout the school year. When these events are to be held during non-school hours, they will be scheduled so as to not conflict with other evening activities.

Food service will be provided.

As shown on the site plan, outdoor educational and recreational facilities are provided.

**Traffic** - The Peak Hour is expected to occur on a weekday morning when 24 trips are expected. Average daily trips generated are estimated to be approximately 150. The applicant anticipates that a significant number of students will be transported to the school by the local school district.

**Sewage Treatment** – An on-site wastewater treatment system exists and is shown on the plan. The school is expected to place significantly less demand on the system. For this reason, no improvements are planned for the system.

**Water Supply** – The existing well, presently used by the restaurant, will continue to be utilized. Water consumption, according to tables provided by the NYS Department of Health indicate anticipated consumption to be 80% of 15 gallons per student per day or 900 gallons per day, including the water consumed as part of the food service.

**Outside Storage** - There will be no outside storage associated with the use.

**Solid Waste** - is expected to be approximately .75 tons per month. It will be removed by a commercial carting service.

**Required Parking** – Forty spaces (40) are provided. It is expected that 16 spaces will be used on a daily basis. The other 24 spaces will be used during special events. The plan shows future parking for 24 cars. It is anticipated that the existing parking lot, on which 24 proposed spaces are located, may someday be needed for a play field for older students. Should this occur it might be necessary to relocate the 24 spaces to the area provided for future parking. Section 175-38 does not mandate a specific formula be used to calculate the number of spaces required for this use. Representatives of the applicant and its designers have considered the anticipated population and expected activities to arrive at the number of spaces provided.

**Hours of Operation** - The applicant anticipates that the school will operate 5 days a week between 9AM and 3PM, generally following the local school system's calendar. Evening classes are expected to end at 10 PM.

**Site Grading and Drainage** – The proposed project anticipates a minimal increase stormwater runoff. Stormwater controls shown on the plan include both temporary and permanent measures.

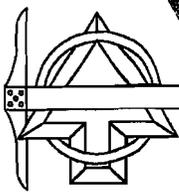
**Performance Standards** - The proposed use will not cause vibration. It will not cause radio or television interference. The proposed use will not produce excessive noise. It will not cause glare, nor will illumination from the site endanger public safety, cause discomfort or impair the value or use of any lot in a residential district.

The proposed uses do not threaten pollution from dust, smoke, dirt, particulates, fumes or gases. The use will not create any offensive odors. Solid and liquid waste will be generated and handled as described above. Solid wastes will not be discharged into any watercourse or drainage facility. Neither will they be discharged into the ground in a manner that causes a threat to public health or safety or ground or surface water quality.

Heating and cooking fuel will be kept on-site. Appropriately limited quantities of cleaners, solvents, thinners, paints and other products associated with proper cleaning and building maintenance will be kept on site and locked away from the student population. No other toxic or hazardous materials as identified in the United States Environmental Protection Agency's List of Priority Pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR, 261) or Article 27 of the New York State Environmental Conservation Law (6 NYCRR) will be kept on site.

Respectfully submitted,  
Manitou Properties Co., LLC

by \_\_\_\_\_  
Maria Stein-Marrison, Member  
July 11, 2013



# 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)

July 11, 2013

New York State Department of Environmental Conservation  
Information Services  
625 Broadway-5<sup>th</sup> Floor  
Albany, NY 12233-4757

**RE: Manitou Properties, Co. LLC- 1656 Route 9D -Endangered Species Inquiry**

Dear Sir or Madam:

We have been engaged to design and process a Site Plan of the captioned property. The project is located in the Town of Philipstown, County of Putnam.

The property is 5.269 acres with an existing restaurant. The proposed Site Plan is to convert the restaurant into a private elementary school, pre-school with school offices on the 2nd floor. We also need this information to complete the Full Environmental Assessment Form for the Town of Philipstown Planning Board.

Enclosed is an 8 ½ x 11 highlighted copy of the vicinity and location maps.

We are writing to ask for your assistance. Could you check your Resource Index to see if there are any recorded indications of threatened or endangered species in the vicinity of the property?

Should you have any questions or if you need additional information, please do not hesitate to call us.

Your earliest possible response would be appreciated. Thank you for your efforts.

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

by  
Glennon J. Watson, L.S.

cc: File  
Manitou Properties, Co. LLC

Owners of the records of:

- ◆ Joseph S. Agnoli ◆ Barger & Hustis ◆ Burgess & Behr ◆ Roy Burgess ◆ Vincent Burrano ◆ 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 ◆ Steven J. Shaver ◆ Allan Smith ◆ Taconic Surveying and Engineering ◆ D. Walcutt ◆