Town of Philipstown Planning Board

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

Public Hearing

VISTA44 LLC (dba Garrison Café)

Pledge of Allegiance
Roll Call
Approval of Minutes: June 18, 2015

VISTA44 LLC (dba Garrison Café) - Application for major site plan – 1135 Route 9D, Garrison, NY: Submission of revised plans/discussion

Gex – Lot line change – 24 Hummingbird Lane, Garrison, NY - Request for extension

Manitoga – Special Use Permit #188 – 22 Old Manitou Road, Garrison, NY: Update

Adjourn

Anthony Merante, Chairman

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

Philipstown Planning Board
Public Hearing – July 30, 2015

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

VISTA44 LLC dba Garrison Cafe – Application dated June 4, 2015, for a major site plan approval. The application involves two adjacent parcels along the west side of NYS Route 9D, immediately south of Grassi Lane. The northerly parcel is currently developed with two commercial buildings, while the southerly parcel is residentially zoned. The applicants currently operate the Garrison Café in a portion of the southerly building on the commercial site. The remainder of this building contains a 3-bedroom apartment, which is currently unoccupied. The applicant seeks approval to expand the café to the north into a portion of the apartment where it will operate a wine bar and provide additional and more formal dining facilities. The applicant also seeks approval to operate a wine and spirit shop in the northerly most part of the apartment. The entire apartment will be converted to commercial use.

There is existing parking in front and along the south side of the building housing the café. The northerly building contains a separate commercial use and also has parking in front. This property contains 2.31+/- acres; tax map number 60.18.-1-16, and is located in a highway-mixed use (HM) zoning district. The adjacent southerly parcel, which is currently undeveloped, contains 7.18 +/- acres; tax map number 60.18.-1-15, and is located in a hamlet residential (HR) zoning district. A portion of the parking south of the café lies on the adjacent parcel and is the reason the application involves both parcels.

At said hearing 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 30th day of June, 2015.

Anthony Merante, Chairman

Philipstown Planning Board
Meeting Minutes
June 18, 2015

The Philipstown Planning Board held its regular monthly meeting on Thursday, June 18, 2015 at the Butterfield Library in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present:	Anthony Merante, Chairman
	Kim Conner
	Mary Ellen Finger
	Joseph Giachinta
	David Hardy
	Peter Lewis
	Neal Zuckerman
	Steve Gaba, Counsel
Absent:	Ron Gainer, Engineer

Approval of Minutes

- *April 16, 2015*

Mr. Zuckerman made a motion to approve the minutes. Ms. Finger seconded the motion.

- *May 21, 2105*

Ms. Conner made a motion to approve the minutes. Mr. Giachinta seconded the motion. The vote (on both motions) was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	In favor

Scanga Realty Lot4 – Amended site plan approval – Lady Blue Devils Lane, Cold Spring, NY: Request for 6-month extension

Mr. Zuckerman made a motion to approve the extension. Ms. Finger seconded the motion. The extension was granted. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	In favor

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

Mr. Watson said that they held and closed the public hearing. Mr. Gainer was asked to prepare a Resolution of Approval. Mr. Watson presented a plan and stated that it was the existing condition. He said that basically the entire application was to swing one part of the lot line such that Mr. Grasso's parcel picks up about five acres, which will be subject to a conservation easement and the other parcel will get

RECEIVED 7/17/15

smaller. Mr. Watson said that they don't anticipate there will be any change physically. He said that Mr. Grasso is working with the Hudson Highlands Land Trust to alter the terms of the conservation easement. Mr. Watson said that they submitted revised plans which address things in Mr. Gainer's memo – one of which was the location of the fence. He said that they went out and surveyed it. Mr. Watson said that they staked the septic system and told Mr. Klotzle they had done that.

Ms. Finger asked if the delineation of the conservation easement on Parcel B had not yet been determined.

Mr. Watson said that the conservation easement follows the original lot lines. He pointed it out on the plan. Mr. Watson said that the area subject to conservation easement is going to be exactly the same.

Ms. Finger said that no additional building could be done.

Mr. Watson said that they are not going to add any rights to the conservation easement.

Ms. Conner said that when Mr. Watson says "building", he means a house.

Mr. Watson said that his understanding is that there was the right to build a small building and that will go. He said that there is certainly no increase in the right to build and that he knew the house site was going to be pushed onto Lot A only. Mr. Watson pointed to a location on the map and stated that there would not be a house back there ever.

Ms. Finger asked if putting in an accessory apartment didn't count toward the dwelling unit. She asked if something like that could be added to the house or put as a separate unit on that lot.

Mr. Watson said that he did not know if that was restricted. He said that certainly from a zoning point of view that would be available to this lot. Mr. Watson said that there is a conservation easement.

Mr. Gaba said to Mr. Watson that the arrangement he was working out with the Land Trust would not affect the ability to use Lot B for a building lot and asked if that was correct.

Mr. Watson said that there is a house on Lot B and Lot A will be with a building right. He said that within the conservation area of the original piece, the right to build a house basically anywhere, is going to be limited to the right to build a house on Lot A.

Mr. Gaba said, so if the Board approves the subdivision, there is still a buildable lot for Lot A.

Mr. Watson agreed.

Mr. Gaba said that the change that they may have in the works privately – between themselves, isn't going to affect the subdivision as resulting in two buildable lots under the code and the applicant can't do

anything unilaterally as far as that conservation easement goes.

Ms. Conner asked what the setback required from Old West Point Road was.

Ms. Watson said sixty feet from the center of the road.

Ms. Conner said one of the requirements in the easement to screen any building that goes on there. She said that she would like that to be noted in the minutes.

Mr. Watson said that he believed he put a note on the most recent plan.

Mr. Merante said that the need to concern themselves with the deed and asked Mr. Watson if that was correct.

Mr. Watson said that the conservation easement requires that the seller put reference to the conservation easement in any deed that they make for the property, so that is already in the title. He said that failing that, the title search would find that easement and raise it in the title policy – even if the seller failed to do it.

Ms. Conner said that she was somewhat concerned with pushing it so close to the road. She said that she understood that Mr. Grasso doesn't want to have a shared driveway, but it would be quite (inaudible) from the town road. Ms. Conner said that sometimes the zoning changes are for that reason – to push things further back.

Mr. Watson said that he got that, but they purposely left this out of the scenic protection.

Ms. Conner said that they are mitigating the steep slopes by allowing it closer to the road.

Mr. Zuckerman made a motion to approve the Negative Declaration. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	In favor

Mr. Zuckerman made a motion to approve the Resolution. Ms. Finger seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor

David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	In favor

VISTA44LLC (dba Garrison Café) – Application for major site plan – 1135 Route 9D, Garrison, NY: New submission

Mr. Watson introduced Mr. McMahon (proprietor of Garrison Café and tenant in building). He said that the building today has two basic c omponents - a 1700 square foot three bedroom apartment and about 1480 square foot café. Mr. Watson said that they have a change of use that they are proposing and the change in use requires alterations in the building that exceeds 1000 square feet. He said that the idea is to take the café and apartment and change the configuration such that the entire building is going to be used commercially for retail. The café would stay exactly the same, the middle part of the apartment would become a wine bar and the north part of the building would become a retail wine shop. Mr. Watson said that they do not anticipate any changes in the outside except for some cleanup to bring some of the parking into compliance. He said they need a handicap space and pointed out on the plan where they intend to put it. Mr. Watson said that in order to get into the wine bar, they need to install a ramp up to the first floor. He said that the Health Department has looked at the septic system, and has issued a letter. They have already said they could use the existing septic system for this use. Mr. Watsons said that there was a question with regard to locating parking onto the adjacent piece, even though it's owned by the same person. He said that he thought that was easily handled with the definition in the lease and they'll work with Mr. McMahon to make sure they have something in that regard from the owner, to give to the Board next month.

Mr. Merante said that they received Mr. Gainer's memo and he briefly went over some comments that were made in his memo.

Mr. Giachinta asked if where is said "existing curb to remain", that was the curbing that is there now.

Mr. Watson said yes.

Mr. Giachinta said that it makes it tight with the parking spots.

Mr. Watson said that he would take a look at it.

Mr. Giachinta suggested Mr. Watson possibly look at having a one-way in and a one-way out.

Mr. Watson said that they could take a look at it.

Mr. Zuckerman said that it is chaotic, they will have alcohol introduced and people who will be buying

more than usual, so the question becomes how do they make use of the space such that those who have been under the influence, even the littlest bit, are not going to back up right on to Route 9.

Ms. Conner said that with regard to the building to the north that has businesses within it, how that gets resolved in terms of parking.

Mr. Watson said that he thought that was calculated in the bottom, but would check it.

Ms. Conner said that she believed the parking spaces to the south were in the wetland.

Mr. Watson agreed. He said that they are not building them - they're there.

Ms. Conner asked Mr. Gaba if because it is a change and presumably the parking spaces are non-conforming since they're in the wetland, the Board would get a bite at that.

Mr. Gaba said that his calculation is that twenty spaces are required.

Mr. Watson said yes, and they're two short.

Mr. Gaba said, so they're two short on that. He said that he thought the code prohibits parking on the front and parking on the side of the building is supposed to be screened. Mr. Gaba said that when he spoke with Mr. Gainer about this, he was gravely concerned about the lot just being the dumpster in parking lot. He said that the town code is pretty clear in his opinion, that principal permitted uses – use of parking lots in the Town of Philipstown is certainly frowned upon if not out and out prohibited. Mr. Gaba said that it is kind of a stand-alone parking area. He said that his thought on it was, if they wanted to try to bring it into the fold in terms of seeking…it might make sense to do a lot line change. Mr. Gaba said that if it's small enough, he didn't know that you would even have to bring it in front of the Planning Board.

Mr. Watson said that he thought there probably was a way to put parking in the back, but didn't know if that had been discussed between the tenant and the landlord.

Ms. Conner asked if someone decided to build on the side lot, what that would do to the parking.

Mr. Watson said that physically there's room – regardless. He said that the issue with using it is building a driveway so close to the stream/wetlands, and to a certain extent that's going to be an issue with regard to building parking in the back.

Mr. Giachinta made a motion to set a site visit for Sunday, June 28th. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor

Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Ms. Conner made a motion to declare this as a major site plan application. Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Mr. Zuckerman made a motion to declare the Planning Board Lead Agency. Mr. Giachinta seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Ms. Conner made a motion that the application be referred to the CAB, Fire Department and Putnam County (239M). Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Mr. Merante asked Mr. Watson to talk about the deliveries/vehicles.

Mr. Watson said that they have a space for deliveries.

Ms. Conner asked how many more deliveries they thought they would end up with as a result of adding the wine.

Mr. McMahon said that all this is really going to do is going to extend the business a little longer in the

day

Mr. Lewis asked if there were restrictions in terms of businesses near churches and the sale of liquor.

Mr. McMahon answered (inaudible).

Mr. Lewis asked if the retail sale of alcohol and the wine bar as an establishment was also permitted.

Mr. McMahon said no...so the whole concept of the retail space on the end of the wine shop would be completely separate and would require a separate liquor license. He explained that the "master" plan is a café with an adjacent wine bar with one license and one operation, and at the very end of the building would be a retail wine shop with a completely different license.

Mr. Giachinta made a motion to hold the next Planning Board meeting on Thursday, July 30, 2015. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Mr. Giachinta made a motion to schedule a public hearing on this matter on that date (July 30th), contingent on having everything the Board needs. Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Referral from Town Board: Local Law to amend Town Code Chapter 89 "Filming" by changing the title of the Chapter to "Filming, Events and Mass Gatherings" and amending the provisions of the Chapter to provide for regulation of Events and Mass Gatherings
Mr. Gaba gave an overview of the above-stated Local Law and briefly went over the terms and conditions.

The Board discussed the matter.

Ms. Conner asked if a suggested donation would fall under a different category.

Mr. Gaba said that a suggested donation under this law would not require a public fee.

Mr. Lewis made a motion that Mr. Gaba write up and forward the Planning Board's comments on this matter. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

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

The Planning Board had no further comment.

Ms. Conner made a motion that Mr. Gaba respond and return to the Town Board. Ms. Finger seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Miscellaneous

- Training class in Hyde Park (July 15, 2015)

Mr. Merante stated that several Board members expressed an interest in attending the class. Members would need to register (individually) on line.

Adjourn

Mr. Giachinta made a motion to adjourn the meeting. Ms. Conner seconded the motion. The meeting ended at 8:45 p.m. The vote was as follows:

BADEY & WATSON
Surveying & Engineering, P.C.

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

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

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

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

July 16, 2015

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

RE: Vista 44 LLC (Garrison Cafe) - Submission of Revised Plans

Dear Mr. Merante and Honorable Board Members:

Submitted herewith are 13 sets of our revised "Site Plan prepared for VISTA44 LLC DBA GARRISON CAFÉ", dated today, July 16, 2015. The plans have been revised in accordance with the discussions among members that attended the June 28, 2015 site inspection, Mr. Gainer and me. Specifically, as you review the plans, you will find the following changes:

1. Additional survey detail in the parking area, the "grass driveway", and the septic system have been added;
2. The parking layout has been revised by reducing the number of spaces in the front of the building, adding spaces (for employees) at the rear of the building, and reversing the parking spaces on the side of the building.
3. Planters have been added to better identify the entrance and exit onto Route 9D.
4. Entry and Exit signs been added to the Route 9D curb cuts.
5. A rear exit using the existing grassy lane and right-of-way to Grassi Lane has been added.

Thank you for your continued attention and concern for this project. We look forward to formally presenting the plan during the Public Hearing scheduled for July 30, 2015.

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

by
Glennon J. Watson, L.S.

GJW/bms
cc: File U:\82-118B\WO_22356_Vista44LLC\AM16JL15BP_Vista44_SubmitsRevisedPlans.docx
Matthew Moran, Vista44
Baldev Raju, Property Owner

Town of Philipstown

238 Main Street
Cold Spring New York 10516

PLANNING BOARD

SPECIAL USE PERMIT

APPLICATION PACKAGE

Project Name: MANITOGA SPECIAL USE PERMIT #188: MAY 20 FTA4 UPDATE

Date: JULY 1 2015

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

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

Application for Planning Board
Special Use & Site Plan Approval

Date: JULY 1, 2015 **TM#** _____

Project Name: MANITOGA SPECIAL USE PERMIT UPDATE (#188 MAY 20, 1974)

Street Address: 22 OLD MANITOU ROAD

Fee Amount: _____ **Received:** _____

Bond Amount: _____ **Received:** _____

Applicant:

Name MANITOGA
Address PO BOX 249
GARRISON, N.Y.
Telephone 845 424 3912

Tenant:

Name N/A.
Address _____
Telephone _____

Design Professional:

Name HUDSON & PACIFIC DESIGNS
Address 24 MYNDERSE ST.
SAUGERTIES, NY 12477
Telephone 914 889-3419

Surveyor:

Name BADEY & WATSON.
Address 3063 ROUTE 9
COLD SPRING, NY 10516
Telephone 845 265 9217

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

Name MANITOGA
Address PO BOX 249
GARRISON, NY.
Telephone 845 424 3812

Name _____
Address _____
Telephone _____

TM# _____

Project Name: MANITOGA SPECIAL USE PERMIT #183; MAY 20, 1974 UPDATE

Project Description: UPDATE SPECIAL USE PERMIT FOR CURRENT IC ZONE AS OF RIGHT USE: DAY CAMP, EDUCATIONAL & INSTITUTIONAL, NATURE PRESERVE WITH PATHS & TRAILS. FUTURE MEETING HALL & CLASSROOM. MAINTENANCE UPGRADE TO EXISTING ROADS & ADDITIONAL PARKING.

ZONING INFORMATION

175-7 Zoning District: IC

175-10 Proposed Use: EDUCATIONAL & INSTITUTIONAL

Proposed Accessory Use(s): DAY CAMP; WORKSHOPS; NATURE CENTER; MUSEUM; WILDLIFE SANCTUARY.

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

TM# _____

Project Name: MANITOGA SPECIAL USE PERMIT #188 MAY 20, 1974 UPDATE

175-11 Density and Dimensional Regulations

Zoning District IC	**Required**	**Existing**	**Proposed**	**Complies**	**Variance**
Minimum front yard setback					
Measured from the travel way Town Road					
Measured from the travel way County/State					
Minimum side yard setback					
Minimum side yard setback (2)					
Minimum side yard setback (3)					
Minimum rear yard setback					
Maximum impervious surface coverage					
Maximum height					
Maximum footprint non-residential structures					

SUBMISSION:

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

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

ARTICLE IX SPECIAL PERMITS AND SITE PLAN REVIEW

§175-60 PURPOSE AND APPLICABILITY

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

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

C. Minor and Major Projects

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

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

a. Construction of four multi-family dwelling units or a lodging facility with six bedrooms.

b. Construction of facilities or structures for a non-residential use covering 3,000 square feet of building footprint.

c. Alteration of existing structures or expansion of such structures by 1,000 square feet.

d. Conversion of existing structures totaling 5,000 square feet to another use.

e. Alteration and active use of 10,000 square feet of land, with or without structures.

f. Construction of a structure that is 50 feet in height above average grade level (provided that it otherwise complies with this Chapter or is the subject of an area variance).

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

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

ENVIRONMENTAL REVIEW FORM
ENVIRONMENTAL PROTECTION ACT of 1993
Applications Sponsored by Not-for-Profit Organizations

PROJECT NAME: Restoration of Manitoga Access Roads and Contingent Historic Landscape

PROJECT SPONSOR: Manitoga, Inc.

INSTRUCTIONS: For all projects sponsored by not-for-profit organizations, OPRHP will serve as lead agency for the purposes of complying with the State Environmental Quality Review Act (SEQR). This form has been designed to help the agency identify the type and extent of SEQR review required. Please complete Part A and Part B.

If you check any of the items in Part B, your project is probably not subject to SEQR and no further information is required at this time. Please **SIGN AND DATE** in the space provided at the end of the form and include this with your application. If you have NOT checked any of the items in Part B, then continue on and complete Part C.

Part A. - ENVIRONMENTAL REVIEW COORDINATION

DOES THE PROJECT REQUIRE A PERMIT APPROVAL OR FUNDING FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?

/_/ Yes /_/ No If Yes, list the agency(s) and permit/approvals:

Part B. - IS THE PROJECT SUBJECT TO SEQR?

Part 617 of the Environmental Conservation Law (the rules and regulations implementing SEQR) identifies certain types of projects or actions not subject to SEQR review. These are called Type II. The list of Type II activities under SEQR has been reviewed by OPRHP and a determination made as to which are more likely to apply to grant projects.

PLEASE REVIEW THE FOLLOWING LIST AND CHECK ANY WHICH APPLY TO YOUR PROJECT:

/X/ The project is maintenance or repair involving no substantial changes to an existing structure or facility.

/_/ The project is replacement of a facility in-kind on the same site.

/_/ The project is the repair or construction of a minor accessory structure, such as sheds or fencing, not changing land use or density.

/_/ The project is maintenance or existing landscaping or natural growth.

/_/ The project involves information and data collection, surveys or other studies.

Part C. - ASSESSMENT OF ENVIRONMENTAL EFFECTS AND MITIGATION

If your project is not Type II, it is subject to environmental review. This preliminary assessment of environmental impacts, along with other parts of the application, will be used by OPRHP staff in determining the type and extent of environmental review. For any adverse effects identified, discuss mitigation measures which will be incorporated into the project design. Applicants are encouraged to provide sufficient detail on all relevant adverse effects and their mitigation. Use additional pages as necessary.

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

2. Effects on aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

3. Effects on vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

4. Effects on a community's existing plans or goals as officially adopted, or a change in use of land or other natural resources? Explain briefly:

5. Effects on growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

6. Effects on long term, short term, cumulative, or other effects not identified in 1-5 (including changes in use of either quantity or type of energy)? Explain briefly:

7. Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area?

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

   ☐ Yes ☒ No If Yes, EXPLAIN BRIEFLY:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE.

Applicant/Sponsor Name: Manifoga, Inc. Date Sept. 13, 2009

Signature of Preparer: Kathryn McCullough

Town of Philipstown, NY Def: × putnam.sdgnys.com/quickst ×

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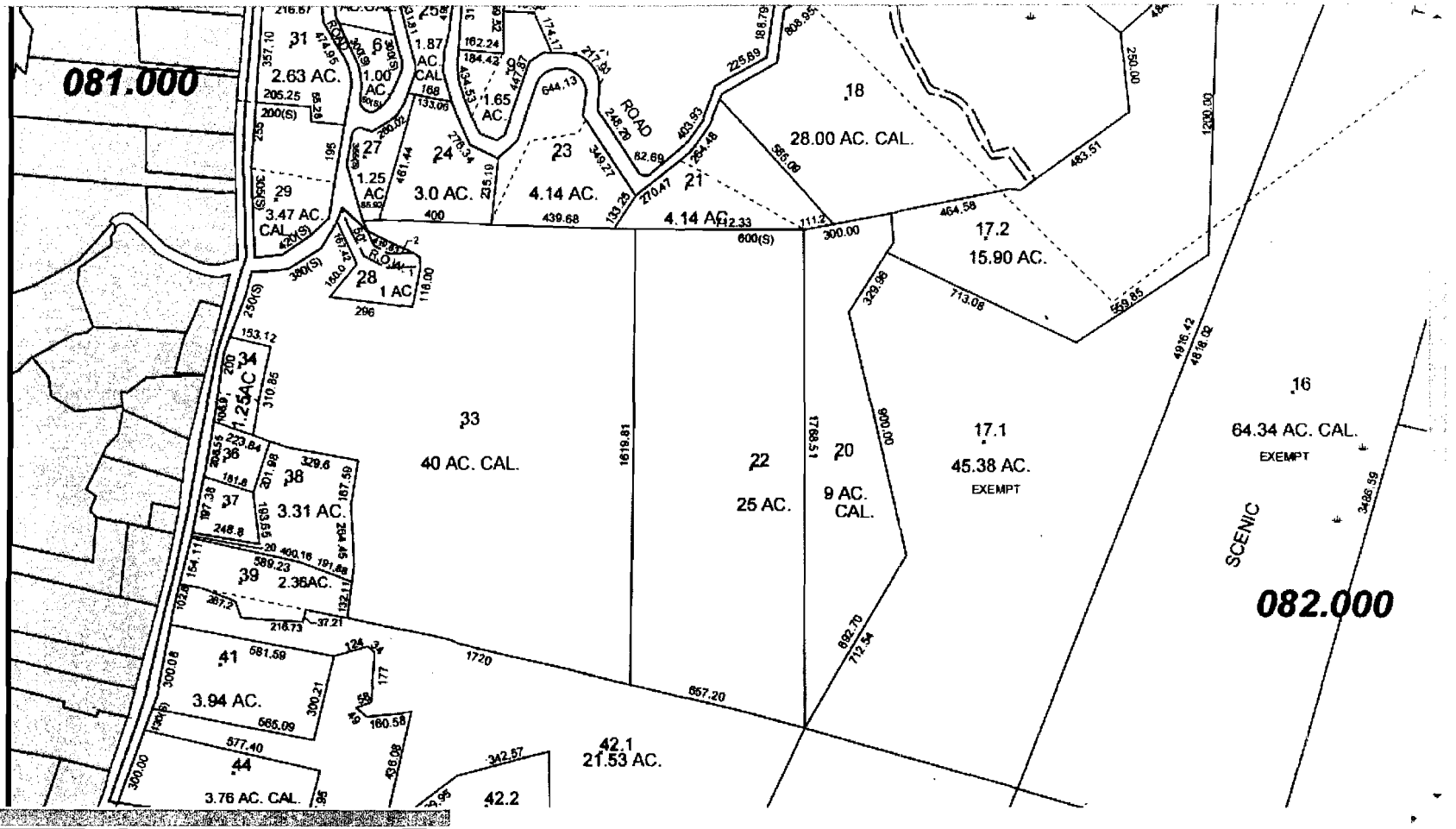

82.-1-33

20-22 Old Manitou Rd

Manitoga Inc.
PO Box 249
Garrison, N.Y. 10524

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through April 14, 2015.

Selected Entity Name: MANITOGA, INC.
Selected Entity Status Information

Current Entity Name:	MANITOGA, INC.
DOS ID #:	889744
Initial DOS Filing Date:	JANUARY 23, 1984
County:	PUTNAM
Jurisdiction:	NEW YORK
Entity Type:	DOMESTIC NOT-FOR-PROFIT CORPORATION
Current Entity Status:	ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

MANITOGA, INC.
OLD MANITOU RD.
GARRISON, NEW YORK, 10524

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the

All Contacted

RE: NATIONAL AUDUBON SOCIETY, INC. - APPEAL NO. 188

S I R S:

PLEASE TAKE NOTICE THAT the attached is a true copy of a resolution of the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, made the 20th day of May, 1974, and this day filed in the Office of the Clerk of the Town of Philipstown.

dated: 29 July 1974

Respectfully yours,

Mary E. de Bellefroid

Mary E. deBellefroid, Secretary
Zoning Board of Appeals
Town Hall, Cold Spring, N.Y.

TO:
National Audubon Society
950 Third Avenue
New York, N.Y. 10022

William J. Murden, Esq.
44 N. Division Street
Peekskill, N.Y. 10566

Town Board
Town of Philipstown
Town Hall
Cold Spring, N.Y. 10516

Philipstown Planning Board
Mr. Donald F. McNally, Chairman
Garrison, N.Y. 10524

Mr. Donald Trost
Building Inspector
Town Hall
Cold Spring, N.Y. 10516

C. Edward Doyle, Jr., Esq.
Town Attorney
1010 Park Street
Peekskill, N.Y. 10566

At a meeting of the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, held pursuant to resolution dated April 27, 1974, at Town Hall, in the Village of Cold Spring, New York, at 8 PM on the 20th day of May, 1974, for the purpose of hearing the appeal of the NATIONAL AUDUBON SOCIETY, INC., being Appeal No. 188.

PRESENT

ABBY H. ANDERSON, Chairman
VICTOR CARLSON, Member
EUGENE DI BENEDETTO, Member
JAMES L. GILBERT, Member
ROBERT ROHRBERG, Member

The Chairman asked if each member present had reviewed the application and filed papers and exhibits, and upon each answering in the affirmative, the Board proceeded to its deliberations.

Upon deliberation had, the following resolution was offered by Robert Rohrberg and seconded by James L. Gilbert, to wit:

A RESOLUTION DETERMINING THE APPEAL OF THE NATIONAL AUDUBON SOCIETY, INC.

The National Audubon Society, Inc,, represented by William J. Murden, Esq., attorney with offices at 44 N. Division Street, Peekskill, New York, having appealed for a Special Use Permit for the construction of a meeting hall and classroom on property located at Route 9D and Old Manitou Road (Russel and Ann Wright), in Garrison, in the Town of Philipstown, located in an R-80 district, as described in the Notice published in the "Putnam County News and Recorder". The matter having regularly come on to be heard on May 20, 1974, applicant appeared on behalf of the application. There were no appearances in opposition. After duly hearing all parties, and due deliberation having been had, the Board finds the facts to be the following:

FACTS

1. The National Audubon Society appealed for a Special Use Permit to allow use of property described hereinafter as an educational Nature Center and wooded wildlife sanctuary under Section 23, Schedule A (Permitted Uses, Item 12) of the Zoning Law of the Town of Philipstown and to permit construction thereon of a structure to serve as a meeting place for activities conducted by the Society, for meetings of conservation and outdoor recreation organizations in the Hudson Valley and for educational events in the community, located on the Bear Mountain Bridge-Beacon Highway (New York State Rt. 9D) south of Old Manitou Road, in Garrison, in an R-80 district.

2. Russel Wright and Ann Wright Best (his daughter) propose to deed to the Audubon Society approximately 65 acres of the 68 acres locally known as Dragon Rock, owned by Mr. Wright and Mrs. Best,

Mr. Wright to retain approximately 3 acres excluding the quarry pond the two structures which comprise his residence during his lifetime, and Mrs. Best thereafter to have the use thereof so long as she occupies it as a residence, after which time the retained portion is to become part of the Audubon Society facility.

3. Ownership of the property was established by Applicant's Exhibit #1, being a deed indenture for subject property, made between Ethel L. Edwards and Mary Wright (deceased wife of Russel Wright), dated the 13th day of April, 1942, and filed in the Office of the Clerk of the County of Putnam on the 17th day of April of the same year in Book #265 of Deeds at page 51; and by Applicant's Exhibit #1A, a deed indenture made the 2nd day of April, 1970, between Russel Wright and Ann Wright (Best), his daughter, for 25 acres plus or minus of subject property, being recorded in the County Clerk's Office on June 2, 1970 in Liber 685 of Deeds at page 121.

4. Applicant's Exhibit #2 was a planometric map of subject property indicating all adjacent property owners, the area presently to be deeded to the Audubon Society of 65.50 acres, and the 3 acres, plus or minus, to be retained by Russel Wright.

5. Applicant's Exhibit #3 was a site plan showing that portion of subject property on which proposed Nature Center is to be constructed, together with the residences of Wright, Gulley, McLean, and Walsh, being those property owners abutting the Center area, the proposed Center and proposed parking spaces for 70 cars in two lots measuring 150' by 65' and 180' by 75' adjacent to proposed Center. A wood road running from N.Y. State Rt. 9D into subject property traversing property of Walsh to the south is proposed to be closed. A new entrance 53' plus or minus, south of Old Manitou Road is proposedto a 20' driveway to the parking area, the access to which entrance is to be widened from Rt. 9D to an existing stone wall, thereby providing ample space for safe ingress and egress from the highway for such traffic as may be generated by the proposed facility.

6. Applicant's Exhibit #4 consisted of a rendering of proposed structure, an elevation of same, and floor plans showing auditorium, classroom, library and related facilities.

7. Applicant's Exhibit #5 was a copy of the proposal made to the Board of Directors of the National Audubon Society by Elvis J. Stahr, President of the Society, recommending the acceptance of the gift of subject property for the proposed use, setting forth the supportive funds for maintenance of the property, construction and staffing of the conservation center building offered by Mr. Wright to the Society in addition to the lands and stipulating such additional funds as are to be supplied by the Society.

FINDINGS

The Board having considered the application in accordance with its requirements and the Board having determined in its judgment that

the proposed use of the lands to be deeded by Russel Wright and Ann Wright Best to the Audubon Society:

1. Is indeed a permitted use, with a Special Use Permit granted by this Board, under the Zoning Law of the Town of Philipstown;

2. Will provide adequate access for police and fire protection agencies;

3. Will in no way have a detrimental effect on adjacent property values and will, in fact, enhance the neighboring area;

4. Will provide educational and ecological stimulus and leadership not only to the community, but to the Hudson Valley in general; and

5. Will maintain an unusually beautiful green area in its natural state for the increasing number of people interested in the preservation of the heritage of the Hudson Highlands.

IT IS, THEREFORE, RESOLVED by the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, as follows:

THAT THE SPECIAL USE PERMIT APPLICATION TO CONSTRUCT A MEETING HALL AND CLASSROOM ON PROPERTY LOCATED AT ROUTE 9D AND OLD MANITOU ROAD (RUSSEL AND ANN WRIGHT) IN GARRISON, IN THE TOWN OF PHILIPSTOWN, DESCRIBED HEREIN, BE AND THE SAME HEREBY IS GRANTED, PROVIDING THAT:

1. There is a proper legal transfer of properties between Russel Wright and Ann Wright Best to the National Audubon Society prior to any use of subject properties by applicant.

2. Applicants must satisfy all Zoning requirem ents of the Town of Philipstown, all requirements of the Putnam County Board of Health, of the New York State Department of Transportation, and such other Boards and Commissions as may have jurisdiction over subject property and its use.

3. Since under Section 239m of General Municipal Law of the State of New York this decision must be referred to the Putnam County Planning Board for its recommendation; a copy of those recommendations and the action taken thereon by this Board must be appended to this decision prior to the issuance of a Building Permit by the Building Inspector of the Town of Philipstown.

The question of the adoption of the foregoing resolution was put to a vote on roll call on the 20th day of May, 1974, the results of which were as follows:

ABBY H. ANDERSON	VOTING FOR APPROVAL
VICTOR CARLSON	VOTING FOR APPROVAL
EUGENE DI BENEDETTO	VOTING FOR APPROVAL
JAMES L. GILBERT	VOTING FOR APPROVAL
ROBERT ROHRBERG	VOTING FOR APPROVAL

There being no further business to come before the meeting, it was adjourned.

Abby H. Anderson

Abby H. Anderson, Chairman

1/29/76

RE: THE NATURE CONSERVANCY - APPEAL NO. 211

S I R S:

PLEASE TAKE NOTICE THAT the attached is a true copy of a resolution of the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, made the 7th day of October, 1975, and this day filed in the Office of the Clerk of the Town of Philipstown.

Dated: January 27, 1976

Respectfully yours,

Mary E. de Bellefroid

Mary E. deBellefroid, Secretary
Zoning Board of Appeals
Town Hall, Cold Spring, New York

TO:
William J. Murden, Esq.
44 N. Division Street
Peekskill, N. Y. 10566

Town Board
Town of Philipstown
Town Hall
Cold Spring, N.Y. 10516

Philipstown Planning Board
Mr. Donald F. McNally, Chairman
Garrison, N.Y. 10524

Mr. Donald Trost, Building Inspector
Town of Philipstown
Town Hall
Cold Spring, N.Y. 10516

C. Edward Doyle, Jr., Esq.
Town Attorney
1010 Park St.
Peekskill, N.Y. 10566

At a meeting of the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, held pursuant to resolution dated September 22, 1975, at Town Hall, in the Village of Cold Spring, New York, at 8:00 PM, on the 7th day of October, 1975, for the purpose of hearing the appeal of THE NATURE CONSERVANCY, being Appeal No.211.

PRESENT: ABBY H. ANDERSON, Chairman
VICTOR CARLSON, Member
EUGENE DI BENEDETTO, Member
JAMES L. GILBERT, Member

ABSENT: ROBERT ROHRBERG, Member

Mr. Donald Trost, Building Inspector, was also present.

The Chairman asked if each member present had reviewed the application and filed papers and exhibits, and upon each answering in the affirmative, the Board proceeded to its deliberations.

Upon deliberation had, the following resolution was offered by Victor Carlson and seconded by James L. Gilbert, to wit:

A RESOLUTION DETERMINING THE APPEAL OF THE NATURE CONSERVANCY.

The Nature Conservancy, having appealed for a Building Permit and a Certificate of Occupancy for the lands of Russel Wright and Ann Wright Best, located on Route 9D, in Garrison, in the Town of Philipstown, located in an R-80 District, as described in the Notice published in the "Putnam County News & Recorder". The matter having regularly come on to be heard on the 7th day of October, 1975, applicant appeared on behalf of the application. After duly hearing all parties, and due deliberation having been had, the Board finds the facts to be the following:

FACTS

1. The Nature Conservancy appealed for a Special Use Permit to allow use of property located on Bear Mountain Bridge-Beacon Highway (New York State Route 9D) south of Old Manitou Road, Garrison, in an R-80 District, as a nature center and wildlife sanctuary having paths and trails for guided tours under the supervision of the Conservancy and for the construction thereon of a structure to serve as a meeting place for Hudson Valley conservation and outdoor recreation organizations and for community events of an educational nature. This is the same property for which a Special Use Permit for a similar use was unanimously granted by this Board on the 20th of May, 1974, and filed with the Town Clerk of the Town of Philipstown on the 29th of July as Appeal No. 188. All maps, building plans and other pertinent information therein is to be considered a part of this record.

2. Applicant's Exhibit #1A was a copy of an indenture made the 18th day of April, 1975, between Russel Wright and The Nature Conservancy for that property, containing approximately 70 acres, conveyed to Mary Wright (his wife) by Ethel L. Edwards by deed dated April 13, 1942, and recorded in the Office of the Clerk of the County of Putnam on April 17, 1942, in Book #265 of Deeds at page 41, and excepting therefrom that portion conveyed by Russel Wright to Ann Wright (his daughter) by deed dated April 2, 1970, and recorded on June 2, 1970, in Book #685 of Deeds at Page 120, containing 25 acres more or less.

Applicant's Exhibit #1B was a copy of an indenture for aforementioned 25 acres, more or less, made between Ann Wright (Best), now known as Ms. Wright, and The Nature Conservancy, made the 18th day of August, 1975, and recorded in the Putnam County Clerk's Office on the 28th day of August in Book #729 of Deeds at Page 907.

3. Applicant's Exhibit #2 was a statement from the Eastern Regional Office of The Nature Conservancy, a "publicly supported", non-governmental, scientific and educational tax-exempt organization, as to its aims and means of support.

4. Applicant's Exhibit #3 was a statement supportive of the Appeal, setting forth the proposed use of the property and the means by which said use will comply with the Zoning Law of the Town of Philipstown, stating that upon the deaths of Russel Wright and his daughter, Ms. Ann Wright, who will have lifelong use of the present residence, that residence will also become the property of The Conservancy and will be utilized for the same ecological, nature-related use; that a building is proposed to be erected on the four acres adjacent to Rt. 9D according to the design submitted under Appeal No. 188 for previously stated uses.

5. Applicant's Exhibit #4 was a plat plan showing a revised wooded parking area accommodating the same number of cars as in Appeal No. 188, but making no change in the entry from Rt. 9D, which entry has been approved by the New York State Department of Transportation. The plat plan has been amended by Mr. Wright to show a 15'x25' ticket booth proposed to be erected adjacent to the parking area.

6. On the basis of the previous approval of the entrance by the Department of Transportation, the Putnam County Planning Board, to which this decision would normally be forwarded for review or recommentations under Section 239m of General Municipal Law of the State of New York, returned an action of "Approval as Submitted" (variance #75-43) on November 22, 1975, a copy of which is attached hereto.

FINDINGS

The Board having considered the application in accordance with its requirements and the Board having determined in its judgment that

the proposed use of the lands to be deeded by Russel Wright and Ann Wright (Best) to The Nature Conservancy:

1. Is indeed a permitted use, with a Special Use Permit granted by this Board, under the Zoning Law of the Town of Philipstown;

2. Will provide adequate access for police and fire protection agencies;

3. Will in no way have a detrimental effect on adjacent property values and will, in fact, enhance the neighboring area;

4. Will provide educational and ecological stimulus and leadership not only to the community, but to the Hudson Valley in general; and

5. Will maintain an unusually beautiful green area in its natural state for the increasing number of people interested in the preservation of the heritage of the Hudson Highlands.

IT IS, THEREFORE, RESOLVED by the Zoning Board of Appeals of the Town of Philipstown, Putnam County New York, as follows:

THAT THE SPECIAL USE PERMIT FOR THE PROPOSED USE OF THE PROPERTY AND FOR THE CONSTRUCTION AND USE OF STRUCTURES PROPOSED TO BE BUILT THEREON, DESCRIBED HEREIN, BE AND THE SAME HEREBY IS GRANTED, WITH THE FOLLOWING STIPULATIONS:

1. There is a proper legal transfer of properties between Russel Wright and Ann Wright (Best) to The Nature Conservancy prior to any use of subject properties by applicant.

2. Applicant must satisfy all Zoning requirements of the Town of Philipstown, all requirements of the Putnam County Board of Health, of the New York State Department of Transportation, and such other Boards and Commissions as may have jurisdiction over subject property and its use.

3. All activities on and tours of the property are to be supervised by personnel themselves under the direct supervision of The Nature Conservancy.

? * 4. For the protection of the privacy of adjacent property owners, all boundaries common with privately owned lands are to be posted on both sides at intervals of no less than 50' stating (a) on the privately owned side that no entry may be made onto Conservancy owned lands except through the main entrance; and (b) on the Conservancy side that property beyond the sign is private and that trespassers will be subject to prosecution. Posting and maintenance of the signs is the sole responsibility of The Nature Conservancy.

The question of the adoption of the foregoing resolution was put to a vote on roll call on the 7th day of October, 1975, the results of which were as follows:

ABBY H. ANDERSON	VOTING FOR APPROVAL
VICTOR CARLSON	VOTING FOR APPROVAL
EUGENE DI BENEDETTO	VOTING FOR APPROVAL
JAMES L. GILBERT	VOTING FOR APPROVAL

There being no further business to come before the meeting, it was adjourned.

Abby H. Anderson

Abby H. Anderson, Chairman

SECTION 23 - PERMITTED USES

23.1 Schedule A: "Schedule A - Permitted Uses" is hereby declared to be a part of this Local Law. Land, buildings and other structures in a district may be used for one or more of the uses, and no other, specified in Schedule A as permitted in the district. Uses listed in Schedule A are permitted or prohibited in accordance with the following designation and procedure:

"P" means a use permitted in the district as a matter of right.

"S" means a use permitted in the district, subject to submission and approval of a Site Plan by the Philipstown Planning Board in accordance with the provisions of Section 31.

"PL" means a use permitted in the district, subject to the securing of a Special Use Permit from the Philipstown Planning Board in accordance with the provisions of Section 32.

"BA" means a use permitted in the district, subject to the securing of a Special Use Permit from the Board of Appeals in accordance with the provisions of Section 33.

"X" means a use prohibited in the district.

"r" means that reference should also be made to a similar use elsewhere in Schedule A, and is provided to assist in the understanding of Schedule A.

23.2 Prohibited Uses: Any use not specified in Schedule A as permitted is prohibited. To further assist in the interpretation of Schedule A, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

23.2.1 The use or occupancy of a trailer as a dwelling.

23.2.2 Trailer parks.

23.3 Performance Standards: The use of land, buildings and other structures, wherever located, shall be established and shall be conducted on a continuing basis so as to conform to the performance standards specified in Section 51.

23.4 Off-Street Parking and Loading: Parking and loading spaces shall be provided off the street for each use of land, buildings and other structures as specified in Section 52.

SCHEDULE A - PERMITTED USES

PERMITTED USES	DISTRICT CODES							
	R-10	R-20	R-40	R-80	R-120	B-1	B-2	I
11. Churches and other places of worship, and parish halls.	P	P	P	P	P	P	P	P
12. Schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic, scientific, literary, historical, agricultural, fine arts and charitable institutions.	BA	BA	BA	BA	BA	P	P	S
13. Membership clubs; lodges and fraternal organizations; community houses; nature preserves and wildlife sanctuaries.	BA	BA	BA	BA	BA	P	P	S
14. A golf, tennis, swimming, hunting, shooting, boating or similar club.	BA	BA	BA	BA	BA	P	P	S
15. Private hospitals, nursing homes, convalescent homes and sanitaria.	BA	BA	BA	BA	BA	P	P	S
16. Public utility substations and switching stations; public utility buildings; electric power transmission lines.	BA	BA	BA	BA	BA	BA	BA	BA
17. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.	X	X	X	X	X	P	P	S
18. Business and professional offices; banks and other financial institutions; medical and dental clinics.	X	X	X	X	X	P	P	S
19. Mortuary establishments.	X	X	X	X	X	P	P	S
20. Commercial indoor theaters and assembly halls.	X	X	X	X	X	P	P	X
21. Hotels, motels and other establishments for transient lodging, excluding tourist cabins.	X	X	X	X	X	P	P	S
22. Restaurants, taverns and other food and beverage service establishments where customers are served only when seated at tables or counters and at least three quarters of the customer seats are located within an enclosed building. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.	X	X	X	X	X	P	P r	S r
23. Restaurants, taverns and other food and beverage service establishments without the limitations of Line 22.	X	X	X	X	X	X r	P	S

Chapter 175-10 - USE TABLE Special Use History

Philipstown Zoning Law, Revised Draft: April 4, 2011, showing changes to the November 23, 2010 draft

USE TABLE

USE CATEGORY	RC	IC	RR	HM	HR	SR	HC	OC	M	*REFERENCE*
RESIDENTIAL USES										
Single-family Dwelling	P*	P#	P*	P*	P*	P*	P*	P*	--	
Two-family Dwelling	S	P#	S	P*	P*	P*	S	S	--	175-12
Multi-family Dwelling *(conversion)*	S	P#	S	PS	S	--	S	S	--	175-12
Multi-family Dwelling *(new)*	S[1]	P#	S[1]	PS	S	--	S	S	--	175-12
Accessory Apartment	P/S	P#	P/S	P/S	P/S	P/S	P/S	P/S	--	175-12
Mobile Homes/ Mobile Home Parks	See § 175-44									
Upper-floor Apartments in Mixed-use Building	--	P#	--	PS	PS	--	PS	S	--	
BUSINESS USES[2]										
Adult Entertainment Use	--	--	--	--	--	--	--	--	ST	175-48
Agriculture	P	P	P	P	P	P	P	P	P	175-37
Bed & Breakfast	PS	P#	PS	PS	PS	PS	PS	PS	--	
Camp	S	P#	S	--	--	--	--	--	--	175-45
Craft Workshop	S	P#	S	PS	S	--	P*	P*	PS	
Communications Tower	See § 175-46									
Home Occupation	P/S[4]	P#	P/S[4]	P/S[4]	P/S[4]	P/S[4]	P/S[4]	P/S[4]	-	175-41
Kennel	S	S	S	--	--	--	S	S	S	175-49B
Light Industry	--	--	--	S	--	--	S	PS	PS	175-50
Lodging Facility	--	S	--	PS	S	--	PS	--	--	
Office	S[3]	P#	S[3]	PS	S	--	PS	PS	S	
Public Utility Facility	S	S	S	S	S	S	S	S	PS	
Recreational Business, Indoor	--	P#	--	S	S	--	PS	S	--	
Recreational Business, Outdoor	S	S	S	--	S	--	S	--	--	
Residential Care Facility	--	P#	S	S	S	--	--	--	--	175-52
Restaurant	S[3]	P#	S[3]	PS	S	--	PS	PS	--	
Retail Business *(not listed elsewhere)*	S[3]	P#	S[3]	PS	S	--	PS	PS[5]	--	
Service Business *(not listed elsewhere)*	S[3]	P#	S[3]	PS	S	--	PS	PS	PS	
Soil Mining	--	--	--	--	--	--	--	-	SZ[6]	175-17
Timber Harvesting	See Chapter 159 of the Town Code									
Veterinary Hospital	S	--	S	S	--	--	PS	PS	PS	
Warehouse/Wholesale Business	--	--	--	--	--	--	PS	PS	S	
Riding Academy	PS	P#	PS	--	--	--	--	--	--	
COMMUNITY/INSTITUTIONAL USES										
Cemetery	S	S	S	S	S	S	--	--	--	
Educational/Charitable/Religious	PS	PS	PS	PS	S	S	PS	PS	--	
Health Care Facility	S	S	S	PS	S	--	PS	PS	--	
Institutional Use	S	P*	S	S	S	S	--		--	175-10J
Membership Club	S	S	S	S	S	--	PS	PS	--	
Municipal	PS	PS	PS	PS	PS	PS	PS	PS	PS	

(*) *Site Plan review required when footprint area exceeds 3,000 square feet. Additions to dwellings where the total cumulative footprint will be greater than 3000 square feet shall require site plan review if the footprint of the addition exceeds 1000 square feet.*

(#) *Permitted by right subject if operated in conjunction with the primary institutional use as defined in §175-74; otherwise a special permit is required. See §175-10J.*

(1) *Only permitted in a Conservation Subdivision (see §175-20).*

(2) *Subject to limitations on building footprint in the Dimensional Table*

(3) *Only as provided in §175-10L.*

(4) *Requires a Special Permit if more than one non-resident employee or 30% of dwelling unit floor space. See §175-41.*

(5) *Retail use shall not exceed 20% of floor area and shall include only sale of items produced on the premises and customary accessories to such items.*

(6) *Only within the Soil Mining Overlay District*

CAMP - Any area of land containing recreation facilities and which may contain cabins, tents, recreational travel vehicles, shelters, or accommodations used for what is commonly known as a "tent camp," "RV park" or "overnight camp," or otherwise designed for seasonal or other temporary recreational and living purposes occupied by adults, children, or any combination of individuals, families, or groups. Where a camp falls within the definition of "institutional use," it shall be deemed to be an institutional use. Day camps not sponsored by or held on the premises of schools or religious institutions are deemed to be camps as defined herein. The recreational use of private property for personal use by owners, lessees, or their guests is not a camp as defined herein, and shall be considered to be an accessory use to a residence.

DAY CAMP - Land and structures, tents, and vehicles, occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, for organized outdoor and indoor group activities, where no provision is made for overnight occupancy by such children. Day camps sponsored by or held on the premises of schools or religious institutions are deemed to be educational or religious uses, respectively, as defined herein. Other day camps are deemed to be camps as defined by this section.

CHARITABLE USE - A use operated by a not-for-profit corporation or association organized for charitable purposes, including but not limited to education, social welfare, environmental conservation, scientific research, cultural enrichment, and the arts.

CLUB, MEMBERSHIP - Premises used by a not-for-profit organization catering exclusively to members and their guests for social, recreational, athletic, or similar purposes.

INSTITUTION/INSTITUTIONAL USE - The use of at least 20 acres of land by a not-for-profit organization for educational, recreational, artistic, religious, spiritual, scientific, land conservation, health care, or community service programs, including but not limited to summer camps, historic sites, religious retreat centers, monasteries, not-for-profit conference centers, research institutes, conservation organizations, nature preserves, hospitals, schools, and demonstration farms. Where such uses occupy less than 20 acres of land, they shall be classified in the most appropriate way according to the Use Table.[2] Facilities for the education, treatment, incarceration, punishment, or rehabilitation of persons with criminal records shall not be considered institutional uses for purposes of this definition.

MEMBERSHIP CLUB - Premises used by a not-for-profit organization catering exclusively to members and their guests for social, recreational, athletic, or similar purposes.

§175-61 REQUIRED SUBMISSIONS FOR SPECIAL PERMIT APPLICATIONS

Because the impact of Special Permit uses varies, the review procedure and information required to be submitted for a Special Permit varies depending upon whether it is a Major or Minor Project. The numbers of copies of materials to be submitted shall be as required under the procedural policies of the Planning Board.

A. Major Project Special Permit

An applicant for a Major Project Special Permit shall submit the following:

1. A Major Project application form.
2. A Site Plan, containing the information listed in §175-65B unless submission of certain information has been waived at a pre-application meeting.
3. A narrative report describing how the proposed use will satisfy the criteria set forth in §175-63, as well as any other applicable requirements relating to the specific use proposed.
4. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
5. An agricultural data statement as defined in §175-74, if required by §175-37C.
6. The Major Project Special Permit application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.
7. A letter from the Zoning Administrative Officer stating that there are no outstanding zoning violations on the property.

B. Minor Project Special Permits

An applicant for a Minor Project Special Permit shall submit the following:

1. A Minor Project application form.
2. A plot plan providing information sufficient to enable the reviewing board to make an informed decision (which may include some of the Site Plan information listed in §175-65B).
3. A brief narrative describing the proposed use.
4. A short-form Environmental Assessment Form (EAF) (unless the Planning Board determines that the proposed Special Permit is a Type I action, in which case a long-form EAF shall be required).
5. An agricultural data statement as defined in §175-74, if required by §175-37C.
6. The Minor Project application fee as established by the Town Board, and an escrow deposit (if required).
7. A letter from the Zoning Administrative Officer stating that there are no outstanding zoning violations on the property.