

MEETING AGENDA
TOWN OF PHILIPSTOWN PLANNING BOARD
Old VFW Hall, 34 Kemble Ave., Cold Spring, New York 10516
August 17, 2017
7:30 PM

Pledge of Allegiance
Roll Call
Approval of Minutes – July 20, 2017

Old Business: (all old business pending)

Manitou Properties Co., LLC, 1656 Route 9D, Cold Spring **TM#49.6-2-1**
(Revised site plan which include a deduction in the size of the proposed building, a repositioning of the proposed addition to the main building and related changes to the vicinity of both.)

Hudson Highland Reserve, Rte 9 & Horton Road.
(continued review which includes a Full Environmental Assessment and revised preliminary drawings)

1657 Route 9D(Christopher Buck), 1657 Route 9D, Cold Spring **TM# 49.-1-24.1**
(Proposed renovation and addition to the existing residence. Construction of a new accessory structure for use as a home office, new pool and pool house. New driveways to access the home office and redefine the main entrance to the residence.)

Rockman-Berquist, 67 Old West Point Road, Garrison **TM#82.-2-32.1 & 32.2**
(Revised drawings for proposed Site Plan of a new Residential Estate which includes a main house, detached garage, guest house pool house and outdoor pool The proposal is now going to take place in two phases.)

Return of Escrow:

Jared Della Valle, 117 Round Hill Road TM#39.-2-21.2

PHILIPSTOWN PLANNING BAORD
MEETING MINUTES
JULY 20, 2017

The Philipstown Planning Board held its regular monthly meeting on Thursday, July 20, 2017 at the Old VFW Hall, 34 Kemble Ave., Cold Spring, New York.

Present: Anthony Merante (Chairman)
Dennis Gagnon
David Hardy
Peter Lewis
Neal Tomann
Neal Zuckerman
Stephen Gaba, Counsel

Absent: Kim Conner
Ronald Gainer, Town Engineer

Chairman Merante opened the meeting at 7:31 P.M. with the Pledge of Allegiance.

Roll call was taken by Ms. Percacciolo.

A. Minutes:

The minutes of June 15, 2017 were reviewed. Mr. Zuckerman moved to adopt the minutes as submitted and Mr. Tomann seconded the motion. The vote was as follows:

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

B. Public Hearing:

Index Industrial Design, 1602 Route 9, Garrison

TM# 71.20-1-17

Ms. Percacciolo read the following legal notice: "The application represents a request for the construction of a 1,800 square foot addition to the rear of an existing light manufacturing/office building, which is proposed to be used for increased garage, shop and storage space. The proposed addition, if approved, will bring the total building size to 5,400 square foot. The property is located in the HC Zoning District."

Mr. Andre Grasso, owner, was present representing himself. He explained that, as stated, he is looking to add an addition on to the existing building for storage and extended office and shop space. Chairman Merante asked if anything new has been submitted to which Mr. Grasso responded there has not. Mr. Grasso stated that he reviewed Mr. Gainer's technical comments from June 13th and prepared a handout taking the same information originally submitted and just separating it to make it easier to understand and distributed it to the Board; there are no changes to the original application. Mr. Merante noted that

Mr. Grasso has been granted a variance by the Zoning Board of Appeals and asked him to explain. Mr. Grasso stated that he received a variance because the project is 9% over the allowable lot coverage. Mr. Merante noted he remembered there being an issue with a utility pole and lines. Mr. Grasso stated he has been in meetings with Central Hudson, Optimum and Verizon about relocating the pole. Mr. Merante stated that this property is located on Route 9 right next to the Garrison Volunteer Fire Department and asked if there were any comments from the public. There were no comments from the public.

Mr. Tomann made a motion to close the public hearing and Mr. Zuckerman seconded the motion. The vote was as follows:

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

The public hearing closed at 7:42 P. M.

C. Public Hearing:

Rockman-Berquist, 67 Old West Point Road, Garrison

TM# 82.-2-32.1 & 32.2

Ms. Percacciolo read the following legal notice: "The application represents a request for the construction of a 4-bedroom single-family residence with an attached garage, a detached 2-car garage, a separate 3-bedroom guest cottage, pool and pool house. Currently the lot is vacant. The property is a 16.686 acre parcel in the RR Zoning District."

Mr. James Hartford and Ms. Juhee Lee-Hartford, of River Architects, were present representing the applicant. Mr. Hartford presented the drawings he had present. He pointed out the driveway which was previously installed by a previous owner under a separate application. His presentation also contained a drawing highlighting the areas of disturbance. Mr. Hartford pointed out that the previous owner had prepared an area for the septic, but after subsequent testing it was discovered that the area was disturbed to the point that it is failing the perc. tests because of the way the soil was mixed; the area that was initially going to be the reserve area for the septic is now the primary with the reserve moved to a new location. He added the hillside was prepared by the previous owner and is not in a natural state and they intend to use that as the Phase 2 main house, but currently for Phase 1, that area will serve as their staging area to minimize the impacts later on. Mr. Hartford noted there are no trees in that spot. He used the visual to show the Board the area for the proposed cottage with its reserve septic area and explained the direction of drainage for each building. He added that the pool house would be a 3 season structure and the garage would not be heated. Mr. Hartford then used the visual diagram to explain certain aspects of the project further. Mr. Hartford stated they intend on fencing off areas within so as to disturb the natural setting as little as possible during construction. Mr. Hartford noted that they are waiting on Board of Health approval for the septic. Mr. Zuckerman asked for further clarification in regards to septic; there is a total of 10 bedrooms across 2 septic fields. Mr. Hartford clarified that the septic capacity jives with the number of bedrooms attached to each septic system. Mr. Tomann questioned how far it was from the house to the septic that they are seeking to have approved right now. Mrs. Lee-Hartford stated it is roughly 1,000+ feet and Mr. Merante noted the drop in elevation to take into consideration. Mr. Lewis questioned if the pool house had any bedrooms. Mr. Hartford responded that the pool house would contain a bathroom and shower but no bedroom. Mrs. Lee-Hartford added

that the pool house will be attached into the septic system for the cottage. Mrs. Lee-Hartford presented the next diagram showing a number of trees they foresee to be cut for this improvement. Mr. Hartford added they had walked the site and counted the number of trees in each given area, trees with an 8 inch diameter or larger. He noted there were 12 at the Phase 1 septic site for the cottage, 12 to open up a view shed down the river corridor (originally 8), 6 in the area of the cottage, 4 at the garage, 1 at the pool house and 5 at the additional septic site. Mr. Lewis questioned if the additional cutting of 4 more trees to open up the view of the river would also change the visibility from the ridge-line. Mrs. Lee-Hartford responded that the contractor proposed that they begin by carefully cutting 8 and then see what the impact would be. She noted that this diagram has been added since they originally submitted the plans, and she had an extra copy to supply to the Board. Mrs. Lee-Hartford added that their clients requested that the original landscape be maintained as much as possible. Mr. Hartford pointed out the fenced enclosure around the buildings instead of around the entire landscape which would actually be stone walls with an entry gate. The last visual Mr. Hartford presented was the existing site survey. He pointed out where the septic was previously, to be restored to its natural state, and also the new preferred septic location. Mr. Tomann questioned what the issue was with the previous septic location and Mr. Hartford explained that fill had been brought in and mixed with the organic soils which in turn screwed up the whole percolation of the soil. Mr. Tomann asked about lighting for the project. Mr. Hartford stated the lighting is all dark-sky compliant, full cut-off lighting. He added there are interior low bollards for lighting pathways between the structures; the 2 houses are being designed as passive house buildings so they will be very low energy consuming buildings; they expect the estate to be Net 0. They provided visuals of options for the intended light fixtures for the Board to pass around amongst themselves as well as 2 pictures to demonstrate the intended color palette and materials for the estate. Mr. Hartford also stated that all the pavings will be permeable.

In regards to Stormwater management, rainwater off the roof's will be collected in cisterns for site irrigation and overflow from those will be mitigated using dry-wells to be installed in line with the cisterns. They will be providing curtain drains and trench drains as well. Mr. Merante questioned what the height of the highest point of the house is. Mr. Hartford responded that the highest point of the Phase 2 house is approximately 36.6 feet.

Mr. Zuckerman stated the driveway has 17% grades and asked Mr. Gaba for guidance on the issue. Mr. Gaba stated the requirement is 14% but the applicant can seek a waiver from the Planning Board by showing that by keeping it at a 17% grade they are actually disturbing less land than if they had to grade to get the whole pitch to 14%. If they can not show that, then they have to go to the Zoning Board and seek a variance. Mr. Hartford stated that the driveway had already been previously constructed and approved for a house. Mr. Gaba added that a number of other things have now been planned for the site and it will get a lot more use, at least it seems that way. Mr. Merante stated it would be referred to the Fire Department. He questioned whether it was a steady 17%; does it undulate? Mr. Hartford stated that it does; there are places where it is below 14% but 17% is the steepest. Mr. Tomann asked if there have already been storm drains installed on either side. Mr. Hartford stated that it is swaled. Mr. Merante asked Mr. Gaba what the Planning Board's options were. Mr. Gaba reiterated his point earlier stating that the applicant would need to show the Board that to bring it to the 14% would cause more disturbance to the site than leaving it as is. Mr. Gaba stated that they could 1-grade it and bring it to 14% and then would not need a waiver, 2- seek a waiver providing the information proving it would cause more disturbance to the site if they were required to bring it down to 14% or 3- apply for a waiver and if the Planning Board rejected it, they then would have to go to the ZBA and request a variance. Those are their 3 options. Mrs. Lee-Hartford added that sometimes during construction these extra steep hills are not ideal either and they will run the issue by the general contractor and see what is feasible.

Mr. Merante opened the discussion for public comment. Mr. Avrom Waxman asked how far from Old Albany Post Road the proposed site is. Mrs. Lee-Hartford stated the distance is approximately 1,500 – 2,000 feet, under 2,000 feet. Mr. Waxman asked if the driveway was in a straight line and Mr. Hartford explained that it is fairly straight but you will not be able to see directly up it. He also asked if the road would be public or private and who would maintain it. Mr. Hartford explained that it is a private driveway that will be maintained by the owner. Mr. Waxman asked if there would be additional public hearings on this and Mr. Merante explained that this was the public hearing but, if Mr. Waxman would like make additional comments he can always submit them in writing. Mr. Waxman also wanted to know the width of the driveway and Mrs. Lee-Hartford replied it is 12 feet.

Mrs. Rajkov of 6 Wild Turkey Run questioned why there was more than one house being proposed for the property. She questioned whether the site would be used for residential or commercial use. In her opinion, it appears that the guest cottage could be used as a small hotel and is concerned about the amount of traffic. Mr. Hartford responded first that the clients are building it in 2 phases so they can afford the cost of construction. He added the owners' intention is to have their mothers stay at the guest cottage. The cottage is intended for use by extended family members. Mrs. Lee-Hartford added that the owners intend to be full time residents.

Mr. Merante stated that this was previously declared a major project, a site visit was done. The application has been deemed complete; Mr. Gainer has stated it is an unlisted action. Mr. Merante added that they do not need to do a coordinated review and said he would entertain a motion to close the public hearing.

Mr. Hardy moved to close the public hearing and Mr. Tomann seconded the motion. The vote was as follows:

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

The public hearing closed at 8:13 P. M.

Mr. Merante stated that upon completion of the technical requests from Mr. Gainer, it can be added to next month's agenda.

D. Old Business:

Manitou Properties Co., LLC, 1656 Route 9D, Garrison

TM# 49.6-2-1

Mr. Zuckerman recused himself.

Glenn Watson of Badey & Watson as well as Tim Rasic, architect, were present representing the applicant. Principals of the Manitou school were also present. Mr. Watson expressed their hope that this evening a public hearing could be scheduled for the August or September meeting. He explained that there have been changes made to the plans for the site. The size of the proposed building has been reduced to less than half the original proposed size and a proposed addition to the existing building has been added. Mr. Watson added that they were still concerned about the neighbors. Since this most

recent submission, they have met with the neighbors and decided on a further revision; the building is the same size as in the most recently submitted plans, however it has been moved 4 feet further West and 6 feet North. That, coupled with the commitment to maintain the screening between the 2 properties, the neighbors say they will support the application. He noted that from the original application plans to now, they have made a substantial reduction in the site disturbance as well as the buildings. The large building was originally supposed to be a gymnasium and 4 classrooms; it is now just a gymnasium. He suggested another possible site visit but stated that the application is complete and respectfully asked for a public hearing to be scheduled for the next available meeting. Mr. Merante asked for any comments from the Board.

Mr. Gaba questioned the adjustment to the main building, growing from 607 square feet to 770 square feet. Mr. Rasic explained they took the classrooms out of the original proposed building and currently wish to add them onto the existing building to reduce the size of the proposed structure. Mr. Gaba stated there are 2 buildings involved. The square footage of the new building was reduced substantially. Mr. Gaba stated, as opposed to the application that was before the Board up until this point, one of the buildings is being enlarged; overall it is less, but one of the buildings is being made bigger. Mr. Gaba stated that because the intent is to make one of the buildings larger, even if there is an overall reduction in square footage, technically the change is significant enough that it should go back to County Planning, though a public hearing could still be scheduled. Mr. Watson stated they have no problem with the referral back to county planning as it was expected.

Mr. Merante suggested they schedule a public hearing. Mr. Lewis made a motion, seconded by Mr. Tomann to schedule a Public Hearing for August. The vote was as follows:

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

Mr. Merante asked if there were any other referrals to be made. Mr Gaba stated that a coordinated review was done on SEQRA and all the declarations were made. He suggested the only thing to be done was to send the revised plan to County Planning.

Mr. Merante asked the Board if another site visit was necessary. Mr. Tomann suggested having the proposed structures staked out. Mr. Watson stated he would mark the original proposal as well as the reduced proposal so the Board can get a sense of the scale of the changes made. The Board members can stop by and take a look at their leisure.

E. New Business:

1657 Route 9D (Christopher Buck), 1657 Route 9D, Cold Spring

TM# 49.-1-24.1

Glenn Watson was present with Tim Moore, architect for the project, as well as Chris Buck. Mr. Watson stated that this is the former Patterson property on 9D, directly across the street from the Manitou School. There is a driveway that goes into the property and circles to the Patterson house. Mr. Watson stated there are 2 driveways in; the driveway off of Gilbo Lane and the driveway that presently goes in which services Susan Patterson's house and Judge Patterson's former house. There is substantial restoration/renovation work going on in the existing house. He stated the application before the Board

is to make a substantial addition to the house which will involve relocating the driveway and the approach to the property, relocating the second driveway into the property, substantial landscaping, a new pool, new clubhouse, utilizing an existing road, which will have to be rebuilt, to a small office space for Mr. Buck to work from. He stated that this was deemed a major project at the pre-application meeting. Mr. Watson stated it was their hope that the Planning Board would refer this to the Zoning Board that evening because the garage is greater than 1,000 square feet and would require a variance. Mr. Merante questioned the existence of another driveway off of 9D. Mr. Watson stated that driveway was for Margaret Patterson's property. Mr. Merante questioned if that was the property that is contiguous to Boscobel. Mr. Watson stated that Mr. Buck owned another separate piece of property that is up against the Boscobel property. Mr. Gaba stated that nowhere in Mr. Gainer's technical memo did it mention the requirement for a variance. Mr. Gaba agreed that it did need to go to the ZBA.

Mr. Merante questioned if referrals should be made to Putnam County Department of Planning, Putnam County Department of Health, and the Conservation Board. Mr. Gaba suggested sending it to the Zoning Board.

Mr. Merante requested a motion to refer the application to the Zoning Board of Appeals.

Mr. Lewis made a motion, seconded by Mr. Hardy to refer the proposal to the Zoning Board of Appeals. The vote was as follows:

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

Mr. Tomann made a motion to declare this proposal a major project and Mr. Hardy seconded the motion. The vote was as follows:

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

Mr. Merante requested a motion to declare the project an "Unlisted Action" and to declare the Planning Board the lead agency in the uncoordinated review.

Mr. Tomann moved to declare the project an "unlisted action" and have the Planning Board declare themselves Lead Agency for the SEQRA Review Process for an "Uncoordinated" review, seconded by Mr. Zuckerman. The vote was as follows:

Anthony Merante	-	Aye
Kim Conner	-	Absent
Dennis Gagnon	-	Aye
David Hardy	-	Aye

Peter Lewis - Aye
Neal Tomann - Aye
Neal Zuckerman - Aye

Mr. Merante suggested scheduling a site visit.

Mr. Lewis made a motion to schedule a site visit for Sunday August 6, 2017 at 9:30 A.M., seconded by Mr. Tomann. The vote was as follows:

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

Mr. Gaba stated they still need to refer the proposal to the Putnam County Department of Planning, Putnam County Department of Health, and the Conservation Board, however no motion was made.

F. Old Business

Hudson Highland Reserve, Route 9 & Horton Road

Mr. Glenn Watson stated that the Board had held a workshop on July 13th to review the EAF. Mr. Merante asked Mr. Graham Trelstad from AKRF to review what was discussed at the workshop and where they are with part 2 of the EAF.

Mr. Trelstad stated that they went through part 2 of the EAF section by section and discussed amongst the Board and its consultants how they wanted to respond. He stated he summarized that information in the memo he sent to the Planning Board dated July 18th, 2017. He indicated that it was his understanding that in changing some of the impacts from "no or small impact may occur" to "moderate to large impact may occur" was simply an indication that the Board would like additional information from the applicant. He stated they were able to get through almost all of the EAF Part 2 with the exception of question 18, which Mr. Trelstad was going to research in the DEC's EAF Workbook. He stated he had reached out to the DEC, as well as looking at the workbook, but received no clarification; there are no specific guidelines in regards to a threshold for creating additional demand from community resources such as police, fire and schools. Mr. Trelstad noted that he provided a quick calculation in his memo of the number of school-aged children that could theoretically be generated by the addition of 25 homes. That quick calculation revealed that 25 houses could generate between 12-26 public school aged children, roughly 1-2 children per grade. He stated his memo also captured any locations in the EAF Part 2 where the Board decided to change the applicants response from "no or small impact" to "moderate to large impact".

Mr. Merante asked if he was correct in assuming that, if the Board were to accept the Part 2 EAF it would compel the applicant to start working on Part 3 to which the response was yes. He then questioned the process of the EAF Part 3. Mr. Trelstad stated the applicant typically prepares the Part 3, however, it is the responsibility of the Planning Board, as lead agency under SEQRA, to ensure that the information contained in the Part 3 EAF is to the Board's satisfaction. He furthered his statement by adding that if the Board disagrees with some of the conclusions that are drawn from the evidence, they have the right to ask them to change it. The combination of Part 2 and Part 3 forms the basis for the

determination of significance. Mr. Zuckerman asked for further clarification in regards to who is supposed to author the document and questioned how the Board ensures that the information put into Part 3 is a combination of the multiple voices, for example the applicant, Conservation Board, and the Hudson Highlands Land Trust. Mr. Trelstad stated it is not a straight forward accept or reject; the Board receives the Part 3, reviews it, and may direct the applicant to make certain changes. Mr. Trelstad stated that the EAF does say it is the responsibility of the Lead Agency to complete, but the practice is that the applicant would complete it; it is the Boards obligation under SEQRA to ensure that the EAF is complete, accurate, and fully expresses the Boards beliefs. Mr. Gaba stated he was in agreement but asked if he could further comment on what Mr. Trelstad said. He stated that what happens with the Part 3 is, the Board has identified some significant and potential adverse environmental impacts in Part 2. Part 3 you ask the applicant to address those significant and potential adverse environmental impacts and the applicant then puts together studies and facts to explain that they have already been mitigated to the maximum extent practicable or that they will not occur. The Board is entitled to say they are not happy with the factual data and require further study. The applicant can comply or the applicant can say that they have provided all possible information and will go no further. Mr. Gaba stated that the conclusions in the document, when the Board adopts the Part 3, are their own; the Board does not have to accept the conclusions of the applicant. It is possible for the conclusions to lead to a Positive Declaration and start the EIS process. Mr. Gaba clarified that the Part 3 only becomes the Board's after they adopt it.

Mr. Zuckerman again asked for further clarification from Mr. Gaba. Mr. Gaba stated, for example, that the Board could say to the applicant that they have received concerns from Hudson Highlands Land Trust about a specific environmental impact and they don't feel the applicant has adequately addressed that impact in Part 3, and ask that they provide further information. The applicant should then provide further information. But, the applicant may turn around and say they feel they have provided adequate information. If that occurs and the Board still feel it is a legitimate concern, the Board can adopt a positive declaration stating that the concern has not been demonstrated in Part 3 to be mitigated to the maximum extend practicable, and go through an EIS. That is how you would go about weaving in third party concerns.

Mr. Trelstad added that as the lead agency under SEQRA, the Board does has an obligation to consider any other actions by any other agency that comes after them; if the Conservation Board has expressed concern about the potential impacts to threatened or endangered species, even though they may have greater knowledge of that area, because the Planning Board is the Lead Agency, it has the obligation to ensure the documentation fully analyzes that. Under a coordinated review, the Lead agency takes on that responsibility whereas in an uncoordinated review, each agency is responsible for its own SEQRA compliance. He added that since it is a coordinated review, the Planning Boards determination of significance is binding on the other agencies.

Mr. Zuckerman questioned how the editing process of the Part 3 EAF would work. The Board can disagree with parts of the document and ask that the applicant change it. Mr. Trelstad stated that the applicant is essentially acting as the Boards scribe. Mr. Gaba stated he has never seen an applicant refuse a request to change the language, but he has witnessed boards disagree with the conclusions in the Part 3 and go on to adopt the Part 3 with a resolution containing certain conditions stating they do not agree with a, b, and c and find that a Positive Declaration should be issued. Mr. Zuckerman thanked Mr. Trelstad and Mr. Gaba for clarifying.

Mr. Trelstad suggested reviewing question 18 of the part 2 EAF before adopting. He added that there were questions in regards to whether 25 homes would meet the threshold to have an affect on whether

the demand for additional community resources would increase, but he found no clarification as to a certain threshold. He stated he had done the school calculations which he mentioned earlier in the evening. Mr. Trelstad suggested going through the subsequent questions a-f under question 18, one by one to decide consistency with community character. In regards to part 18a, "the proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community" Mr. Hardy questioned the re-purposing of the historic barn on the property. Mr. Trelstad asked if this building was being used or observed by the community in any way to which the answer was no. Mr. Hardy stated it was his understanding that the barn was going to be used for something else. The applicant responded they are protecting the structure and intend to use it in the future, though they are unsure at this time what they will use it for. It was added that in Part 2, question 10 "Impact on Historic or Archeological Resources", part d "other impacts" is marked "moderate to large impact may occur", so more information will be provided on this particular issue. Mr. Lewis noted the barn possesses some important and unique architectural features and questioned if they would be preserved. Mr. Gross of Hudson Highlands Environmental Consulting stated a more descriptive analysis would be provided in the Part 3 EAF in question 10. Mr. Trelstad clarified that question 18 is only addressing community character and stated Mr. Hardy's question was more germane to section 10. Section 18a was subsequently marked "no or small impact may occur".

Section 18b was skipped over for the time being.

Section 18c was marked "no or small impact may occur".

Section 18d was also marked "no or small impact may occur".

In regards to section 18e, Mr. Merante asked if there was a definition, in Philipstown, in that area, of a predominant architectural scale and character. Mr. Trelstad stated there seems to be a wide variety. Mr. Merante stated there is nothing predominant. Mr. Trelstad stated one could essentially use that logic to say that it fits in with the diverse character of the area or to request more information. The applicant stated that if the Board would like to see more information on the character of the buildings, they have not reached that point yet. Mr. Lewis questioned if this is something that could be changed at a later date if an issue should arise. Mr. Gaba stated that a negative declaration could be revoked if new information came in front of the Board that demonstrated that the information previously provided, which the Board used to make its decision, was not fact. Overall, in his opinion, the development of 25 houses and a horse farm, is probably not inconsistent with the community character of Philipstown. He added that there must be rational basis.

Section 18f was marked "no or small impact may occur".

Section 18g is other impacts. Mr. Merante asked Mr. Trelstad what possible other impacts he could foresee. Mr. Trelstad stated community character is a composite of activity; impacts such as noise and odors. With the equestrian center, is that sufficient enough to change, or be inconsistent with, the character of the rest of Philipstown, Philipstown itself being a rather diverse community in terms of land uses, ages and sizes of properties, and some of the uses that might exist on those properties. These are some of the things the Board could take into account when weighing the impact of the equestrian center specifically. In his opinion, the residential aspect of the project would fit in. Section 18g was marked "no or small impact may occur".

Mr. Trelstad stated that the only one left to answer is 18b "The proposed action may create a demand for additional community services e.g. schools, police, and fire". Mr. Hardy questioned what the Board

should use as a standard or a threshold for demand. Mr. Trelstad stated that generally, when you're changing population of community by more than 5%, that is when you would consider the increase in demand. In Mr. Trelstad's opinion, the addition of the 25 homes and the equestrian center would not create substantial increased demand on police or fire. Mr. Gross added that a common benchmark that is used is whether the development would create the need for "new hire" in an industry. The Board agreed to mark 18b as "no or small impact may occur".

Parts a-f were all marked "no, or small impact may occur" therefore making the answer to section 18 "No".

Mr. Hardy made a motion to adopt the Part 2 EAF and Mr. Lewis seconded the motion. The vote was as follows:

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

Mr. Watson stated that one of the issues at hand is traffic. They have an initial traffic study as well as initial comments from AKRF. He requested a meeting between the applicants traffic people and AKRF's traffic people to review the mutual reports. Mr. Watson stated they believe there is some material in AKRF's report that is relevant but other information which is not necessary and would like the opportunity to meet with them and come to a mutual agreement as to the scope of that particular report. The Board had no issues with Mr. Watson's request and Mr. Zuckerman suggested also reaching out to other entities such as the Hudson Highland Land Trust. Mr. Watson stated they would take Mr. Zuckerman's suggestion into consideration and reach out to these other entities in regards to other issues as well.

Mr. Rick O'Rourke, attorney for the applicant, stated that the exercise of going through the Part 2 EAF varies from Board to Board throughout the state of New York. When it comes to the Part 3, in the spirit of moving this project along, within the guidelines, he stated the applicant plans to respond to everything that has been deemed "moderate to large impact" as well as address some of the comments that have been received from the public and other organizations.

Audience member Michelle Smith of the Hudson Highlands Land Trust asked to address the Board and follow up on a letter sent by the Trust on July 5th which addressed a number of areas. She stated there were a few outstanding questions that appear may not be addressed through the EAF process. The first is the lot count issue; they had raised the issue of the 2 methods of calculating the number of units. Mrs. Smith noted that, to date, the process has relied solely on the use of the Density Formula. She stated the concern of the HHLT is that they have not seen a discussion about whether or not there is reasonable basis to conclude that the Yield Plan would result in a different number of units; they would like to see that discussion. Based on the fact that a lot of the conserved area is not developable and a lot of the developable area is being developed in 1 acre lots, they believe a small amount of analysis can be done to decide whether or not there is a reasonable basis to conduct a Yield Plan calculation. Their major concern is setting precedent for future conservation subdivisions.

The other major concern is the question of whether or not a Public Hearing will be held before a SEQRA determination is made.

In regards to the question of the Yield Plan calculation, Mr. Merante stated he would also appreciate clarification on the issue and suggested to fellow Board members that a discussion take place soon. Mr. Watson stated the reason for choosing the Density Formula was cost; it is far less expensive and far less onerous. If you look at the regulations, to perform the Yield Plan calculation, it involves engineering basically the entire subdivision, test wells, all the Health Department testing. They did a rough estimate of what it would cost to do and it came to approximately an additional \$163,000 to perform. Mr. Gaba suggested that there must be some methodology, possibly a sketch map, to calculate at least a rough idea of what kind of lot count you would end up with under a Yield plan. Mr. O'Rourke stated the Board must make a determination of why the Yield Plan is necessary; the code calls for Density Formula or Yield Plan. The applicant chose use of the Density Formula. He stated the Planning Board must have a reasonable basis to require they perform a Yield Plan. Mr. Gaba clarified for the applicant that his suggestion is not to do a Yield Plan immediately, but to do the work necessary to decide if there is reasonable basis for the Board to believe that it is necessary to do a Yield Plan calculation. Mr. Zuckerman read an excerpt from the memo from Hudson Highland Land Trust that, in his opinion, basically gives the Board rational basis to believe that the Yield Plan calculation would differ greatly from that of the Density Formula. Mr. O'Rourke stated that was simply the opinion of HHLT, not a rationale. The owner suggested he and his team meet with HHLT to discuss why they believe the Yield Plan is necessary.

Mr. Zuckerman asked for clarification that the EAF Part 3 is unrelated to the number of units. Mr. Gaba suggested that the number of units would impact the level of environmental impact but for the time being the Board should assume that the unit count is what it is and proceed with the SEQRA accordingly.

Mrs. Smith noted that the language in the Zoning Code does say that the intent of the Density Formula was to approximate the yield plan; the problem is that right now, there is no idea of what the Yield Plan would be and they are extremely concerned this could be a precedent setting case.

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

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

The motion passed unanimously and the meeting adjourned at 9:44 P.M.

Date approved _____

Respectfully submitted by
Tara K. Percacciolo

KEANE & BEANE P.C.
ATTORNEYS AT LAW

- Main Office
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868
- Mid-Hudson Office
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

August 3, 2017

RICHARD L. O'ROURKE
Principal Member

VIA HAND DELIVERY

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

Re: Hudson Highlands Conservation Subdivision

Dear Chairman Merante and Members of the Planning Board:

At the July 20, 2017 Planning Board meeting there was considerable discussion regarding the density calculations for conservation subdivisions as set forth in Town Code Section 175-20.B. While the Code provides a property owner a choice as to whether to use a yield plan or density formula calculation, the Planning Board may request that a yield plan be prepared "if the Planning Board has a reasonable basis to believe that a number of units that would result from a yield plan would be substantially less than the number allowed by the density formula." Town Code §175-20.B(5).

Recognizing literal compliance with the requirements of a yield plan is a costly exercise, a fair debate occurred on whether a reasonable basis exists to support a request for a yield plan submission. Both Mr. Gaba and Mr. Trelstad recommended that the property owner prepare a sketch plan as a way to help determine whether there is any basis to require the substantial expense of creating a full yield plan. Accordingly, the property owner was asked to submit a "sketch" plan with a level of detail that will provide the Planning Board, Town staff and consultants with enough information for meaningful review and evaluation.

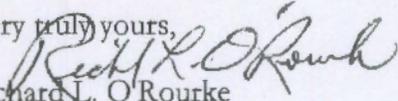
Enclosed is the sketch plan which contains information in response to that request. It complies with all applicable bulk and maximum density requirements for a conservation subdivision yield plan and other requirements of the Town Zoning Code. The plan outlines the required buildable area within each of the lots and shows proposed house locations, roadways, and driveways. The plan also maintains the common septic areas, which have already been tested by Badey & Watson and witnessed by the Putnam County Department of Health.

KEANE & BEANE P.C.
ATTORNEYS AT LAW

Chairman Anthony Merante
and Members of the Town of
Philipstown Planning Board
August 3, 2017
Page 2

The property owner submits the enclosed sketch plan in full satisfaction of the Planning Board's request. This sketch plan supports our belief that the lot count from a fully engineered yield plan would equal or exceed the lot count established by the density formula calculation, and that, therefore, no reasonable basis exists to require the applicant to go through the expensive process of preparing a full yield plan. We look forward to an opportunity to discuss the submission. Thank you.

Very truly yours,


Richard L. O'Rourke

RLO/

cc: Steve Gaba, Esq (via email)
Ron Gainer, P.E., Town Engineer (via email)
Graham Trelstad, AKRF (via email)

August 3, 2017

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



RE: Application of McHugh - Request for Public Hearing

Dear Mr. Merante and Honorable Board Members:

As you will recall, Martin McHugh, on behalf of himself and his siblings, applied to the Planning Board for subdivision approval that would permit a lot line adjust between his sister's land (TM 27.-I-29) and land owned jointly by Mr. McHugh and his siblings (TM 27.-I-30).

The application was dated May 1, 2017, and initially heard during the May 2017 meeting of the Planning Board. At that meeting the Planning Board referred the matter to the Zoning Board of Appeals (ZBA) because the already substandard frontage of the family's parcel would be further reduced if approval were to be granted.

The applicant appealed to the ZBA for a variance from the frontage requirements. The ZBA conducted a Public Hearing on the appeal during its July 2017, meeting after which the requested variance was granted.

Accordingly, we respectfully request that the application be placed on the agenda for the August 2017, Planning Board meeting at which time we are hopeful that the Board will see fit to set the Public Hearing on the application.

As always, thank you for your consideration.

Yours truly,

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

by
Glennon J. Watson, L.S.
845.265.9217 x14
gwatson@badey-watson.com

GJW/bms

cc: File U:\89-119B\WO_23308_McHugh\AM03AG17BP_RequestsPublicHearing.docx
Martin McHugh, via email only to MartyJMCH@Gmail.com



August 3rd, 2017

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

RE: Rockman-Berquist – Tax Map ID 82.-2-32.-1 & 82.-2-32.-2

Dear Chairman Merante,

We are submitting 13 copies of updated site plans drawings (SITE-100 through SITE-103), these drawings have an overlay of Badey & Watson drawings (C-106 & C-107) showing a diagram of the site disturbance area minimized. We have reviewed the previously proposed site disturbance area with the GC and we were able to update this area based on his comments and construction staging plans.

Following is our response to Town Engineer's (Ron Gainer, P.E., PLLC) comments from 06/13/2017.

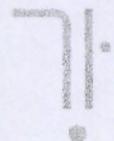
Referrals:

We are still waiting for the fire departments review and comments.

Technical Comments:

1. We have provided a signed and notarized "**Owner's Consent**" form from both owners, please refer to e-mail sent to Linda Valentino and Ron Gainer on 07/12/2017.
2. The **address and the of the Applicant** is now clearly stated on River Architects' title block.
3. We're informed by Badey & Watson that there are now **wells and SSDS within 200'** of the property line.
4. Since this is a residential project, we respectfully requested a waiver on detailed documentation of **existing trees that are 8" in diameter** or larger. We have illustrated an estimate of the numbers of trees that will be removed as a diagram on sheet SITE-101 within the area of disturbance. Badey & Watson also shows this information on C-106 and C-107.
5. Badey & Watson's **SSTS drawings for 10-bedroom capacity** were submitted and reviewed with Joe Pavarati at Putnam County Department of Health. We received his preliminary approval based on the design drawings. However, the

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AUG 03 2017



latest percolation test results required us to move the layout and location of the septic field and the reserve area for the Main House (Phase 2) closer to the property entrance. (Please refer to Civil drawings for the updated septic layout.) Revised SSTS drawings have been submitted to the Health Department and we're now waiting for the final's approval.

6. We have updated our drawings to reflect the comprehensive **area of disturbance**. Please note that our client is requesting us to preserve natural landscape as much as possible. These areas will be demarcated with silt and construction fencing.
7. New impervious areas are shown on C-106 with total area tabulated at lower left corner of this drawing.
8. **All applicable SWPPP** required drawings are now provided by Badey and Watson. We understand that on residential projects, we're only required to provide erosion and stormwater control management plans.
9. **Construction Sequence** is now provided by Badey and Watson on drawing C-109. We will hold a pre-construction meeting with all relevant parties at the site *prior to commencement of construction*. We will install silt and construction fences and mark the trees that need to be cut prior to this meeting.
10. Due to rockiness of the site, we are replacing the proposed drywells with **rain-water collecting cisterns**. Our intention is to find locations where these objects can be hidden from plain sight. Whether it is below or above grade will have to be determined after reasonable excavation. The size and quantity will be determined during Design Development stage. We're submitting 13 copies of preferred manufacturer's standard detail with this letter.
11. **Materials** for the houses are natural stained wood, stone base and metal roofing. **Colors** are proposed to be various tones of black, gray and beige. Please refer to the design inspiration photos provided with 6/1/2017 submission.
12. Landscape **plantings** are to be selected from the native plant list provided on L-101.
13. We would like to replace **lighting fixture cutsheet** "Konial 5 LED Outdoor Wall Light", submitted on 06/01/2017, to "Bowman 4 LED Outdoor Wall Sconce" to comply with Town of Philipstown code section § 175-40. Please note that all proposed light fixtures are now **dark-sky compliant**.
14. **Town's standard site plan notes** is added on drawing SITE-101.
15. Please note that there are no **historic stone walls** within the area of disturbance.
16. A stabilized construction entrance is shown on Badey & Watson's drawing C-108.
17. Construction details have been added to the set. Please refer to drawings L-201 and L-202 submitted previously on 07/06/2017.
18. At the Public Hearing on July 20th, 2017, a planning board raised the question of the slope of the existing driveway. We were asked to address the **steepness of the driveway** where the pitch is greater than 14%. We have walked the site with the General Contractor. We've summarized that this can be met with partial cut and partial fill as illustrated in our SK-001 and SK-002. However, to minimize the

site disturbance, we are proposing to overlap this work with the Main House septic system installation during Phase 2.

Best Regards,

A handwritten signature in black ink, appearing to read "Juhee Lee-Hartford". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke extending to the right.

Juhee Lee-Hartford, AIA. LEED AP, CHPC

cc: Clients - Glenn Rockman and Darron Berquist

[Click here to print this page](#)



Bowman 4 LED Outdoor Wall Sconce



Item Code: TEC-BOWMAN-4-LED-OUTDOOR-WALL-SCONCE

Description: **Material(s):** Aluminum, Stainless-Steel

Dimensions: 4.5"W X 4.5"H; 6.7" Extension

Lamp Type: LED

Bulbs: 1 X 15W 120V or 277V LED module; 3000K, 80+ CRI, 980 lumens (included)

Listing: ETL, CETL, IP65, WET-LOCATION, DARK-SKY, TITLE-24

Manufacturer Information: [Click to download specifications.](#)

Instructions: [Click to download instructions.](#)

Price: Price: \$304.00
+ Free Shipping

Options: **Color:**
Bronze
Black
Silver
White
Charcoal

Lamping:
LED 120V
LED 277V

The soft silhouette of classic table lamp shades is referenced and transformed into a sleek LED wall sconce fixture suitable for both indoor and outdoor applications. The Bowman 4 LED Outdoor Wall Sconce's die-cast metal body houses a powerful LED light source for plentiful illumination on even the darkest of nights.

Includes 15 watt, 980 net lumen, 3000K LED module. Dimmable with low-voltage electronic dimmer. Mounts down only. Suitable for outdoor use.

Product Features:

- Includes 15 watt, 980 net lumen, 3000K LED module. Dimmable with low-voltage electronic dimmer. Mounts down only. Suitable for outdoor use.
- Powerful, long lasting (L70, 70,000 hours) dimmable LED tested against the highest quality standard
- Die-cast aluminum structure, marine-grade powder coat finish, and stainless steel hardware
- Wet listed, IP65 (International Protection rating indicating resistance to dust and water)