

**Philipstown Planning Board Meeting
Butterfield Library
10 Morris Avenue
Cold Spring, New York
September 19, 2013
Agenda**

Public Hearing

- Manitou Properties Co., LLC

Pledge of Allegiance

Roll Call

Approval of Minutes – July 25, 2013 + August 18, 2013 (sic WML)

1. **Manitou Properties Co. LLC** – Site plan application – 1656 Route 9D, Cold Spring: Submission of revised plans/discussion
2. **Viletto, Vaughn and Hammond Corp.** – Route 9, Cold Spring: Request for 3rd 1-year extension of site plan approval
3. **Arthur Fisher** – Approval of access and site plan application for minor project – 19 Sky Lane, Town of Philipstown: Resolution of Approval

Adjourn

Michael Leonard, Chairman

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

Philipstown Planning Board
Public Hearing – September 19, 2013

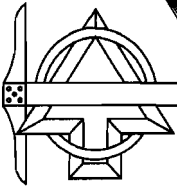
The Philipstown Planning Board for the Town of Philipstown, New York will hold a public hearing on Thursday, September 19, 2013 at 7:30 p.m. at the Butterfield Library on 10 Morris Avenue in Cold Spring, New York to consider the following application:

Manitou Properties Co. LLC - Application dated July 11, 2013 for site plan approval to convert an existing restaurant into a private elementary school which would include pre-school classes, evening extra-curricular classes and summer programming. The second floor would be used for school offices. The property is located at 1656 Route 9D in the Town of Philipstown. Total acreage of project area is 5.269 acres. The project is located in an "HM" (Hamlet Mixed) use. (tax map #49.6-2-1)

At said hearing(s) 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 27th day of August, 2013.

Michael Leonard, Chairman



BADEY & WATSON

Surveying & Engineering, P.C.

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

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

Glennon J. Watson, L.S.
John P. Delano, P.E.
Peter Meisler, L.S.
Stephen R. Miller, L.S.
Jennifer W. Reap, L.S.
Robert S. Miglin, Jr., L.S.
Mary Rice, R.L.A., Consultant
George A. Badey, L.S., (1973-2011)

September 3, 2013

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

RE: Manitou Properties - Submission of Revised Plans

Dear Mr. Leonard and Honorable Board Members:

Enclosed are 13 copies of revised plans for the captioned project. The plans have been revised as follows:

- Handicap Access at the entry to the building has been modified
- The fence surrounding the play area has been changed to a metal picket fence and has been relocated slightly to better fit the field conditions
- The Landscape Plan has been added
- The trees to be removed have been accentuated
- Additional detail at the exit of the property has been added, including a small amount of paving and clearing within the right-of-way of Moffatt Road to improve sight distance as recommended in the traffic report
- Sundry details have been modified and added

As you remember, the traffic report was distributed to those members and consultants in attendance at the site inspection conducted on August 18, 2013. The remaining copies were delivered to Ann Gallagher on August 27, 2013.

We trust you will find the modified plans responsive to the concerns of the Board and its consultants and look forward to presenting them to you during the Public Hearing scheduled for September 19, 2013. As always, thank you for your continued interest in and concern for the projects brought before you.

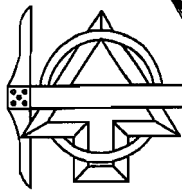
Yours truly,
BADEY & WATSON,
Surveying & Engineering, P.C.

by
Glennon J. Watson, L.S.

GJW/bms
cc: File U:\82-125\ML03SP13BP_SubmitsRevisedPlans.doc
Maria Stein Marrison, Manitou Learning

Owners of the records of:

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



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

September 5, 2013

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

Re: Viletto Vaughan Hammond Corp. – Request for 3rd 1-Year Extension of Site Plan Approval

Dear Mr. Leonard and Honorable Board Members:

Our client, Viletto Vaughan Hammond, Corp. received conditional Site Plan approval for its property on N.Y.S. Route 9 on October 21, 2010. The approval was extended for 2 years and will now expire on October 21, 2013. This letter is to formally request, on behalf of our client, that the approval granted by Planning Board Resolution PPB#12 be extended for an additional period of 1 year.

The Town has recently completed work at the site. Revised plans to accommodate the As-Built condition have been submitted to Ronald Gainer for review and comment. Hopefully, the matter will be cleared before approval expiration; however, in case there is some unforeseen delay we request further extension for approval.

Thank you for your consideration and patience in dealing with this matter.

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

by
Glennon J. Watson, L.S.

Enclosures (1)
GJW/bms
cc: File 09-110B\ML05SP13BP_Req_3rd_Ext.doc
Viletto Vaughan Hammond Corp.

Owners of the records of:

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

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 12 Villetto Vaughn Hammond Corp Site Plan. 4.506 Acres of Land located on NYS Route 9. Tax Map # 38-3-59.

WHEREAS, Villetto Vaughn Hammond Corp owner of a parcel located on NYS Route 9 in the "I" Zoning District; and

WHEREAS, an application was made to the Planning Board of the Town of Philipstown by Villetto Vaughn Hammond Corp for Site Plan approval concerning the property, which is currently improved with an 800 sf commercial (retail) building, known as 'Post Road Hardware', a residential dwelling containing 3 rental apartments, and a barn used for storage for the hardware store, and which under this application the applicant proposes to:

- enlarge the barn (to approx 2,600 sf) to establish a formal restaurant in this building, with the existing "storage" use continued on the second floor of the premises;
- construct a 30' x 40' open pavilion for use by the restaurant's patrons; and
- Formal parking/access areas (gravel) will be constructed. parking on site utilities and drainage facilities; and

WHEREAS, while the Town of Philipstown Zoning Ordinance requires a 100 foot setback from the centerline of NYS Route 9, which is not met by the existing structures and parking on the site, this represents a "pre-existing" condition which is not being expanded or increased by the application and so the Planning Board may entertain this development proposal; and

WHEREAS, the Planning Board has completed SEQRA review for this project; and

WHEREAS, a duly advertised public hearing on the application has been held; and

WHEREAS, referral of the application pursuant to GML §239-m has been duly made to the County Planning Department, which has responded with approval of the project; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials; and

WHEREAS, the applicant has submitted the following materials for consideration:

Author	Title	Last Revision Date
Badey & Watson Surveying & Engineering, PC	Existing Conditions & Slope Analysis	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Site Plan & Planting Plan	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Drainage Plan & SSTS Plan	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Sight Distance Study & Lighting Plan	October 1, 2010
Badey & Watson Surveying & Engineering, PC	Site Details	October 1, 2010

WHEREAS, the Town Planning Board has been duly authorized to grant site plan approval for property located within the Town; and

WHEREAS, appropriate application fees have been received by the Town;

NOW, THEREFORE, BE IT RESOLVED, that:

I. Site Plan Approval:

1) The Planning Board finds that the applicant has met the requirements of Town of Philipstown Article 175 for granting of site plan approval; and

2) The Planning Board grants Site Plan approval of the improvements depicted on the plans listed above subject to the following conditions:

A. Approval of the Putnam County Department of Health for the required expansion of the on-site SSTS necessary to serve the expanded building and use

B. To address concerns of the Planning Board, the Site Plan shall incorporate the following:

- Provision of an erosion/sediment control plan conforming to applicable NYS and Town Stormwater Pollution Prevention Plan (SWPPP) requirements, and including all necessary construction details required therein, acceptable to the Town Engineer and Wetlands Inspector, with details of, and maintenance responsibilities of the owner noted for, the proposed stormwater treatment devices and infiltration system proposed
- Identification of the size and materials of construction for all drainage piping proposed on site, including a construction detail for all piping installations; and notation that all drainage structures to be utilized on site shall be designed to support highway loadings
- Identification on the site plan of the location of all regulated steep slopes that may exist on the property on the "Site Plan and Planting Plan" drawing
- Provision of timers on all exterior site lighting not needed for security purposes to extinguish such lighting when the commercial uses are not active
- The Landscaping Plan shall be enhanced to incorporate a staggered row of trees to the north of the pavilion site, so as to provide appropriate screening from the adjacent residential property to the north

- The Site Plans shall incorporate by notation the limitations agreed to be the applicant as to the days and hours of construction to be imposed on all site activities
 - A note should be added to the Site Plan specifying that no roof-mounted mechanical equipment shall be provided on the buildings.
- C. Resolution of all issues that may be raised by the CAC in their review of the application; and
- D. Payment of all outstanding fees for review and approval of this application.
- 3) The Chairman is authorized as officer of the Planning Board to endorse the site plans when Conditions A through D have been met.
- 4) This conditional Site Plan approval shall expire in one year from the date of this resolution, unless such improvements shall have been certified as completed.

II. Wetlands/Watercourse Permit Approval:

- 5) The Planning Board is satisfied that the criteria set forth in Town Code §93-8 has been met and that, inter alia, the proposed activity will not have a substantial adverse effect upon any wetlands or watercourse if the protections required by the Town are properly adhered to by the applicant during construction;
- 6) A formal wetlands/watercourse permit evidencing this approval shall be issued by the Wetlands Inspector, based upon the criteria set by the Planning Board with reference to any CAC reports and standard wetlands protection procedures required by the Wetlands Inspector, which shall only be valid upon its execution by the applicant, to be filed with both the Planning Board and Wetlands Inspector upon the applicant's endorsement, for the purpose of confirming the specific conditions applicable to work in the vicinity of Town-regulated wetlands and/or watercourses, including prior notification to the Wetlands Inspector before any construction can take place.
- 7) Prior to the start of construction, the applicant shall deposit in escrow with the Town an fee to be established by the Town, which funds shall be used to pay the Town's consultants for all reasonable costs of the Wetlands Inspector and/or Town Engineer for such inspection services deemed necessary by the Town to monitor construction activities on the site. In the event that the escrow account is subsequently reduced by more than half, the applicant shall replenish the account to its original balance. At the completion of construction, in the event the amount remaining in escrow by the Town is more than the amount of the actual billing or invoicing from the Town's consultants, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after they have certified that all construction activities have been completed, and the site has been restored in accordance with the terms of this approval.

Adopted at a meeting of the Philipstown Planning Board on October 21, 2010.

PHILIPSTOWN PLANNING BOARD

A handwritten signature in black ink, appearing to read "Anthony Merante", written over a horizontal line.

Anthony Merante, Chairman

cc: Richard Shea, Town Supervisor
David Klotzle, Wetlands Inspector
Bob Emerick, Building Inspector

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, Villette Vaughn Hammond, Corporation has applied to the Town of Philipstown Planning Board for approval of a site plan pursuant to Town Code Chapter 175, Article IX for certain real property located on NYS Route 9, Philipstown, New York in an Industrial ("I") Zoning District, and identified as Town of Philipstown Tax Map No. 38-3-59; and

WHEREAS, in regard to the proposed Site Plan approval of this application, a Full Environmental Assessment Form ("EAF") has been submitted pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the project represents an "unlisted" action pursuant to SEQRA, and the Planning Board has deemed itself the responsible agency for review under SEQRA;

WHEREAS, the Planning Board has duly reviewed the latest revised EAF, including Parts 1 and 2 thereof, the public record and the latest plans filed;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Planning Board does hereby adopt the Negative Declaration attached hereto.

Michael Gibbons presented the foregoing resolution which was seconded by Kim Conner.

The vote on the foregoing resolution was as follows:

Kim Conner, Member, voting YES

Josephine Doherty, Member, voting YES

Michael Gibbons, Member, voting YES

Michael Leonard, Member, voting YES

Kerry Meehan, Member, voting YES

Pat Sexton, Member, voting absent

Anthony Merante, Chairman, voting YES

Adopted at a meeting of the Philipstown Planning Board on October 21, 2010.

NEGATIVE DECLARATION

Villette Vaughn Hammond Corporation Site Plan Town of Philipstown Planning Board, County of Putnam

Date: October 21, 2010

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (the State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Philipstown Planning Board as Lead Agency has determined that the proposed action described below will not have potential significant harmful effects on the environment, and a Draft Environmental Impact Statement will not be prepared.

Name of Project : Villette Vaughn Hammond, Corporation Site Plan
Action Type : Unlisted
Site Location : NYS Route 9, Town of Philipstown, N.Y.
Location : Town of Philipstown.

Summary of Action: The subject of this application concerns an existing 4.506 acre parcel located along the west side of NYS Route 9, at Lane Gate Road within an "I" (Industrial) Zoning District, which currently is improved with three (3) buildings, as further described below:

- An 800 sf commercial (retail) building, known as 'Post Road Hardware'
- A residential dwelling containing 3 rental apartments
- A barn used for storage for the hardware store

The grant of site plan approval would permit enlargement of the barn (to approx 2,600 sf) to establish a formal restaurant in this building, with the existing "storage" use continued on the second floor of the premises. Further, a 30' x 40' open pavilion for use by the restaurant's patrons is also proposed. Lastly, formal parking/access areas (gravel) will be constructed.

Reasons Supporting This Determination:

(a) The property that is the subject of this application is located in an I zoning district, adjacent to the NYS Route 9 corridor, a heavily traveled state highway, approximately five (5) miles south of the intersection with I-84, an interstate highway. The proposed site improvements will not create a material conflict with the community's plans or goals as officially approved or adopted. Nor will the proposed action result in a substantial increase in traffic, solid waste production or noise level.

(b) The proposed development does not pose significant potential water pollution impacts.

(c) No significant adverse drainage impacts are expected. While new impervious surfaces will be created, a comprehensive Stormwater Pollution Prevention Program (SWPPP) conforming to NYS standards will be implemented, including appropriate stormwater management facilities. The SWPPP will insure that erosion/sediment impacts upon downstream drainage facilities and properties will be minimized to the maximum practical extent possible.

(d) The proposed development of the property will not substantially interfere with the movement of any resident or migratory fish or wildlife species, nor will it have an impact on a significant habitat area, or on a threatened or endangered species of animal or plant life, or the habitat of such species.

(e) While NYS DEC-regulated wetland (WP-9) lies across Route 9 from the site, only limited portions of the property frontage lie within the 100 foot control zone and which already are utilized for site access and a gravel parking area. Almost all improvements planned will lie beyond the limits of the wetlands buffer. Further, the property is not near a critical environmental area and the proposed development will not result in the impairment of the same. Neither will the proposed development impair the character or quality of important historical, aesthetic, archeological or architectural resources or be detrimental to existing community or neighborhood character.

(f) The proposed development will not attract large numbers of people to a place or places for more than a few days compared to the number of people who would come to such place without any such action.

(g) The action will not create a material demand for other actions that would result in one of the above consequences. It will not result in two or more related actions undertaken, funded or approved by an agency, none of which have or would have a significant impact on the environment, though when considered cumulatively would meet one or more of the criteria set forth in 6 N.Y.C.R.R. part 617.7(II) or (III). Nor will it create changes in two or more elements of the environment, no one of which has significant effect but when considered together results in a substantial adverse impact on the environment.

In making the foregoing determinations, the Planning Board has considered the reasonably related long -term, short-term, direct, indirect and cumulative impacts of the action as set forth in 6 N.Y.C.R.R. part 617.7(II) or (III).

No other potentially significant harmful impacts are identified.

Agency Address: Town of Philipstown Planning Board
Town Hall - 238 Main Street
Cold Spring, New York 10516
Tel. No. (845) 265-5200

Contact Person: Planning Board Chairman, Anthony Merante

**Philipstown Planning Board
Meeting Minutes
August 18, 2013**

The Philipstown Planning Board held a duly advertised meeting on Sunday, August 18, 2013 at the site of the Plumbush Inn, NYS Route 9D, Cold Spring, New York. The meeting was opened at approximately 9:35 am by the Chairman.

Present were the following:

Michael Leonard, Chairman
Kim Conner
Mary Ellen Finger
Anthony Merante
Ronald J. Gainer, PE, Town Engineer
Susan Jainchill, Planner

Absent:

Kerry Meehan
Pat Sexton
Neal Zuckerman

Open Space Conservancy, Inc. (Glenclyffe) - Approval of subdivision plat - Route 9D, Garrison

The SEQRA Negative Declaration and Final Subdivision approval resolutions were reviewed.

Mr. Merante made a motion to approve the SEQRA Negative Declaration. Ms. Conner seconded the motion:

Michael Leonard	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Anthony Merante	-	In favor

Thereafter, Mr. Gainer reviewed the Subdivision Approval Resolution. He advised that the "draft" subdivision approval resolution distributed in advance of today's meeting included the standard "Bayswater" text concerning the payment of recreation fees for the 2 new lots to be created.

However, Mr. Watson had questioned the appropriateness of this condition, as the Open Space Conservancy had previously donated the property and structure which now encompasses the Town's Recreation Department which is adjacent to the property of this latest subdivision application. Mr. Gainer reminded everyone that this is not a matter which the Planning Board would ever normally waive; however, it is understood that the Town Board could waive this requirement subsequent to the Planning Board's action.

Therefore, Mr. Gainer suggested that the following text be added to the beginning of Condition No. 2H ("Bayswater Findings") - "*Unless the Town Board determines that the applicant's responsibility to provide park and recreation areas under Section 112-43 of the Town Code have been met by its prior conveyance of the Town's Recreation Center to the Town (new text underlined)*, payment of a Recreation Fee for the second and each additional lot..."

Ms. Conner made a motion to approve the Final Subdivision Approval resolution, as amended.
Ms. Finger seconded the motion:

Michael Leonard	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Anthony Merante	-	In favor

Manitou Properties Co., LLC - Site plan application - NYS Route 9D, Cold Spring: Discussion

A site inspection of the premises, which is the subject of this site plan application, was conducted. Mr. Watson reviewed with the Planning Board the extent of improvements being proposed. A copy of the Traffic Study prepared by VHB Engineering, Surveying and Landscape Architecture, PC was provided to members by Mr. Watson.

The Board inspected the various areas of the site where improvements are planned. Various matters were discussed by those present.

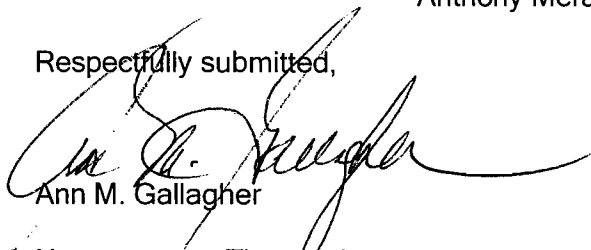
It was noted that, since the requested Traffic Study has now been provided, which the Board had made a condition for scheduling a public hearing on the matter, a Public Hearing on the application would be held at the September 19, 2013 Planning Board meeting.

Adjourn

At the conclusion of the Manitou Properties Co., LLC site inspection, Mr. Merante made a motion to adjourn the meeting. Ms. Finger seconded the motion. The meeting ended at approximately 10:00 am. The vote was as follows:

Michael Leonard	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Anthony Merante	-	In favor

Respectfully submitted,



Ann M. Gallagher

Note: These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval thereupon.

Approved: _____

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, Open Space Conservancy, Inc. has applied to the Town of Philipstown Planning Board for subdivision approval pursuant to Town Code Chapter 112, Article II, for a two lot subdivision on certain real property located along the west side of NYS Route 9D, Philipstown, New York, lying in both Institutional Conservation (IC) and Rural Conservation (RC) Zoning Districts, and identified as Town of Philipstown Tax Map No. 17.-1-13.11; and

WHEREAS, in regard to the proposed Subdivision application, a Long Form Environmental Assessment Form ("EAF") has been submitted pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the project represents an "unlisted" action pursuant to SEQRA, and the Planning Board has deemed itself the responsible agency for review under SEQRA;

WHEREAS, the Planning Board has duly reviewed the EAF, the public record and the latest plans filed.

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Planning Board does hereby adopt the Negative Declaration attached hereto.

Anthony Merante presented the foregoing resolution which was seconded by Kim Conner.

The vote on the foregoing resolution was as follows:

Kim Conner, Member, voting In favor
Mary Ellen Finger, Member, voting In favor
Kerry Meehan, Member, voting Absent
Anthony Merante, Member, voting In favor
Pat Sexton, Member, voting Absent
Neal Zuckerman, Member, voting Absent
Michael Leonard, Chairman, voting In favor

Adopted at a meeting of the Philipstown Planning Board on August 18, 2013.

NEGATIVE DECLARATION

Open Space Conservancy, Inc. 3-lot Subdivision *Town of Philipstown Planning Board, County of Putnam*

Date: August 18, 2013

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (the State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Philipstown Planning Board as Lead Agency has determined that the proposed action described below will not have potential significant harmful effects on the environment, and a Draft Environmental Impact Statement will not be prepared.

Name of Project: Open Space Conservancy, Inc. 3-lot Subdivision
Action Type : Unlisted
Site Location : NYS Route 9D, Garrison, N.Y.
Location : Town of Philipstown.

Summary of Action: The action is grant of subdivision approval for a 3-lot residential subdivision of a 60.003± acre parcel lying along the west side of NYS Route 9D.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed subdivision of the project site as per review of the EAF prepared and duly adopted herein.

Agency Address: Town of Philipstown Planning Board
Town Hall - 238 Main Street
Cold Spring, New York 10516
Tel. No. (845) 265-5200

Contact Person: Planning Board Chairman, Michael Leonard