

**Philipstown Planning Board
Minutes of the Meeting
October 18, 2012**

The Philipstown Planning Board for the Town of Philipstown held its regular meeting on Thursday, October 18, 2012 at the VFW Hall in Cold Spring, New York. The meeting was opened by the Chairman at 7:30 p.m.

Present: Michael Leonard, Chairman
Kim Conner
Mary Ellen Finger
Kerry Meehan
Anthony Merante
Pat Sexton
Neal Zuckerman
Steve Gaba, Counsel
Ron Gainer, Engineer
Susan Jainchill, Planner

Public Hearing

SNK Farms, Inc. – Minor site plan amendment and special permit application – 3188 Route 9, Cold Spring: Submission of revised and additional materials/discussion

Mr. Watson said that pretty much everything was said in the public hearing notice. He said that the application wants to convert the carwash into a light repair shop. Mr. Watson said that in working with the Planning Board for several months, they addressed many of the issues and have incorporated other improvements in the plan. He said that there is a problem on the southerly line where a neighbor has built a wall that's not high enough to be (inaudible), but high enough to be a problem. So they've put in a series of reflective posts along there, facing the wall. Mr. Watson said that there was a question with regard to screening the neighbors and while there is a significant amount of vegetation in there, they've proposed to plant additional vegetation along the east end of the existing park. He said that there are virtually no physical improvements outside of the building in terms of actual construction with the exception of repairs to the curbing. Mr. Watson said that there is new striping. The previous site plan required that a fill-up lane closest to the building be blocked off. Mr. Watson said that their understanding is that the purpose of that requirement is because the door into the convenient store was too close to the fill-up lane and they were afraid someone would come out of the store and get hit by a car. So to counteract that, it's been moved to the northerly bay of the building. Mr. Watson said that they've specified that brightly colored bollards be put up. He said that the activity is expected to be about the same - there will probably be a couple more employees. The other minor change involved is the placement of the (inaudible). Mr. Watson said that the main part of this is traffic, which has been considerable. He introduced John Canning, traffic engineer, who had studied their plan and made some recommendations.

Mr. Canning said that as the Board was aware, this has been a successful operation for a number



of years. He referred to the plan and pointed out the carwash bays and stated that it was not a significant increase. Mr. Canning said that they had a sworn testimony from the former owner that based on their recollection, there have been no accidents at the gas station that they recall, but since that testimony was provided there had actually been two accidents. He said that one was a delivery vehicle. Mr. Canning said that there are now proposed improvements (inaudible). He said that based on their review of the data (inaudible).

Mr. Meehan asked if the exit and entrance would handle the (inaudible).

Mr. Canning said yes.

Ms. Conner asked how it was substantially different from what is there now and if there was a reason why they didn't pull in.

Mr. Watson said that there is an 18 inch canopy that extends up so it makes it very narrow.

Mr. Zuckerman asked how wide the tractor trailer is.

Mr. Canning said that it is no wider than either 96 or 102 inches and that if it's wider than 96 inches, then it needs a special permit to drive on roads.

Mr. Leonard said that the corner, which they mentioned at the last meeting, is just slightly over 11 and gets a little better on the other end.

Mr. Gaba said that his concern was with the vehicles stopping at the gas pumps, going inside and leaving the vehicles there. He said that the Board could ask for the courtesy sign saying something like "no standing except for use of gas pumps", etc.

Ms. Conner asked if when people came in for oil changes, there would be somebody to drive their car into the back.

Mr. Watson said that they're going to drive around in back (inaudible).

Mr. Leonard asked if there was going to be a sign there that has one-way.

Mr. Watson said that there is a sign there.

Mr. Leonard asked if anyone in the audience wanted to speak.

There was comment from the audience.

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

Michael Leonard	-	In favor
Kim Conner	-	In favor

Mary Ellen Finger	-	In favor
Kerry Meehan	-	In favor
Anthony Merante	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

Evelyn Gex – Realignment of property line – 24 Hummingbird Lane, Garrison: Request for 90-day extension

Mr. Marconi said that they wished to make an extension request. He said that their current extension ends on November 8, 2012.

Mr. Gaba said that it would be the fourth extension but the project is moving along.

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

Michael Leonard	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Kerry Meehan	-	In favor
Anthony Merante	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

Villette Vaughn Hammond Corporation – Site plan approval – Route 9, Cold Spring: Request for second one-year extension of site plan approval

Mr. Leonard asked when this current approval expired.

Mr. Gaba said October 21, 2012. He said that this was approved under the old code. Mr. Gaba said that under the old code, conditional approval is for one year and the Board could thereafter grant a one year extension. He said that after that, the Board can grant six month extensions and then additional extensions.

Ms. Conner made a motion to approve the one-year extension. The motion was seconded by Mr. Meehan. The vote was as follows:

Michael Leonard	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Kerry Meehan	-	In favor
Anthony Merante	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

SNK (continued discussion)

Mr. Gainer said that a 239 referral had been made, but he had not seen a response to that. He said that the Board had seen his technical review. Mr. Gainer said that this represents a preexisting condition and he would ask that Mr. Gaba respond to the issue as to whether that

permits the Board to move this forward and whether any action from the ZBA is required.

Mr. Leonard stated that the Board received comment back from ZBA and there were no concerns. He asked if the Board had any other comment with regard to the discussion.

There were no additional comments from the Board.

Ms. Jainchill said this is an amendment to an existing site plan and should be clearly stated on the plan. She said that on the plan as well it should refer back to the existing site plan – the 1994 amended site plan. Ms. Jainchill said that things have changed on the site since that current site plan that's ruling over the site and those are things the Board should be looking at as well. The removal of the bollards that allow the first lane to be open should be looked at and accepting that as part of the amended site plan. She said that if the Board doesn't want that to be currently, it needs to tell the applicant the Board does not want the lane opened because of a certain reason and she will address the reason and will tell the Board why she's a little concerned about pedestrian circulation on the site. Ms. Jainchill said that the area she is concerned about is going from the oil change area to the store and then going from the oil change area to the property to the south. She said that there is no demarcation on the pavement that gives pedestrians a safety zone. Ms. Jainchill said that there could be extensive improvement, minimal improvements made, but it should be looked at. She said that she had an issue with how long the crossing is from the north corner of the building – the last protected place for a pedestrian to stand to cross to the parking area that's 35 feet. Ms. Jainchill said that she would like to see that a shorter distance if possible. She said that she would like to see them create a pedestrian area there – a raised curb or a different paving, put bollards around an area where you don't want cars to go into. The next issue was the area between the vehicular entrance to the site from the south. Ms. Jainchill said that she would recommend the Board ask the applicant to look at what's approved for that entrance at the southern border of the site (which was just approved a couple of months ago for the amended site plan for the Philipstown Plaza). She said that it could be painted arrows on the ground or signage, but they should be aware of what's happening at the property line. Ms. Jainchill said that the next issue was to do with the parking. She said that from what she saw, the 1994 site plan had fourteen parking spaces. The EAF said that there are ten spaces existing on the site. The existing conditions plan shows from what she can tell, twenty spaces and then proposed is thirteen spaces. Ms. Jainchill said that the new code does give the Planning Board more flexibility in accessing the appropriate number. She said that the code has a provisional calculation that says four spaces per 1000 square feet of retail area, and that's what's given – the thirteen parking spaces equals that, however, that's only the retail area and didn't know if that took into account the new employees that are going to be working there. Ms. Jainchill said that maybe you don't need that many cars, so just a justification might be warranted. With regard to the EAF and the question on the traffic generation, the comparison was given between the two different uses – the carwash as opposed to the oil use. She said that the EAF is actually asking the present level to future level and that should be clarified. In the traffic report, it is quantified. Ms. Jainchill said that with regard to the accident report, she was sure to their knowledge there's no accident report, but then they saw the two accident reports and there might be others out there. She said that the Board might want to ask for them to do an analysis of those.

Mr. Watson said that Ms. Jainchill left out one important word when she quoted it. He said that it says, “existing (inaudible)” and “will the proposed action result in a (inaudible) or significantly (inaudible).

Ms. Jainchill said that she could appreciate that, but thirteen percent, while you might say it is not significant, she did not see it as insignificant.

Mr. Conner asked Mr. Watson about the possibility of them having their cars at the north corner of the building and asked if that would solve the issue.

Mr. Watson said that they hadn’t thought about that, but would definitely look at it. He commented with regard to requests made to them that he felt were unfair (inaudible).

Ms. Jainchill said that she did not think they were asking him to do anything by curbing or working on the property, but just wanted to see it on the drawing that they know what’s going to happen down there, so they know where the cars might be coming in.

Mr. Watson said that he did not understand what the point of the study of the intersection is at this point, as the testimony is that there have been no accidents (inaudible).

Ms. Jainchill said that she did not think it was a question of the traffic accidents there or an analysis of the whole intersection – the question of, have there been traffic accidents in the past three years, and what have they been – on site or off-site. She said that maybe it’s something the owner didn’t know because the manager didn’t tell the owner about it and they weren’t watching every accident that happened. Ms. Jainchill said that just the fact that they have two accident reports this past month and none over the past three years is (did not finish sentence).

Mr. Watson said not at the intersection.

Mr. Jainchill said that she was saying on-site.

Mr. Watson said that they will address that.

Mr. Leonard said that maybe stand-up signs. He said that it is easy and visual.

Mr. Watson said that with regard to SEQRA, he would respectfully request the Board consider an Uncoordinated Review. He said that the only other involved agency is the State DOT. Mr. Watson said that he would also request that a Resolution of Approval be prepared and they will make the changes discussed this evening.

Mr. Gaba stated that the Planning Board is already Lead Agency.

Ms. Conner made a motion that the Board direct Mr. Gainer to prepare a Resolution for Approval

to include all comments made by the Board and Mr. Gainer. Ms. Finger seconded the motion.

The vote was as follows:

Michael Leonard	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Kerry Meehan	-	In favor
Anthony Merante	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

Cold Spring Fuel Corp. – Minor site plan amendment to allow installation of 18,000 gallon propane tank – 3524 Route 9, Cold Spring: Submission of EAF, revised and additional plans

Mr. Watson said that the plans have been revised. He presented the plan to the Board. He said that most significant was that the tank size changed. So the tank is now (inaudible). Mr. Watson said that Mr. Gainer had requested a certain (inaudible) and they have done that. He said that they have isolated a place within the fenced area. At the Board’s request, they completed a long form EAF for the Board’s consideration and took the liberty of suggesting Part 2 in completing Part 3, which included a report from John Hart, who was present to answer any questions with regard to safety. Mr. Watson said that the report basically concludes that every reasonable precaution is taken with regard to safety, which includes the tank’s 4 to 1 pressure safety factor, the sealed/closed propane system, the safety systems at both the tank openings and points of transfer, the safety set back requirements that insure the system is installed safely from buildings, property lines, etc., and the regular service inspections one the system is installed.

Ms. Conner asked how high the fence was.

Mr. Watson said eight feet up. He said that it is nine foot diameter and three feet above ground, so three feet to the bottom of the tank. Mr. Watson said that they reduced the diameter by two feet.

Mr. Leonard asked if there were any extra safety precautions that were necessary for this tank versus any other installation of this size.

Mr. Hart said that it is covered in the National Fire Protection Association pamphlet, which gives a State reference in the fire codes. He said that the drawings that he reviewed, show all the standards for 2012.

The second tape was completely inaudible. Although the first tape was also defective, the recording picked up some conversation, however, there are several inaudible areas throughout the text. The following was on the second tape:

- Cold Spring Fuel Corp.: (end of discussion)
- E. Polhemus Enterprises, LLC – Site plan approval – Horsemen’s Trail, Cold Spring: Submission of additional materials
- The New Friary at Graymoor – Special Use Permit and Site Plan – P.O. Box 300,

Garrison: New submission

Adjourn

A motion was made to adjourn the meeting. Mr. Meehan seconded the motion. The meeting was adjourned at 9:30 p.m. The vote was as follows:

- Michael Leonard - In favor
- Kim Conner - In favor
- Mary Ellen Finger - In favor
- Kerry Meehan - In favor
- Anthony Merante - In favor
- Pat Sexton - In favor
- Neal Zuckerman - 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.

Date Approved: _____