

**Philipstown Planning Board  
Meeting Minutes  
November 15, 2012**

The Philipstown Planning Board held its regular monthly meeting on Thursday, November 15, 2010 at the VFW on Kemble Avenue in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

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

Absent: Neal Zuckerman

**Approval of Minutes**

- *September 20, 2012*

Ms. Finger made a motion to adopt the minutes. Mr. Merante seconded the motion. The minutes were adopted as presented. 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	-	Absent

**SNK Farms, Inc. – Minor site plan amendment and special permit application – 3188 Route 9, Cold Spring: Submission of amended site plan**

Mr. Watson said that they have made the changes, which involve removal of a curb, the striping in the northwest corner, and the widening of the entry and addition of bollards at the entry. There was proposed traffic signage, so they took their signage of the plan.

Ms. Conner said that the air pump was not on the plan.

Mr. Watson said that it's been on the plan and pointed it out to the Board.

Ms. Conner said that in order to put air in your tires, you're very close to the entrance and that's one more car that would block someone coming in/out of that spot.

Ms. Jainchill said that it was something Mr. Donohue had mentioned in the past and the owner said that he would move it.

Mr. Watson said that he had no recollection of that.

Ms. Jainchill said that it was a discussion at the pre-application meeting.

Mr. Watson said that it's very obvious out in the field, but if they wanted it moved, they'd move it.

Mr. Gaba said that because it's a minor site plan, he did not think the Board could make them change the fixtures on the property.

Ms. Conner said that at the very least, it should be on the plan.

Mr. Watson agreed.

Mr. Gaba said that if the Board didn't have specific ideas on where it wanted it to go, the Board could approve the application adding as a condition that the air pump will be located to an area to the satisfaction of the engineering consultant.

Mr. Gainer said that he identified a few other things he picked up on in his review of the file, in the draft Resolution, which is the posting of an additional sign at the southerly entrance for no left turn and pavement delineation to delineate the access isle to the gas pump closest to the building. He went over the Negative Declaration and Resolution with the Board.

Mr. Merante made a motion to approve the Negative Declaration. The motion was seconded by Ms. Conner.

Ms. Finger made a motion to approve the amended Resolution. Mr. Merante seconded the motion. The vote for both 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	-	Absent

**Cold Spring Fuel Corp. – Minor site plan amendment to allow installation of 18,000-gallon propane tank – 3524 Route 9, Cold Spring: Submission of amended site plan and letter from James Pidala**

Mr. Watson said that no changes have been made to the plan.

Ms. Conner made a motion to adopt the Nag Dec. Ms. Finger seconded the motion.

Mr. Merante made a motion to adopt the Resolution. Ms. Sexton seconded the motion. The vote for both 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

**Lyons Realty Co. – Two-lot subdivision – East Mountain Road So.: New submission**

Mr. Paggi said that the applicant intends to subdivide the 137-acre parcel into two lots – a 50-acre lot and a roughly 87 acres. It’s a non-realty subdivision. Mr. Paggi said that the intention of the owner is to sell one piece as a vacant piece of property (the larger lot – Lot 2). He said that he intends to obtain Board of Health approval and sell Lot 1 as an individual Board of Health approved lot. Mr. Paggi submitted indications of what the intention for that particular lot would be. He requested that the Board only consider the subdivision and allow them to subdivide the property and file the plat without any proposed construction. Mr. Paggi said that then they would take the individual lot and make application to the Health Department for approval and subsequent to obtaining the approval, the application would be made to the Town Building Department with a plot plan with all construction details and soil erosion control.

Mr. Gainer said that he gave the Board a technical review outlining the process. Procedurally it qualifies as a minor subdivision. He said that the application should be referred to the County for a 239M and should also be referred to the CAB. Mr. Gainer said that the Board may wish to hold a public hearing once the applicant resolves the few technical issues.

Ms. Conner asked that Mr. Paggi clarify the road frontage.

Mr. Paggi explained that on Lot 2, they have road frontage (pointed out on plan). He said that the zone itself requires a road frontage of 400 feet from there. But the code has a stipulation that if you’re on a cul-de-sac, you can provide as little as 25 feet of frontage.

Mr. Gaba said that in terms of SEQRA Review on something like this, it appears to be an Unlisted Action and is just a two-lot subdivision, but the size of the lots and the proposal to put a single family home on such a large lot, has to give the Board some pause. He said that he thought the Board would have to do with the Negative Declaration on this is to require a letter from the applicant saying, “our intent is to develop Lot #1 just as a single family home...”, but even if they do that, when it’s drafted, it’s going to want to say, “but in the event that the applicant later comes in for further subdivision or proposes some sort of way to develop, the Board reserves the right to re-visit development of both lots in any subsequent application for development.

Mr. Paggi said that no matter what they do in the future, the Board would get a shot at reviewing it.

Ms. Conner said that it would be nice though to have a letter to remind whoever is on the Board at that time that it was that intent.

Mr. Merante made a motion to refer the application to the County. Ms. Conner seconded the motion.

Ms. Finger made a motion to refer the application to the CAB. Ms. Sexton seconded the motion.

Ms. Sexton made a motion that the Board declare itself Lead Agency. Ms. Finger seconded the motion.

Mr. Merante made a motion to schedule a public hearing for January 17, 2013. Ms. Conner seconded the motion. The vote for all of the above 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	-	Absent

**E. Polhemus Enterprises, LLC – Site plan approval – Horsemen’s Trail, Cold Spring: Submission of revised materials/drainage calculation**

Mr. Watson said that they addressed comments Mr. Gainer had made. He said that they also provided drainage calculations.

Ms. Finger made a motion for Mr. Gainer to draft a Negative Declaration. Ms. Conner 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	-	Absent

Ms. Sexton made a motion that the Board accept the latest submitted material regarding drainage conditions, etc. 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	-	Absent

**The New Friary at Graymoor – Special Use Permit and Site Plan – P.O. Box 300, Garrison: Discussion**

Mr. Leonard stated that the Board had conducted a site visit.

Mr. Gainer said that he did not think any concerns were raised at the site walk to his knowledge.

Ms. Conner asked if the building to the south of the Chapel was going to be lower (in terms of ridge lines).

Mr. Watson said he believed it was.

Mr. Gainer said that it was discussed as being lower than the Chapel.

Ms. Jainchill said that she guessed the Board needed clarification and a line of site diagram.

Ms. Conner asked if the big brick building came down, it would make a difference.

Mr. Watson said that there is no plan to take that part of the building down.

Mr. Gainer said that Mr. Watson should present something to identify how he complies with the thirty-foot height requirement.

Mr. Leonard said that this project was before the Conservation Board last Tuesday, November 13<sup>th</sup> with regard to discussion on steep slopes. The drainage will be looked at as the CAB has plans to do that.

Mr. Merante made a motion that the Board schedule a public hearing for January 17, 2013. 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	-	Absent

**Garrison Properties, LLC – 7 Garrison Landing, Garrison: Request to revise Resolution PB1-12**

Mr. Watson said that everything was done, they had applied for a wetlands permit and the Resolution came through without it. He said that they didn't notice it until recently and wanted to ask the Board to revise the Resolution.

Mr. Gainer said that the original approval from the Board was on March 15, 2012. He sent out the corrected Resolution that acknowledges the original approval and the intention of the Board to grant the watercourse wetlands permit.

Ms. Conner made a motion that the Board approve the revised wetlands permit. Mr. Merante 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	-	Absent

**Mary Ellen Finger – 3 Horsemen’s Trail, Cold Spring: Request for return of escrow: Discussion**

Ms. Finger recused herself and left the room.

Mr. Gaba said that release of the escrow had to be subject to confirmation from all consultants that there are no outstanding fees. He said that with that condition added, he thought it was appropriate for the Board to adopt a Resolution approving the request.

Mr. Merante made a motion that the Board approve the request on the condition there are no outstanding fees. Ms. Conner 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	-	Absent

Ms. Finger joined the table again.

**Adjourn**

Mr. Merante made a motion to adjourn the meeting. Ms. Finger seconded the meeting. The meeting ended at 8:45 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	-	Absent

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: \_\_\_\_\_