

Philipstown Planning Board
Meeting Minutes
November 20, 2014



The Philipstown Planning Board held its regularly monthly meeting on Thursday, November 20, 2014 at the Butterfield Library, 10 Morris Avenue, Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

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

Approval of Minutes

- September 18, 2014

Ms. Conner stated that she had some revisions to be made. The revisions were noted on pages 1, 3 and 9 (copy on file at Town Hall) and she made a motion to approve the minutes. Mr. Giachinta seconded the motion. The vote was as follows:

- | | | |
|-------------------|---|----------|
| Anthony Merante | - | In favor |
| Kim Conner | - | In favor |
| Mary Ellen Finger | - | In favor |
| Joseph Giachinta | - | In favor |
| David Hardy | - | In favor |
| Pat Sexton | - | Absent |
| Neal Zuckerman | - | In favor |

Correspondence

Mr. Merante stated that the Board had received several pieces of correspondence with regard to the Horton Road LLC application, however, he was not going to list each one and may address them when they get to the public hearing.

Mr. Merante also stated that Mr. Chmar has offered several times in the past to give the Planning Board training (fulfillment of four hours regarding conservation, etc.) and that he would work on getting that scheduled in the beginning of next year.

Old Business

Scanga Realty, LLC – Amended site plan (Lot 4) – Lady Blue Devils Lane, Cold Spring: Request for 6-month extension

Mr. Merante read aloud a section of a letter from Mr. Larry Paggi with regard to the above-stated application and the request for extension. He asked if the Board had any questions. There were no questions.

Ms. Finger made a motion to adopt the Resolution granting the extension of a site plan approval. Mr. Giachinta seconded the motion. The vote was as follows:

- | | | |
|-------------------|---|----------|
| Anthony Merante | - | In favor |
| Kim Conner | - | In favor |
| Mary Ellen Finger | - | In favor |
| Joseph Giachinta | - | In favor |
| David Hardy | - | In favor |
| Pat Sexton | - | Absent |
| Neal Zuckerman | - | In favor |



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Public Hearing

ESP (continued) – Subdivision/site plan application – 3330 Route 9, Cold Spring: Revised plans (including requested deeds)/discussion

Mr. Giachinta recused himself and left the table.

Mr. Merante said that initially, the Board closed the public hearing and then rescinded that wish to continue the public hearing on the subdivision and site plan application. He asked Mr. Gaba for clarification with regard to referring the matter to the Town Board.

Mr. Gaba said that it was his understanding was that a zoning change is required for the approval by the Planning Board. He said that application was made to the Town Board for the zoning change before going to the Planning Board. The Town Board determined it would not entertain that, as they wanted the applicant to “flush out” before the Planning Board what the project would look like if the zoning change was in fact, granted. Mr. Gaba said that the Town Board did not say they would grant it, but before going forward with it, the Town wanted more detail. So the applicant came before the Planning Board and they talked about this. Mr. Gaba said that technically speaking, you cannot grant site plan or subdivision approval that does not comply with existing zoning. He said that they discussed a work around for that with the Planning Board conditionally granting approvals – the condition being the zoning change be granted by the Town. Mr. Gaba said that he was not at last month’s meeting, but understood there was quite a bit of controversy over this project and some thoughts about keeping the public hearing open, etc., and his thoughts on that issue was that if the Board is going to close the public hearing and hold off on it or leave it open and hope the Town Board takes action, the Planning Board really doesn’t want to throw it back to the Town Board without giving some sense of what the Planning Board’s concerns and thoughts are about the project.

Ms. Finger said that after hearing the neighbors’ concerns, she thought the Planning Board needed to make sure it understood the boundaries of the conservation easement that’s being given. She asked if it had been mentioned that these things need to be iron-clad, as they would be facing that kind of scrutiny with other applications.

Ms. Conner said that she agreed with Ms. Finger and that she would like to see what the conservation easement would actually say before granting an approval given the way things had preceded on this site in the past. She asked Mr. Watson if he knew the neighbor’s well was within 200 feet of the septic.

Mr. Watson said yes.

Ms. Conner said that it should be marked on the plan if it is. She asked Mr. Watson what was different about the map they just received from him tonight compared to the map they had had. Ms. Conner said that she was not really very comfortable with not highway commercial and making it highway commercial even though they’re putting all the easements on it.

Mr. Zuckerman said that he had a concern about the spirit and the enforcement of this. He said that the story about the rock placed in someone’s driveway to prevent access to one’s home is offensive to him.

Mr. Merante said that at the last meeting, he too, expressed his issue with enforcement. He said that based on the record of this property, he did not feel comfortable that whatever action the Planning Board takes would be enforceable or in the best interest of the public or the private homeowners surrounding this site.

Mr. Watson said that at the hearing last month, they raised, in his mind, four real issues and they’ve made changes to the plans to address those particular issues. He said that tonight, there is a plat that has a couple of minor changes that Mr. Gainer asked them to make. Mr. Watson said that the reference to Note 9 was changed to Note 5, which has been added (as there was no Note 9) and had to do with how Stephanie Lane got its name. Mr. Watson said that there were a couple of stray notes from an earlier version of a map that

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got removed. He said that the only other change to the plat that was turned in for tonight's meeting was...Mr. Diebboll made quite a point with regard to their driveway coming down and turning off of his driveway, particularly with the story about the rock. Mr. Watson said that they went out and looked and his observation was, in fact, correct, so the map that was turned in, takes that driveway down the old road, which he asked for. Mr. Watson said that there were three other items that were discussed. One had to do with the shared maintenance of Stephanie Lane. Mr. Watson said that he had a letter for the Board which was countersigned by the owners. He said that Mrs. Merrigan turned in a copy of a Maintenance Agreement that she and the neighbors entered into, and made a provision for this lot to enter into it at the time the house was built. Mr. Watson said that the second item Mrs. Merrigan pointed out was the trailers and equipment that was encroaching onto her property. He said that the trailers have been removed and they were working on pulling back the equipment and that effort will continue until it's done in the new few days. Mr. Watson said that the other question raised by Mr. Diebboll was that he was concerned that Lot #1, which contains the commercial use, would begin to use Stephanie Lane for an access and he didn't want to have the commercial vehicle going there. Mr. Watson said that he explained that there was no right-of-way over Lot#1, but the letter also agrees to two items - one of which there will be a note on this plat that says there is no right-of-way and there may not be a right-of-way conveyed from the commercial lot, subject to the conservation easement over Lot#1 to get to Stephanie Lane. He said that the second thing that has to happen if this all works is that the merger of the original piece the Kehrs have, the second piece that they bought and the back portion of the piece they bought from Merson finally have to be merged into a single lot and they would put in the deed specific language excluding any interest that the parent parcel would have to any rights to use Stephanie Lane. So even if the owner of this land were willing to grant that easement despite the note on the map, which would be a problem, there is no basis for using Stephanie Lane, which this owner wouldn't have the right to give them. Mr. Watson said that he thought those were the real material items in terms of what's going on. He said that they have been responsive to the Court and the Town Board and are trying to be responsive here. Mr. Watson said that they'll certainly have time to work on a conservation easement and come back to the Planning Board while they're going through the Town Board, and that's going to be something the Town Board will look at, but the main elements of that are that this whole property will be limited to one house in one particular area, the potential for a septic system on Lot #1, and essentially no other use. Mr. Watson said that they're adding another layer of possible enforcement and they don't have an agenda for who they would like to have that conservation easement. He said that the two most obvious would be The Hudson Highlands Land Trust or the Town. Mr. Watson said that they've been willing to work out the terms of the conservation easement. He said that he thought they have addressed the most important physical points. Mr. Watson said that they've provided additional setback from the adjoiner and are willing to take that on in terms of the zoning change. He said that he had hoped the Board would close the public hearing and hope the Board would see they are trying to be as responsive as possible. Mr. Watson said that the he would hand to the Board a commitment letter on the part of the Kehrs.

Mr. Gaba said that in addition to the conservation easement, they may want to consider a deed restriction running in favor of neighboring properties in regard to the access so that if it's being accessed for commercial purposes, the neighbors would also have a right to come in under the restricted covenant.

Mr. Zuckerman asked about the possibility of creating an escrow account against future potential fines and/or violations.

Mr. Gaba said that he had not heard of that with regard to enforcement proceedings against a property owner. He said that he has of a document called a "Developers Agreement" where the developer says he is going to build his property a particular way assuming he gets his land use approvals and then set aside money in escrow for particular improvements in conjunction with the property. Mr. Gaba said that he knew Developer Agreements are recorded with the County Clerk. He said that it is similar to a bond – it is an escrow.

Mr. Merante asked Mr. Watson if all legal challenges, all monetary awards have been completed.

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Mr. Watson said that there have been fines paid and he believed there's a court action pending that if they don't continue through the process. He said that the court has set deadlines for getting through this process and if they aren't through, they have to go back and they've been assessed fines in that regard.

Ms. Finger said that that she had a note from the last meeting with regard to extinguishing the easement that gave them access across the neighbor's property and asked if it was going to be extinguished.

Ms. Conner said that she thought the easement was shared between all the properties because it's in all the deeds.

Mr. Watson said that the easements were created back in the early 1950's. He said that he gave the Board copies of all of the deeds for Merrigan, Diebboll and Kehr. Mr. Watson said that the easements are repeated from the 50's forward. He explained what the easements covered with regard to the property. Mr. Watson said that they are not talking about extinguishing the easement. They are talking about shrinking the size of the land that has that easement. He said that instead of the entire piece of the Kehrs having the easement and the right to go out on Stephanie Lane, they will put a note on the map and a note in the deed that specifically limits that right to just the one building lot.

Ms. Conner said that all three of the lots have a shared right-of-way.

Mr. Watson said correct.

Ms. Conner said that it's not solely attached to the Kehr's property.

Mr. Watson said no – they're talking about limiting their (Kehr's) rights – not anybody else's rights.

Mr. Merante asked for the Board's opinion on closing the public hearing. Mr. Hardy said that he thought the enforcement issue was big and to let the Town Board know very strongly the Planning Board's reservations. Ms. Finger and Ms. Conner both expressed wanting more clarity with regard to who would hold the conservation easement and what it would look like. Mr. Zuckerman stated that he appreciated Mr. Watson's thoughtful process and that he answered everything with great clarity. Mr. Merante echoes Mr. Zuckerman's sentiments.

Mr. Watson said that he did not think they had any objection to the idea of having some of the restrictions run to the owners as a level of protection. He said that one of the things that is typical of a conservation easement is that there is a deposit made with the holder of the conservation easement to fund usually an annual inspection. He said that it kind of pays the freight for going out and inspecting it every year. Mr. Watson said that he inferred from comments made by Mr. Chmar that the help for that reason might extend...if the Town held it without the experience but had the money to reimburse somebody who is experienced in making these inspections and reports, it could be worked out.

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

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

Mr. Merante said that they will send a letter with the intent of the Planning Board.

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Mr. Gaba said that they could take a chance that the Board is going to act within the next sixty days, but he thought the chances of the Town Board doing that is pretty slim. He said that he thought the Planning Board needed an understanding or agreement with the developer that they could extend the 60-day period and refer it to the Town and then take it up later on.

Mr. Merante said that as they approach the holidays, the Board was considering either not holding a December meeting or moving the December meeting up a week. He said that they could also take a vote right now.

Mr. Hardy asked for clarification with regard to this matter going to the Town Board and they do the zoning, then are they done or does the Planning Board review this again.

Mr. Merante said that the other side of the coin is that if they don't grant the zoning change, this is moot. If they do, then it will come back to the Planning Board for a vote. He said that he thought the Board should take Mr. Gaba's advice with a general, non-binding statement to the Town Board.

Mr. Gaba said that the Board is going to want to get it set with the applicant to extend the 60-day period.

Mr. Watson said that they'll get the Board a letter extending the 60-day period at least until March. He said that the Town Board's status is that there has been a petition made and they were told to come to the Planning Board. Mr. Watson said that he'll make an appearance at that point for the December Town Board meeting. He said that then they have to decide whether or not to move the proposed law and if they move the proposed law, it has to come back to the Planning Board for a formal review. Then, when the Planning Board submits that, they have a 60-day time period, then it has to go to public hearing and then adopted and then they could come back. Mr. Watson said that he could assure the Planning Board they can give the extensions to get through the Town Board process.

Mr. Gaba said that he would circulate the individual comments and then if what he does looks o.k., they could just send it and if there are concerns the Board may have to sit down at the December meeting and decide.

Mr. Giachinta joined the table again.

Burstein – Minor site plan application – 52 Lane Gate Road, Cold Spring: Revised plans/discussion

Mr. Delano introduced himself and stated that the applicants are proposing an addition just in excess a one thousand square feet, which will result in a footprint of in excess of three thousand square feet, which is why they are there. He said that they were there this evening to hear comments from the public and move the process forward. Mr. Delano said that they were in receipt of a memorandum from Mr. Gainer, which they do not take objection to and ask that the Board go on the record in reference to his comments concerning the lack of need for additional planting in the scenic protection overlay because of discussions they had at the site and some pictures they presented previously. He said that they'd also like it to go on the record per Mr. Gainer's recommendation concerning the architectural appearance of the new home and that it would be in character with the neighborhood. Mr. Delano said that they've reviewed the other documents, provided a draft Resolution for a Negative Declaration and they've reviewed the draft Resolution of Approval.

Ms. Conner said that the CAB minutes were not available, but she wondered how that was arrived at. She asked if the Board itself vote on the permit.

Mr. Delano said yes, the CAB at the September 9th meeting voted to grant approval with a couple of minor conditions – extra silt fence and tree protection detail for some trees on site. He said that they made those revisions, submitted the revised plans to CAB and the permit was revised accordingly.

Ms. Conner asked if they were concerned about locating a structure in the wetland buffer.

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Mr. Delano said no, there were no concerns. He said that the (inaudible) from the roof go right to the ground – they go overland, and the new impervious (inaudible) roof will go into a grass lined swale before it gets into the pond.

Ms. Conner asked if there was going to be lawn around the building.

Mr. Delano said that the proposed addition is going to take up some area that's already cleared. He said that there is no intention to blow out trees, etc.

Ms. Conner asked if Mr. Delano was saying that the water that's going to come off the roof is going to move away from the pond.

Ms. Delano said that the water that comes off the addition will go down toward the pond, but will get intercepted by the grass lined swale, where it will get filtered out before going to the pond.

Mr. Merante asked Mr. Gaba if this was subject to SEQRA Review.

Mr. Gaba said that it has been his understanding that it refers to construction of a single-family home, where you get a building permit. He said if you need other approvals, such as site plan approval or special permit, then it would be kicked in to an Unlisted Action under SEQRA. Mr. Gaba said that in the Town Code, they have a provision which says that single-family homes are considered Type 2 Actions – Type 2 Actions are exempt from SEQRA Review. He said that you still have to submit an EAF, but you do not have to go through a Negative Declaration.

Mr. Merante asked if the public had any comment.

There was no comment.

Mr. Gainer said that he submitted a technical memo to the Board and went through the sections of the ordinance that pertains specifically to the SPO and there were some areas where he just wanted confirmation from the Board that it had considered the issue. He said that the applicant's consultant indicates that they discussed the issue of additional vegetation of trees along the property frontage. The SPO regulations specifically relate to that and seek to have additional trees put in for new construction, but it is subject to the Planning Board's discretion, depending on the conditions of the existing site. Mr. Gainer said that he wanted to make sure this was on the record. He said that there is also a section in the SPO regulations that relate to architecture where site plan or special permits are required. Mr. Gainer said that again, he wanted to make sure it was on the record that the Board recognizes that the addition is in conformity with the general character of the neighborhood and believed it complies with that requirement as well.

Ms. Conner said that basically the new structure is half the size of the existing structure and wondered if the Board members felt that it was within the character of the neighborhood. She said she wondered if when they do this sort of thing, they were encouraging people to double their houses.

Mr. Delano said that the addition is going to be smaller from the street. He described the outside of the house and said that the siding and the structures will be painted one single color.

Mr. Gainer said that many of the Board members had been to the site and he did not consider it to be a significant issue.

Mr. Giachinta asked if with the rest of the siding on the house that's there now, they were doing any re-siding.

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Mr. Delano said no. He said that his understanding was that it would just be a fresh coat of paint so the building would be consistent – same materials, same cut, and same style architecture.

Mr. Giachinta said so the new addition is going to blend right in – with the same siding, same board and batten, it's all going to be one color and one story, and roof lines.

Mr. Delano said yes. He said that the height of the new roof is not going to be any higher than the existing roof. Mr. Delano said that he thought it was a rust brown color shingle and will match the existing roof.

Mr. Giachinta said, on a curved peak.

Mr. Delano said yes.

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

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

Ms. Conner made a motion that the Board declare this project a Type 2. The motion was seconded. The vote was as follows:

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

Mr. Gainer presented a Resolution to the Board and stated that the only specific technical condition is the payment of outstanding fees.

Mr. Delano addressed the Board and referred to page two, item three, where it states, “plans listed above” and stated that the plans were actually listed below.

Mr. Zuckerman made a motion to adopt the amended Resolution. Ms. Conner seconded the motion. The vote was as follows:

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

Regular Meeting

Local Law to amend Chapter 175 – Wind Energy: Referral from Tina Merando, Town Clerk

Mr. Gaba said that the local law makes the distinction between wind energy sources for on-site production – the anticipation that it's going to be for home use, and wind turbine energy conversion source, which would be more commercial powers. He said that it clarifies that the height restrictions set forth in the Code do apply to wind turbines – whether on or off-site. It puts in small bulk requirements in terms of lot size,

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etc., and clarifies that with the off-site production wind turbines, you need a permit from the Zoning Board. With on-site, you do not, as it is permitted accessory use.

Mr. Merante asked if the Board wanted to address this or wished to move it to the end of the agenda. The Board decided to address it at the end of the meeting.

**201 Old Stone Road – Site plan application – 201 Old Stone Road, Garrison: Part 3 EAF
Horton Road, LLC (Hudson Highlands Reserve) – Conservation subdivision – East Mountain Road
North, Horton Road and Route 9, Cold Spring: Part 2 EAF**

Mr. Watson stated that he thought they had the same situation as the Burstein application – single family.

Mr. Gainer said that any technical conditions are understood. He said that the applicant still has to obtain DOH approval for the sanitary disposal system proposed on the new well. Mr. Gainer said that they have distributed the draft approval Resolution that identifies those conditions and if there is no need to discuss the EAF in any depth, the Board could move with consideration of the Resolution.

Ms. Conner said that she thought it was interesting and that the Board may want to think about that in the future.

Mr. Merante agreed and said that he thought the Board had to address it up front.

Ms. Conner said that it kind of seems like you can just build any house without any SEQRA.

Mr. Gaba said that of course, it is subject to the site plan requirements, but yes, you lose the additional review that SEQRA would otherwise impose on it.

Ms. Conner said that it seemed kind of major to her.

Mr. Gaba said that he thought they had envisioned more conventional single-family residences when they adopted the additional Type 2 action. He said that the Town Board may want to look into revising it.

Mr. Gainer said that the Board should be aware that because of the disturbance of steep slopes, they're granting a special permit and the site plan approval, and both are noted in the Resolution. He said that the technical conditions that are applicable relate to receipt of approval from Putnam County Department of Health for the proposed new well and sanitary disposal treatment system and payment of fees.

Ms. Conner asked if it meant that the Board throws out all the blasting information as well.

Mr. Gaba said no, that's part of the site plan.

Mr. Gainer said that it was obviously moved originally on the basis of it being declared an Unlisted Action and the Board went through a review of the Part 1 EAF, accepted a Part 2 EAF and it necessitated the creation of the development of the statement, which is being filed with the Board tonight, but they're hearing that's not necessary.

Mr. Gaba said that the applicant might still want a Negative Declaration. He said that if the Board declares it a Type 2 and it turns out it's Unlisted, then the action would be subject to a legal challenge. Mr. Gaba said if it's Unlisted and it's really a Type 2, it's no harm, no foul. He said that in his opinion, it's a Type 2, but if the applicant wants a Negative Declaration, it's up to the applicant.

Mr. Watson said that if the Board wants a Negative Declaration, he certainly wouldn't mind.

Ms. Finger made a motion to adopt the Negative Declaration. Mr. Giachinta seconded the motion. The vote was as follows:

Anthony Merante - In favor

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Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Ms. Conner made a motion to adopt the Resolution. Mr. Giachinta seconded the motion. The vote was as follows:

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

Horton Road, LLC (Hudson Highlands Reserve) – Conservation subdivision – East Mountain Road North, Horton Road and Route 9, Cold Spring: Part 2 EAF

Mr. Liceaga introduced himself and stated that he had a statement he wished to read to the Board to clarify their intentions and he read it aloud (copy on file at Town Hall). He said that they had sensed some confusion about the nature of a conservation subdivision, as it is a new type of subdivision in the Town.

Mr. Merante said that the Board has received at least three letters and a commentary from the Hudson Highlands Land Trust with regard to this application.

Mr. Watson said that they have received Mr. Gainer's comments, will ask permission to meet with Mr. Gainer and go over some of his comments in his lengthy, fairly comprehensive memo. He said that they have also submitted a suggested Part 2 and hope that the Board reviews that so they can get to work on Part 3.

Mr. Gainer said that he has been trying to assist the applicant in understanding the requirements, as has Mr. Andy Chmar in describing what the ordinance requires of the applicant. He said that was the primary purpose of the site walk as their initial obligations are to review and understand constraints on the property and try to discern where they might find areas of the project that are most developable as well as identifying areas that warrant conservation as the plans evolve into a conservation subdivision plat. Mr. Gainer said that he thought it was important that the applicant try to absorb those issues/concerns/areas of interest to the Board and try to illicit on a plan the areas where he believes he can focus his development and correspondently identify or keep out of disturbance those areas that were significant to the Board. He said that what comes out of this eventually is going to be written findings from the Planning Board and they will formally identify those issues.

Mr. Merante said that they had several letters sent out to various concerned agencies.

Mr. Gainer said right...the initial thing the Board did was to declare itself Lead Agencies and those distributions have been done. He said that the referral to Putnam County Planning has also been done, so all initial referrals have been made. Mr. Gainer said that the Conservation Board's will be in Town Hall tomorrow.

Ms. Conner suggested the Planning Board schedule a workshop.

There was a brief discussion with regard to different dates/times to hold the workshop. The Board also discussed making a list of any questions/comments that could be discussed at that time.

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Ms. Conner addressed Mr. Watson and said that it seemed the Board needed a conservation analysis and that's what the Code requires. She asked if there was a reason they didn't have one.

Mr. Gainer said that it's a calculation on one map that's now prepared and has looked at all the individual issues – wetlands, steep slopes, etc. He said that they had been in the Board's packages previously.

Mr. Watson asked if the thirty days had not passed since the SEQRA notices went out.

Mr. Gainer said no, they just went out. He said that Mr. Watson has distributed to the Board a suggested Part 2 EAF. It is normally prepared by the Lead Agency. Mr. Gainer said that there will be no Lead Agency determination until thirty days has passed. So, the Board is not formally Lead Agency and won't happen until the December meeting. Mr. Gainer said that after the Board does formally become Lead Agency, then it can start looking at the Part 2.

Mr. Merante asked that the Board make a decision on whether or not to hold a December meeting. The Board decided to NOT hold a December meeting.

Adjourn

Mr. Giachinta made a motion to adjourn the meeting. Mr. Hardy seconded the motion. The meeting ended at 9:30 p.m. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
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.

Approved: _____