

Philipstown Planning Board  
Meeting Minutes  
January 16, 2014

The Philipstown Planning Board held its regular monthly meeting on Thursday, January 16, 2013 at the Butterfield Library in 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  
Kerry Meehan  
Neal Zuckerman  
Steve Gaba, Counsel  
Ron Gainer, Engineer  
Susan Jainchill, Planner

Absent: Pat Sexton

**Gex – Realignment of property line – 4/24 Hummingbird Lane, Garrison: Request for extension**

Mr. Hilpert introduced himself and stated he was there on behalf of the applicant to request an extension of a lot line approval. He explained that Ms. Gex’s partner had a stroke, and has caused a delay. Mr. Hilpert said that they are now in a position to complete the final step required for the Board of Health – to obtain the plans for the actual dwelling and submit them.

Ms. Conner made a motion to approve the 90-day extension. Mr. Zuckerman seconded the motion. The vote was as follows:

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

**Public Hearing**

**Olspan Warehouse LLC (Cyberchron Building) – Site plan application – 2700 Route 9, Cold Spring: Submission of revised materials/discussion**

Mr. Miller stated that he and Mr. Watson are representing the applicant. He introduced Miguel Quismondo, project architect and Jon Dahlgren, who works for him as project manager. Mr. Miller said that the property was subdivided this past year. It’s five acres in size and the proposal is for an expansion and renovation. Mr. Miller presented the plan to the Board and pointed out the open courtyard, which he said would be treated with pavers and space so that they’ll be infiltration from the courtyard into the ground. He said that there is an existing residence on the site, which will become a caretaker’s residence. The property is served by an existing well and two existing septic systems. Mr. Miller said that there are twenty parking

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spaces proposed. He said that this is anticipated to be a very passive warehouse operation – it will not have any employees in the building and is intended to be used for the storage of the personal goods of the owners. Mr. Miller said that they have been to the site with the Board and they are in the process of responding to the comments made from Mr. Gainer and Ms. Jainchill's office. He said that they appeared before the CAC in connection with the wetlands permit application. Mr. Miller said that the CAC had two comments. One was that the landscaping plan be modified to change out some of the materials that they proposed from non-native to native species. They have done that will provide the Board this evening with a copy of the revised landscape plan. Mr. Miller said that one of the other comments was how they'd be addressing storm water management. He said that this project was not proposing any new impervious surfaces on the subject site. The main issue is really addressing the runoff and use the sheet flow from the parking lot on the northerly side of the property. Mr. Miller said that Mr. Watson's office is looking in the northeast to direct some of the water to a dry well there, and they'll be an overflow and velocity dissipater. He said that the next set of revisions they provide to the Board will show that. Mr. Miller said that with regard to the landscaping, they took comments from Ms. Jainchill's office. He said that their clients are proposing to put a new skin on the building and modernize it. He presented a plan to the Board and said it was the southeast elevation. The colors will be largely white and grey. Mr. Miller pointed out the existing vegetation along the drainage area along with the proposed screening landscaping that they are proposing to do in the front of the building. He said that they think it provides substantial screening and goes along with the kind of clean look they are looking to get. Mr. Miller distributed copies of the revised landscaping plan to the Board. He said that all of the planting are native plants now.

Mr. Miguel Quismondo said the design intent was to get rid of the sign you can see from the road (that says, Cyberchron) and are also going to remove the stone wall that sticks out right now. He said that they are going to remove all the canapés in the front and refinish with light grey stucco and the new extension will be in the back so that standing in the front of Route 9, it is not visible.

Ms. Conner asked what the spiky things were.

Mr. Quismondo said that they are sky lights.

Ms. Conner asked if they would be visible.

Mr. Quismondo said not from Route 9.

Ms. Conner asked what color they were.

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Mr. Quismondo said that they would be a concrete finish and have aluminum or steel, but would not be shiny. He said that they are not that far into the phase of the design.

Mr. Merante asked what the elevation from ground level was.

Mr. Quismondo said that the existing building and it will remain at that, is fifteen feet. He said that the new building...the top of the building is twenty-two feet.

Mr. Merante said that the Board had discussed years ago another applicant who wanted to make his building on Route 9 white and they finally agreed to do more gray than white, because with the fields and hill above being green, the white stands out.

Mr. Quismondo said that is why they want to use light gray. He said that also, the evergreens would screen most of the building. Mr. Quismondo said that they would provide the Board samples of the painting.

Mr. Zuckerman said that he wanted to promote again the notion of further coverage because the building was very large.

Mr. Miller said that it is pretty far from the road. He asked the Board if it was the consensus of the Board that that section of the building needed work. Mr. Miller said that they didn't think it did and are not proposing that.

Mr. Meehan asked what the height of the plantings would be after five years and then ten years. He asked if they would cover the building.

Mr. Miller referred to the plan and said that in one particular area, they would not cover that section of the building. He went over the specific plants and their height and said that there would be a couple of substantial trees.

Mr. Zuckerman said that in looking at the plan, he thought eighty to ninety percent of the walls were bare and could be seen.

Mr. Miller said that once you get up to the loading dock, they are not proposing any landscaping at that location.

Ms. Jainchill said that her point was to put planting closer to Route 9 from the perspective of the cars and because it's closer, it would look bigger. She said that by putting the trees and evergreens in particular, across Route 9, it would block the view for passing cars.

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Mr. Miller said that the only issue they had was that the elevations of the land drops there, so they lose the height.

Ms. Jainchill suggested they do maybe a simple line – site line elevation, to show the height of the tree in the area, to see if it would do the job.

Mr. Miller said that they would take a look at it and will take a look at the area Mr. Zuckerman had referred to.

Mr. Conner asked if the trees were deciduous trees.

Mr. Miller said that the trees growing along the stream were deciduous.

Ms. Conner said, so although they provide screening, they don't provide screening all year.

Ms. Finger said that she liked the idea of the increased vegetation along the stream.

Mr. Miller said that they are not proposing any additional plantings along the stream, as it is heavy there right now. He said that he did not know if they could actually get any more in there.

Ms. Jainchill said that there is a significant amount of lawn between the building and the property line and there is room to put some, even if it is at a higher elevation. She said that it is a study that needs to be done by a landscape architect.

Mr. Miller presented the plan showing the little lawn area in front of the building and said it falls off pretty sharply to the stream. He said that the vegetation seen in there are pretty much at the lower reaches of that hill and it screens anything that would be planted on the hill itself. Mr. Miller said that he didn't know if plantings on the other side of it would do anything.

Mr. Merante asked if they had numbers with regard to traffic in and out of the parking area.

Mr. Miller said a couple of times a week.

Mr. Merante asked if anything would have to be done with the septic system on the residence.

Mr. Miller said no.

Ms. Conner said that there was a discussion of a basement and that wasn't a final decision the last time they talked about that.

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Mr. Quismondo said that they did not know if they could build a basement until they actually do (inaudible) and figure out where the water table is. He said that they depend on that, but the property hasn't been purchased until they finish this process.

Ms. Conner said that her question is...is that part of their approval – whether or not that basement...do they have prove anything about a basement.

Mr. Gainer asked if the basement was intended for occupancy or additional storage.

Mr. Quismondo said additional storage. He said that it is underground and it would not be livable space – by no means.

Mr. Miller said that it would not count as floor area under the Board's site plan authority.

Ms. Conner said that she was wondering if there was something the Board had to (did not finish sentence).

Mr. Gainer said that it would come under the Environmental Review under SEQRA. He said that with regard to the technical review, there were some technical things to resolve. Mr. Gainer said that the most significant item they were anxious to see tonight were building elevations, which hadn't been in their package to date, that's now been provided by the applicant. He said that he thought most everything else can get resolved with whatever re-submittal would be coming in from the applicant.

Ms. Conner made a motion to close the public hearing. The motion was seconded by Mary Ellen Finger. The vote was as follows:

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

Mr. Gainer said that in November, the Board voted to conduct a Coordinated Review, which is still in progress. He said that the Board is not prepared to make any SEQRA Declaration at this point. Mr. Gainer said that there is no further action the Board would be taking tonight.

Mr. Miller asked the Board what the next steps were with regard to dealing with SEQRA.

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Mr. Gainer said that they are awaiting further site plan materials from Mr. Miller's side to accomplish distributions.

**Old Business**

**- Winter Hill (20 Nazareth Way LLC)**

Mr. Watson reminded the Board that the application was a two-lot subdivision – a ten-acre piece that is actually going to be donated to the State. He said that the ZBA granted the area variance for the substandard lot that's going to be conveyed to the State to make the State's parcel larger. Mr. Watson requested the Board schedule a public hearing on this matter in February.

Ms. Conner made a motion to schedule a public hearing for Winter Hill. Ms. Finger seconded the motion. The vote was as follows:

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

**Hudson Highlands Reserve – Conservation subdivision application – Horton Road and East Mtn. Rd. No., Cold Spring: Informal review**

Mr. Ulises Liceaga introduced himself to the Board. He owns a home at 260 East Mountain Road North that he uses as a weekend place. Mr. Liceaga said that presented a plan to the Board. He said that they looked at land that would allow them to have some horses and maybe a house or two. Mr. Liceaga said that the land they found is 86 acres. He said that it was owned by Nate Lyons and proposed as a soil mine. Mr. Liceaga said that the Lyons family subdivided and he bought a piece. They also bought additional land, as they thought they could do something bigger. Mr. Liceaga said that there are two other pieces of land that are contiguous to that chunk (which he pointed out to the Board). He said that there is another piece of land – about 20 acres and is on the other side of the pond. Mr. Liceaga said that based on their research of the Code, they found they could subdivide if they give up eighty percent of their land – they could subdivide it into twenty-four smaller lots and one for a horse facility/farm. He presented the plan to the Board and said they are proposing to have the main access from Route 9, so as to not disturb Horton Road or East Mountain Road North. He said that they are also proposing to create their own road – a secondary road that would lead to where they would locate well heads that would service four houses each. Mr. Liceaga said that they are calling it Hudson Highlands Reserve because they are trying to use a set of environmental strategies that would give them platinum lead certification. He said that their goal is to be as environmentally as friendly as possible and have the least impact possible. Mr. Liceaga said that they are trying to have their own waste water treatment. He explained it was their first sketch and did not have a lot of

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research regarding complex guidelines.

Mr. Meehan asked if the applicant had a time-line for the project.

Mr. Liceaga said that it is early, but in the event they get density approved, they would go forward. He said that their first phase would be to do the access, flagging of the lots and the waste management plants. Mr. Liceaga said that the infrastructure would go first and then they would start with the horse facility and maybe one or two houses.

Mr. Anthony Sunga, Designer for applicant, explained that the proposal for the septic system is a six-phase system that looks at photo remediation processes alongside some conventional systems and uses an eco machine that uses natural processes to help remediate waste in water.

Ms. Jainchill brought up setting an escrow. The applicant stated that they had already set up an escrow account and could give her that information.

Mr. Liceaga said asked if there was anything the Board finds right away that “jumps out” that doesn’t sound right. He said that they did their own research and would like to know that it is ok to keep going with this. Mr. Liceaga said that so far the group has invested a lot of time, resources and money on this.

Mr. Gainer explained to the applicant that it was a little premature to ask the Board the questions as to its initial feeling. He said that the only thing the Board can say is that the applicant follow the intent of the conservation subdivision section of their zoning ordinance. Mr. Gainer said that mathematically it appears that the density calculation appears reasonable, however, it warrants a lot more detailed filing from the applicant before the Board would ever endorse the specific density and layout. He said that he had written a very technical memorandum for the Board just to more or less go through the requirements of the conservation subdivision. Mr. Gainer said that it was provided to the applicant’s office. He said that it was really a matter of the applicant to provide some additional filings, because one of the early steps in the process is to provide a detailed constraints mapping to identify the specific constraints that are of concern that are identified in the ordinance. Mr. Gainer said that they would need to see some very large scale engineering plants to identify all of those issues – wetlands, watercourses, steep slopes, etc. He said that it appears the applicant’s initial filing has merit, but the Board cannot really react to it in any more detail until the applicant provides more detail to the Board to review. Mr. Gainer said that there are a variety of referrals – State DEC, Putnam County Health, Town Conservation Board, and County Planning (239M).

**Correspondence**

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**- Letter dated January 9, 2104 from Dom and Debra Santucci regarding Mountain Trace Subdivision – request for extension of preliminary approval**

Mr. Gaba said that the Santuccis have preliminary approval, which lasts for 180 days. He said that if they don't come in for final approval, then the Board, if good cause exists, can revoke the preliminary approval. If there is no reason to revoke the preliminary approval, then the preliminary approval just continues on until such time as they come in for final. Mr. Gaba said that they don't need to get extensions. He said that the Santuccis are continuing to work toward completion of this project and want to keep the Board aware that they haven't abandoned it, even though they're over the as-of-right period to come in for final. Mr. Gaba said that he would write the Santuccis a letter and clarify that there is no extension to grant.

Mr. Merante asked that Mr. Gaba write the Santuccis a letter.

**Miscellaneous**

**- Training**

Mr. Merante said that today he went through the NYS Department of State regarding basic information on Planning Board procedures. He said that he would like to do some training and asked that the Board members come up with particular topics they would like to discuss. He said that copies of the material he had would be distributed next month.

**- Pre-application meetings**

Ms. Jainchill said that there were two pre-app meetings held since the last meeting. She said that she will continue to fill out the summary sheets and forward them electronically to the Board.

**Adjourn**

Mr. Zuckerman made a motion to adjourn the meeting. Ms. Conner seconded the motion. The meeting ended at 8:30 p.m. The vote was as follows:

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

Respectfully submitted,



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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: \_\_\_\_\_