

Philipstown Planning Board  
Meeting Minutes  
January 19, 2012

The Philipstown Planning Board held its regular monthly meeting on Thursday, January 19, 2012 at the VFW Hall on Kemble Avenue, Cold Spring, New York. The meeting was opened at 7:30 a.m. by Acting Chair, Kim Conner.

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

Ms. Conner announced that the Santucci application/public hearing would be adjourned to next month.

**Public Hearing**

**E. Polhemus Enterprises, LLC: Site plan (soil processing) – Horsemen’s Trail, Cold Spring: Revised plans/discussion**

Mr. Watson said that essentially, they are seeking permission to continue a use that’s been going on for a good number of years, augmented a little bit from the original. He said that it is a seven acre parcel, of which the activities will be limited to the two-acre site that was disturbed and was the floor of a soil mine that was closed roughly thirty years ago. Mr. Watson said that the storage and some processing of material has gone on since then that was conducted and continued to be conducted after the mining was closed by the Polhemus family. The Building Inspector has advised them that there was no c.o. for the activity and to continue, a site plan approval is required. Mr. Watson said that they made the application a couple of years ago. That application did include wood processing and a building. He said that the wood processing proved to have impacts they couldn’t overcome, so they withdrew that from the application. The building became unrealistic from a financial point of view. They redeveloped the site plan and amended the application to what is before the Board today. Mr. Watson said that the core area of the site is roughly level with the road. He said that you come in from one of two driveways – they’re going to close one of them (pointed out on plan). Mr. Watson said that if you come in to the south of the existing garage to the open area that’s been used for many years. He said that until a few years ago, there was also a house on the site that’s been removed. Mr. Watson said that the application is to continue to use the site as a depot for the storage and processing of materials. At the south portion of the site, they’ll be some concrete bins that will store processed material, sand, graded gravel, top soil, etc. It will be toward the northwest of the site. There will be four or five stock piles – each about fifteen feet high, which will be raw material that will be trucked onto the site for processing for storage. Mr. Watson said that some of that will also just leave the

site and not be processed. Towards the northeastern portion of the site, they have located a screening plan – a portable screening plan, which will take the raw material, run it through a series of sids to grade it and size it and turn it into the finished project that will be stored toward the southwest corner of the site. Mr. Watson said that there are a couple of design features that have been added to the site. The site has been re-graded, so the grade will fall gently and evenly toward the northeast corner where there will be a siltation basin to catch runoff and any of the solids that are picked up and carried (sand and gravel) toward and into the stilling basin and the water will drop its solids and either the water will absorb into the ground at that point or in a larger storm, would fill up and will be allowed to spill over and into an existing drainage ditch that's on the northeast line of the property. Mr. Watson said that over the years, there's been a berm built up – a bank of material that's been built up to separate the site from the road. It provides a partial screen, which is actually fairly affective. They're going to build that up a little bit more and a highly dense landscape plan has been developed for that site, so that they'll have the advantage of the additional height and the landscaping plan to screen the activity from the road. Mr. Watson said that as you pass by the garage, it would largely remain unchanged. He said that there would be no soil mining on the site. The grading that exists today other than in the floor of the site will remain unchanged. The back part of the property has gone from meadow to woods over the thirty years since the mining operation shut down. It's not going to be touched. Mr. Watson said that they would provide some additional screening for cars approaching and for the neighbors to the south. There are some additional plantings planted at the southwest corner.

Ms. Conner asked Mr. Watson if he received a copy of Mr. Chirico's letter.

Mr. Watson said that he believed he did, but it was late this afternoon

Ms. Conner said that his concern had to do with drainage. She read that part of the letter aloud (copy on file at Town Hall).

Mr. Watson said that he was sure there was a concern with that with regard to maintenance and they would certainly address it, but the whole purpose of the stilling basin and a major purpose of the grading plan is to direct the water into the stilling basin, so it will simply be overflow and the biggest part of the solids will certainly have dropped out. Mr. Watson said that there is a catch basin and drainage system in the corner (pointed out). He said that he believed that there is runoff coming from the road and coming down along the property line.

Mr. Meehan said that a couple of winters ago, there was some pretty heavy flooding and a lot of ice on Route 9 going toward Giachinta's cement place. He said that (inaudible) the pipe underneath Route 9 couldn't handle the flow of water.

Mr. Watson said that he remembered that and always understood that it was a groundwater problem where it was actually just breaking through the concrete and it wasn't a matter of the draining system failing.

Mr. Meehan said that he thought Joe Giachinta had some comments on that, but couldn't remember what they were.

Mr. Watson said that the drainage characteristics are really going to be fairly well unchanged.

Ms. Sexton said at the site visit, they talked about the screening and dust control, and now there's going to be rock crushing.

Mr. Watson said no. He said that there would be an occasional time – a day or so – when a crusher will be rented and brought in to get rid of the material that's too large to be graded and mixed into the product. Mr. Watson said that would occur on a very infrequent basis. It will also occur behind a screen. He said that there is a well on site, which originally served the house and continues to be available. It will be used to pull water to keep the dust down when needed.

Mr. Leonard asked if there would be noise from the soil processing.

Mr. Watson said that they didn't expect the noise would be much different than it is today and the berm will help deflect it upward from going across the street toward the trailer park. He said that they moved to the north of the property to minimize the sound that reaches the south part of the property, where there's actually an industrial building zone.

Ms. Conner said that there won't be a bathroom facility, so there's no septic tank, and there won't be any regular employees.

Mr. Watson said no, it never is operated that way. It's always been sort of a depot transfer station...work there for a little while and take the product where it needs to go. He said that there might be a day or a week when somebody works there, but typically it's not going to be manned.

Ms. Conner asked Mr. Gaba how they regulate that and if he knew what the rules were on that.

Mr. Gaba said that he didn't believe that anybody regulates that – sanitary (inaudible) by the Department of Health. He said for a port-a-potty, he didn't think there was any permit required.

Ms. Conner said that the Planning Board is not required to require...(did not finish sentence).

Mr. Gaba said on-site sanitary facilities, no – not at all...not for a commercial site like this.

Ms. Conner asked Mr. Gainer if he had any comment.

Mr. Gainer said that the Board had site walk comments that have been distributed. He said that there were a few technical issues he thought that remained, but they can be addressed directly with the applicant. Mr. Gainer said that he thought the largest open issue that he recalled from December was the question of whether with the change now proposed in the use (soil processing), if the Board wished to see an amended EAF to address some of the language they just talked about tonight – dust control, elimination of wood processing.

Mr. Watson said that he thought all of the changes in the site plan could be seen as mitigations to the EAF that they've already submitted and could combine the Part 3 to reflect that. He said it could be addressed in the Part 3 because every change they made mitigates an impact that they've previously identified.

Ms. Conner opened the meeting to the public.

Mr. Mickey Deneher of Sky Line Drive, introduced himself. He said that he would like to acknowledge the Board and thanked them for their work. He said that one of the first things the Board said they talked about was sound...across the street – to the south. Mr. Deneher said that he and his neighbors live to the west and they did not address that.

Mr. Watson said that he was right, he did not. He said that all he could say was that they had a fair amount of distance and did not think the noise was going to change.

Mr. Deneher said, but if he is telling him they are going to increase the amount of activity there – occasionally bring in a stone crusher and doing additional work, how can it not but increase.

Mr. Watson said that it is really a matter of what they deliver to the property line and they will look at that.

Mr. Deneher asked how big the equipment that will be coming on site would be.

Mr. Watson said that if he wanted to get a sense of the size of the screen – the piece that's going to be there more or less permanently, he could look over to where Lyons' is and said that it is going to be a very similar operation to that. Mr. Watson said that he was really guessing, but said they're about fifteen feet high. He said that this (pointed out) might be thirty or forty feet.

Mr. Deneher asked if Mr. Watson said the screen would be there permanently.

Mr. Watson said that it is a portable screen and will be moved around in the general area as need be, but this (pointed out) is the basic area. He said that it might be brought off site when needed.

Mr. Deneher said he was wondering about the amount of trucks coming in, days and hours of operations, etc.

Mr. Watson said that those were enumerated in the Statement of Use. He said that the answer is that it will vary. There might be days where they have a day's worth of trucks coming in and going out, which might happen once an hour or something like that. Mr. Watson said that more often than not, this would act as a depot where they'll be a trip or two a day. He looked in the Statement of Use and said that in the worst situation, you might have 42 trips over the course of an eight-hour workday. Typically, you might have as few as one every couple of hours.

Mr. Deneher said that 42 trips is an incredible amount. He said that they would not be small trucks either.

Mr. Watson said that they're dump trucks.

Mr. Deneher said exactly, so that's just a concern. He said that if you think about Sky Line Drive with regard to the ice, the flooding, the heavy run-off that comes down, the corner is not a large area. Mr. Deneher said if you've got the possibility of 42 trucks coming in and out of there, it concerns him a lot.

Mr. Watson said that he would differ with him when you consider that Route 9 sees 15,000 trips a day. He said that 42 is one every (did not finish sentence).

Mr. Deneher said that Route 9 is a much larger avenue as compared to Sky Line and Horsemen's Trail. He said you're also talking about the volume of traffic. Mr. Deneher said again, it's something for the Board to consider.

Mr. Watson said that with regard to the question of hours of operation, the yard will operate between 7:00 a.m. to 6:00 p.m. Monday through Friday, 7:00 a.m. to 3:00 p.m. on Saturdays, and will not operate on Sundays, legal holidays, except in cases of emergencies. The crushing, on the occasions when it does take place, it will take place only between 9:00 a.m. and 3:00 p.m. on weekdays.

Mr. Zuckerman asked Mr. Watson if he would compare and contrast what will be in the future versus what is now.

Mr. Watson said that he thought the difference is the more regular operation of the screen. For years, material has been stockpiled here and occasionally has been screened, but that wasn't a regular thing. This will be a more regular thing. He said that as far as what's stored there, how it's brought in and out, it would stay the same.

Ms. Finger asked if it was going to be at all similar to the operation just to the north of it at Harold Lyons'.

Mr. Watson said that he thought it was going to be precisely like that.

Mrs. Kelly Martin, 128 Sky Line Drive, introduced herself. She stated that her concern was her children and the buses that pass through on Horsemen's Trail. There are kids waiting for the bus in the morning and getting off the buses in the afternoon. Ms. Martin said that she would think with that many trucks coming in and out, it could be very dangerous. She said that now she knows he does work there, but it's minimal and she hardly ever sees the trucks. Ms. Martin said that 42 seemed like a lot, especially on that road.

Mr. Watson said that if you read the Statement of Use, he painted three scenarios. He said in an attempt to give her the absolute worst-case situation...he truly did not believe that it would be the situation every day. Mr. Watson said, does he think it will happen once in a while?...yes, he does, but it won't be at all typical.

Ms. Martin said that when the bus does come through and she's coming in the opposite direction, she actually has to pull over so that the bus can get by, so it's going to be tight if there is a bus on the road. She asked if they were going to burn there.

Mr. Watson said no burning. He said that there was wood processing stuff turning logs, etc, into mulch. It turned out the noise generated by that was significant.

Mr. David Vicory of 3 Horsemen's Trail introduced himself. He said that he's been an observer of the Polhemus operation for about ten years and it's been an observation that the Polhemus operation is a good neighbor. Mr. Vicory said that he worked there – in the yard, on the farm during the day, and he sees the Polhemus trucks going in and out. He said that he had never seen them go fast. He's only seen them go cautiously – no matter what trucks they drove. Mr. Vicory said that he thinks they are very responsible and good neighbors and would like to see them be able to do what they'd like to do.

Mr. Meehan said that he did not know school buses went down Horsemen's Trail. He asked how many buses there were.

Ms. Martin said two in the morning – one at 7:00 and one at 8:10, and then in the afternoon at 2:45 and then 3:30.

Mr. Meehan said he didn't see any school bus signs.

Ms. Martin said that there is no sign. She said that they actually used to stop on Route 9, but it's too dangerous.

Mr. Meehan said that he thought there should be signage to warn people.

Mr. Gainer said that it's the Board's decision on whether or not to move this forward. He said that the Board could decide also on whether or not to require a new EAF or not.

Mr. Watson said that they could investigate to make sure the Part 2 doesn't have any additional things and then they'll prepare the Part 3 and have that ready.

Mr. Gaba said that the Board needed to vote on the EAF and if Mr. Gainer circulates the Resolutions, they'll just be drafts for the Board to review and the Board will still look at the EAF. He said that with regard to the issues of noise and traffic, the Board will want to take a hard look at them before it makes any determination and if there needs to be any changes, they could certainly be incorporated.

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

Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Anthony Merante	-	Absent
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 would like to request a 90-day extension as the paper work is taking a little longer than they had expected.

Mr. Gainer asked if the applicant had in his notes the date of the original approval.

Mr. Marconi said that it was February 17, 2011.

Mr. Gaba said that you could get as many 90-day extensions as you want – that's not a problem.

Mr. Leonard made a motion to approve the 90-day extension. Mr. Meehan seconded the motion. The vote was as follows:

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

**Nancy Olnick Spanu – 245 Avery Road, Garrison: Revised plans**

**a. Approval of subdivision plat showing lot line adjustments**

**b. Approval of site plan**

Mr. Watson said that they made the site visit a couple of weeks ago. They had the demonstration out there to give some idea of how the building's color would mitigate the impact of the size of the building. Mr. Watson said that what they want to do first is to take four parcels and re-adjust the lot line so they can build another large residential structure. He said that they're moving the lot line between the developed lot on the

extreme southwest of the property and the main house on the property...moving the property line slightly to the west essentially to clear some retaining walls that support the building to the east. Mr. Watson said that they are taking a piece – it's really a non-building...it's the property for all intense and purposes between Indian Brook Road...it's a very steep drop and is not a very useful piece of property. So rather than just leave it go for taxes or anything like that, they want to merge that to the other pieces of property so its tax impact is minimized. Mr. Watson said that the major change in the lot line is to develop two conforming lots under the new zoning in such a fashion that they are taking most of the property on the eastern part of the property and making it available for a new residential structure and combining the existing farm operation and Olnick's residential use onto a single lot in the western portion of the original property. Mr. Watson said that the subdivision will allow the construction of the new structure, but with regard to the rest of the property, there's no physical change that they anticipate will occur. Concurrently, the applied for a site plan approval, which he believed is the first site plan approval for a residential structure in Philipstown. Mr. Watson said that it is required in this zone when the building footprint goes over three thousand square feet. He said that this is a little less than 20,000 square feet. It will be a residential structure. It will also serve to display and store artwork in the Olnick-Spanu collection. Mr. Watson said that he would stress that this is not a public access piece of property. It is not a museum and is not going to be open to the public, although as a side bar, he can't imagine that the Historical Society isn't going to want to have their cocktail party there in June. Mr. Watson said that within the scenic protection overlay that is along the frontage of Avery Road, there would be no changes. He said that the driveway will stay the same and if the Board gives them the waiver they requested to waive the requirement to build a cul-de-sac at the end, they'll be no physical change in the driveway at all except the extension of a driveway into the new building. Mr. Watson said that they are working with the applicants on a landscape plan that will provide some screening to the house to the southeast and to the house to the northeast. He said that as part of the EAF they would have some demonstration of that impact, which they believe will be minimal. Mr. Watson said that they have tested for a septic area and are going to the Health Department for a permit to construct a septic system. He said that they are collecting the storm water – diverting some storm water from above around the building and collecting the storm water from the building and are going to put it in a storm water treatment system near the southern property line. Mr. Watson said that and the beginning of the property is within a hundred feet of wetland, which on the non-rendered version you can see the wetland boundary, and they have applied for a permit to construct a storm water system and the driveway.

Ms. Conner asked if it was a single story.

Mr. Watson said yes. He said that the rendering shows what was going to be a second story projection. They're gone.

Mr. Meehan asked what the interior of the building was, how many residents and if they were going to have an art gallery.



Mr. Watson said that it's going to be a three or four bedroom residence. He said that the living room and common space is going to be left very open and very large with perhaps some sliding partitions there that would accommodate some of the artwork .

Mr. Meehan asked if the Board would be seeing a visual on that.

Mr. Watson said yes, it will. He said that they did submit some elevations...the basic idea has not changed.

Mr. Leonard asked if they received anything back from the Fire Department.

Several members said no.

Mr. Gainer said that the Board has a review from him. He asked Mr. Watson if he indicated there would be modifications to the building size.

Mr. Watson said the height. He said that the footprint is staying the same.

Mr. Gainer said those should be understood resolved, but if the Board wished, it could consider scheduling a public hearing required for the subdivision.

Ms. Finger made a motion to schedule a public hearing. Mr. Meehan seconded the motion. The public hearing will be scheduled for the next meeting, February 16<sup>th</sup>. The vote was as follows:

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

Mr. Gaba asked if this was referred to the CAB.

Several board members said yes.

Mr. Gaba asked if the Board heard anything back from them.

Mr. Watson said they did not.

**Garrison Station Plaza, LLC (Garrison Station Plaza) – Site Plan- 7 Garrison Landing, Garrison: New Submission**

Mr. Watson said that this is the former Guinan's property. It underwent considerable review a couple of years ago which took a long while because the public wanted something akin to Guinan's back there. He said that Garrison Station Plaza agreed to study the possibility of a restaurant and have a number of people – at least two that he knew – interested in putting a restaurant in the building and ultimately concluded that

they were unable to do that because none of the people who wanted to put the restaurant in could present a business plan that made sense to the owners. So ultimately, they brought the project back to life and it was approved for a multi-use – an apartment upstairs and offices on the lower two floors. Mr. Watson said that they have a very responsible restaurantor who is willing to put a restaurant back in the building and has come forth with a plan and a proposal that's acceptable to the owner, and that's the Garrison Golf Club. He introduced the manager and co-manager who were with him. Mr. Watson said that they don't plan any significant adjustments to this site plan. They do have to go back to the State to increase the septic flow. He said that they have been approved for 750 gallons, which would support the apartment and offices, but a restaurant obviously uses much more water. Mr. Watson said that they have a record flow for the building at 1500 gallons a day, which is the maximum they can get approved, so they're going to reapply to the State for essentially a parallel system, which will double the capacity. It will be a packaged treatment plan and will be substituted for the pipe that just went into the river. It will go through the treatment plan, through grease traps with regard to the restaurant and a septic tank...instead of going into the river in raw sewage, it will go into the river as treated sewage. Mr. Watson said that they already got the water quality write-off on the disturbance that will be required to the bank of the river, but because they're changing the plan, they have to get a new permit and they're working on that as well. Mr. Watson said that the new parking requirements because they're going to have two apartments, a studio and he thought a three-bedroom apartment as well as a restaurant and a small retail sales area, which is intended to cater to commuters with coffee and newspapers, etc. He said that hopefully this will be a much more palatable use to the property, that will be a place available to the neighbors. Mr. Watson said that it would be a neighborhood restaurant and tavern. As described in the Statement of Use, they're required to have eighteen spaces, which they have along Station Road. Mr. Watson said that they would provide a letter to this affect. He said that Mr. Gainer said that they have to have some demonstration that they have a right to the parking. Mr. Watson said that he has not spoken to them, but was certain from the results of previous conversation that they can provide a letter or whatever will satisfy that requirement, from the Garrison Landing Association to the Planning Board that they will support it by making the parking available.

Mr. Gainer asked Mr. Watson if he would speak to the issue of the prior review for New York State Office of Parks, Recreation & Historic Preservation. He asked if there were any further changes from what they had reviewed.

Mr. Watson said that the major change that they insisted was that the stucco finish be retained and that's being maintained. He said that there are some minor architectural changes. Mr. Watson said that a juliet window is being proposed at one spot and there's an outdoor staircase, which is adjacent to the building. Whether or not that will be a problem he did not know. Mr. Watson said that he said that the referral must go...DEC must do it because of the SPEEDES permit that's got to be changed, so it will go through that again. He said that he did not know not what to expect in terms of the minor changes that are proposed, but the applicant is aware of that possibility and is willing to deal with it to try and make the changes so that the building will be most appropriate for their use.

Mr. Zuckerman thanked the applicants for bringing this back. He said that one consideration he wanted to raise is the garbage at the site, that's always been a problem. Commuters would throw garbage around the area and it wasn't ever maintained. Mr. Zuckerman said that he'd love to suggest they have some sort of receptacle for garbage.

Mr. Watson said that he was sure that could be accommodated and did not see that as a problem at all. He said that they would certainly address that issue.

Mr. Gaba said that the Board could set the public hearing, but it must decide whether it will be treated as an amended or a new site plan application, declare Lead Agency under SEQRA and refer it to the County.

Mr. Leonard made the motion that the Board declare itself Lead Agency. Mr. Meehan seconded the motion. The vote was as follows:

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

Mr. Watson said that the SEQRA referral has to go to DEC and Putnam County Health. Those are the only two involved agencies.

Mr. Gainer said that the CAC is now involved.

Mr. Watson agreed. He said that the interested agencies is the County Planning Board. Mr. Watson said that he just as soon would have it done earlier rather than later. He said that he would put the packages together.

Mr. Zuckerman made a motion that the Board send a 239 referral to the County. The motion was seconded by Ms. Finger. The vote was as follows:

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

The Board decided to hold a site visit on Sunday, February 5 at 9:30 a.m.

Mr. Leonard made a motion that the Board schedule a public hearing. Mr. Meehan seconded the motion. The vote was as follows:

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

**Viewsave, LLC/Hudson Valley 2009 Trust/Gerald E. Morris – Subdivision plat showing merger and lot line adjustment – Beverly Warren Road, Garrison: New submission**

Mr. Watson said that they want to take three lots and make it into two. He said that they don't anticipate any physical change at all. Mr. Watson referred to the plan and pointed out the piece of property that Gerald Morris owns and stated that it is fully developed with a house and other features. He said that it was, a number of years ago, divided from the larger piece of property and the remaining parcel was owned by Joe Chapman. Joe Chapman sold the piece of property to Roger and Elizabeth Ailes. Roger and Elizabeth Ailes have put the property into a trust. Mr. Watson said that Mr. & Mrs. Ailes own and live on the piece to the south of the property. It's not part of the application. They also own a couple of other pieces to the south of that. Mr. Watson said that for a number of years Boscobel owned the vacant piece of property (pointed out). It falls steeply from east to west from the upper part of Beverly Warren Road. He said that Boscobel decided they could no longer be caretakers of the piece of property and they offered it for sale to the neighbors. Mr. Ailes and Mr. Morris formed Viewsave. They're each fifty percent members. They held it for a couple of years in their LLC. They've decided they wanted to split their interest. Each person is going to get half. Mr. Watson said that the half that Roger Ailes owns he is going to convey to Viewsave and eliminate the lot line, thus making Viewsave property go from two acres to sixteen. Mr. Morris is going to merge his half - sixteen acres, making the Morris property go from two acres to sixteen. So essentially, they have an un-subdivision subdivision. Mr. Watson said that neither of the properties will become a legal building lot. There will be mutual rights to maintain views. Mr. Watson said that he believed, and will confirm that they would mutually agree that none of it will ever be built on.

Ms. Conner said that it said that parcels are 8.3, not sixteen.

Mr. Watson said that Ms. Conner was right, and he misread it. He said that it's 8 and 8 – a total of 16.

Ms. Conner said so they both are under.

Mr. Watson said that they are reducing a non-conformity. They're not increasing it. He said that he could make one conform and not the other, but they need to balance equities here. Mr. Watson said that he thought this was a permissible thing because they're reducing non-conformity, but they don't have the ability to eliminate it.

Mr. Gainer said that there are also yard issues on the developed properties, but they're not made any more non-conforming. That's the boundary between the lots themselves. That can't change.

Mr. Meehan asked if it was a steep piece of property.

Mr. Watson said that he thought the whole thing was steep. He said that there are some flatter areas, but it is certainly a steep piece of property.

Mr. Meehan asked a question (inaudible).

Mr. Watson said that he did not think so, but didn't know for sure. He said that there is no public access and that he was sure of.

Ms. Conner said that there was a topo map he didn't want to...(did not finish sentence).

Mr. Watson said that without any physical things happening, there really seems little justification to require it and that's why they asked for it – just to save the expense.

The Board agreed to schedule a site visit for this property.

Ms. Conner said that they could do it at the same time as the other site visit – immediately following. She said that it would be on February 5<sup>th</sup> at 10:00 a.m.

Mr. Meehan made a motion that the Board declare itself Lead Agency for SEQRA review and refer the application to the County (239). Mr. Leonard seconded the motion. The vote was as follows:

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

Mr. Leonard made a motion that the Board schedule a public hearing on this matter for February 16, 2012. Ms. Finger seconded the motion. The vote was as follows:

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

**Mary Ellen Finger – 3 Horsemen's Trail, Cold Spring: Revised plans**

**a. Approval of a three-lot subdivision**

**b. Approval of site plan**

Ms. Finger recused herself from this matter and left the building.

Mr. Watson said that he would sum up what's happened so far and what they might expect to accomplish tonight and then turn the meeting over to Rob O'Donnell from Robert E. Lamb to go into any questions with regard to the site plan. He said that since the last meeting, they submitted the suggested Part 2 of the EAF. Mr. Watson said that he knew the 239 and SEQRA referrals were made and as far as he knew, none had come back so they don't really expect there will be any action on that tonight. He said that he did not expect there would be any action to set a public hearing tonight, but did expect to go back with a little bit of homework to do so they could come back next month ready to schedule a public hearing. Mr. Watson said that the Board made a site visit on Sunday. He said that they all parked in the northerly part of the parking lot – more or less, and walked up to the building site on the southern part of the property and saw the stakes that outline the proposed building. He said that they discussed the grading that would occur in order to create the parking lot, which essentially, is taking down some of the top of the hill and raising up the parking area. Mr. Watson said that was about all he was going to say about it. He said that his part of the project really has to do with subdividing the property. Mr. Watson said that as a reminder, the property does have approval of a five-lot subdivision. Three of those lots have been filed on record, but they have no conveyance that's been made, so it's a fairly easy matter to undo. Mr. Watson said that they are now proposing three lots and essentially, they're going to eliminate one of the residential lots in the back in favor of the single lot, with basically the same plan improvements. He said that they are taking the two lots that were approved in the front, combining them and taking a part of the fifth lot and combining that to make a seven acre lot on which the site plan proposed by Entergy will be built. The back residential lot and the "farm lot", which is actually another residential lot, will continue to operate as a farm. Mr. Watson said that Dr. Finger and her husband would continue to live there and operate the farm. He said that their access would change somewhat. They will build a gravel, open area development road in lieu of the regular standard residential road that had been proposed. The road is less than half as long, it's narrower and there will be a private driveway extending in place of the paved road. Mr. Watson said that the Entergy lot will be accessed directly from Horsemen's Trail.

Mr. Rob O'Donnell introduced himself and stated that he was with Robert E. Lamb. He stated that his office was responsible for the land development within the subdivision Mr. Watson was creating from the Finger property. Mr. O'Donnell asked if the Board had any questions on the walk-through that the it did not have the opportunity to ask the day of the visit on anything they are proposing on the property.

Mr. Zuckerman said that he was struck by the grade and amount of the property. He said the perception is an enormous amount of dirt they'd be moving around to level it and asked if Mr. O'Donnell would give the Board a characterization of the amount. Mr. Zuckerman asked if it was a large, minor or long endeavor.

Mr. O'Donnell said that it is not a long endeavor. He said that it's an average endeavor for a property like this, especially in a topography such as this region. There are only a limited number of available flat acreages of property, as most of them are used up. Mr. O'Donnell said that this is very normal for a facility like this or any other office building. During the beginning of construction, there will be grading and they will be rotating through moving soil from where the building will go over to where the parking lot area is and toward the lower section of the smaller parking lot.

Mr. Gainer asked if Mr. O'Donnell could quantify the amount of material to be moved.

Mr. O'Donnell said that he could, but he'd have to get back to him on that, as he forgot the number. He said that about a month ago, they did engineering cut and fill calculations.

Mr. Meehan asked if they envisioned any blasting.

Mr. O'Donnell said no sir.

Mr. Meehan asked if they had done any testing.

Mr. O'Donnell said that they had done tests and the grading seen is clear of any type of blasting or major rock work.

Ms. Conner asked if Mr. O'Donnell would tell the Board again what the purpose of the building is and who would be coming there.

Mr. O'Donnell said that they had a representative from Entergy present to give that presentation. He introduced Mr. Don Mayer to the Board.

Mr. Mayer said that he was the senior manager responsible for managing this project. He said that it is basically an office building. Mr. Mayer said that its purpose is what they call an emergency operations center. He said that basically what it is, is a command center in the unlikely event that they did have an actual (inaudible) at the plant, this facility would be manned. The normal manning would be in the range of about sixty people. Mr. Mayer said that its primary function is to provide computer equipment and space for engineers and support people to gather and then they take over what's called command and control for communications with the Towns and the State.

Ms. Conner said, so it's not an evacuation center.

Mr. Mayer said no, not at all. In fact, its usage would be limited to probably in the neighborhood of about four or so drills a year, and then on a larger scale, every other year they have a (inaudible) exercise, where they may have a hundred people at the facility for the day. Mr. Mayer said that someone used the term "lights-out facility" and said that essentially, it's there in the case of an emergency.

Mr. Gainer said that it was understood at the site visit that Entergy had done significant site studies to evaluate sites to narrow it down to this. He asked if there was some simple documentation Mr. Mayer could provide just to understand the extent of that review, in terms of the number of sites.

Mr. Mayer said yes. He said that essentially, it was...they had their own goals in terms of travel time and also in terms of where their people live. Mr. Mayer said that they tried to make it a little more convenient, as the majority of people live north of the plant. Also, the Route 9 corridor is ideal for them to move in and out. Mr. Mayer said that they did look at some other sites that were promising, but in one case, one of the sites had some ideal characteristics, but it was below the flood plain and they didn't want to take the risk. Mr. Mayer said that they would provide the Board with that information. He said that it was kind of a relatively narrow geographical range that they were focusing on and then they had travel time perimeters and other factors to be considered. Mr. Mayer said that this site was the ideal site. He said that there was another site in the County that they did look at, but this turned out to be the best site.

Ms. Sexton said that it is 180-car parking lot. She said that they are calling it a lights-out facility, but spoke about three shifts – coming and going, and it only being used four times a year. Ms. Sexton asked what the necessity was for the 180-car parking lot.

Mr. Mayer said that basically they are planning for an unlikely event. In the event that they had an actual emergency at the plant, they want to have enough margin so that they can bring in their staff, have all the people present at one time, plus ability for press, and other people to come and go, and then they can do shift change within the facility. He said that quite frankly, they did build in some margins so that (tape ran out). Mr. Mayer said that he had been there for almost thirty years and basically, during an emergency planning drill, that facility might get forty or fifty people coming to the facility, and during that day, you'd have traffic in the morning, everybody park and then at the end of the drill...it's an orderly process – not everybody is jumping in their cars and running off at the same time.

Ms. Conner said that the one thing the Board asked at the site visit was with regard to a lot of impervious surface and whether it's possible to do some pervious pavement just to help infiltrate better and manage the storm water.

Mr. Mayer said that they did look at that and had studies done on the soil. He said that they found that instead of using the pervious concrete or asphalt scenario, the more cost effective scenario would be to use conventional paving and then collect the water in chambers underneath and that would perc underneath in almost the exact same manor that pervious paving would, except for a more concentrated area – but still well within perforated soil.

Ms. Conner said that the Board did have a letter from Mr. Chirico, Highway Superintendent. It was a similar kind of note about drainage on Horsemen's Trail and he



wants to insure that the project is going to offset impacts and the infiltration testing was performed.

Mr. Mayer said that it has been performed and as a matter of fact, what they were able to achieve using this scenario was that it would take more than four inches of rain to even have the (inaudible) run off the site. He said that all of it is collected, all of it is infiltrated and kept on site, and so until you have a storm event that exceeds that, everything's going to stay onsite.

Mr. Zuckerman asked what kind of security they would have. He said that he worried about random people having a joy ride with their car in a parking lot. Mr. Zuckerman asked if it would be gated.

Mr. Mayer said no, there would not be a gate around the entire perimeter.

Mr. Zuckerman said what about the driveway entrance and asked if anyone could drive into the property.

Mr. Mayer said yes.

Ms. Conner asked if there would be security cameras.

Mr. Mayer said yes. He said that there are exterior and interior security cameras and they are remotely linked to the rest of the corporate security system.

Mr. Meehan asked if that was acceptable.

Mr. Mayer said that is acceptable. He said that they do have the security cameras and if they run into difficulties with that, they'd have to (inaudible), but the facility is an office building with some computers and they want to keep it safe and active, but they don't see any need for any further security measures. Mr. Mayer said that is something that as time goes on, if they develop issues, they may have to enter into some agreement with the local Sheriff's Department, but at this time, they think it is adequate.

Mr. O'Donnell said that they do have minimal site lighting so if people did go into the parking lot, they will be in view and will be recorded.

Ms. Conner asked if there was signage directing people there.

Mr. Mayer said no. He said that there is no outward advertisements any where along here (pointed out on plan).

Mr. Meehan asked Mr. Mayer if he had received a copy of Mr. Gainer's comments.

Mr. Mayer said that he did not.

Mr. Gainer said that with the site walk comments he just issued today. He said that he wanted to make sure the Board was satisfied with the comments. They were sent to the Board as draft, so he could release them now. Mr. Gainer said that he would give them to Mr. O'Donnell in the morning.

Mr. Leonard asked if Mr. Mayer would take a moment to describe the screening, as when they were on the site visit, there were some concerns to the southerly portion.

Mr. O'Donnell said that their intention was to fill in the gaps where there were any trees that were along there and there are an abundant number of trees. Of course, during winter time, you can see right through them, but there are a few gaps, which they tried to fill in with the graphing on the plan. He said their intention was to make a uniform tree screening so that when it had leaves and you were driving along Route 9, you really wouldn't see the building at all.

Ms. Conner said, so no evergreens.

Mr. O'Donnell said no. He said that they do have evergreens on the backside of the site – between Finger's residence and this property, they had an l-shaped row of evergreens.

Ms. Sexton said that the Board did speak about increasing shrubbery and screening. She said that as far as she's concerned, on Route 9, you're going to see it. Ms. Sexton asked that they do something to make it look better.

Mr. O'Donnell said o.k.

Ms. Conner said to break up the facade a little bit. She said that it's a massive building compared to what's around it.

Mr. O'Donnell said that they do have some bushes along the front and minimal things. He said that their biggest concern will be vision for security cameras and then within those holes, will put in some additional landscaping, so it's a softer look from the street.

Mr. Gainer said that he did not think the Board expects that they hide the building. He said that it's exactly as Mr. O'Donnell described – if they could soften that appearance, as it is a large building. Mr. Gainer said the Board wants to see more enhancements to the landscaping.

Mr. O'Donnell said that's valid. He said that they have trees and can put them in more strategic locations that would make a more amenable view from the street.

Mr. Gainer said that he wanted to bring up the issue, with regard to the subdivision, all the structures that are on there now – trailers, etc., and understood that some of those would be removed from the site and others would remain on the farm parcel. He said that it better be understood and delineated and if there are any structures that are occupied, if any have co's, etc., and they should clean up as necessary.

Mr. Vicory said that they had two (inaudible) trailers – they had three a while ago. He said that there are some construction registered working trailers. There are a couple of older ones that are used for farming storage and as far as he knew, were all acceptable...they made an agreement with the buyer to move them off and put them in an acceptable aesthetic way. He said that there are at least three falling apart trailers – two pop-up trailers that they used as accessory trailers just for moving stuff around and storing and they'll be disposed of probably. He said that he thought he had one parts car that will be scrapped out. Most everything else is all cleaned up and organized.

Ms. Conner asked if those were used as residences, do they need a c. of o.

Mr. Gainer said that he thought ultimately the Town's CEO will be involved if he finds it necessary. He said that he just wanted it understood that those structures were on the property and then mostly will remain.

Mr. Zuckerman said that at the site visit, they spoke about the road access from 9 and asked if the Board received Mr. Chirico's comments.

Mr. Gainer said that he just got them tonight and he would send them to the Board.

Mr. Meehan asked Mr. Gainer if the Board was going to do a Part 2.

Mr. Gainer said yes, but he had not reviewed it to the depth he should before they get into it.

Mr. Gaba said that he thought the applicants should review Mr. Gainer's comments and then submit something further in regard to that. At the next meeting, the Board can go over their responses and the Part 2 and set everything up for a public hearing after that.

Mr. Watson said that he wanted to ask to work with Mr. Gainer to go over a couple of things. He said (inaudible) the suggested Part 2 and he thought that was the one Mr. Gainer said there might be a couple of changes. Mr. Watson said that he'd like to get started on those, so with the Board's permission, he'd make contact with Mr. Gainer and get that ball rolling.

The Board agreed.

### **Adjourn**

Mr. Zuckerman made a motion to adjourn the meeting. The motion was seconded. The meeting ended at 9:15 p.m. The vote was as follows:

Kim Conner	-	In favor
Mary Ellen Finger	-	Recused
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Anthony Merante	-	Absent

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.

Approved: \_\_\_\_\_