

DRAFT

Philipstown Planning Board
Meeting Minutes
December 8, 2011

The Philipstown Planning Board held its regularly monthly meeting on Thursday, December 8, 2011 at the VFW Hall on Kemble Avenue in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman, Anthony Merante.

Present: Anthony Merante
Michael Leonard
Kerry Meehan
Pat Sexton
Neal Zuckerman
Steve Gaba, Counsel
Ron Gainer, Planner

Absent: Kim Conner
Mary Ellen Finger

Constance Bakall – Approval of three-lot subdivision – 1212 East Mountain Road, Cold Spring: Request for return of escrow

Mr. Merante asked Mr. Gainer if he had any comment.

Mr. Gainer said no, as there been no further involvement.

Mr. Merante asked if the Board had any comment.

There was no comment.

Ms. Sexton made a motion that the Planning Board forward a letter to the Town Board asking that the escrow be returned. Mr. Leonard seconded the motion. The vote was as follows:

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

The Berner Family – Approval of two-lot subdivision – Jaycox Road, Cold Spring: Request for return of escrow

Mr. Merante asked Mr. Gainer if he had any comment.

Mr. Gainer said no, as there had been no involvement in a while.

Ms. Sexton made a motion to return the escrow. The motion was seconded by Mr. Zuckerman. The vote was as follows:

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

Yung and Ming Wang – Two-lot subdivision – Jaycox Road, Cold Spring: Request for 90-day extension

Mr. Merante asked Mr. Gainer if he had any comment.

Mr. Gainer said that he had no objection.

Mr. Meehan made a motion to approve the 90-day extension. The motion was seconded by Ms. Sexton.

The vote was as follows:	Anthony Merante	-	In favor
	Kim Conner	-	Absent
	Mary Ellen Finger	-	Absent
	Michael Leonard	-	In favor
	Kerry Meehan	-	In favor
	Pat Sexton	-	In favor
	Neal Zuckerman	-	In favor

Public Hearing

Dominic and Debra Santucci (cont'd) – Mountain Trace Subdivision – Canopus Hollow/Sprout Brook Road: Discussion

Mr. Merante said that in going through the file, he had to eliminate anything that was prior to this - it involved five or four lot subdivision. The latest request was for a three-lot subdivision on this application. He said that the last EAF he had deals with a four-lot plan. Mr. Merante said so until the Board gets an updated one, they're not going to be able to go any further with this on the evaluation in doing the Part 3.

Mr. Gainer said that he contacted the applicant just today to remind him that this was actually a public hearing and the applicants are aware and will make a presentation. He said that the environmental documents should be updated to reflect the three-lot proposal they're currently bringing to the Board for action.

Ms. Santucci said that wanted to apologize because when she and Mr. Santucci left the meeting in October...maybe there was a misunderstanding – it could have been on their part, but they were not aware that there would be a public hearing tonight. She said that they thought that the Chairman of the Wetlands Committee was going to come and explain the letter and that's all they thought was happening, so they didn't prepare this evening with their engineer. Ms. Santucci said that Mr. Gainer had contacted their engineer and it was a total communication, which they'll take the blame for if that's what happened. Again, she apologized to the Board. Ms. Santucci said that they did come tonight with whatever they could get their hands on. Their engineer couldn't make it. She said that hopefully, they could answer...at least this evening might not be totally wasted and they could answer some questions and try to not lose this evening totally and give the Board whatever information it needs to proceed.

Mr. Merante said that this is a continuing public hearing. He said that they could take public comment. Mr. Merante said that he was not sure if he read a letter from Mr. Koch regarding this sort of application that goes on seems like indefinitely. He read the letter aloud (copy on file at Town Hall). Mr. Merante said that the policy Mr. Koch talks about is now in effect, however, this application predates that by a long time. He said that he was not sure this went on for any period of time that would have triggered that anyway, but he wanted to address the question he had. Mr. Merante asked Mr. Gainer if he had any comment before they started.

Mr. Gainer said no.

Mr. Santucci said that they just found out this afternoon that this was a public hearing when Mr. Gainer had called them. He said that he would do the best he could and will answer any questions he could. Mr. Santucci said that he had all the charts from nine years ago, when they came in with the five-lot subdivision. He presented a plan and stated that they determined that this (pointed out) was the only way to come up there – through the front. Mr. Santucci said that there is no other access to get onto the property. He said that they don't have too many choices, so they went from a five-lot, which clearly shows all of the disturbance. Mr. Santucci said that this was just to show the different site plans that they did – showing the

four-lot and then went to the three-lot. He said that he had one that shows a sixteen percent grade and another one that shows seventeen percent grade.

Ms. Santucci said, but not on the entire road.

Mr. Santucci said that he believed the chart tells the Board that they are coming to the Board to try to get it to sixteen percent instead of fourteen percent. He said that he believed it was about 450 feet that will be the sixteen percent. The rest is going to be fourteen percent. Mr. Santucci said that Mr. Gainer knows the site. On his recommendation, they thought they'd widen the little path that's there now. He said that the Board could see there's much less disturbance. Mr. Santucci said that he believed the numbers were 11,000 cubic yards.

Ms. Santucci said that people in the audience need to know that they did start out with five lots ten years ago and on the suggestion of one of the prior Chair's, they gave up one of the lots and went to the four-lot, which was a little less disturbance. She said that the Board she guessed felt it was still a lot and was something that possibly wasn't going to work. Then they approached Mr. Merante and Mr. Gainer and asked them to please confer with their engineers and Mr. Gainer was actually onboard and suggested the three lot as being a better alternative – using the path that's there, possibly a much, much more decreased chance to even have to blast, where before with the other two plans, there would be definite blasting involved. Ms. Santucci said that there is a chance here that they wouldn't even have to do that. She said that the cuts and fills are significantly less. Ms. Santucci said that they've heeded the call, heard the Board's concerns, met with the Board's engineer and are trying to do the best they can to use their property. They are land owners and have paid taxes for ten years on this land. Ms. Santucci said that they do want to go forward and would like some sort of a resolution. She said with regard to Parts 1, 2 and 3 of the EAF, they would have no problem updating that. Ms. Santucci said that as they discussed in the prior meeting, they'd like to know if the Board could be on board with this road and consult with Mr. Gainer. She said that they don't know what direction to go in and that's why they haven't done it yet.

Mr. Gainer said that the application goes back to 2001. It started out as a five-lot proposal. It proceeded through the Board for some years and in 2004 and 2005, the Board initially held public hearings on the proposal. Through that process it was reduced to a four-lot subdivision – still very much the same as the five-lot...just one lot was reduced. Mr. Gainer said that he had been involved on behalf of the Board with this project since 2009. That's when the applicants came back and sought to get an appearance before the Board. Mr. Gainer said that at the direction of the Board, he's made multiple site visits to the project and on just about every occasion he brought out the Town Wetlands Inspector, to get his guidance. He said that in trying to discern what the best possible outcome could be, to see if the project could be realized, they re-submitted in that timeframe the four and five lot projects and asked the Board to consider them. During all the site visits he and the Board have made, it was clear that a lesser density could only be appropriate. Mr. Gainer said that he was not an advocate for the applicant, but he did ask them if they'd consider any lesser density than the four-lot project, which was the most current. He said that they then considered that for some period and eventually did come back with a three-lot proposal, which they again reviewed in the field. Mr. Gainer said that the Board has some historical correspondence from them just documenting the site visits that were done with Mr. Klotzle. He said that is where the project now sits. Mr. Gainer said that in discussions, with their original proposal to go to the three-lot project, the whole intent was to try to see if some design could be developed that would utilize the existing access to gravely minimize disturbance to the property. Mr. Gainer said that they came back with a three-lot proposal, using generally the alignment that the Board has all walked up. It was their original proposal to utilize the 17% grade for some portions of the access just so that they essentially ran along existing grade. There was very limited cuts and fills necessary. Mr. Gainer said that they advised them that it substantially exceeded the 14% grade that is in the code, and suggested they reconsider it. They then came back with a 16% grade for those portions of the roadway. Other portions are lesser than that. Mr. Gainer said that they've not supported that proposal either, but it clearly gets to a point where you have a clear comparison as to impacts to the site. He said that the applicant is seeking to understand if the three-lot project is something the Board wishes to support, they would then move forward through their engineer. Mr. Gainer said that if the three-lot proposal is something the Board wants to see further evaluation conducted on, they'll modify the plans as necessary. He said that in these discussions, he thought they've also clarified with the Board's attorney that if the

Board wishes to waive that requirement at any extent, it's a decision that this Board would make – it wouldn't go to any other Board.

Mr. Gaba said that the Board is at the public hearing stage right now and are still gathering information. He said that he did not think the Board was in a position to make any pronouncements one way or another. Mr. Gaba said that he thought once the public hearing is closed, the Board would be in a position – perhaps, sooner or later, to make comments to the applicant.

Mr. Merante asked if the Board had any comment.

Mr. Zuckerman said that he'd like to hear other voices/opinions.

Mr. Leonard said that obviously, the other option was they could do 14%, but it would be extensive.

Mr. Santucci said that if he's going to do the 14%, then he should get the fourth lot...it's going to be a lot more impact.

Mr. Zuckerman asked what the frequency of precedent of waiving grade was.

Ms. Sexton said they've done it.

Mr. Gaba said that they've done it, but he didn't know if they've ever done it to sixteen percent though.

Mr. Zuckerman said that it would be helpful to know the facts, as he didn't know the history.

Mr. Gaba said that the only time he remembered coming across it is when they had oda roads come in. He said that they asked for waivers frequently and he remembered turning them down. Mr. Gaba said that maybe once or twice he remembered giving a waiver on it and it was way less than 16%.

Mr. Santucci said that 16 to 14 is two feet within a hundred feet range.

Mr. Gaba said no it isn't.

Mr. Zuckerman said that he wanted to know the history.

Mr. Merante asked if anyone from the audience wanted to speak.

Mr. Galler said that he wanted to ask that the hearing stay open, because he thought the comments he was planning to make tonight he didn't think should be made until the updated environmental short form/assessment is available to the Board and he could get it for a foil request.

Mr. Merante said that with the change of information tonight and from what he discovered today, the Board did not plan on closing the public hearing tonight.

Mr. Koch introduced himself. He said that this has been going on for ten years – five years with a lot of activity during that period of time. Mr. Koch said that there have been experts that testified, engineers, and environmental people. He asked how many of the Board members were on the Board when Mr. Naderman gave a presentation. Mr. Koch said that he guessed just Mr. Meehan. He said that he gave an extensive presentation, had mark-ups of the site, and went into a great amount of detail on some of the issues that could happen. Of course, a lot of it may have had to do with blasting in certain areas, which he understood now had been minimized to some degree.

Ms. Santucci said hopefully, none at all.

Mr. Koch said, but possibly some. He said that there were a lot of issues about the roadway. Mr. Koch said that this roadway looks like it's essentially going the same way that the prior roadway is going.

Mr. Santucci asked if he was referring to the one with the five lots.

Mr. Koch said yeah. He asked if it was going up the same course.

Ms. Santucci said that it's different.

Mr. Santucci pointed out the four-lot and the five-lot.

Mr. Merante said that the primary road off of Sprout Brook has been the same from the beginning.

Mr. Santucci pointed out where the five-lot started.

Mr. Merante said right, but off of Sprout Brook, it's been the same all the time.

Mr. Gainer said that the three-lot has tightened that access point up towards the existing trail. He said that the four and five lot projects have been removed from that trail. It took several hundred feet to get back onto this alignment and their proposal now for the three-lot, tightens up that geometry.

Ms. Sexton said, and from the original five-lot, the road is narrower by several feet. She asked if that was correct.

Mr. Gainer said that he didn't recall the original width.

Mr. Koch said that he thought he saw something – either 16 or 18 feet.

Ms. Sexton said because the original one was 20. She said that it's been narrowed substantially coming down that one spot from the original maps.

Mr. Merante said that they're only talking about the travel way at this moment with the three-lot. He asked if they could do a 14-foot travelway.

Someone (inaudible) said that he thought it was 16.

Mr. Gainer said that they would probably use the oda standards.

Mr. Merante asked if that was the road width or travel way.

Mr. Gainer said that they're not proposing road cross-section in terms of curbing or such, they're just trying to make a driveway essentially that's going to be suitable for three lots.

Mr. Koch said that he knew there was also some discussion about having an emergency pass so that if an emergency vehicle could get around.

Ms. Santucci said a turnaround.

Mr. Koch said that he was not sure it was a turnaround. He said that his understanding was it was coming up the road.

Ms. Santucci said that one of the other Board members (she thought it was Mr. Gibbons) wanted a turnaround and they agreed to that.

Mr. Santucci said that they got a letter from the Fire Chief that he didn't have a problem with the grade as long as they provided a place for his vehicles to turnaround up there. He said that they're only talking about three lots – maybe six vehicles going up and down there daily on average.

Mr. Koch asked about the storm water system.

Mr. Santucci said that it all has to be designed and approved by the Town Engineer. He said that the first step is the grade. Mr. Santucci said that if the 16% grade is accepted, they have to go ahead with the four lots. He said that he is trying to make everyone happy.

Mr. Koch said that the only thing he would like to ask or encourage the members of the Board to go back and look at some of the prior reports – particularly the engineering reports. He said that he believes they would apply to some extent on the road coming down and the stormwater system. Mr. Koch said that there were issues about how much water that would pour into the current system on the road and he thought the County of Putnam has to be involved in that.

Mr. Merante said that he wanted to address a couple of the things Mr. Koch stated, because he went through the full EAF today – the four-lot plan, and looked a lot at the dealings with the water, etc. - the mitigation factors. He said that he did not know they would change much as far as dealing with the water and stuff.

Mr. Gainer said that the whole issue that drives the stormwater management plan is the extent of disturbance and obviously there's consideration to slope impacts as well.

Mr. Merante asked if he was saying that going down to three from four would entail less disturbance, so there would be less mitigation required.

Mr. Gainer said right. He said that they'd still apply the same standards, but there'd be less strenuous sizing of basins, etc.

Mr. Koch asked if with the stormwater that comes down the driveway/roadway, would the houses on the original plan... He, referring to the plan, said that when he looks at it as a layman, it looks like the houses, driveways, etc. (pointed out) wouldn't drain into the roadway all the way down here. Mr. Koch asked Mr. Gainer if the drainage or amount of water vary that much.

Mr. Gainer asked Mr. Santucci to generally identify where the change in grade breaks to the flatter slope once you approach the top of the hill.

Mr. Santucci said that it's about 450 feet and pointed it out on the plan. He said that all the houses are going to maintain their own water. They're going to have dry wells for the pipes, the septic system has to be designed, etc. Mr. Santucci said that by the time the water gets down to here (pointed out)...if they're thinking of the same plan he just built in the Town of Cortlandt, they put a two-foot drain all around – on the inside and outside, so any water that runs off goes into the gravel and gets out back into the soil the way it is and slowly it will go back into the brook running down. Mr. Santucci said that it is not going to have a big wash of water when it rains.

Mr. Koch said that it will empty into where the catch basins are.

Mr. Santucci said that it's eventually going to go into the brook.

Mr. Gainer said that his point is to understand the break in grade because that steeper portion of the road is all going to get transferred toward Sprout Brook. That's going to get mitigated in the area of the roadway. The upper section of the road and the individual lot development...they're going to be responsible to treat that water on their individual site – it's not going to be directed to the roadway system. It's going to be maintained on site. Mr. Gainer said that they want to minimize what comes down that steep portion of the roadway.

Mr. Koch asked if that was going to be done before.

Mr. Santucci said no. He said that they do the road work first and then as they are building the houses, they do the drainage for each house.

Mr. Koch said that in the original plan there is something called retention ponds.

Mr. Santucci said that this won't require any retention ponds and asked Mr. Gainer if he was correct.

Mr. Gainer said that it's going to require more modest stormwater treatment than the larger disturbance plans. He said that they haven't been specifically identified or sized. They'll be appropriate for the extent of disturbance.

Mr. Koch asked if his well would be affected, since it's down hill.

Mr. Santucci said that he did not see how Mr. Koch's well would be affected at all. He said that they are not drilling next to him at all. They're all on the opposite side. Mr. Santucci pointed out the septic area on the plan. He said that the septic, before it reaches Mr. Koch's well, would go down this way (pointed out). Mr. Santucci said that's why you have Putnam County Health Department approval – two-hundred feet down hill.

Mr. Gainer said that he knows his stuff – that's exactly right. He said that the applicants developed the three-lot proposal on the basis of trying to avoid any blasting.

Mr. Santucci agreed and said that they're just making the road a little wider.

Mr. Gainer said and then there's still some detailed engineering to be accomplished, but that's the general concept.

Mr. Santucci said that there is not much of a difference if he were to only put one house there.

Mr. Koch said that he guessed the issue is how much they'd be able to do without blasting.

Mr. Santucci said that it's 11,000 yards compared to 25 to 28.

Mr. Merante said that he guessed the Board would continue the hearing, as they needed to get the revised EAF reflecting the three-lot plan.

Mr. Gaba said that it would be nice if they had their engineer next time.

Ms. Santucci apologized and said that it was a complete misunderstanding. She asked the Board what it wanted to see next time.

Mr. Merante said that they need the revised EAF.

Ms. Santucci asked, 1, 2 and 3?

Mr. Merante said yes.

Ms. Santucci asked if there was anything else.

Mr. Merante said, and their engineer.

Mr. Gaba asked Mr. Gainer where they were on the stormwater details.

Mr. Gainer said that as he understood it, the three-lot has not been advanced to any detailed engineering. Conceptual engineering he understood how they propose to deal with stormwater and that can be mitigated. Mr. Gainer said that he believed the five and four-lot plans were very detailed, but he hadn't looked at that

at all because that proposal essentially came off the table pretty early upon the Board's request to get him involved.

Mr. Gaba said with stormwater being such an issue, they really should have a detail of some kind for the public to see so they can understand what's going on.

Mr. Gainer said that they'd be able to present that without significant effort. That should be here for the next meeting. He told the Santuccis that their engineer was free to call him and asked that they make sure he understands the level of detail he needs to provide.

Mr. Gaba said that the time before last time, they talked about the possibility of stormwater drainage district being formed to take care of the stormwater improvements on this. He said that he did not know if that's something the Board is ultimately going to be interested in or not, but he thought once the Board sees the stormwater detail, it's something the Board could talk about a little bit more.

Mr. Merante asked Mr. Gaba if that was in the jurisdiction of the Planning Board or would have to go to the Town Board.

Mr. Gaba said that it would have to go to the Town Board.

Ms. Santucci asked what the options were.

Mr. Gaba said that basically there are two to start out with. One, you would petition the Town Board to form a stormwater drainage district for those three lots to take care of those facilities. Every once in a while, if they had to go in and do improvements, they'd do it and charge back the cost to the three lots.

Ms. Santucci asked if that charge for the cost on the three-lots is built into their taxes.

Mr. Gaba said that it's a special assessment.

Mr. Santucci asked what if they didn't need improvements.

Mr. Gaba said that maybe they wouldn't need to do something like that. He said that maybe they could go to another option like having a Homeowners Association, where everyone would have to kick in...(did not finish sentence).

Mr. Santucci said that he would probably have to have a maintenance agreement from the beginning. He said that again, they have to take it one step at a time. Mr. Santucci said that they could do all the studies, but if they don't go forward with the grade, then there's nothing else.

Mr. Merante said right.

Ms. Santucci said that the amount of disturbance is directly tied to the grade of the road. So with less disturbance, the greater the road needs to be - a little bit more than the 14%.

Ms. Santucci said that she'd appreciate Mr. Gainer considering that in going forward.

Drake Petroleum – Minor site plan approval – 1122 Route 9D, Garrison: Discussion

Mr. John Watson of Insite Engineering introduced himself and stated that he was there with the applicant, Eric Harvey from Drake Petroleum. He stated that they were before the Board at the last meeting for the replacement of underground fuel tanks. Right now, the gas station is located at the intersection of New York State Route 9D in Nelson Lane. The gas station has steel fuel tanks. His proposal is to replace the existing steel tanks with a fiberglass tank and replace the pumps and dispensers in a fire suppression system. Mr. Watson said that there are no other site improvements.

Mr. Merante asked if Mr. Gainer had any comment.

Mr. Gainer said that the Board made a site walk in November. He, too, had gotten out there. Mr. Gainer said that the Board had a memo from him documenting all site walk comments that he'd heard from the Board as well as his observations. He said that the most significant concern they all had was the visual impact and the desire to see some enhancements – either a provision of some landscaping along the 9D frontage or a little enhanced landscaping along the Nelson Lane frontage to provide some screening to the south and then immediately in front of the property. Mr. Gainer said that for the most part, the points of access to the gas pumps, which is controlled by DOT, exist. There is not enough space there to really do anything material. He said that the only significant area is to the north of the gas pumps, where there's an existing lawn area and generally just in front of or adjacent to, where there's vehicle storage that the Board observed on site. Mr. Gainer said that the Board had some desire to see some of that storage moved to the rear for the cars being repaired, but it was mostly just visual concerns.

Ms. Sexton said that one of the concerns when the Board was onsite and was brought up by Mr. Meehan...to the left of the building, where the cars and things are in the back, they might add a little fencing that you don't see through. She said that it would screen the boat, etc., which he said he'd move to the back. Ms. Sexton said that he said he'd move the non-working vehicles to the back.

Mr. Watson said that has been moved already.

Ms. Sexton said the fence doesn't need to be that tall, but it would take a lot of visual impact away from what's stored in the back.

Mr. Merante said that he noticed they were working on the septic system on back and asked if that was correct.

Mr. Watson said yes.

Mr. Merante said that he also noticed the boat was in the back now, but didn't know if the other vehicles had been moved back.

Mr. Watson said that right now, there are only repairable vehicles on the lot and they can't move them back because they're currently doing the septic, but he's aware that once the construction is done, some of those vehicles will be moved to the back.

Mr. Zuckerman asked the Board for some guidance regarding reading the Code concerning the landscaping.

Mr. Gainer said that the Board also hadn't made any SEQRA determination and clearly the issue of site visibility or enhancements is within the Board's purview.

Mr. Zuckerman said that a few year's ago, Rodak's in doing a bunch of work and put in a beige fence, which they opened to bring junk in and closed it when things were through and it pleased the neighbors, looks better and fits in. He said that he thought that was sort of what the Board was talking about when they were out there.

Mr. Gaba responded to Mr. Zuckerman's early question, saying it was 175-65D2 – landscaping and screening.

Ms. Sexton said that there's very little space in the front where the state put the curbing. She said that the Board talked about that and for safety reasons, there's not too much green.

Mr. Gainer said that there's nothing you can do in the front though.

Mr. Zuckerman said that he thought they were talking about for the back so you can store cars behind a screen.

There was a brief discussion between the Board members and the applicant while referring to the plan with regard to where the screening would work.

Mr. Merante said that they would put it in the Resolution.

Mr. Gainer asked if the Board wanted to act on it tonight.

Mr. Merante said that they need to do a Neg Dec.

Mr. Gaba said yes.

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

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

Mr. Gainer asked if the Board wanted to pass the Resolution with the two conditions identified verbally and he would just confirm it in writing.

Mr. Merante agreed.

Mr. Zuckerman made a motion to adopt the Resolution including the two conditions discussed. The motion was seconded by Mr. Leonard. The vote was as follows:

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

County Line Equities, LLC – Minor site plan amendment – Route 9, Garrison: Submission (distributed at October meeting)

Ms. Patti Smith introduced herself and stated that she was representing the tenant at Route 9 and Travis Corners Road. She said that it's a repair station. It's John Rodak's property. Ms. Smith said that there was a violation because the number of vehicles exceeded the number of vehicles on the site plan. The site plan was approved about twenty years ago. The requirements for vehicles that are towed have increased over the past twenty years and there's a lot of investigation being done and they're impounded. Ms. Smith said that by law, he has to keep vehicles until they're released and sometimes the people are in the hospital or the people don't come for the vehicles. She said that usually if they don't have any value, he donates them to the Fire Department. So they have the potential to have twenty extra vehicles on the site. Ms. Smith said that she found out yesterday that she had a storage trailer there, but it is not considered a trailer – it's considered a container. She said that she could move it against the building because it's less than ten feet wide and the septic is more than ten feet from the building by law. Ms. Smith said that she would still meet the setbacks and she will have to apply for a building permit for it. She said that she did put in a revised chart as far as her zoning compliance. The new zoning book has a map that's impossible for her to read – the scale is ridiculous and she misread the zoning. It's highway commercial, but she originally thought it was industrial, so she revised the setbacks and the chart and her proposal meets the current zoning and exceeds it in almost every way.

Mr. Merante said that he wanted to state for the record exactly what they're doing here, what they're looking for and what the amendment is about.

Ms. Smith said that he be permitted to park the impounded cars behind the screening fence.

Mr. Merante asked how many spaces.

Ms. Smith said twenty. She said that she could revise and re-submit the plan, but the Building Inspector said she needed a permit for the trailer and she can swap the trailer to here (pointed out).

Mr. Gainer said, and he would permit that she maintain it on the site – he didn't raise an objection.

Ms. Smith said no, and he that she needs a building permit for it. She said that she showed him that the septic tank was there, but the law is ten feet for the septic tank and twenty feet for the septic, so if she puts it right against the building, it will still meet all the setbacks. Ms. Smith said that it's called a container and not a trailer.

Mr. Merante asked if there was a distinction in the code.

Mr. Gaba said, between container and trailer...sure. He said that a container is something that's supposed to be if not permanent, semi-permanent. A trailer is something you hook up and drive away with.

Ms. Smith said that she can get a permit for it and it will be in compliance and she's just relocating it.

Mr. Gainer said that the Board should have a memo from him. He said that the applicant indicates that the site plan has an existing site plan approval on it from 1992. So the use on the site is permitted. But she was given a notice of violation by the Building Department some time ago because she exceeded the permitted vehicle storage on the property. That culminated in a court decision that she resolve her non-compliances and directed her to file a site plan with the Planning Board to get back into compliance, among other things. Mr. Gainer said that as the applicant indicated, there are a variety of matters that need correction, which apparently are being resolved. He said that the site plan shows the old zoning and the application filed had incorrect information on it, so that should be re-filed. Mr. Gainer said that they've identified some other things. He said that the initial responsibility of the Board under the new zoning ordinance is to initially classify the project. When you go through the steps that are specified in the code, it qualifies as a minor project, so the Board should initially classify it as such. Relative to the completeness of the application, which is the next step, there are omissions/errors on the plan that need to be corrected, there's apparently some corrections to make relative to the container. The zoning information has to be corrected. Mr. Gainer said that information should be straightened out and then new plans filed with the Planning Board along with a complete application. He said that the physical site plan application that came in wasn't complete – it didn't have all pages in it. Mr. Gainer said that relative to SEQRA, it's an Unlisted Action. The applicant can use a short environmental assessment form. It's along a state road, so a county referral is mandated by 239. He said that lastly, he would suggest the Board conduct a site inspection to evaluate any specific site issues before it's moved to the point of a public hearing and the Board takes action on SEQRA.

Ms. Smith asked if on a minor, a public hearing was required.

Mr. Gainer said no, it's totally at the Board's discretion and that's why a site walk is appropriate. He said that there is a residential use to the north of the property the Board may or may not find significant if appropriate screening is in place.

Mr. Merante asked Mr. Gaba if he had any guidance on this.

Mr. Gaba said that the Board just did the same thing with Drake Petroleum. He said that the only difference on this one...the genesis of this really is...he thought it would be a good idea to clean it up so that there are no more problems and to solicit some input from the Code Enforcement Office and see what he has to say.

Mr. Merante said that the Board won't schedule a public hearing on this now.

Mr. Gainer said that he thought that may be the outcome of the Board's site walk – the last comment to say whether the Board deems it appropriate or not.

Ms. Smith said that there is no adjoining residential use. She said that the adjoining property on both sides is highway commercial also – it's a strip that goes back four or five hundred feet.

Mr. Merante asked if there was a residence on Travis Corners Road.

Ms. Smith said that there is a place where there are two houses owned by County Line Equities, but the two houses are located in the highway commercial zone.

Mr. Merante asked if the Board had any questions.

There were no questions.

The Board agreed to meet for a site visit on January 8, 2012.

Mr. Meehan made a motion that the Board declare this application a minor site plan and an Unlisted Action, and make a 239 referral to the County. Mr. Leonard seconded the motion. The vote was as follows:

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

Nancy Olnick Spanu – 245 Avery Road, Garrison: New Submission

a. Approval of subdivision plat showing lot line adjustments

b. Approval of site plan

Mr. Watson said that they are making really two applications at one time – one for a subdivision and the second is for a site plan. He said that the applicant and her husband own four pieces of property. Mr. Watson said that the first thing that happened was that Mr. McHenry divided his property into two lots. Those two lots were accessed by a road – a cul-de-sac that went into a lot in this area (pointed out on plan) and the remaining portion of the property was the second and larger lot, upon which the Spanus built their house. He said that they've really treated it as a single lot. Along the course of their ownership of the main parcel, they purchased a piece of property, which was shown on the subdivision map of Dicks Castle and labeled not a building lot. Mr. Watson said that it's really the gorge that Indian Brook runs through, so it gives them frontage on Indian Brook Road. He said that the third lot was a house that was built by a fellow named Marvel. It's one of the original River Company partners – Dicks Castle subdivision lots and they bought that as the guest house. That lot is actually accessed via Dicks Castle road. The application is to do two things in terms of the subdivision. Mr. Watson said that the most important to the application from point of view is to realign the lot, so instead of having something like a thirty-five acre lot and a five-acre lot into two lots that are roughly equal. The main purpose of that lot is so that they can build another – a rather large residential structure on the lot. Mr. Watson said that they want to take a relatively small lot and make it bigger to include the existing house and then create a new vacant lot on which they have applied for site plan approval. He said that in constructing their house and their retaining walls, the Spanus came too close to the property, made one lot line adjustment and it's still a little too close, so they want to adjust the line between the lot that uses Dicks Castle Road and the main lot, so that they bring the lots into compliance and they have useful land in front of the retaining walls that are holding up the house and the main part of the property. Mr. Watson said that simultaneously, they've made an application for site plan approval to construct a large residential structure on the new lot. It's about twenty thousand square feet. Mr. Watson said that its purpose is to house their children and guests, and to store and display a very large art collection that the applicants have amassed over the years.

He said that there is a wetland in front of the property and they will have some disturbance in the wetland across the road from the actual wetland. They've applied for a wetlands permit to be able to construct the driveway. The building is going to be on the opposite side of the driveway from the wetlands. The septic area is well away from the wetlands and well out of the buffer. Mr. Watson pointed out the wetlands line on the plan and said that it had been flagged. He said that it could be seen that it is well away from any of the proposed improvements except for the driveway. The building is going to be earth-colored. Mr. Watson said that they are catching drainage and will treat the drainage before releasing it and letting it go in the wetlands. He said that the scenic overlay zone affects the front of the property, but they stayed well more than 250 feet back from the road with any of the proposed improvements. They have a landscaped plan and they believe that the building, even though rather large, will be well back from any of the property lines and it will be invisible in the summer from the roads and most likely invisible during the winter or very little visibility. Mr. Watson said that they would certainly be willing to work with the Board with regard to any screening that might be necessary. He said that they tested for septic and found suitable septic area. Mr. Watson said that it was cleared years ago, and is an open forest that's gone to meadow. He said that if you continue on the road, you get up to a circular driveway at the house. If you continue to the north, you go into their farm. Mr. Watson said that he was seeking a waiver to not build a cul-de-sac at the end of the existing driveway. It never was built, but there's only been one house on it. He said that they have a large turning circle, which the Board will see during its site inspection, up near the house that can accommodate vehicles and does accommodate delivery vehicles, and then they have a road into the farm area and there's a fairly large area to turn around there. Mr. Watson said that they are asking for the waiver because they don't think it's necessary and they don't want to disturb any more land than necessary. He said that they think that building a cul-de-sac in that particular spot will not be a very pleasant thing to have to look at.

Ms. Sexton asked what the gray dotted area was.

Mr. Watson said that it was the patio area.

Ms. Sexton asked how many feet it was from the property line and the area where it's very narrow.

Mr. Watson said that it's the minimum, which he thought was fifty feet.

Mr. Meehan asked if it was going to be a two or three story house.

Mr. Watson said that most of it is one story, and there is a second story that was going to be glass.

Mr. Meehan asked if they'd be able to see it from Route 9D.

Mr. Watson said there is no way they'd see it from Route 9D.

Mr. Merante asked that the property be marked for the site visit.

Mr. Watson agreed to do that.

The Board agreed to meet on the site January 8, 2012 at 10:00 a.m.

Mr. Zuckerman made a motion that the Board refer the application to the County (239M) and CAC and declare itself Lead Agency. The motion was seconded. The vote was as follows:

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

Mr. Gainer said that the application form that came in, as he read it, was actually a site plan application for minor and asked if it qualifies as major. He said that it's not significant, but asked Mr. Watson to get the right form.

Mr. Watson said that it's a minor subdivision, but a major site plan.

Someone (unidentified) asked if the cul-de-sac waiver would not impede fire response.

Mr. Watson said that he did not believe so, and thought when you get up there and see the two areas where turning can be accomplished...(did not finish sentence).

Mr. Gainer said that it would be in the Board's best interest to refer it to the Fire Company and upon their response would have that for the record in terms of the basis/granting of the waiver.

Mr. Merante asked Mr. Watson what the running distance was from Avery Road to the proposed residence.

Mr. Watson said that he wanted to say about nine hundred feet.

Mary Ellen Finger – 3 Horsemen's Trail, Cold Spring: New Submission

a. Approval of a three-lot subdivision

b. Approval of site plan (Entergy)

Mr. Watson stated that this was also a two-part application. He said that he would not speak about the site plan application part except to point out its relationship to the subdivision. Mr. Watson said that the property contains twenty acres and was the subject of the Board's site plan review and approval a couple of years ago. Presently there are three lots filed and there's a pending approval for two more lots. The existing approval would create a total of five lots and a town road. Mr. Watson said that Dr. Finger was approached by Entergy and they have made a tentative arrangement for Entergy to build a facility on one of the new lots. This application is intending to take the five lots, re-align them, create three lots, shorten the road and create an open development area road instead of the town road that had been previously proposed and approved. The first lot is about a seven-acre lot. It's an "L-shaped" lot, and has most of the frontage on Horsemen's Trail. Mr. Watson said that the second lot he thought was a little over an eight-acre lot that will contain the existing farm buildings, the existing farm, and is the largest of the lots. There will be a third lot in the back, which is a residential lot. The farm lot and the residential lot will be accessed by a private road, which is approximately a third of the length of the proposed town road, but a driveway will be built where the proposed town road was, through the cul-de-sac previously approved and become a driveway up to the residential lot near the back of the property. Mr. Watson said that most of the farm lot will remain unchanged and the farm operation is intended to continue. He said that the front lot will be developed by Entergy. It is a three-lot subdivision, which will actually combine the five-lot approval, reduce the number of lots, and provide for the site plan for Entergy. Mr. Watson introduced Mr. Don Mayer from Entergy and Rob O'Donnell from Robert E. Lamb Architects and Engineers and said they would walk the Board through the site plan. He said that he wanted to make one more comment and said that Mr. Gainer noted they had the old zoning on the application. Mr. Watson said that was his doing - they used the old application to fill it out, but just missed changing that. He apologized and said that they would correct that. Mr. Watson said just for as a matter of information, the old application seems to be abandoned. He said that they decided they'd still use the old application, because the new application that you get from the Building Department doesn't ask for anything like permission of the owner to make the application and those sort of technical things that the legal department usually wants. Mr. Watson said, so he thought something needed to be put together on that.

Mr. Merante said that he had talked to Mr. Donahue and he was working on that. Mr. Merante said that he was up there the other day at the house and saw from the print Mr. Watson made, the new road going into the Entergy emergency center, but the road that shows the limits of the property...when they did the subdivision a couple of years ago...he asked Mr. Watson to refresh his memory with regard to the amount of lots subdivided. Mr. Merante asked if the total property Dr. Finger owned was twenty acres and then kept ten for the farm and they subdivided the remaining ten into five lots.

Mr. Watson said right. He said that there were two lots along the frontage, a road that went all the way back, and the cul-de-sac was two-thirds of the way back along the property. Off of the cul-de-sac, there were driveways to two house lots (pointed out). He said that there were two houses in the front and there was the ten-acre farm lot.

Mr. Merante said that her residence is shown in (did not finish his sentence).

Mr. Watson said that it is in the farm parking.

Mr. Merante said so the driveway that starts off of Horsemen's Trail is going to continue to her property – her residence.

Mr. Watson said that today she comes in a different way. He said that's going to be abandoned in favor of the lot along the edge of the property.

Mr. Merante said so the driveway along the upper property line is going to continue quite a ways passed her residence.

Mr. Watson said right. He said that there will be a cul-de-sac where the common driveway ends and then a private driveway will continue in the same route as the original subdivision.

Mr. Don Mayer, Director of special projects at the plant, introduced himself and stated he wished to give the Board an overview of what they're proposing to put on the property. He said that it is called an emergency operations facility. It's a 20,000 square foot, single-level commercial building. It's an occasional use building. They would project use of this building probably in the neighborhood of maybe four to six times a year for drill purposes. So it really would be infrequently utilized, but it would be there if they should need it. Mr. Mayer said that it is really there to assist in the management of an emergency at the plant, should one occur. He said that it's very similar in function to State and County EOC's that exist. In fact, the Putnam County EOC and 911 Call Center in Carmel is substantially the same as this, although this is a little bigger. Mr. Mayer said that it is essentially a communications command and control center and has computer equipment that they can communicate back and forth with the plant. It's used primarily for them to do period drills and exercises and then they have evaluated exercises where they participate with the state and the counties on an annual basis. He said that as a general comment, with this particular facility, there is no need nor is there ever any radioactive material that's needed or utilized in the building. It's really a functional office building. Mr. Mayer said that he thought everyone was aware that Indian Point is in licensed renewal proceedings with the Federal Government to extend license for the plant. He said that this facility is not linked to that. It's not needed for license renewal. Mr. Mayer said that the facility that they have on site meets all the regulatory requirements, but it's getting old and they would like to just improve their facilities, and this gives them an opportunity to do so and they've elected to propose to the Town that they put it here. Mr. Mayer said that it's an initiative for them to make an enhancement for one of their facilities. He said that their architect was present and would give the Board more detailed questions. Mr. Mayer said that essentially, the building is divided into three main pieces. He said that on the right side, it's essentially building utilities, mechanical room, electrical room, a small break room and bathroom facilities. The central area is what they call the "operation center", and is where their emergency director, engineering folks and technical staff collect information from the plant. He pointed to the plan and said, this is a command and control distribution to the state and the counties – both external to the building and internal to the building. In fact, Putnam, Orange, Rockland and Westchester have the ability to come there and use the facility during drills for communication purposes. So it is basically a computer work wall area. Mr. Mayer said that off on the side of the facility, they have in a sense some large office areas for conferencing. He said that there's enough room in the building that they can use it for training purposes for some of the drill people to provide opportunities for them to provide training during the course of the year. Mr. Mayer said that this is a fairly well developed plan for the interior, but it's not finalized. There may be some adjustments, but the concept will remain unchanged.

Mr. Meehan asked what kind of securities would be required. He asked if they would need barbed-wire fencing.

Mr. Mayer said no security other than industrial commercial alarm system.

Mr. Meehan said, so all they're going to do is collect data from the ...(did not finish sentence).

Mr. Mayer said it would basically be done through the phone and internet services. He said that there is a computer room (pointed out) and they collect data that comes to the plant to their people. Mr. Mayer said that he used to be an emergency director at the plant and was involved in some of the functions. He said that the central purpose of this facility is...they take over command and control from the operation staff in the plant so that they focus one hundred percent on casualty control within the buildings and then they take over the responsibility of what's happening, communicating it out to the state and counties. Mr. Mayer said that they make what's called protective action recommendations to the government. They take those, assess the input and then make determinations. He said that it is done from this area and it is really verbal and computer communications.

Ms. Sexton asked if there was any particular reason they chose Philipstown.

Mr. Mayer responded (beginning of answer was inaudible – tape was changed)...in such a rapid fashion that you don't have time to safely leave and go to the facility. He said that in fact, right now they have a facility that's on their property and have had it there since the plant was built and if they have an event at the plant, they get in their cars or walk to the particular facility and control the event from there. Mr. Mayer said that if there was ever an issue that caused them to have to relocate, they'd get in their car and get to White Plains where they have an alternate facility. He said so what would happen here is the control room is where the events start, because that's manned 24/7, and then there's an emergency director who leads that from the control room. If the event got to the point where he needed help, which is what this facility is for, they have an all-call system that goes out to people. They man the facility.

Mr. Meehan said in an awful situation that might take a half an hour, but if the word gets out and people panic, and they get out, they were never going to get up there. He asked if Mr. Mayer had driven on Route 9 in a snow storm.

Mr. Mayer said that he had for the last 29 years. He said that it is difficult and they do have a contingency for that.

Mr. Merante said that it is a pretty large investment for coming there four times a year. He asked Mr. Mayer to give them some rationale behind that.

Mr. Mayer said that honestly, it's the nature of the business...it's just the business they're in.

Mr. Merante asked if this facility would be available for the community's use in any particular emergency.

Mr. Mayer said they talked about that and he thought that Entergy would be reasonable in supporting a Town request like that, however, the facility would have to - one hundred percent of the time - be available in the event of an emergency for them to jump right in and use it, so that would be difficult.

Mr. Zuckerman asked Mr. Mayer if he could give the Board a sense of what would be necessary to operate this thing with regard to telecommunications. He asked if they would be tearing up roads to bring new kinds of telecommunications, or if they needed satellite towers, etc.

Mr. Mayer said that he could not, and that's why he brought Mr. O'Donnell.

Mr. Merante said that getting off of Horsemen's Trail onto Route 9 can be a bear and asked if they had looked into something – especially going south. He said with that what they've shown on their plan, it could be a real problem.

Mr. Mayer said that he has actually spent most of his time working in this facility at the plant. He said that he now goes to the Hawthorne facility, which is the joint information center. Mr. Mayer said that there's not a tremendous amount of traffic going on in this type of an event. Not all the people show up at the same time. But he would let Mr. O'Donnell speak to it and they did look at the traffic patterns and options and are prepared to talk about that.

Mr. Rob O'Donnell introduced himself and stated that he was a civil engineer. He said that he would briefly play architect to continue Mr. Mayer's presentation of the building. Mr. O'Donnell said that they wanted to include an image of what the building would look like on the site. He presented a plan. Mr. O'Donnell said that it is a metal building, about twenty feet high. It will have the Entergy symbol on the outside with colors that match the branding of the symbol. They'll have a concrete split face base and then metal siding with an alternate pattern around the outside. Mr. O'Donnell said, so fairly attractive from the view you get from Horsemen's Trail. He said that on the roof, they'd have some screening to hide any mechanical equipment that would be up there. Mr. O'Donnell said generally, a flat-roofed type building – pre-engineered type structure, steel building.

Mr. Gainer asked if the entire building was visible from the frontage and if any of it could be screened by berms or anything in terms of how it fits on the site.

Mr. O'Donnell said that the building could be seen from Horsemen's Trail, but there is a fairly dense screening of trees and they are offering some additional trees along the front – although they'd hate to hid the building, as it's a really nice looking building.

Mr. Gainer said that he's just trying to understand the issue of grading and whether the entire building face is seen or not.

Mr. O'Donnell said from a grading point of view, if anything would be hidden, it would be a very small portion of the left side of this image. So yes, most of it from a grading respect, would be seen.

Mr. Merante said that the Board would definitely need to involve the fire company.

Mr. O'Donnell said that they have. He said that as part of their set, he believed they have used auto-turn Mr. O'Donnell said that it can get everywhere on the site (presented on plan).

Mr. Merante asked if they talked to the fire department with regard to any special needs for fire fighting, etc.

Mr. O'Donnell said yes.

(several people discussing/laughing...question asked – inaudible)

Mr. O'Donnell said nothing special – they'll have copper and some fiber. He said that they will not be ripping up the infrastructure. If anything, it will be overhead and poles.

Mr. Merante asked if there would be an addition on the roof.

Mr. O'Donnell said not of any significance.

Ms. Sexton asked why it was going to have so many parking spaces if it was only going to be used a couple of times and year and would not have that many employees.

Mr. O'Donnell said that the code requires 60. They have 180. He said that there are a lot of seats inside the building and they want to make sure they accommodate shift change, so they want a hundred percent of the people inside to be able to shift-change without an overflow in parking. Mr. O'Donnell said that they didn't want to use Horsemen's Trail as an additional parking lot, so they accommodated everyone on-site.

Mr. Meehan asked how many permanent people were going to be in there.

Mr. O'Donnell said zero.

Mr. Meehan said that there won't be anybody there every day.

Mr. O'Donnell said no. He said that it's a lights-out facility. He said if anything, you'd see maybe a couple of maintenance guys coming or going.

Mr. Mayer said that they may use it to have a meeting with some of the management people occasionally.

Mr. Merante asked what they'd anticipate with regard to construction time – from start to finish.

Mr. O'Donnell said approximately a year.

Ms. Sexton asked if they gave any thought architecturally to their surroundings. She said that this is a huge steel 20,000 square foot building and it's sitting next to a farm and it's in a meadow in the North Highlands. Ms. Sexton asked if they gave any thought of maybe putting something in the front other than steel.

Ms. O'Donnell said yes, they certainly did not want to go for the plain, bland, pre- metal building. He said that they certainly could have, as it is an industrial district, but they didn't want that to represent Entergy. So they came up with an elevation that broke up that pattern. They tried to add a nice base to it. Mr. O'Donnell said that it's a split-base block-base and then they do have metal siding, but that's broken up with an alternate pattern here and there. He said that the color scheme is on the plan presented.

Mr. Meehan said in referring to Mr. Merante's comment earlier with regard to coming off of Horsemen's Trail onto Route 9, they should really take another look at that. He said that there's another road that goes by the junk yard that would be a better entrance.

Mr. Merante said that it's an unimproved road.

Mr. O'Donnell said that he guessed they could consider three options at that point (demonstrated for the Board).

Mr. Watson said that he thought you had to look at that a couple of different ways. He said that when you get up to the road that's on the south, your sight distance to the north is substantially reduced. When you're making that corner veering off to the left at the south end of Horsemen's Trail, you've got plenty of sight distance – you can see almost to the other end of Horsemen's Trail. So people coming north of that would enter from the south. People coming south would enter from the north. So you don't have the southbound people entering having to worry about crossing traffic. Mr. Watson said that the northbound people do have to worry, but their sight distance is maximized.

Mr. Gainer said that the only problem is that in setting up that vehicle for turning north, you're actually going to create some obstruction for any northbound traffic that may be attempting to turn in at the same time.

Mr. Watson said that again, what the Board needs to think about is that this facility is being built for the situation they hope never happens. He said that even the drills aren't going to be anywhere near...they're going to be roughly a third of the maximum.

Mr. Meehan asked if they said they were going to have an auditorium in this place.

Mr. O'Donnell said that there is an auditorium. It's not that big.

Mr. Meehan asked how many people it seated.

Mr. O'Donnell said it looked like 60, plus standing room.

Mr. Gainer said that he wished to discuss the environmental review. He said that obviously, the subdivision application has attempted to represent the proposed development of the site plan as well. Mr. Gainer said that the environmental review is intended to be coordinated. He said that the EAF that's been filed addresses both projects, but there are two separate applications the Board is actually moving on at the same time.

Mr. Gaba said that he did not see it as two separate actions at all. He said that he sees it all as one.

The Board agreed to schedule a site visit for Sunday, January 15th at 9:30 a.m.

Mr. Gaba said that the Board needed to make a 239M referral and declare itself Lead Agency under SEQRA. He asked if there were other involved agencies.

Mr. Watson said the Health Department. He said that he thought the Board's referral had to be 239n.

Mr. Gaba said because it's site plan and subdivision – he was right.

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

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

Mr. Gaba said that they said they had the Fire Department come out and check if there was some rating that you got from the Fire Company that they can make the turning radius and if they could send a letter or something, it would be helpful.

**E. Polhemus Enterprises, LLC – Site plan (soil processing) – Horsemen's Trail, Cold Spring:
Submission of revised plans**

Mr. Watson said that this is the pending application from a couple of years ago. He said that the last the Board saw it they were proposing a wood-chipping operation, a building and a materials processing shipping yard. It went into hibernation for a little while before that because of the change in the law that's been changed back. Mr. Watson said that the bottom line is in reviewing the noise consideration and the mitigations that would be required to bring the wood-chipping operation down to an acceptable level – a level that met code, just became beyond the reach of both the applicant and the proposed tenant. The economy has also made it such that the building that was proposed is no longer being considered. So what they have left is essentially the operation that has been going on there for thirty years. Mr. Watson said that the property is also on Horsemen's Trail – on the north end where it meets Route 9. He said that the proposed operation is essentially the same as the Board had approved for Lyons last year. Mr. Watson said that they've re-designed the site. The entry point they've limited to the south entry, closed the north entry. They've gotten rid of the wood-chipping, they've put the screening operation in behind a berm. So what they have is a landscaped berm that they'll build up and cover most of that operation. They'll have some stock piles in this area (pointed out on plan), and some bins and will put some pins on the southwest part of the flattened site. The existing garage will remain. Mr. Watson said that they've provided for two parking spots, which is required and they've provided significantly more landscaping along the property. The berm is the main feature. The site will drain toward the northeast, where they've provided for a treatment facility and an eventual runoff into an existing ditch and into the state's drainage system. Mr. Watson said that essentially, the noise is going to be what's there today and what's been there for thirty years. He said that

they've eliminated the potential increase in noise and simplified the plan, so they're hoping it will be a more acceptable plan and would like to move forward with it.

Mr. Gainer said that this is a continuation of the old application.

Mr. Merante asked if this was not starting under new regulations.

Mr. Gainer said no.

Mr. Watson said that from a technical point of view, he believed that this site plan meets the new code. Everything that's being proposed had been reinstated here in the old code and continues to be a permitted use in the new code subject to site plan approval.

Mr. Gaba said that the zoning regs are the new zoning regs though.

Mr. Watson agreed.

Mr. Zuckerman said that Mr. Watson said it had been operating for thirty years and he asked what was the past versus the future of the use of the site.

Mr. Watson referred to the plan and said that the pale green is the bank that remains after a soil mine. The Polhemus family has owned this property for a long time. He said that it ceased to be productive in terms of useful product probably in 1980, but it was kept being used as a depot and occasional processing, and that sort of residual activity never stopped. Mr. Watson said the Building Inspector is after them because there's not a site plan on record for that. So they want to get the site plan right and continue the operation.

Mr. Zuckerman said that the operation is ongoing now and will continue the same way going forward, but Mr. Watson was trying to formalize it.

Mr. Watson said the literal activity has been ongoing and the literal activity will continue. He said that he thought it would be fair to say that there will probably be a little bit more processing, but it's still not going to be a full-time operation because it's supporting Mr. Polhemus's activities off the site, so the activities will be the same. Mr. Watson said that the site plan would make them more orderly – it will make it less exposed to the public, so in that sense it is going to be a much improved project.

Mr. Merante said that there were residences on there at one time.

Mr. Watson said that was removed three or four years ago.

Mr. Gainer asked if there was any crushing that was going to go on.

Mr. Watson said that there could on occasion be a crusher brought in to get rid of some excess material, but not on a regular basis.

Mr. Merante asked what processing equipment is on the site now.

Mr. Watson said that he didn't know.

Mr. Gainer said he thought nothing.

Ms. Sexton said if there was going to be a crusher there, they'd do the dust abatement and everything with the water.

Mr. Watson said yes, that's standard stuff that will be done.

Mr. Gaba said that the Board already did Lead Agency under SEQRA on this and thought they were almost ready for a public hearing when they left off. He said that they already made a 239M referral and they took away something from it, but didn't know that they needed to make another one. Mr. Gaba said that other than that, they're pretty much ready for a public hearing.

Mr. Watson said that he would not at all mind if a 239 referral were re-made just to keep them up to snuff.

Mr. Gainer asked Mr. Watson if he would file a modified or current Statement of Use.

Mr. Gaba said there should probably be a revised EAF too just on general principles.

Mr. Merante said that the Board would make a site visit on the 15th at 10:00 a.m. and set up a hearing for the 19th.

Ms. Sexton made the motion to make a site visit and set up the public hearing. Mr. Zuckerman seconded the motion. The vote was as follows:

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

Adjourn

Mr. Leonard made a motion to adjourn the meeting. Mr. Zuckerman seconded the motion. The meeting ended at 9:45 p.m. The vote was as follows:

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

Respectfully submitted,

Ann M. Gallagher

Note: These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval thereupon.

Approved: _____