

Philipstown Planning Board
Meeting Minutes
February 16, 2012

The Philipstown Planning Board held its regular monthly meeting on Thursday, February 16, 2012 at the VFW Hall on Kemble Avenue in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman, Michael Leonard.

Present: Michael Leonard
Kim Conner
Mary Ellen Finger
Kerry Meehan
Anthony Merante
Steve Gaba, Counsel
Ron Gainer, Planner
Susan Jainchill, Landscape Architect
Graham Trelstad, Planner

Absent: Pat Sexton
Neal Zuckerman

Mr. Leonard announced that the Santucci application had been removed from the agenda.

Approval of Minutes

- December 8, 2011

Mr. Meehan made a motion to approve the minutes. Mr. Conner seconded the motion.

The vote was as follows:

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

- January 19, 2012

Ms. Conner made a motion to approve the minutes. Ms. Finger seconded the motion.

The vote was as follows:

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

Jung Wang & Ming H. Wang – Approval of two-lot subdivision – Jaycox Road, Cold Spring: Request for second 90-day extension

Mr. Merante made a motion to grant the 90-day extension. Ms. Finger seconded the motion. The vote was as follows:

| | | |
|-------------------|---|----------|
| Michael Leonard | - | In favor |
| Kim Conner | - | In favor |
| Mary Ellen Finger | - | In favor |

| | | |
|-----------------|---|----------|
| Kerry Meehan | - | In favor |
| Anthony Merante | - | In favor |
| Neal Zuckerman | - | Absent |
| Pat Sexton | - | Absent |

Public Hearing

Nancy Olnick Spanu – 245 Avery Road, Garrison: Discussion/planting plan

a. Approval of subdivision plat showing lot line adjustments

b. Approval of site plan

Mr. Watson stated that he would walk the Board through the various elements of the plan basically in what they believe is a logical order on how they would proceed and he would try to answer any questions. He said that Nancy Olnick owns roughly 40 acres on 4 parcels on Avery Road. There are actually four different parcels of land involved. Mr. Watson referred to the plan and said that it was the subdivision map and that they outlined the present configuration in blue. He said that there was a previously approved subdivision that creates a lot that's been developed as a farm and a large lot, which has been improved with their existing residence. Mr. Watson said that they also acquired a piece of property that has its access from Dick's Castle Drive – it's an approved parcel and has a house on it. He said that finally, they acquired basically a piece of wasteland – it's the strip of land that lies between Indian Brook and Indian Brook Road. It's a very steep piece of property. It's been sort of sitting on the tax rolls. Mr. Watson said now there are four parcels of property – two lots in the approved subdivision and the lot from the Dick's Castle subdivision and the excess piece of property. He said that this application seeks to revise the lot lines so that there will end up being three parcels instead of four. The first revision is toward the western part of the property (pointed out). It's a very slight (inaudible) of the property and its purpose is to clear a retaining wall that's holding up some of the improvements on the main parcel. They're just moving it slightly – maybe twenty feet, just to clear what would be an encroachment if there were other people's properties involved, but just so that all the facilities and improvements having to do with the main house are on the same piece of property and set back far enough to have some maintenance *capabilities/access* (inaudible). Mr. Watson said that the wasted piece of property is going to disappear. It's going to be split such that it becomes part of the two other pieces of property – the main parcels. Referring to the map, he stated that the blue line, which separates the farm area from the rest of the property, is going to disappear in favor of the red line, which will create two slightly equal parcels – the main parcel being the larger of the two. Mr. Watson said that this way, they'd have the farm, the main house, gardens and all improvements associated with the main house on a single lot and if approved, they will have a vacant residential lot. He pointed to the lot and said that it is intended to be improved with a building and the intention is to put the building roughly in the location shown in yellow. Mr. Watson said that the subdivision itself is simply moving lot lines around and create the vacant building lot. Mr. Watson said that he would focus on the site plan approval. He said that there have been some rumors around and a lot of concern on the part of the applicants. Mr. Watson said that first of all, any accusation that they're trying to use this for a commercial purpose is just not true. He said that they're subject to the law and they

intend to follow the law. Mr. Watson said that the Board is seeing the site plan in its latest configuration. That configuration is slightly different than when the Board had looked at it. Mr. Watson said that it was originally presented to the Board when it was just over an 18,000 square foot building, which no one is denying is a very large building for a residential building. He said that what the Board is seeing now is a 16,000 square foot building. Mr. Watson said that some might say that's not material. But he said that he would say that if he owed twenty thousand dollars and wanted to repay sixteen thousand dollars and said they were square, it might be thought that the four thousand dollar difference was material. He said that the property has frontage on Avery Road. There's an existing driveway and an approved open area development area private road that leads to this point on the top of the map (pointed out) and then from there, the private driveway proceeds from the end of the private road to the main house. Mr. Watson said that there is an area there that's largely cleared where they intend to build the building. He said that the building is intended as a residential structure because that's what they can do there. Mr. Watson said that it would be used as a residential structure. It will be used for either their staff or for their family and guests. Mr. Watson said that it would be a rentable building, but he doubted they would rent it. He said that they do intend to, in the basement store, and on the main floor, display their artwork, which is an extensive collection. Mr. Watson said that frankly, that's why the building is as big as it is. He said that they told the Board that in their initial presentation and that's still the intention. It's a residential structure because that's what you can have there. The building is about 16,000 feet. It's been shortened on the northern end and a smaller entry foyer has been put in the place where it's been shortened, but that is also counted in the 16,000. Mr. Watson said that it's going to be surrounded by a patio on the west side and walkways around the other three sides. He said that preferably it would be accessed from the private road from the south and will come up to the north to a basement level entry. Mr. Watson said that there are wetlands in the front of the property. The wetlands have been flagged. They have included several design elements in the design that speaks to the quality and quantity of water and the storm water. Mr. Watson said that first of all, all of the water that's going to flow on any new pavement is going to be captured in the drainage system and delivered to an infiltration system at the southern part of the property. The infiltration system has been sized to capture the first flush. The infiltration system will eventually fill up and then flow over, out and cross-land and go back into the drainage system generally with the same spot within the property as it's entering the wetlands now. It will be carried down to Indian Brook. There will be a new septic system well outside the wetlands, well outside the buffer. Mr. Watson said that in addition, they are going to replace the existing run-a-bank gravel basically dirt gutter, that carrying water from the farm and from the rest of the property, along the road and they're going to replace it with a stone lined gutter, which will have the affect of reducing the erosion and runoff of the road material across the street into the wetlands. Mr. Watson said that they will be utilizing existing crossings and they'll be adding one crossing. He said that the new zoning has identified 250 feet as the scenic overlay zone. Mr. Watson said that he believed it was 250 feet from the centerline of the road, although it might have to be corrected, as it could be 250 feet from the edge of the road. He said that they are not planning any activity in that area. Mr. Watson said that the building is 500 feet from the road. He presented the landscaping plan and said that it focuses around the

building. Mr. Watson said that there are actually very few trees that are being taken out largely because it's an open area. They are keeping as many trees as possible. Mr. Watson pointed out the existing trees that are going to stay. The trees that are surrounding the property and are going to be installed around mostly to the southwest are flowering trees. Mr. Watson said that the small symbols indicate shrubbery. The lighter green is grasses and material that would be lower and just build up to the building. He said that most of the Board made the site visit and knows what kind of detail there is. Mr. Watson said that the Landscape Architect has told him to tell the Board that all of the plants are drought resistant. They are all natural native – there are no invasives or imported plants. Mr. Watson said that they've been selected for their drought resistance, their resistance to being eaten by animals, with one exception, which he'll address a little later. He said that as a result, there is no need for a sprinkler system. There will not be a heavy demand on water, with the exception of the first year, as the newly installed plants need to be watered in order for them to survive. The grasses are no-mow grass, which means that there will be no reason to maintain the grass – they grow up a little bit and flop over and become a landscape architectural element. Mr. Watson said that the one area where they do have some drought resistance and have talked with the Spanus about, and know the neighbors are concerned with visibility from their property and visibility from the street and have taken that into account and they're certainly willing to work with anybody to improve the design beyond what they've done here. Mr. Watson said that they've identified two neighbors who otherwise would see the property and they are going to install white pines to provide a screen. He said that Mr. Klotzle mentioned that white pine...you might as well feed the deer with it, so they're going to have to look at that and will substitute something that's more deer resistant. Mr. Watson said that that's a discussion they have yet to have with Mr. & Mrs. Spanu. He said that the question was raised at the CAB meeting the other night regarding light. Mr. Watson said that there is no requirement for lighting. They've are expecting a letter from the insurance company, but received an email today that there was no special lighting. He said that the concern was that because there will be an expensive art collection in here, in order to have viable insurance, they're going to be expected to light the place up and have sky glow, etc. Mr. Watson said that he's known the Spanus since maybe the first time they came up here and looked at another house, and has seen what they've done. He said that they don't want – they don't want sky glow. Mr. Watson said that they're coming up here for the privacy of their own property and they want to do a good job. He said that one thing he did misspeak about was with regard to building. Mr. Watson said that he put down ten months and probably did understate that. He said that it's probably more like eighteen to twenty-four months. Mr. Watson said that they would correct that statement. He said that security is not an issue. There is an alarm system. Mr. Watson said that they anticipated there would be significant concern with the size of the building and again, he couldn't stand there and tell the Board that the building isn't big. He presented a photograph and stated that they took it in front of the Landsbury's property. It looks across their lawn and toward the site. Mr. Watson said that if you were looking for the building, you wouldn't see it there, because that's the raw building – it's not in that picture. He said that they wanted to see what might happen if they put the building in the picture. Mr. Watson presented that and said it was the building in white. He said that they spent a fair amount of time making sure the building was shown properly. Mr.

Watson said that the first thing they did was look at the material they're using and they can turn the material gray. He said that it doesn't disappear – you still will see it, and if need be, they would provide screening along that (route/roof...inaudible). Mr. Watson said that there's another position and presented it. He said that it is a position that's on line with the Benjamin property. The camera was on the property at the top of the hill from the stream that's in between the Benjamin property and the site. Mr. Watson referred to the right side of the plan and said that you can see a white (inaudible). He said it is a 3x4 piece of foam board that they put at the corner of the building. Mr. Watson said that they actually staked the larger building. He presented a plan with the building in white. So if they put the building up, there's no denying that Mr. Benjamin would see it. But they can mitigate that by choosing a material for the outside that's not going to reflect white. Mr. Watson said that he told the Board he pointed out on the site plan that they also have planted a screen, and as it happens the camera in both of the examples is right behind the screen, so if they put the screen in as they proposed...and these are pictures of nursery stock of white pine. He said that they are not proposing the five to six foot trees that most of his clients insist they propose. They are proposing eight to ten to twelve foot trees and if they ultimately decide they'll need more screening, they would be happy to work with that. Mr. Watson said that the third and final example...(presented a plan to the Board) and said that it is on line with the house to the south. He said that if you look toward the center of the picture, you could see a panel in there. Mr. Watson said that they put the building in there, and again they have the white building and it's the view from the property line on line with the neighboring house to the southeast. He said that their first mitigation is to provide a color that will help the building blend in to the surroundings. Mr. Watson said that their second mitigation is to provide screening. He said that no growth has been added to the trees – they were presented as they will come from the nursery. Mr. Watson presented a photograph of a building that's sided with that material, so it does have the great view and does tend to reflect a little of the woods. He said that he hoped the Board noticed that all the pictures presented were winter views – there was no foliage on the trees. Mr. Watson said that he wanted to explain a little bit about the building. He said that it was presented to the Board originally as thirty feet high. They have reduced the height of the building to twenty-two feet on the outside. It's a virtually flat roof, but of course, has enough pitch to shed water. Mr. Watson presented a plan showing the south and the east walls to the building. He said that if you look closely to the right side, you can see the bump out where the foyer is. Mr. Watson presented a plan showing the north building and the foyer as significantly lower – about twelve feet high and the square footage that they lost was the space on either side of the foyer.

Ms. Conner asked if the trees Mr. Watson showed as screening were on the Spanu property or another property.

Mr. Watson said that they're on the Spanu property.

Mr. Merante said that this was before the zoning board and asked what the resolution was.

Mr. Watson said that he didn't believe it was ever before the zoning board. He said that they did make an application for a building permit to put up a storage building because that's an accessory building and there is a limit on the size. They were denied a building permit and at that point, could have gone to the Zoning Board, but elected not to. Mr. Watson said that they elected to take advantage of this route because it's a permitted use.

Mr. Merante asked for clarification with regard to why there is a site plan on this.

Mr. Watson said that the reason it's a site plan is because the new zoning requires that any residential structure with a footprint greater than three thousand square feet obtain site plan approval.

Ms. Conner asked a question with regard to the lot line adjustment (inaudible).

Mr. Watson said that the lot line adjustment is being made to accommodate the building to put the residential structure on its own lot. As it happens, they're changing the size of the lot so that the smaller lot, which disappears, which is non-conforming, will go away in substitute, there will be two conforming lots.

Ms. Conner asked if there would be blasting required for the basement.

Mr. Watson said that they don't believe so.

Mr. Meehan asked what type of materials they would be using.

Mr. Watson said concrete and steel and the siding is a plastic siding. He said that they're thermal (inaudible) – plastic panels that snap together. There will be two layers of them to provide the required (inaudible) for the insulation.

Mr. Merante referred to the Part 2, page 14, "will the proposed action alter drainage flow patterns?..." and it's indicated "no". He said that in column three, "can impact be mitigated by project change?...no".

Mr. Watson said that he thought Mr. Merante was looking at an earlier version. He said that following the Board's permission last month, he and Mr. Gainer went over the Part 2 and submitted a second one. He said that Mr. Gainer has since revised it and they made the revisions and submitted those to him. Mr. Watson said that he believed they now identified that the drainage patterns off site will not be changed and will only be local, but they will address that in the EAF.

Mr. Meehan asked if they had windows in this building.

Mr. Watson said that the siding is translucent. He said that he could not speak to the building code whether there is a requirement to put in windows or not, but the siding is translucent, so light will go through the walls. Mr. Watson said that Mr. Meehan's question leads to a point he should have made and forgot. As with their house on the hill,

which is largely glass in the living space, they will install a double set of curtains – a sheer set which could be lowered during the day to allow light to come in but not glare, and a black-out set, which can be lowered any time that you either don't want light to come in or don't want light to go out. Mr. Watson said that these curtains would surround the entire building. They will be installed permanently and mechanically, so it will take a push of a button in the evening, to assure that light will not escape from the property and to provide privacy.

Ms. Finger asked Mr. Watson to describe what kind of exterior lighting would be provided.

Mr. Watson said that he touched on that before in that there will be no requirement for lighting for insurance purposes. He said that the only thing they are proposing is residential-type lighting. There is a light by each of the two entry doors. Mr. Watson said that they're not talking about any spots, floods, etc., other than the residential-type lighting at the door.

Mr. Meehan asked Mr. Watson what they were going to do with the farm storm water runoff. He asked if he was going to integrate them with the regular storm water.

Mr. Watson said that none of that gets to this site. He said most of that does flow to the same stream, but it flows...Mr. Watson presented to plan to the Board and explained that it actually flows a couple of ways, but it's drainage flows over here (pointed out) and doesn't ever get here (pointed out). He said that there is drainage coming from up here (pointed out) and that is going to be brought around and let go.

Mr. Merante said that Mr. Watson said that there were modifications to the building size and asked if he would give those numbers again.

Mr. Watson said that the original building as presented originally was a little over eighteen thousand feet, and he didn't know exactly what the number was.

Mr. Merante said, and now?

Mr. Watson said that now it is 15,901 square feet. He said that the height is twenty-two feet – first floor elevation is 402 and the top is 424.

Mr. Leonard asked if there were any further comments from the Board.

There were no additional comments.

Mr. Leonard said that he wanted to advise that the CAB met on Tuesday and it is really a quick turnaround for them. He said that the Planning Board and the CAB performed individual site visits to the site and they were only able to provide quick email comments by tonight. Mr. Leonard said that basically their comments were that the CAB approves the issuance of a wetlands permit, a small section of driveway work proposed within the

wetland buffer on the property. He continued to read from the email (copy on file at Town Hall). Mr. Leonard also announced that the Board received a letter from the Garrison Fire Department. The letter was read aloud (copy on file at Town Hall).

Mr. Watson said that they acknowledged that letter and they believe they have worked out a solution to that. He said that first of all, to be clear, they were not asking for a waiver from the fire code. Mr. Watson said that they were asking for a waiver for the requirement to provide a cul-de-sac under the subdivision regulations. He said that the points made with regard to the fire code...first of all, this private road has to be fourteen feet wide, which meets the twelve-foot wide code. Mr. Watson said that in future submissions, they would be able to turn this intersection into a hammerhead that meets the code. He said that a hammerhead is an acceptable alternative under the fire code as well as the subdivision regulations. Mr. Watson said that they appreciate those comments, they can address them and they will address them.

Mr. Leonard said that when they were on the site visit, he thought Mr. Watson also addressed the issue of the 13.5 feet in height.

Mr. Watson said that they went out and found two or three places along the entire property where there were clearance issues that didn't make the 13 feet that the Fire Chief mentioned. He said those are branch removal. They'll take care of that.

Mr. Leonard said that the Board received many letters with regard to this application. Some were only received today, so it's possible that some of the Board members have reviewed all of them. He said that he was able to read the letters and obviously, would not be able to read all the letters aloud. Mr. Leonard said that both he and the Board looked for common themes/issues that were relevant to their jurisdiction and listen for things that the applicant discussed as well. He said that it is his opinion that in reading the letter, he thought the issues had been covered, but would like to give the public the opportunity to express their comments/concerns. Mr. Leonard asked that each person keep it brief and to the topic.

Mr. Ken Hoff asked if he could begin by asking how many people were there because they were interested in/opposed to the 245 Avery Road property issue. He then introduced himself. He stated that he submitted something in writing, but made notes. Mr. Hoff read his correspondence aloud (copy on file at Town Hall).

Mr. Mark Kemeny introduced himself and stated that this is a twenty-two foot high structure and is the equivalent of 40,000 square feet. He said that it is the size of Foodtown and it's a box. Mr. Kemeny said that there is no intent at all to mitigate the size of the building, have a sloping roof or in any way diminish the scale architecturally. He said that it is on a dirt road and it's parallel to Avery Road. No attempt has been made in any way to rotate it so that its narrow side is facing (inaudible). Mr. Kemeny said that that 16,000 feet to him is technically o.k., but realistically (inaudible). He said that the pictures that were shown look something like Mighty Python – a few trees to somehow hide this gigantic structure. Mr. Kemeny said that there was no picture from

Avery Road. He said that he would suggest or recommend that at a minimum (inaudible) that is actually of a professional quality that realistically shows this building from the two neighbors from Avery Road. He said that when people talk about indigenous plants, it's not just planting pine trees and clumping them together. You need to be sensitive to the actual vegetation in the area. Trying to create a screen is as artificial as the building. It has nothing organic. Mr. Kemeny said that this building is on a piece of property more than an acre when you take into account the driveway. It's on a gentle incline. The reason it's a gentle incline is because it is a retention field for a mountain. The proposal is highly insensitive. It's putting a large building parallel to the mountain, which with any environmental perspective is the worst thing you could possibly do. Mr. Kemeny said that the drainage system has not been designed. It's basically just putting in mechanical structural devices that will not allow any retention on the (inaudible). All the water from the mountain will be mechanically reverted into what is probably one of the two or three cleanest streams in Putnam County. He said that they have been subject to two twelve-inch rain events in the last thirty years. A velocity calculation might be scary. Mr. Kemeny said that he didn't know what the Wetland people were smoking, but anybody who looks at this plan who isn't concerned about silt build-up is not working at the reality of taking one acre of land and basically creating a concrete (inaudible). He said that the septic system is suspicious. It's basically on the other side of the road.

Mr. Ralph Arditi introduced himself. He said that they just heard about this two weeks ago. He said that he had a few issues with this beyond the obvious ones that have been stated. Mr. Arditi said that for those who wanted to find out more about this, it is very difficult and even for someone who's willing to put in the work to get the facts, it's very hard to get. He said that he thought most of the people present probably want to be reasonable, but would love the facts – the process and the history. Mr. Arditi said that they are in the position as residents of having to react based on incomplete information, and are in an impossible position to try to be good citizens and consider this sensibly and thoughtfully dealing with a full deck. He said that the Board seems inclined to approve this, but couldn't tell. Mr. Arditi said that he would like to know what standards the Board would think of applying to the site plan, because to any regular person, it is completely obvious that it's not a residence. It was the project that was restarted because the first one wasn't going to go anywhere. He said that the primary residence is eight thousand feet and that Mr. Watson stood in front of this group and said 16,000 or 18,000 feet – that this was a residence for occupancy by the help or guests. He said that the whole zoning issue seems to be skipped over. Mr. Arditi said at a minimum, he was hoping there is a process for getting more information and an appropriate delay, as he didn't see any big rush here.

Mr. Leonard said that he wanted to make a comment in general. He said that he realized as members of the public sometimes this process doesn't seem fully...but there is an awful lot of in-depth evaluation that goes on with these applications. Mr. Leonard said that without a doubt, this isn't the first time this is being discussed by the Planning Board. He said that there are site visits done by the Planning and Conservation Boards. The members themselves read a lot of information. All of the public's letters are read. There are certain areas that would fall under zoning, or are questions for the Building Inspector.

Mr. Leonard said that the Board has planners and an attorney, who evaluate as well. He said that the public see a Planning Board that comes meets once a month, but in fact, they do an awful lot of homework behind the scenes. Mr. Leonard said that this, for the Board, is a listening process – to take in everything that’s said, for them to evaluate and ask questions, etc., but to now draw any conclusions. He said that the Board is totally open minded to anything the public has to say. Mr. Leonard said that the Board asks that everyone stays relevant to the topic and that they be brief and to the point.

Ms. Conner said that also, every month when they have a meeting, it is published on the town website. She said that the site visits are published in the newspaper and it’s incumbent on citizens to pay attention. Ms. Conner explained that neighboring property owners get notices.

Mr. Arditi said that the notice they received was completely innocuous – it said nothing about a 16,000 foot structure.

Ms. Conner said that they were not there to argue. She said that when they get a notice, the next thing to do is to find out the information.

Mr. Meehan suggested that they go to the Town Hall for further information.

Ms. Sam Braunstein introduced herself. She thanked the Planning Board for its services. Ms. Braunstein requested that the Board not delay, but reject the application. She said that she felt this was not a residence and wished that a floor plan had been made available so they could do more analysis on it. Ms. Braunstein said that she that she had short notice and was not able to make a trip to the Town Hall and try to locate that. She said that two residents on her road made requests for floor plans and were not able to get them. Ms. Braunstein said she wanted to know what the maximum occupancy of the building would be. She said that she felt if it truly was a residence, a maximum occupancy would be like ten or twenty, but it looks like it could accommodate one or two hundred people. If it were, in fact, to be (inaudible), what would happen if someone forgot to close the shutters. She asked if they could imagine driving by and seeing it’s illuminated – twenty thousand square feet. Ms. Braunstein said that with regard to the mitigation factors that were mentioned, she couldn’t imagine the Planning Board would have the manpower in order to monitor (inaudible). Ms. Braunstein said that just because they put up trees, which look very small in comparison...there’s no way you could possibly put up a tree to shield this. She asked what mechanism the Board would have to make sure that the foliage was maintained. Ms. Braunstein said that she opposed the entire project and she didn’t think it should be modified in order to become a residence rather than a warehouse.

Mr. John Benjamin introduced himself and stated that he was an adjacent land owner. Mr. Benjamin said that he thought no matter how well intentioned they are as a Planning Board and as a group of citizens, they can’t legislate the neighbors. He said that as an abutting land owner, they were never notified with regard to any opportunity to visit the site.

Mr. Leonard said that it was noticed and that he knew it was in the paper as he saw it.

Mr. Benjamin said that it was very difficult to find out. He said that he went up there when they started to build the property and knew the builder. He said that the only time he met the neighbors was when they called him and said they'd sue him for trespassing if he ever showed up on their property again. Mr. Benjamin said that another point of bookkeeping is that he believed Ms. Finger, who's on the Board was the vet for the applicants. He said that he wished to respond to, "we only have to take two trees out", and said that the reason for that is that they've been cutting trees on that site for five to seven years.

Mr. Merante asked Mr. Benjamin if it was a matter of clear-cutting or harvesting.

Mr. Benjamin said that Bob was familiar with it because he called him and talked about it. He said that the guy who really knows it is Josh. Mr. Benjamin said that he wanted to say something to Mr. Watson, who made the same comment at the CAB meeting the other night talking about "chatter". He said that he takes real offense to that because as can be seen, this is serious concern by the neighbors. Mr. Benjamin said that his final comment would be to ask the Board, when is a house not a house. He asked, when is a residence something else?

Mr. DeSaro introduced himself and stated that he lived on Avery Road, but not close enough to have a visual issue with this property, but Avery Road is mostly a dirt road. He said that he was concerned that he hadn't heard anything about the adverse impact to the tranquility of the dirt road for twenty-four months of construction and hauling materials to build a 16,000 square foot property and if there's going to be a lot of traffic on the road carrying laborers and materials. He said that perhaps the Board would consider that and perhaps impose some conditions if it was inclined to let this project proceed at least until the next level. Mr. DeSaro said that with regard to the road, the contractors, especially outside of Philipstown, do not keep their speed down – they've got a job to do, homes to get to, and race in and out. He said that it would have an adverse impact on the recreational use of this road, which is an important issue.

Ms. Robin Arditì introduced herself and stated that she, too, really appreciated what the Planning Board is doing. She said that she looks at the Board as being the safeguard – protecting Garrison and protecting rural residential districts, which have been an overlay. Ms. Arditì said that Avery Road is one of the pristine, very special places in Garrison. She said that she was really happy that the Spanus have 150 acres or something like that and have a beautiful home and farm. Ms. Arditì said that whatever the chatter was – whatever she knew about it, she thought it was actually much better than the proposal that was presented tonight. She said that she is very disturbed by the fact that, "there is this problem and that problem, and we're going to resolve that, so that's not a concern". The one thing she did know is that this is a warehouse. It's going to be a translucent warehouse. Ms. Arditì said that she wondered why they wouldn't consider a re-siting of it, as they had 150 acres. If it is going to be as beautiful as some might say, maybe it

could be somewhere else where they don't have to see it at all. This is not just the twenty-two feet high, but it's twenty-two feet high on an elevated part of the property, where you walk on Avery Road. There is no bush that is going to prevent this from being seen. She said that this is not going to be able to be screened. Ms. Arditi said that she is so distressed by this and that frankly she thought it was a travesty. She asked if anyone is talking about covenants that would run with the land, what safeguards there are and what kind of conditions would be imposed.

Ms. Nancy Olnick introduced herself and said that they feel the same way about Avery Road. She said that the reason they love Garrison so much and have been there all these years is because they like the privacy and like the same thing the neighbors like. They like the quiet and the peace. Ms. Olnick said that her husband and she would never do anything to destroy that for anybody else. She said that they don't have 150 acres – far from it. Ms. Olnick said that they have tried and will continue to do whatever they can to address any concerns that anybody has. What's important to them is having a good relationship with their neighbors and do not want to make any enemies. Ms. Olnick said that they don't want to go against any of the concerns here because they have the same values and feel the same way and wouldn't do anything to destroy the feeling of Avery Road.

Ms. Barbara DeSilva introduced herself. She said that she was concerned with how construction vehicles would get to the site. Ms. DeSilva said that right now here property has been compromised. She said that she had assurance from the Town that everything would be all right. It's not. She said that she's not had use of her property. Ms. DeSilva said that the dirt roads are not built for trucks. She said that she would like to know how this would be accomplished. Ms. DeSilva asked if they would off-load and use smaller trucks.

Mr. Leonard said that first of all, they'd have to comply with whatever...if they cross bridges or roadways, any weight standards, etc. They have to take into account the road and the conditions. He said that that is a process a little further down.

Ms. DeSilva said that right now, there is a three-ton limit over the bridge on Indian Brook Road. She said that every morning she sees big trucks coming over with no regard for the sign. Ms. DeSilva said that she spoke with the Highway Department last week and they told her to call the police.

Mr. Leonard said that's someone coming down possibly for a delivery or whatever.

Ms. DeSilva said that they're not supposed to come that way.

Mr. Leonard said that for construction, anything that he's seen himself is that with the person who takes on the job, he understands right off the bat that he has to deliver a certain amount of materials, a certain amount of weight. They have to deal with bridges, roadways, and restrictions. They have to follow regulations. They're used to it.

Mr. Merante addressed Ms. DeSilva and said that she said her property was compromised. He asked how it was compromised.

Ms. DeSilva said when the Highway Department put a diversion trench onto her property and her engineer told them not to do that.

Mr. Merante said that he was wondering about the relevance to this project.

Ms. DeSilva said that she's been living in this terrible state, so she's concerned about more traffic and more damage.

Mr. Meehan asked if they could get two cars through.

Ms. DeSilva said that you probably can but shouldn't. She said that it is an historic district and they have to protect their road.

Mr. Lithgow Osborne introduced himself. He stated that it clearly is not a residence and that concerns him. He said what exactly is going on here – 15,000/16,000 square feet is big and while he would not live next to it, he drives by the building and can't believe that it could ever be possible to be screened from the road. Mr. Osborne said that the real concern he had was the presentation made tonight. There were a lot of open questions. He said that he came to this with an open mind hoping that maybe he was going to hear something positive. Mr. Osborne said that the presentation alone made him stop and think that this was ridiculous.

Mr. Leonard said that the Board would continue this hearing next month.

Ms. Conner made a motion to adjourn the hearing to next month's meeting. Ms. Finger seconded the motion. The vote was as follows:

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

Garrison Properties, LLC (Garrison Station Plaza) – Site Plan – 7 Garrison Landing, Garrison: Discussion

Mr. Watson said that the proposal is to construct a restaurant and two apartments in this building. He said that there is really very little happening with the site plan. There's some landscaping put out on the lower level. There's an outside stairwell and a front patio area. Mr. Watson said that the building is not changing very much. He said that he would ask Jeff Wilkinson, who's the Project Architect to take the Board though that. Mr. Watson said that this project was the subject of an approval of a site plan for office space, which nobody seemed to like. In the intervening time, somebody stepped up to the plate

and decided they'd put in a restaurant and tavern and retail sales to serve the commuters and local people and everybody seemed to want that idea the last time. Mr. Watson said that they've got somebody willing to do it, so they've made an application. The parking for the property is the same parking – with a couple more spaces, he believed that they've added. Mr. Watson said that they made the parking requirement and provided the Board with that calculation. He said that the major difference, the septic system, in order to accommodate the restaurant, has to be bigger. The most they're going to get from the State is fifteen hundred gallons per day. That's what they're applying for and that what they're designing. Mr. Watson said that the septic system today, as he understood it was simply a pipe that went out into the river – untreated. He said that they are proposing a package treatment plan to accommodate the restaurant. Mr. Watson said that incidentally the restaurant was sized backwards from the number of gallons so that the seating capacity matches what they will have available, including the two apartments. He said that they do require a wetland permit. They met with the CAB and explained the difference. Mr. Watson said that there is very little difference physically in what you'll see. The outflow point is the same. Underground will be slightly different in that there will be a second septic tank and a grease trap for the kitchen waste. He said that they have applied for a local wetlands permit and do have a recommendation from the CAB that it was granted. Mr. Watson said that they are also in the midst of applying for modification for the SPEEDS permit that they need from DEC and then the disturbance permit to be assigned to the different septic system. He said that they don't anticipate any problems with that. Mr. Watson said that the use is expected to be largely the same – it will serve commuters and local people. He said that Mr. Wilkinson would tell the Board about the architecture.

Mr. Jeff Wilkinson, Architect, introduced himself and stated that he was working with Sharon Davis, who will be handling the interior architecture. He said that the building is in an historic district. Mr. Wilkinson said that several years ago, they were proposing to go back to the actual building material that the structure was built with, which is a clapboard siding, however, SHIPPO had reviewed that and felt that that the stucco had acquired significance and felt very strongly that the structure should remain as a stucco material on the exterior. He said that they were also very expressive about maintaining the original bay window. Mr. Wilkinson said that the exterior material would be stucco and the bay window would be maintained. There are some slight modifications that they made from the previous application. He said that he thought they were all in line with the building formerly known as Guinan's. Mr. Wilkinson said that the original building really was a "mom and pop" where you had a storefront and a door up to the apartment (pointed out). He referred to the plan and pointed out the entry for the tavern/restaurant, the café/retail part, and the door to the apartment. Mr. Wilkinson said that plan-wise, he thought it was fairly simple. He said that the kitchen would be on the ground floor. Mr. Wilkinson said that one of the big components of this is the area, which will be the terrace for the restaurant and bar. They talked about putting a large deck across, but felt it would be too much of a change and would be seen as a negative impact on the State historic. He referred to the plan, pointed to a location and said that they felt that the little wood section was interesting (inaudible). They will use fiber cement planking for that, but it would have the same character and appearance.

Mr. Merante said that this was a historic district, but the building itself was not historic and asked Mr. Watson if that was correct.

Mr. Watson said correct. He said that the building itself is not on the registry.

Mr. Merante said that he was told by someone fairly recently that the original building was not stucco – stucco was done later on.

Mr. Wilkinson said that was correct.

Mr. Merante asked why didn't that become historic.

Mr. Wilkinson said that the term is called acquired significance. He said that it is an interesting point of view. With the previous application, they had looked into steering it toward the clapboard. Mr. Wilkinson said that Jim Rose, who is very well respected in the preservation field, in essence, pleaded that case.

Mr. Merante said that the wall on the riverside is all stucco and almost totally covered in vines. He asked if that compromised the stucco.

Mr. Wilkinson said that the stucco that's on the building now would be removed. It will have to be removed. It will have to be.

Mr. Leonard referred to the plan - the lower portion/the base and asked if it said mechanical room.

Mr. Wilkinson pointed to it and said yes.

Mr. Merante asked if there were any problems with water.

Mr. Wilkinson said that it's amazing – he'd been done there and asked the same question after the twelve inch rainfalls, and there is actually not.

Mr. Leonard asked if there were any plans for more rocks, etc., at the waterfront.

Mr. Watson said that there are plans for some riprap at the outflow, but not much more than that.

Mr. Meehan asked how they would handle the parking.

Mr. Watson said that parking is along the railroad fence from the building down toward the depot theatre. He said that there was a question with regard to that as to whether to do that and whether they could legally do that. Mr. Watson said that the owner of Garrison Landing...most of it is owned by Garrison Landing Association which owns, he

thought, half of Garrison Station Plaza and they've agreed to provide a letter of their intention to allow the parking to be dedicated to this particular use.

Mr. Merante asked Mr. Watson if he had something to indicate that the letter was needed to show they had the parking.

Mr. Watson said yes. He said that he didn't remember who asked for it. Mr. Watson said that they gave the Board the calculations that show the eighteen parking spaces required. What was asked for was a letter from the owner of the property that would be an agreement that these parking spaces could be dedicated to the use.

Mr. Gainer said that they just wanted something in the record to document the availability of parking.

Mr. Watson said that they would provide that.

Mr. Leonard opened the hearing to the public.

Mr. Jamie Copeland introduced himself and stated that he lives near the Landing. He said that he would encourage the Board to be generous in this application. Mr. Copeland said that they've been without this amenity down by the waterfront for many years. He said that he knew Jeff Wilkinson's work and he's an excellent designer. Mr. Copeland said that he'd even like to see the balcony...it's a location that the community has enjoyed for years and having it vacant for all these years is very unfortunate. He said that he is in favor of the project and would encourage the Board to be generous.

Mr. Rodney Dow introduced himself and stated that he is a resident diagonally across from Bill Guinan's building. He said that he's also a member of the yacht club. Mr. Dow said that he greatly supported the project and would actually like to see that stucco wasn't put back on and it would be board and batten or clapboard, which really coincides with the community/the hamlet down there because when he restored the house across from them, he researched it in the archives at the Historical Society and that was what was predominant in the area at that time. He said that his house was dated back to 1849. Mr. Dow said that it would also be really nice not to have raw sewage go into the Hudson River.

Mr. Andy Chmar introduced himself. He said that he would ask and if the applicant wishes and as an agreement in the community, he thought that most people would say that clapboard siding is the appropriate siding. That's the historic siding – that every effort be made by the municipality to convince the Commissioner Office of Parks and Recreation and Historic Preservation to have her office/her SHIPPO office reconsider that. Mr. Chmar said that this is the same SHIPPO office that said the new housing at West Point had to be white with black roofs and after discussion changed their mind. He said that there is always the opportunity to revisit it – he would hope.

Mr. Wilkinson said that he thought it looked great in clapboard. He said that it would be less expensive.

Mr. Chmar said that he would be more than happy to try and bring his small influence into it, but he thought it would be a beautiful building in the end. He said that they all – he thought – think that clapboard is the appropriate – just like all the other structures on the Landing (he believed).

Mr. Wilkinson said that that there is one building across, but when you come up from the south end of the train, it is really the first thing you can see.

Mr. Chmar said that he supported the idea and suggested that if there was any way they could re-visit the clapboard versus stucco, he thought there would be widespread community support. He said that he suspected the leadership of this town would help in trying to influence that decision, impress upon them that from the community's perspective, the historic preservation of this building (inaudible).

Mr. Meehan asked if they wanted to invite these people down and let them take a look at the whole area.

Mr. Chmar said that hopefully they did that during their initial review. He can't imagine that they didn't.

Ms. Montgomery asked if she could suggest that the applicant write a letter to the Town Board. She said that she believed she could speak on behalf of the Town Board – they're pleased with this project. Ms. Montgomery said that it brings back the whole purpose of what they like to see on their waterfront, things that were identified in the Shapiro report and the Comprehensive Plan. She thanked them for bringing back some life to Garrison Landing.

Mr. Meehan asked what Mr. Rhodes would have to say.

Mr. Wilkinson said that Mr. Rhodes had written a report on a previous application, but he thought they'd just have to re-visit, because Mr. Chmar (inaudible).

Mr. Leonard said that they're also planning on gutters and downspouts.

Mr. Wilkinson said yes.

Mr. Delmar Carl, introduced himself and stated that he was the President of Garrison Station Plaza, which is the owner of this property. He said that he took some stucco off to see the clapboard and you can see them. He said that the owners are definitely in support of that and they'll write the letter to the Town Board.

Mr. Chip Allemann, Vice-President of Garrison Properties, introduced himself and said that he would be in favor of that.

Mr. Leonard asked if there were any other comments from the Board.

There were no further comments.

Mr. Merante made a motion to close the public hearing. Ms. Finger seconded the motion.

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

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

Discussion

Mr. Watson said that this is an unsubdivision. They have three parcels of property – one parcel owned by Mr. Morris, which is about two acres; another parcel owned by the Hudson Valley 2009 Trust, which is also has about two acres. Both lots are completely developed – houses, septic systems, driveways, garage, etc. Viewsave owns the third parcel, which is twelve acres. Viewsave is an LLC. The members of the LLC are Roger Ailes and Gerald E. Morris. They want to split their ownership, so they’ve decided to divide the property into two equal area parcels. Mr. Morris will take one of the pieces and add it to his parcel. Mr. Ailes will take the other piece and add it to the Hudson Valley Trust parcel. Neither lot conforms. Neither of the existing two-acre lots conforms to existing zoning. Neither of the two resulting lots will conform to existing zoning, but they will come much closer. Mr. Watson said that they are basically eliminating a lot (pointed out) and taking land and attaching it to the existing lot – fully approved and don’t expect there will be any consequences with regard to development whatsoever.

Mr. Merante asked why the new lots would not be conforming.

Mr. Watson said because they don’t have enough area.

Mr. Leonard asked if the Board members had any comment.

There was no comment.

Mr. Leonard read aloud a short statement from the Conservation Advisory Board (copy on file at Town Hall). He asked if there was any comment from the public.

Mr. Ron Messaro introduced himself and stated that he lives on Beverly Warren Road. He said that he just became aware of this two days ago and wondered why the Town never sent him a letter on it.

Mr. Watson explained that he is not an adjoining owner – within 500 feet of the applicant’s property.

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

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

E. Polhemus Enterprises, LLC – Site plan (soil processing) – Horsemen’s Trail, Cold Spring: Part 2

Mr. Watson said that they did not make any submission. They did not change the plans from what they talked about last month. Mr. Watson said that they met with Mr. Gainer and made some additional changes to the Part 2, so hopefully the Board would consider the Part 2 so they can move onto Part 2. He said that there is a traffic study going on – most of it has to do with the Entergy site plan on the agenda for later. Mr. Watson said that since the two intersections involved are the same for this project, they’ve asked them to also look at the impact that Polhemus would have on the site and make separate recommendations with regard to that. Mr. Watson said, so the traffic study that’s going on...he knows all the measurements have been made and is expecting they’re going to get some results fairly shortly, but part of the Part 3 of the EAF they’ll be addressing the issues that were raised at the public hearing with regard to traffic and sight distance.

Mr. Leonard asked if the Board had any comments on the Part 2.

Mr. Merante referred to last month’s minutes – first page, and said that Mr. Watson was quoted as saying, “the operation’s been going on for a good number of years augmented a little bit”, and he asked what was meant by that. Mr. Merante asked if there were other activities beyond what was originally (inaudible).

Mr. Watson said that it was originally a mine. When the mine was closed, the land was partly reclaimed and they just kept using it for a depot for their trucking business. There was material pulled in and out of the site. Mr. Watson said that he frankly didn’t remember that comment exactly, but they’re changing the plan to provide some screening, landscaping, security in terms of gates, and put a little more orderliness to it in that they’re providing bins for the processed material.

Mr. Merante said that the reason he raised the question was because when they initially talked about this, then later on the mention of rock crushing came up and he was wondering if that was (did not finish sentence).

Mr. Watson said that they asked about rock crushing and there's no intention to have rock crushing on as a permanent or on-going thing. He said that they do expect that there will be from time to time a day or so, maybe once every third quarter where a rock crusher will be brought in to break down those large cobbles, but they don't expect that will happen very often.

Mr. Merante said that he was assuming the school buses go down to Horsemen's Trail is because it's a public road.

Mr. Watson said yes, and the Board has letters regarding Horsemen's Trail from Roger Chirico on the other site.

Mr. Leonard asked if there were any comments.

There were no comments.

Mr. Merante made a motion to accept the Part 2. Ms. Finger seconded the motion. The vote was as follows:

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

Mr. Gaba said that this is an application that's being processed under the old zoning code, it's been grandfathered and the latest submission from the applicant (Statement of Use and latest site plan) references the new zoning code, which he supposed was fine, in and of itself, but there ought to be a note somewhere along the line – whether it be OC district, I-zoning applicable, or just a footnote in the Statement of Use, so that it's clear under the record.

Mr. Watson said that he would revise the Statement of Use to reflect that.

Mary Ellen Finger – 3 Horsemen's Trail, Cold Spring: Landscape Plan

a. Approval of three-lot subdivision

b. Approval of site plan (Entergy)

Dr. Finger recused herself and left the building.

Mr. Watson said that they did submit a revised site plan from Lamb, which was intending to address some of the landscaping concerns and would be happy to receive any comments the Board may have about that. He said that in the interim, they did work with Mr. Gainer on the Part 2 and suggested something, red-lined it, finished it up and gave it back to him and thought that probably at this point, it was acceptable. Mr. Watson said that they are hoping the Board would adopt the Part 2 so they can move forward. He said that the traffic study is ongoing and they expect that to be the major part of Part 3.

Mr. Leonard said that the Board reviewed the landscaping plan and he asked if the Board had any comment regarding that.

Ms. Conner said that she thought that something should be put along the façade of the building in addition to what's there.

Mr. Watson said that he would pass that on. He said that he did believe the CAB looked at it.

Mr. Leonard said yes, and read the letter (from the CAB) aloud (copy on file at Town Hall). He asked if there was any comment.

There was no comment.

Ms. Conner made a motion to adopt the Part 2. Mr. Merante seconded the motion. The vote was as follows:

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

Adjourn

Ms. Conner made a motion to adjourn the meeting. Mr. Merante seconded the motion. The meeting ended at 9:50 p.m. The vote was as follows:

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

Respectfully submitted,

Ann M. Gallagher

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

Date approved: _____