

Philipstown Planning Board
Meeting Minutes
February 17, 2011

The Philipstown Planning Board held its regular monthly meeting on Thursday, February 17, 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.

Present: Anthony Merante, Chairman
 Kim Conner
 Michael Gibbons
 Michael Leonard
 Kerry Meehan
 Pat Sexton
 Steve Gaba, Counsel
 Ron Gainer, Planner
Absent: Josephine Doherty

Minutes

- January 20, 2011

Mr. Meehan made a motion to adopt the minutes. Mr. Leonard seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

Public Hearing

**Evelyn Gex – Re-alignment of property line – 24 Hummingbird Lane, Garrison:
Discussion** (continued)

Mr. Merante asked if seeking the road maintenance agreement was the only issue holding the application up.

Mr. Gaba said that basically the deal was that it's hard to tell from the old subdivision plat what the access on Hummingbird Lane was. He said that there is a number of lots - the peculiar three flag lots with the two on the main road, and at the last meeting he stated that it seemed to him that most of the lots were intended to access off of Hummingbird. Mr. Gaba said that when he sent the road maintenance agreement out and asked Mr. Martin to try to come up with an answer to that, he had done that. He asked if the Board got its submission.

Several Board members said no.

Mr. Gaba explained that there are easements in the deeds out of the original subdivision for every lot, but thought Lot One though was not referenced, and he asked Mr. Martin if that was correct.

Mr. Martin said that was correct.

Mr. Gaba said that for whatever reason, they weren't carried forward into Mr. Martin's client's deeds, but they are of record - they are in the chain of title, so it's pretty clear they have a right to access over Hummingbird and they're not changing anything. Mr. Gaba said that was the other outstanding issue and that's been resolved now.

Mr. Martin said that they make reference to the filed map and to the easement that's shown on the filed map to the kind of attached area (pointed out), but other than that, there's no language on there.

Mr. Gaba said that when Mr. Martin files the lot line change map, he would make a note referencing that in the chain of title there are easements for use of Hummingbird Lane by Two, Three, Four and Five.

Mr. Martin agreed.

Mr. Merante asked where they stood on the road maintenance agreement.

Mr. Martin said that he did not see his client present, but spoke to him earlier in the day and his client conveyed to him that the two owners would be willing to come to an agreement...it sounded like with the Hose owners...they didn't sound interested.

Mr. Merante said that's what he remembered in the minutes – it sounded like they were the only ones that didn't want to participate and he asked if that was correct.

Mr. Martin said yeah.

Ms. Conner said except that she said she hadn't been asked though.

Mr. Martin that initially he thought Mr. Marconi conveyed at the public hearing that he had solicited them, then she countered and said that he didn't solicit them. So he's conveyed to him today by phone that he called, left some messages and didn't hear back.

Mr. Gaba asked if he mailed out a copy of the road maintenance agreement to everyone.

Mr. Martin said that he didn't know if he did that or not.

Mr. Merante said that they seem to be up in the air about the road maintenance agreement and asked if that was going to hold the Board up.

Mr. Gaba said no, it is a lot line change and you really can't impose the road maintenance agreement. He said he had hoped the applicant had mailed out a copy so that the Board could see that everyone got it and know what he was talking about.

Mr. Merante said that he was asking if there was any reason to hold it up for another month.

Mr. Gaba said no, the Board gave him a chance.

Mr. Gainer said that the Board had seen the plans before, and there has been no new submittal. He said that at the last meeting, they had the draft Resolution for the Board's consideration.

Mr. Gibbons asked if someone would refresh his memory with regard to the CAC and Wetlands on this property.

Mr. Gainer said that the Wetlands Inspector had issued comments that he thought the Board had seen prior to the last meeting. He read them aloud (copy on file at Town Hall). Mr. Gainer said that he identified in his draft copy of the Resolution a further condition to have the plans revised to address all identified concerns of the CAC.

Mr. Gaba said that they'd include the note regarding easements for access over Hummingbird.

Mr. Merante asked if the public had any comment.

There was no comment from the public.

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

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

Ms. Conner made a motion to adopt the Negative Declaration (copy attached). Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor

Pat Sexton - In favor

Ms. Conner made a motion to adopt the Resolution (copy attached). Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante - In favor
Kim Conner - In favor
Josephine Doherty - Absent
Michael Gibbons - In favor
Michael Leonard - In favor
Kerry Meehan - In favor
Pat Sexton - In favor

Regular Meeting

Elizabeth Todd Healy/Montrest Property – Approval of three-lot subdivision – Lane Gate Road, Cold Spring: Resolution

Mr. Gainer said that at the last meeting, the Board adopted a Negative SEQRA Declaration – in January.

Mr. Merante said that the Negative Declaration was adopted on January 20, 2011 (copy attached). He asked if there were any changes to the Resolution.

Mr. Gainer said no.

Mr. Gibbons made a motion to adopt the Resolution (copy attached). Ms. Sexton seconded the motion. The vote was as follows:

Anthony Merante - In favor
Kim Conner - In favor
Josephine Doherty - Absent
Michael Gibbons - In favor
Michael Leonard - In favor
Kerry Meehan - In favor
Pat Sexton - In favor

Public Hearing

Philipstown Square – Amended site plan approval – Route 9, Cold Spring: Discussion

Mr. Gainer said that as the Board was aware, they had some minor changes in use proposed for the very southerly retail space of the building. It was originally identified as retail or office and it's being converted to restaurant use. Mr. Gainer said that the Board conducted a site inspection, a referral was made to Putnam County, and the County responded. He said that the only open issue that the Board had was the concern to verify that the sanitary disposal system on site, which had been upgraded some time in the past, is adequate to service the new restaurant. Mr. Gainer said that an engineering report had just been submitted today by the applicant. He said that he is reviewing it and is in

discussions with the design engineer, who represents that the sanitary disposal system is adequate to service the eighty-seat restaurant. Mr. Gainer said that he is not completely though his review, but that is their representation.

Mr. Merante asked if there were any questions about parking.

Mr. Gainer said that he didn't recall the Board raising that.

Ms. Sexton said that they were talking about whether it would be adequate for the restaurant. She said that the parking was mainly in the front and she wondered if there were going to be marked spaces in the back for parking.

Mr. Scanga said that they are seeking the pre-existing...they've had two restaurants there. They had Café Maya with 35 seats and (inaudible), which was 45 seats. Mr. Scanga said that they are not looking to add any more seats and parking is sufficient for that.

Mr. Gainer said that the study does that analysis. He said that apparently there were two former restaurants, which total eighty seats and they are creating a new restaurant that is going to utilize that same seating capacity. Mr. Gainer said that as he had stated, he is still reviewing the data that just came in today.

Mr. Meehan asked if the entrance to the restaurant was in front.

Mr. Scanga said it was in front.

Mr. Merante asked Mr. Scanga how much space there was, looking at it face-on, from the side of the building to the edge of the property.

Mr. Scanga said he did not have the exact...

Mr. Merante said about – based on the scale...

Mr. Scanga said at the furthest point, it's probably 8200.

Mr. Gainer said that he would say from the front part of the building to the property line along the front wall of the building is probably forty feet.

Mr. Merante asked if that was a permissible dimension there.

Mr. Gainer said that they're not changing it from the existing condition. He said that it all pre-exists.

Mr. Gibbons said that there's no take-out window on that side.

Mr. Scanga responded said no.

Mr. Gibbons said that in regard to the parking, there's been major modifications on all the store fronts. He said that yes, there were two restaurants there before and maybe the seating capacity was the same, but it should really be based on what the building is now-how many store fronts there are and how many parking spaces are allotted per store.

Mr. Scanga said they had the architect look at it and they meet sufficient requirements for parking.

Mr. Gibbons said that he would think they'd have to do that to get to the Board before.

Mr. Scanga said they did - they've been through it prior to this. He said that again, parking is sufficient or it's what's required for the amount of stores. Mr. Scanga said that office space...they had the whole thing...consideration on a prior approval. He said that their really not looking to do anything else rather than combine the two stores into one.

Mr. Gainer said that the Board has not seen on this current application any analysis of parking. He said that he didn't recall what was in the former application. Mr. Gainer said that maybe the Board could seek to have that information shown on the plat. He said that essentially all they're doing is converting the location of where the former vacant retail space was to the center where the restaurants used to be and the restaurant is being relocated to the southerly corner.

Mr. Gibbons said his understanding was that the Board had asked for a landscape plan with regard to the back for the neighbors and asked if it was in compliance at that point.

Mr. Gainer said that the site plan still proposes to provide that same landscaping originally required by the former approval. He said that the landscaping is still not in place, but this plan carries forward that intention.

Mr. Gibbons asked how long ago the applicant was in front of the Board.

Mr. Scanga said about a year. He said that realistically they got some of the landscaping done at the end of last season. Mr. Scanga said that they know...the landscaping in back. He said that they didn't stop at anything there and there's no reason why they wouldn't finish the back. Mr. Scanga said that it was just the end of the season and they ran out of time.

Ms. Sexton said that the only reason she brought up the parking was that there is a lot of space around in the back. She said that if it was overloaded in the front, there's a possibility that they could (did not finish sentence).

Mr. Scanga said that they did move the employee parking to the rear of the building. He said that there is a ton of parking in the back and they asked that deliveries be in the back of the building. Mr. Scanga said that there's actually more parking now than there was.

Mr. Gainer said that the current plan, which is the same as the original plan the Board had a couple of years ago, does show an excess of twenty parking spaces in the rear along the back pavement area. He said that he doesn't know how it's utilized, but they are representing that there is parking in the rear.

Mr. Dennis Cronin of Hiram Road said that he lived directly behind the property of Philipstown Square. He said he's been there about 7 or 8 years and when he first moved there, there was a bar and an outdoor area where all night you'd hear horseshoes, people yelling, and rock and roll bands. He asked if there would any outdoor dining.

Mr. Scanga said no.

Mr. Cronin asked if there would be any rock and roll bands.

Mr. Scanga said no.

Mr. Cronin said that the neighbors never got their tree line. He said that he thought they were promised that years ago, but they still don't have it. Mr. Cronin said that he didn't know if Mr. Scanga ran out of time, but it is not that difficult. He said that you could landscape all you want, but the renovation of it is going to cause much more activity and the neighbors deserve some sort of tree line to protect their property, which abuts right up against the parking lot. Mr. Cronin said that he did not know why the Board went ahead of that. He said that he is for the renovation and restaurant, but these are the concerns he has. Mr. Cronin said that this is the third time they were asking for that.

Mr. Gainer said that he thought as they've talked about previously, these are structured into a condition of approval and it's just a matter for the Board to determine an appropriate trigger – does the landscaping have to be in place prior to issuance of a building permit or prior to issuance of a c.o. on the proposed change of use.

Mr. Merante said, and signing of the final plat.

Mr. Gainer said right. He said that the Board could condition it in any number of ways to ensure that it's done before the occupancy takes place.

Mr. Merante asked if it was partly done or not done at all.

Mr. Scanga said that part of the trees and plantings that were specified on the drawing were not all available at the end of the season. He said that they have stuff on order and it will be planted in the Spring regardless.

Mr. Eric Kisslinger, resident of Hiram Road said that he was looking forward to a restaurant, but was glad to see the addition had nothing to do with outdoor dining. He said that in regard to the landscaping, he was not sure what type was proposed, but behind the gas station there are a bunch of large white pine trees and they don't lose their

leaves in the wintertime. Mr. Kisslinger said that if there was a possibility of that, it would be appreciated.

Mr. Scanga said that they have a row of forsythia and white pines in front of it, so there will be coverage.

Mr. Gainer said just to be clear with the Board and so that they are all on the same page with the landscaping, it's a row of forsythia that's going to extend over the southerly half of the property to the rear parking lot. He said that they've identified six, six-foot high white spruce spaced twenty-five feet apart. Mr. Gainer said that the Board may wish to see them either larger or more numerous.

Ms. Sexton said that the Board had discussed that – the twenty-five feet. She said that on the right hand side of the building, they have the pine trees – a whole row of them to screen that house. Ms. Sexton said that they're a certain size now, but are getting bigger every day. She asked the applicant if they could do something along the back.

Mr. Scanga referred to the plan. He pointed out what was asked of them and then what they actually did on the prior application. Mr. Scanga said that they could probably do a little more – they could decide on their own. He said that again, they are not out-of-towners - this is something they're in for the long haul.

Mr. Gainer said that arguably, the neighbor could ask for a second row just to break up the spacing. He said that they might want a different height than six feet to start.

Mr. Merante agreed.

Mr. Gibbons asked if they could do less forsythia and more white pines.

Mr. Merante said that forsythia goes naked in the wintertime.

Mr. Gainer said that it was for the Board to determine. He asked if six feet was sufficient or they should be a different height.

Mr. Gibbons said that's fine.

Mr. Scanga said that they're actually six to eight and they could put another row staggered.

One of the neighbors (unidentified) said that there's an old dumpster in the back.

Mr. Scanga said that it's probably going to go.

Ms. Conner asked if the applicant knew what kind of restaurant it's going to be.

Mr. Scanga said that it will be casual, (inaudible).

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

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

Ms. Sexton made a motion that Mr. Gainer prepare the necessary Resolution for the next meeting. Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

Old Business

Return of escrow:

- Annemarie Reeve

Ms. Conner made a motion that the escrow funds be returned to the applicant. Mr. Leonard seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

- Roland Padilla (Randi's View)

Mr. Gibbons asked if the applicant had met the requirements.

Mr. Gainer said that he couldn't tell the Board. He said that it was, more or less, a private drive to access the second lot. Mr. Gainer said that typically that's addressed at the Building Department level. He said that he did not think the Resolution required any bonding.

Ms. Conner said that there was some issue with the drainage.

Mr. Gainer said that there were a variety of issues with drainage that caused the plans to evolve over time.

Mr. Merante said that the Board can approve it conditional on him meeting all... and then the Board wouldn't have to come back and do it again.

Mr. Gaba said that the Board sends a letter to the Town Board saying release the funds, so how can they send that letter if (did not finish sentence).

Mr. Merante said then the Board should wait.

Mr. Gaba said that somebody should check on it, but he didn't know how to do that.

Mr. Gainer said that he would just send a note to the Building Inspector, remind him of the conditions and see if he could verify whether they're done.

Mr. Merante said that it would be held over until next month.

Adjourn

Ms. Conner made a motion to adjourn the meeting. Mr. Gibbons seconded the motion. The meeting ended at 8:05 p.m. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

Respectfully submitted,

Ann M. Gallagher

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

Date approved: _____