

**Philipstown Planning Board
Meeting Minutes
February 21, 2013**

The Philipstown Planning Board held its regular monthly meeting on Thursday, February 21, 2013 at the VFW Hall on Kemble Avenue, Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present: Michael Leonard, Chairman
Kim Conner
Mary Ellen Finger
Kerry Meehan
Anthony Merante
Pat Sexton
Neal Zuckerman
Steven Gaba, Counsel
Ron Gainer, Engineer
Susan Jainchill, Planner

Approval of Minutes

- November 15, 2012
- January 17, 2013

Ms. Sexton made a motion to adopt the November 15, 2012 minutes. The motion was seconded by Mr. Meehan.

Mr. Merante made a motion to adopt the January 17, 2013 minutes. Ms. Finger seconded the motion.

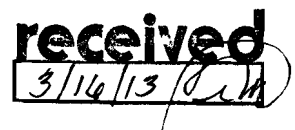
The votes were as follows:

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

Public Hearing

- The New Friary at Graymoor

Mr. Watson introduced himself and Patrick Mannion, Facilities Manager; Rick Alfandre, Architect; Rick O'Rourke, Attorney, and Brother Hugh, Member of the Society of the Atonement of the Graymoor Brothers. He presented a map showing the overall 112 acre piece of property. He explained that the main building is a long, l-shaped building, which varies in height between five and eight stories and behind that is the l-shaped piece of property, which is what's coming out (called the Old Friary and the Little Flower Chapel). Mr. Watson said that further east is the historic Friary and St. Francis Chapel, which will stay. He said that the bottom line is that the Little Flower Chapel and Old Friary are out of date, not very efficient and do not serve an aging population very well and need to be replaced. Mr. Watson said that several studies have been done to see if this could be accommodated in the 1950's building, which is very energy-inefficient. In the meantime and in the immediate future, they want to make improvements. The first improvement will be to remove the old Friary and Little Flower Chapel. Mr. Watson presented a blow-up version of the plan. He said that the advantages to the Friars are that there will be ready access to the building. Mr. Watson said that the construction begins about 150 feet passed the intersection. There will be a re-alignment of the driveways immediately to the south of the building and the construction of a small parking lot that will house the Friars vehicles and provide circulation around there.



Mr. Watson said that they have met with the Fire Department, but have not gotten a letter from them after many months of trying. He said that they have tailed the site plan to accommodate the needs of the Fire Department. Mr. Watson pointed out the path the Fire Department wanted to come up. He said to accommodate that, they're proposing some widening and shifting of the parking. The area of the old Friary and Little Flower Chapel will be landscaped. Mr. Watson said that he thought they accomplished addressing the issues of the Board as best they could.

Mr. Meehan asked if the fire hydrant was the only one in the area.

Mr. Watson said that there is a system throughout and pointed it out on the plan. He said that they'd be pleased to put them on the site plan. Mr. Watson said that with regard to the height of the building, the two upper panels are considerably lower than the building it will be connected to. He said that in a worse situation, they would think it is non-conforming, but because they're lower than the rest of the building, they think they'd fit in as a pre-existing situation. Mr. Watson said that Mr. Gainer had proposed the question to Mr. Gaba in the memo they received today. He said that with regard to visibility, it is located on a ridge line and they are subject to a 30 foot building height restriction, but the most you can see the building is from Dr. Gergely's office on Route 403. Mr. Watson said that they provided profile lines and he presented that to the Board.

Mr. Meehan asked if they needed a variance.

Mr. Watson said that as far as he knew, there was never a variance, as the building preexisted zoning. He said that if the building were standing by itself it would meet the code. But it's connected to another building, so that makes it non-conforming. Mr. Watson said that it's connected to another building, which is way higher. He said that also, in going through the plan set, the Board would see there's an analysis of a 20% slope. If they look at the regulations, there is a section that prohibits building on 20% slope. Mr. Watson said that they looked at that and further down in the same section, Planning Board had granted the authority to issue a special use permit when they feel that less environmental damage would be done by allowing the construction on 20% slope, as opposed to forcing the issue and making the organization build where they have flatter land. Mr. Watson said that they submit to the Board that they have concentrated their activity within the two-acre area, the building itself is very close to the old building, they have to have activity to take the old building down regardless, and any other site that they might select were they able to find it, it would require basically the same amount of disturbance to build the new building in another place and they would still have much of the disturbance from taking down the old building and restoring the ground around it. Mr. Watson said, so they think there's ample justification for the Board to find that they can reduce any potential impacts by adopting this plan and granting them the special use permit, and by their submission letter for this meeting, they requested that the permit be considered. Mr. Watson said that putting the building there is important to the Friars from the point of view of their heritage and their present activities.

Mr. Merante said that since the site visit and the fact that they haven't heard from the Fire Company, he's had a real concern with fire access. He said that with the road access and the pretty sharp curves.

Mr. Watson said that the fire truck can negotiate the curves easily enough and they could demonstrate that to the Board. He said that they are actually narrowing the road in one area. Mr. Watson pointed to the map and said that the route meets (FDA inaudible) requirements – with the turnaround, the minimum width and it was discussed with the Fire Department.

Ms. Sexton asked if they were going to be able to get into there and would go around the narrower path.

Mr. Watson said that there was a slight issue with regard to the width at one point and there was parking going on which was making it too narrow. He said that made it wider and further away from the building to provide access. Mr. Watson said that on paved roads, a fire truck pulling up a hill is not going to be an issue.

Mr. Merante asked Mr. Watson if he had any idea why they would come in from the south rather than North Highland Turnpike.

Mr. Watson said that it was perplexing to them too. He said that he personally thought they'd take the shortest route.

One of the gentlemen stated that it was important to note that the building will be sprinklered and have the latest fire alarm systems in place. He said that the building gives those friars who are not easily mobile, direct access to St. Francis Chapel, which now they can't have. It won't be fireproof construction, but it will be fire resistant. Also, the water supply there is more than adequate.

Mr. O'Rourke said that he thought the key issue was that in essence, when you consider what was the existing structure and consider the structure that will be replacing in large part, that structure, it's actually reducing the non-conforming.

Mr. Meehan asked what the applicant would do with the left over material.

The architect said that they have a proposal from Taylor Recycling and are planning to use them for the demolition and disposal of the existing old Friary and Little Flower.

Mr. Leonard read aloud the letter from the Conservation Advisory Board.

Mr. Watson said that the SWPPP was submitted and was discussed with the Conservation Advisory Board/Mr. Klotzle.

Mr. Gainer said that the Board received his technical memo. The issue of impervious surface coverage and the height limitation were raised originally – both exceed code, but in his view they represent preexisting conditions. Mr. Gainer asked if that was something the Board's attorney could speak to.

Mr. Gaba said that the height limitation came up when they first came in and he thought everyone was going under the assumption that they're not increasing the degree of non-conformity if it is almost a wash with what they are taking down and putting up. He said that at least it's certainly not higher than the rest of the existing structure, so he didn't see a problem there. Mr. Gaba said that he had not focused on the impervious surface coverage. He said that when they came in originally, he thought the plan was to take down a portion of the building. Mr. Gaba said that he would expect again that it would be a wash, but would have to check the numbers on that to make sure there is no increase. He said that he could run it and get back to the Board.

Mr. Gainer said that the end product of the SWPPP review requires the Storm water Management Officer

to sign a SWPPP acceptance form, which would not be signed until the SWPPP documents are complete and the file is in final form. The only obligation is to get the NOI file in advance of construction. Mr. Gainer said that clearly it would always be a condition of the Board's approval that the information be provided and complete and the SWPPP acceptance form is signed.

Mr. Gaba said that if the Board feels it has sufficient information, which he thought except for some technical points and the legal issue regarding whether they need to go for a variance or not regarding impervious surface, the Board is in a position to close the public hearing.

Mr. Leonard asked if the public had any comment.

There was no comment from the public.

Mr. Meehan made a motion to close the public hearing. Mr. Merante seconded the motion. The public hearing was closed. 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	-	In favor
Neal Zuckerman	-	In favor

Mr. Watson said that if the Board was so disposed, they would appreciate a motion for a Negative Declaration and to direct the preparation of a Resolution granting site plan approval.

Mr. Gaba said that he thought it would be more appropriate for Mr. Gainer to circulate a draft Resolution of Neg Dec and draft approval Resolution for the Board to consider at the next meeting.

The Board agreed.

Neill – Site Plan Application – 621 Route 9D, Garrison: Resolution

Mr. Leonard made an apology to the applicant with regard to the confusion of the site visit.

Mr. Picorelli said that they responded to all the comment except for two. He said that one was with regard to the need for a SWPPP because they're under an acre. Mr. Picorelli said that he was hoping they didn't need a SWPPP. The other had to do with needing a landscaping plan. He said that because of the house location – toward the back of the property, his clients would like to maintain it so that the natural buffer that's existing will separate the road from the properties. Mr. Picorelli said that they thought the natural landscaping there would be sufficient to screen the house. He said that with regard to the need for a DOT permit for the curb cut, it has been granted and he would get a copy to the Board. Mr. Picorelli said that there's also a permit from the Town and Board of Health to abandon the septic and take down the previous house that was there. He said that he would also get a copy of those permits/approvals to the Board. With regard information to correct the limit of disturbance, they would certainly take care of that. Mr. Picorelli said that he thought that they had addressed all concerns and would like to ask the Board to move to schedule a public hearing.

Mr. Meehan asked if the thousand gallon propane tank was above ground.

Mr. Picorelli said buried.

Mr. Meehan asked what kind of safeguards they had.

Mr. Picorelli said that there is sort of a dome-shaped with a steel cap that is removable to fill the tank.

Mr. Meehan asked if there was an automatic shut off.

Mr. Picorelli said that there is a working shut off at the regulator.

Ms. Conner said that lighting was indicated on the plan and she asked if there were up lights.

Mr. Picorelli said the tree lights, yes – small up lights that illuminate the tree.

Ms. Conner asked if the driveway was outside the (inaudible) of the tree.

Mr. Picorelli said that there's an existing circular driveway that's been around that tree for several years, so there's an existing gravel drive all the way around that tree, so in theory, they're reducing the amount of disturbance around the tree.

Ms. Conner asked if the setback was a hundred feet from the road.

Mr. Picorelli said that it is well more.

Mr. Meehan asked how they'd get electricity.

Mr. Picorelli said underground service.

Mr. Merante asked where the abandoned septic system was.

Mr. Picorelli pointed it out on the plan.

Mr. Leonard read aloud the comments from the CAB.

Ms. Sexton asked if with regard to the septic tank, the Department of Health had given them permission because it was a house pre-existing.

Mr. Picorelli said that his understanding was that the Board of Health was reviewing this as a new application/new house, so he did not think he had given them any credit for the location tank or field.

Mr. Gainer said that the applicant has filed a short form EAF, and the Board needs to determine if that is sufficient for its analysis of this application. He said to be clear, a SWPPP is required, but in this matter, since there is less than one acre of disturbance, the storm water pollution prevention plan only requires (inaudible). Mr. Gainer said that he would be visiting the site tomorrow.

Mr. Leonard said that three of the members have already seen the site, but anyone was welcome to meet with Mr. Gainer on the site.

Ms. Conner made a motion to schedule a public hearing on this matter for March 21, 2013. Ms. Sexton 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 - In favor
- Neal Zuckerman - In favor

Lyons Realty Co. – Two-lot subdivision – East Mountain Road South, Cold Spring: Submission of revised plans

Christian Paggi introduced himself and said that they were basically there to request an adoption of the Negative Declaration and Resolution for Subdivision Approval.

Mr. Leonard read aloud the comments from the CAB. He stated that the Planning Board was not able to make a site visit as the ground was snow-covered.

Ms. Jainchill asked if they had an address yet.

Mr. Paggi said that he did not believe they had one yet, as it is a vacant lot.

Ms. Jainchill said that she knew there was concern about coordination of the address with putting it on the approval.

Mr. Gainer said that the Board could make the determination tonight. He said that there were two comments tonight – one was to correct on the area map reference to East Mountain Road North and the other was to add the E911 address to the plat prior to endorsement. Mr. Gainer told Mr. Paggi he should go right to the Code Enforcement Officer to resolve that.

Mr. Gaba said that he did not know if 911 would issue an address before the subdivision plat is approved. He said that if they won't he was sure Ron would send a letter saying the condition is deemed satisfied because 911 won't issue it.

Mr. Merante made a motion to adopt a Negative Declaration. Mr. Zuckerman seconded the motion. Ms. Conner made a motion to adopt the Conditional Resolution as amended. Mr. Meehan seconded the motion. The votes were 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 - In favor
- Neal Zuckerman - In favor

SNK Farms, Inc. – Minor site plan amendment and special permit application – 3188 Route 9, Cold Spring: Revised materials

Mr. Watson said that they have asked the Board for its reconsideration of the Resolution granting

approval to the site plan, as the Board knew they went through a lot of effort to get where they got. He said that they were thrown a curve ball in that they wanted them to put in drainage along the entire frontage – in what he would classify as a ditch. Mr. Watson said that it turned out the DEC classified it as a classified stream, which would require a town permit and state permit. He said that they are asking the Board to re-adopt the Resolution omitting the work in the right-of-way. Mr. Watson said that they are already beyond what they thought they had to do, and this would make any improvement to the site impossible. He said that there are two curb cuts, two throats. They had proposed to narrow one from 36 to 33 feet and repair the curb going out to the state right-of-way and match it into what's existing. Mr. Watson said so they're asking the Board to remove the requirement for working in the right-of-way for the DOT and the condition that the permit be presented before they finish with the approval.

Mr. Zuckerman asked what the impact to the site was by not doing this or not doing this.

Mr. Watson said that they're going to take the impact. He said that the impact on the site by not doing it would be nothing, really. Mr. Watson said that the situation will stay the same, except that the new paving will take care of the ponding problem and the state won't get them to put in 300 feet of pipe, two catch basins and go through the ordeal of getting a DEC permit. He said that the water is not coming from the site – it is coming from the road.

Mr. Gainer said that they have all been at the project site. He explained the existing conditions to the Board. Mr. Gainer said that he didn't see the need to address any drainage concern.

Ms. Conner asked if that flooded during Irene.

Mr. Lanski, Attorney for the applicant, said that he represented the previous owner and he believed there was flooding coming from behind because they opened up the damn during Irene, but he did not believe the flooding came from the street.

Mr. Watson referred to the plan and said that it had been revised to reflect the changes, so reference to the plan would be appropriate.

Mr. Gaba said so the modification Resolution would reference that and it would say the condition in the prior one is deleted. Mr. Gaba said that it falls within the existing application and do not need a public hearing. It's under the existing SEQRA review and the Board, if it's so inclined, would adopt a Resolution granting the request of modification.

Mr. Merante made a motion to grant the request for modification. Ms. Sexton 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	-	In favor
Neal Zuckerman	-	In favor

Quarry Pond (Glassbury Court) – Site Plan Approval – Route 9, Cold Spring: Request for modification of condition

Chris Guisti introduced himself and stated that basically they were asking for a slight modification of the

number of Certificate of Occupancy's they can issue before they finish the DOT work. He said that they had started the work and ran into an issue with the weather. Mr. Guisti said that once the weather breaks, they'll be able to finish the work, which they expect will be done by the end of April.

Mr. Leonard said that they are changing from 49 to 52 c of o's.

Mr. Guisti said yes, they are changing from 49 to 52 c of o's.

Mr. Zuckerman suggested that the decided on the actual number to save time, etc. for everyone involved.

Mr. Guisti said that is why he was asking for 52.

Mr. Gainer asked how many c of o's were in place currently.

Mr. Guisti said 48.

Several Board members discussed whether or not to "up" the number.

Mr. Gaba said that this particular condition was put in to help spur them to complete the work on Route 9. In 2007, the condition originally read differently. In 2009, it was revised to say that the Certificate of Occupancy of the 49th home was issued to no further certificates of occupancy would be issued until the proposed Route 9 improvements were completed. He said that he was not sure the Board should change it to a higher number.

Mr. Merante made a motion to modify the Resolution. 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	-	In favor
Neal Zuckerman	-	In favor

Miscellaneous

- Training

The Board decided to schedule training for Saturday, April 13th from 12:00 to 4:00 p.m.

Ms. Montgomery said that she would confirm the location with the Board.

Adjourn

Ms. Conner made a motion to adjourn the meeting. Mr. Merante seconded the motion. The meeting ended at 9:15 p.m. 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	-	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.

Date approved: _____