

Philipstown Planning Board
March 18, 2010
Meeting Minutes

The Philipstown Planning Board held its regular monthly meeting on Thursday, March 18, 2010 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
Josephine Doherty
Michael Gibbons
Michael Leonard
Kerry Meehan
Pat Sexton
Steve Gaba, Attorney
Ron Gainer, Planner

Mr. Merante welcomed Mr. Michael Leonard as the newest member of the Planning Board.

Approval of Minutes

- **January 21, 2010**

Ms. Connor referred to page 11 and stated that it should read, "...unrelated patent litigation matters in Texas for Metro PCS". Referring to the same page, she asked that the word "steak" be changed to "stake".

Ms. Conner made a motion to approve the minutes as amended. Mr. Gibbons seconded the motion. The minutes were approved and the vote was as follows:

Anthony Merante
Kim Conner
Josephine Doherty
Michael Gibbons
Michael Leonard
Kerry Meehan
Pat Sexton

Miscellaneous

Mr. Merante stated he was given copies of letters sent to applicants who's applications have been completed and presently have a balance remaining in their escrow funds.

Mr. Merante said that he wanted everyone to be aware that the February 22, 2010 meeting was cancelled due to a storm and that the Board was supposed to have a site visit on Sunday, February 28, 2010 that was also cancelled.

Public Hearing

Scanga Realty, LLC (Lot #4)

Mr. Paggi said that there is an existing commercial subdivision located on Lady Blue Devils Lane. Currently, there are two vacant lots that remain in that subdivision – one on either side of the existing Scanga Woodworking facility. He said that the first project they are proposing is on lot three of that subdivision, which is by the cul-de-sac – west of the existing Scanga building, and that proposal for that particular property is to construct an addition that would be contiguous to the existing building/an extension of the existing building. He said that by actually creating one building, they are able to preserve more green area on the west end of the property, which is adjacent to existing residential properties and they are actually able to leave a portion of that property with native vegetation. The other portion, while it will be green, will be used for a stormwater management basin. Mr. Paggi said that this project required that they make application for a variance because in order to maintain the frontline of the building while they do have the required setback along the majority of the road, when they get to the cul-de-sac, they actually encroach upon a front yard setback. That variance was granted. Mr. Paggi said that a second variance was also needed for the total coverage – building coverage on the lot. He said that the allowable coverage is twenty-five percent and they are proposing 28.6 percent building coverage on the lot. Mr. Paggi said that it was very similar to a variance that was granted for the existing building, which required a variance to allow 28.7 percent. He said that the argument made for the variance is that the proposed use is more building intensive than parking intensive and that they were maintaining the overall lot coverage, which is the combination of building and parking and that variance was also granted.

Mr. Gibbons said that he knew the North Highlands fire chief was concerned about the size of the building and asked what the fire protection was.

Mr. Paggi said he did not think that the size of the building represents any additional fire hazards. It's a steel building, a concrete floor. He said that in their response, he had the same comment for this lot as well as lot five, and that was that there's no water out on the site. Mr. Paggi said that's very common in most rural areas. Their response to that is that they're required to adhere to the New York State Building and Fire Code and the buildings that they are proposing as well as on lot five do adhere to the building code - they are within the allowable standards for the type of building construction proposed. Mr. Paggi said that while he understands that the Fire Department would like to see water out there, the proposal is going to the existing regulations.

Mr. Gibbons asked Mr. Paggi to go over the filtration/basin - depth, total area, whether there will be a berm there and how deep it was going to possibly get.

Mr. Paggi said that the bottom of the basin is at elevation 372 and the top is 380, so it's a total of eight feet deep. The spillway is slightly lower. The emergency spillway is approximately 377, so it's a foot lower, so if water were to build up, it would be approximately seven feet deep. Mr. Paggi said that they've actually designed the pond to

capture and completely infiltrate the one on the design storm and that elevation is actually below the overflow, so they're expecting that the maximum water depth for the hundred year storm is going to be six to seven feet and they expect that's going to dissipate within a twenty-four hour period.

Mr. Gibbons asked if they were going to have a ten-foot wide access road going out there.

Mr. Paggi said yes – to maintain the basin. He said that will be periodic maintenance if they've got to get in there and clean it. Mr. Paggi said that more than likely, the majority of the maintenance is going to be limited to mowing, getting the leaves out of there, etc.

Mr. Gibbons asked if that was going to be dirt.

Mr. Paggi said that it would be a lawn and the only exception to that is that they may have a sub-drainage system in it such that if they get any type of frost, it would allow the water to get underneath and get into the soils. So they're probably going to have a small yard basin out there.

Mr. Gibbons asked what was to prevent the neighborhood on the northwest side from looking at this. He said that he knew they were going to be doing some clear-cutting and asked what they had to block the view of the building from anybody in that area.

Mr. Paggi said that one of the CAC member's comments was that they were looking for additional plantings in this area (pointed out). He said that they could certainly provide some plantings in those areas.

Ms. Doherty said that back in November, when the Board did its site inspection, there were a couple of recommendations they had for landscaping. She asked if Mr. Paggi had incorporated that in his plan.

Mr. Paggi said that he believed they incorporated the recommendations.

Ms. Doherty asked if that included the seven and eight foot high trees.

Mr. Paggi said yes. He said again that he believed that they had and hopefully the Board has had a chance to look at that because if they missed anything, he'd like to know about it.

Ms. Doherty asked if the two parcels had been merged yet.

Mr. Paggi said that they would be merged at the time of approval. He said that they'd have to do it simultaneously.

Ms. Doherty asked if he would have to get something from the County.

Mr. Paggi said that they'd have to file with the County and give the Board a merger. He said that he thought there was some wording in the document that they have to provide documentation from the clerk that the two parcels have been merged. Mr. Paggi said that perhaps they could do that as a condition of final approval prior to the Chairman signing the site plan. He said that they would ask the Board to proceed to the point of an approval where the Board would actually grant them an approval subject to conditions that would have to be met before the Chairman signs it and that would be one of the conditions.

Ms. Doherty asked if Mr. Paggi had said that they were before the CAC.

Mr. Paggi said that they had been.

Ms. Doherty asked when that was.

Mr. Paggi said last week.

Ms. Doherty said maybe that was why the Board did not have any report from them.

Mr. Paggi said that the Board should have received something.

Mr. Gainer said that they just had a few comments – the issue of the buffer screening on the north and west sides of the basin, the issue of trees along the building frontage.

Mr. Paggi said that Bob and he actually met with the Wetland Inspector out at the site. He said that they actually measured the stream that was of concern and had shown that to them. Mr. Paggi said that one thing they also asked they do is just clock the one hundred foot buffer from the stream so that it is very apparent what is actually being applied for. He said that it would be on the next submission.

Mr. Gainer said he owes the Board one final submittal.

Mr. Merante asked if the audience had any questions.

Dr. Mary Ellen Finger introduced herself and stated that she is the neighbor to Scanga and shares the one thousand foot boundary line with him. She said that she had three questions. The first one was about lighting. Dr. Finger said that it is much improved since the downward lights were installed, however, there is this constant soft glow, which is not a problem right now because her house is protected. But when it extends all the way down, it is going to have that same lighting.

Mr. Paggi said that it will, but there is going to be significant plantings that probably she's not seeing right now. He said that was what they were talking about – seven to eight foot high – planted.

Dr. Finger said that she liked the lighting that's there. She said that she'd have to put curtains on her windows, as even if a little bit of light hits your retinas when you get up in the middle of the night, it disrupts your sleep cycle. She said that with regard to her livestock, it might impact them and it affects her chickens laying production. Dr. Finger said that there is an impact.

Mr. Merante asked if the lighting was that severe.

Dr. Finger said that she was not sure. She said that she had not seen it. Dr. Finger said that right now, it's kind of like when you see Dutchess County and that glow (inaudible), but magnified two or three times. She said that her next question...there is at least one vacuum system that's on the exterior of the building and certain times during the day, the noise extends all the way back. Dr. Finger said that it is very loud and wondered if some sort of a system could be built around it. She said that she had to do something similar for an air conditioning system in New York City. Dr. Finger said that her husband actually does insulation for sound control and it could be insulated and really help modify that noise. She said that the Board remembers the discussion of the residential subdivision and use. Dr. Finger said that it had never been her intention to develop her industrial zoning, however, this is before she ever knew this was going to happen. She said that it is going to be changing the appearance of the neighborhood a great deal to a highly commercial use. Dr. Finger said that she was wondering what kind of an affect that would have on any applications that purchasers come forward with.

Mr. Merante said that he was not sure how the Board could answer that.

Mr. Paggi said that she was not so sure he understood what Dr. Finger was asking.

Dr. Finger said that they would require a totally residential use of these properties and that will become an issue since it is really still a site plan approved process if a purchaser wanted to use it on a commercial basis.

Mr. Merante asked Dr. Finger if she was talking about this property in relationship to the property that she subdivided and now have two as residential and they've been separated as Phase One. He said that the other three are still within an industrial zone, even though they've been subdivided as residential lots.

Dr. Finger said yes.

Mr. Merante said that as far as he was concerned, anything in North Highlands where you have industrial and commercial right next to residential, that could be a problem.

Mr. Gaba said that one of the things the Board is reviewing is...yes, this industrial use is being expanded, but what's the impact of that going to be on potential residential development on the back portion of Dr. Finger's subdivision. He said that he believed the screening that's in place is basically what the Board sees as an adequate buffer between the two. Mr. Gaba said, now if they you come in with the second phase of the

subdivision, it would be a consideration in granting the final approval, but he thought most of it has already been taken into consideration.

Dr. Finger said that she thought her real question was, although as a right, she has the right to apply for residential use of the property, it still retains it's underlying industrial zoning...if a purchaser should come in to buy one of the lots, would there be an objection by the Planning Board if they applied for a site plan and filled all the requirements.

Mr. Merante said that he could not speculate and didn't think the Board should speculate. He said that they would have to deal with that issue if and when it comes up.

Mr. Gainer said that he was trying to formulate a potential condition the Board might want placed on any action taken. He said that with regard to the noise, if there is a concern, the Board could always seek to have noise attenuation provided on the vacuum system to the satisfaction of the Building Inspector.

Mr. Merante said and the same condition with the lighting.

Mr. Gainer said that the lighting has been addressed. He said that from the Board's site walk, the Board had requested they put the shield in place and apparently, it's been done. Mr. Gainer said that concept has to be continued through the building.

Mr. Paggi said that they're demonstrating with the pictures that they're proposing that a drop off to .1 foot candle at the edge of their paving – not even at the property line...it's below .1 foot candle.

Dr. Finger said that the site visit was on a weekend, and so the equipment would not have been operating and you would not have heard the noise.

Mr. Gainer said that he was not saying that. He said that they had identified the issue of lighting originally.

Dr. Finger said that with regarding the lighting, because it lights up the rear of the building and the only one who sees that rear of the building would be the pasture, she would suggest perhaps motion sensors, which would alert someone that there's a breach of security. She said that it would save so much more on electricity.

Mr. Leonard asked if it was possible with the CAC recommendation to add (inaudible) up in the corner to mitigate lighting somehow.

Mr. Paggi said that he thought Mr. Gibbons had suggested that. He said that they were looking at maybe making it a little narrower, pushing it a little and adding some plantings. Mr. Paggi said that they'll show that with the next submission.

Ms. Sexton asked if Ms. Doherty's request at the site visit of adding more plantings to the old building was included in the plan, because she hadn't seen that.

Mr. Paggi said that she was saying something he didn't remember.

Ms. Sexton said that the new building had more plantings.

Mr. Paggi said that actually, he thought the discussion resulted in that it was matching the old building. He said that was his recollection.

Ms. Sexton said on the building side, there were very few (on the old building) and the Board asked if they would make it more aesthetic-looking to match the new building with a couple of new plantings.

Mr. Meehan said that it was mentioned at the site visit.

Ms. Doherty said that if Mr. Paggi looked at the Board's comments from the site visit, it mentions both the existing building and the proposed building.

Mr. Paggi said that he would look into that, he missed it and he apologized.

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

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

Scanga Realty, LLC (Lot #5)

Mr. Paggi said that Lot #5 has frontage along Route 9 as well as Lady Blue Devils Lane and is currently occupied by the storm water management basin that accepts storm water runoff from Lady Blue Devils Lane and the existing Scanga woodworking shop and it will continue to do so. He said that their proposal is to enlarge that basin and to reconfigure it in a way that it will accommodate the new building and also conform to today's standards. Mr. Paggi said that the proposal is to construct a two-story building – 12,225 square foot per floor and associated parking area. He said that it was Mr. Gainer's suggestion that they consider removing the existing access to the basin and provide it directly from the proposed parking area to allow this area (pointed out) to be vegetated and landscaped and they have in fact, removed that. Mr. Paggi pointed to where they are proposing to come in from. He said that he will note one item they request that the Planning Board consider and Mr. Gainer noted it in his memo. Mr. Paggi said that Mr. Gainer had suggested potentially considering landscape islands in the center of the parking area and they contend that for maintenance purposes and circulation purposes, they would prefer not to have landscaped islands and are really of the opinion

that they may not achieve the benefit that they would hope for. Mr. Paggi said that their proposal is to landscape large areas in front. They've got existing landscaping in the rear. The building will screen the parking area from Route 9. Mr. Paggi said that the only other real exposure is from the other Scanga site.

Mr. Merante asked Mr. Gainer if he had a response to that.

Mr. Gainer said that it is really just a policy decision of the Board. He said that obviously developers just want to see open areas so it's easy to maintain. Many times Planning Boards like to break it up even if it's just at the ends, but you get some ability to landscape and have some visual breaks. Mr. Gainer said that he wouldn't propose it throughout the rows of parking, but maybe at the ends of the center isle.

Mr. Meehan asked how the applicant proposed to light the parking. He said that he thought Mr. Gainer's idea with the two landscaped islands...that you could put the lights on those islands.

Mr. Paggi said that they've really just proposed to provide some minor lighting from the building and a couple of lights coming in. He said that it is not a big parking area.

Mr. Meehan asked how many cars they were going to have.

Mr. Paggi said that they are putting fifty-eight spaces in there.

Mr. Meehan said that was a pretty good size parking space.

Mr. Gibbons asked if the design of the building was an for office building or for the wood shop.

Mr. Paggi said that it is a little bit of both.

Mr. Gibbons asked if they were going to have tractor-trailers coming in through there.

Mr. Paggi said that the proposal is not to bring tractor trailers in there, but they do have a loading dock. He said that they have a twelve by thirty loading dock, so there may be more or less, box trucks.

Ms. Sexton asked if it was a steel building.

Mr. Paggi said that it is not a steel building. He pointed out on the plan what would be seen coming north on Route 9. Mr. Paggi showed the perspective driving south on Route 9 and the perspective from the Finger property across, looking through the back property line, and the perspective driving Lady Blue Devils Lane toward Route 9.

Ms. Doherty asked Mr. Paggi if he brought the Board samples of the materials.

Mr. Paggi said that he had not, as he had not gotten any of it from the architect yet.

Ms. Doherty said that as a comparison, she'd like to see the colors of the other buildings because they're so close.

Mr. Paggi said o.k. He said that the other building is more of a grayish color. Mr. Paggi said that he thought they were going for more earth-tone – more of what they did at Philipstown Square.

Ms. Doherty said that maybe some more landscaping would break them up.

Mr. Merante asked what the total square footage and the footprint square footage was.

Mr. Paggi said 12,225 per floor, so that would be the footprint. So 24450.

Mr. Merante said, so 12,000 on the ground.

Mr. Paggi said yes. He presented the proposed landscaping plan and said that the only place there won't be any landscaping is the entrance.

Mr. Meehan asked if with regard to the parking lot, the Board was satisfied. He said that there are going to be offices and he would assume they would have the parking lot lit.

Mr. Paggi said that it is lit from the building and from this area (pointed out) in. He presented the lighting plan to the Board.

Mr. Merante asked if there would be any motion sensors to turn lights on if anyone had to go out in the back of the building in the evening.

Mr. Paggi said that he did not know if there was going to be any egress. He said that he didn't think there were any doorways out there.

Mr. Meehan said that he liked Mr. Gainer's idea of putting some landscaped islands in and putting lights in the islands. He said that they should have enough room in there to maneuver a box truck.

Mr. Paggi said that he really didn't think lighting was the issue, because they could certainly do those things with lights from where they are.

Mr. Meehan said that they are still shining lights...maybe some of that light is going to get toward Route 9 too.

Mr. Paggi said that he did not think so. He said that you're going to have the building blocking it. Mr. Paggi said that they could provide additional coverage just by using different lighting out there. He said that the real thing that the two landscape isles will buy would be breaking up the blacktop. Mr. Paggi said that you're going to get a tree in

each one and maybe some ground cover. He said that he did not think it did things that people thought it did.

Ms. Doherty said that a parking lot with fifty plus spaces...that's big. She said that she thought whatever they could get, they'd take.

Mr. Gibbons asked what the landscaping was for the far side of the parking lot away from the building.

Mr. Paggi said that he was not sure what existing landscaping was in there. He said that there may be the potential to add landscaping over there (pointed out).

Mr. Merante asked if that was facing the east end of the main building.

Mr. Paggi said yes.

Mr. Gibbons said that if the Board could look at maybe not an island, but landscape with trees.

Mr. Paggi said that made more sense to him. He said that it might already be landscaped. Mr. Paggi said that if there was anything there, he'd show it as existing. If not, they'll propose some in there.

Mr. Gibbons asked Mr. Paggi to show him the circulation of a box truck.

Mr. Paggi did so.

Mr. Gibbons said, so there's no exit back to Lady Blue Devils Lane around the building.

Mr. Paggi said to be clear, what they would have to do if they were going to add islands, is eliminate parking spots here and here (pointed out).

Mr. Gibbons referred to where #3 was marked and said that there were three spaces there with a concrete curb. He asked if they could eliminate those three and put in trees to break it up. Mr. Gibbons said in that way, you could even put a picnic table out there.

Mr. Merante said that he was wondering what that might accomplish as opposed to what Mr. Paggi said about trees along the northern edge.

Mr. Paggi said that again, he thought that was where they'd get the biggest benefit for the screening. He said that they could probably get some low plantings in there for vegetation. Mr. Paggi said that he was just opposed to first of all, losing parking spaces and second of all, maintenance issues.

Mr. Gibbons said that is a lot of parking spaces that he was asking to be eliminating.

Mr. Doherty asked Mr. Paggi if he was maxing out on his parking – he's providing fifty-eight and they're required fifty-eight, and asked if that was correct.

Mr. Paggi said that's correct.

Ms. Doherty said, so he doesn't have any extra to play with.

Mr. Paggi said they do not. He said that's according to the Board's standard. Mr. Paggi said whether or not the use in there is going to mandate that number (did not finish sentence).

Mr. Gibbons said that he would't mind seeing it where the stone wall is.

Mr. Paggi said that's going to be planted heavily in that area.

Mr. Merante said that it's a massive amount of asphalt.

Ms. Sexton said that it would be nice to have a tree on either end of it.

Ms. Conner said that one of the advantages to having trees in the middle is that is so hot in the summer when you have all that asphalt and the two buildings are so different architecturally, that it would be nice to be able to visually put some kind of division between them.

Mr. Gainer said that at the site walk the Board requested that.

Mr. Leonard said it would be helpful as an absorption tool with all the asphalt to have the trees.

Mr. Paggi said that they do have plenty of absorption capability there. He said that he was right – it would reduce the impervious cover, but they do have that covered. Mr. Paggi said that the good thing about what they discussed before with regard to the soils is that they are not just releasing it – they are getting it back into the aquifer. He said that they do have good soils there.

Mr. Gibbons asked if the Board was referring to eliminating sixteen spaces.

Mr. Paggi said no. He said that they were just talking about eliminating two on either side – four spaces. Mr. Paggi said also, possibly eliminating two and just widen (did not finish sentence).

Mr. Gainer said anything to break it up.

Mr. Paggi asked if the Planning Board would be amenable to waiving two parking spaces.

Several Board members said yes.

Mr. Paggi said that he did not know if the owner would be agreeable to that, but he would certainly be agreeable to presenting that to him.

Ms. Montgomery asked if the parking lot was going to be lit 24 hours a day and what kind of lights would be used. She said that she knew the Board had addressed the neighbors adjacent to the property, but there is a development that sits up above the property.

Mr. Paggi said that the thing they won't see is a lens because they will be downward pointing and the lights that will be directed toward them will be the ones that are building mounted and the amount exposed is only about a tenth of flip candle out in the parking area. He said that if you can see anything, the only thing they'd be able to see is lit ground surface. Mr. Paggi asked if they would agree with that.

Mr. Gainer said that questions have been raised. One is whether the lighting should be on timers or motion detectors. The Board previously talked about the need to try to identify the additional landscaping/screening. He said that there's also a question over approving architectural that identify building materials and colors. Mr. Gainer said also, what kind of signage...there's a lot of variables.

Mr. Paggi said that there is going to be no signage on lots three and four. He said that there's no additional signage being proposed. Mr. Paggi said on this one (pointed out), he thought they would come back for a signed permit, because they're not sure what they're going to do.

Mr. Gainer said that there would be no signage authorized by anyone.

Mr. Paggi said right – that's correct.

Mr. Gibbons asked if there was a chain-linked fence around the filtration pond right now.

Mr. Paggi said that they are going to replace that with the black, plastic coated - that's actually on there now.

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

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

Elizabeth Todd Healy

Mr. Watson said that the purpose of the application is to segregate the house with two acres so that it can be owned independently of the rest of the property. He said that they do not anticipate any activity as a result of the approval. There will be no building. Mr. Watson said that they will test the septic system. He said that there were a number of questions the Board had. Mr. Watson said that they represented to the Board at the last meeting that nothing further could be built on that. In furtherance of that, Mr. Chmar from Hudson Highlands Land Trust wrote a letter dated January 22, 2010 to Mr. Merante, which basically affirms that that representation...and he had copies of the easement, of which he highlighted the restriction on building. He said that the entire piece of property – about seven or eight acres, and one piece had been sold off several years ago, so one of the two building sites available had been improved – it's the relatively new house on the corner of Lane Gate and 301. So that was one of the two building sites available. The existing cottage is the other two. Mr. Watson said that the remainder of the property will be held in trust and will be subject to conservation easement and will not be built upon. He said that someone asked about the easement going through the property and Mr. Watson was unaware that Mrs. Healy had that easement extinguished, so it will be coming off of the final plat. He said that Mr. Gainer wanted a more definitive location on the septic area that's across the street and they will be giving that to the Board now that the weather is better.

Mr. Gaba said that conservation easement divides...there are thirteen potential building areas.

Mr. Watson asked if Mr. Gaba was looking at the original conservation easement. He said that the one he gave to him was the one that revises that – it's lowered to eight, and in the very last page of the stapled together package, he highlighted the two on the property – the two yellow. He said that was the one on the property that was eliminated. Mrs. Healy owns property on the other side of Lane Gate Road that can be seen on the map and has the other sites identified.

Mr. Gaba said that he still did not quite follow. He said then there are eight potential building sites on the conservation easement.

Mr. Watson said that the conservation easement covers this piece of property (pointed out to Mr. Gaba). It covers another piece of property on the other side of Lane Gate Road that's not part of this application. Mr. Watson said that this piece of property (pointed out), when it was somewhat larger, had two sites. Of the eight, two were on this piece of property. One has been sold and built on. The other one is the house they were talking about.

Mr. Gaba said, so when this is done, the remainder of the lot will not be buildable because of the conservation easement.

Mr. Watson said that's correct.

Mr. Gaba said unless the conservation easement is subsequently removed.

Mr. Watson said that's pretty difficult to do.

Mr. Gaba said that the other thing was that he thought the line went under the road.

Mr. Watson said that's correct.

Mr. Gaba asked if there were going to talk to the Town about possibly (did not finish sentence).

Mr. Watson said that the Board was going to talk to the Town about that. He said that if they have it repaired, they would have to get a permit like anybody else.

Mr. Gaba said no, just to indicate that the line is there.

Mr. Watson said that he would be happy to do that.

Ms. Sexton asked if that was a right-of-way or an easement. She asked if it went on through another piece of property there.

Mr. Watson said that the terms are used pretty much interchangeably. He said that there's a technical difference between a right-of-way and an easement, but for most general discussions, there really is no difference. A right-of-way really gets you from one place to another, and an easement is associated with a particular piece of property.

Ms. Sexton asked if for the people who live on the other property, they would agree to the disillusion of the right-of-way.

Mr. Watson said that was somewhat surprising to him and was somewhat unusual in that the parties who benefit from the right-of-way could unilaterally declare the easement null and void and that was in the original document. So that is what Mrs. Healy did. She relinquished her right-of-way and extinguished the one that burdened her.

Ms. Sexton said so those people agreed.

Mr. Watson said that the original people who did it a hundred years ago agreed that any one of them could shut it down.

Mr. Merante asked if the public had any comment.

There was no comment.

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

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

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

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

Mr. Merante asked that Mr. Gaba explain how the recreation fees work.

Mr. Gaba said that the way the Code is set up with regard to recreation fees for subdivisions is for every new building lot, you have to pay five thousand dollars. Building lots are defined as either lots regardless of zoning which are intended to be used for a residential home, or any lot in a residential district, which could be used for a dwelling. He said that this is kind of an unusual situation in that you have this conservation easement, which on the subdivision plat in big letters it says, "NOT A BUILDING LOT" and because the conservation (inaudible) the foreseeable future, this will not be a building lot. He said, so technically, you could impose the five thousand dollar fee for one new building lot. The Board does not have to do that. One, because right now it's not a building lot and it's unlikely ever to be one and two, in order to require recreation fees in the first place, the fee is really paid in lieu of dedication as a park land and it's only if you find that this is a suitable case for having the park in the subdivision, but they're not going to require one be put there because it's a two-lot subdivision in a residential area. So in lieu of having a park built there, they're going to require a fee. Mr. Gaba said here, you not only have a conservation easement, you have a conservation easement essentially for open space. He said he thought if the Board were to find that this wouldn't be an appropriate case to require dedication of park land, it could avoid the issue all together. So the way the Resolution of Approval has been drafted right now is it has (inaudible) in it requiring a five thousand dollar fee. The Board might want to strike that from it and approve the two-lot subdivision without requiring the payment of recreation fees.

Ms. Conner asked if in the future it became a buildable lot, it would be possible to impose recreation fees then.

Mr. Gaba said no – it’s either done now or not at all.

Mr. Gainer said to strike paragraph D and make paragraph E the new paragraph D.

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

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

**Scanga Realty, LLC – Amended Site Plan, Lady Blue Devils Lane, Cold Spring:
Discussion**

“ “ “ – **Site Plan for Lot #5, Lady Blue Devils Lane, Cold Spring:
Discussion**

Mr. Gainer said that it is the Board’s decision to either wait or not for the corrected plans to come in showing the landscaping, etc.

Ms. Doherty said for the other lot, Mr. Paggi would bring in an architectural and samples.

Mr. Gibbons asked with regard to the prints if the applicant could not be required to make a copy for everybody.

The Board agreed that a full print would be available at the Town Hall.

Ms. Conner asked for a print in PDF.

The Board asked for ½ scales – seven copies.

Ms. Montgomery asked for an electronic version.

Mr. Gainer said that he would receive the PDF and forward to the Board members.

**Winter Hill – Special Use Permit – Snake Hill Road, Garrison: Referral from ZBA:
Revised Plans**

Ms. Conner recused herself from this application.

Mr. Watson said that the applicant’s partnership had purchased the Walter Thompson House, which is listed on the National Register of Historic Places. He said that the application is to convert the building into an office space for local non-profit groups. The use is very similar to that which was approved. Mr. Watson said that their total disturbance is about fifteen thousand square feet. The building will have very little

change, except toward the rear of the building. There will be some modifications to add handicap access (elevator and room to allow access to those facilities). The outbuildings will stay. Mr. Watson pointed out a small outbuilding, which he said has a caretaker's apartment and will continue to be used as that purpose. There's a well pump house for the water. Mr. Watson said that they intend to use basically the same road system. At the entrance on Snake Hill Road, they show a blow up to show the Board the sign at the entrance and some landscaping at the beginning. He said that there is no intent to do anything with the road until they get up right near the property, at which point there will be some construction. They're going to put in three spaces and screen them from the road. Mr. Watson said the biggest single unit of construction will be a parking lot to the northeast of the driveway. He said that they're going in with a curved driveway. They're following the curve for a couple of different reasons. First of all, they selected the area particularly because there are very few trees in the area. Mr. Watson said that he believed that the parking area is somewhat reminiscent of the parking area that Boscobel built on the north side of the parking lot. He said that throughout the parking area they had planned for bulldozers to come out and separate the spaces into small groups and it will be landscaped. He said that he had a report from the CAC. They recommended a couple of things with regard to runoff. Mr. Watson said that they agree with some of the observations and disagree with others. Essentially they talked about creating rain gardens or infiltration trenches, which will probably increase the disturbance by about three thousand square feet. Mr. Watson said that they think it's unnecessary. There's plenty of lawn and area for the runoff to the sheet flow the way it's doing today. He said that they can understand the comment and they think an infiltration trench along the edge of the parking, or perhaps a rain garden for the three spaces and maybe another rain garden. Mr. Watson said that the other suggestion was the use of pervious pavement as opposed to impervious pavement. He said that they have a couple of problems with that – not the least of which is cost, because it about doubles the cost of the construction. It also requires more construction to put a bed underneath for absorption. And there's an issue of freezing, where there are places not too far from here where they're actually recommending putting heating systems underneath. There are three problems. One is that the water runs though and if it freezes in there, it expands and there's a question of the pavement being able to withstand the freezing. One of the ways to treat that is to make it so that it doesn't freeze as nearly as high and that's why you use salt, but then the giveback of that is that salt leeches into the ground and that's not particularly good. The third thing with pervious pavement is that eventually it fills up with sand and the purpose of it is defeated. So while they understand the notion, they don't think it's a really good idea for this particular use and they don't think that the extent of what's happening here is so great that it merits that. Mr. Watson said that he was hoping the Board would schedule a site visit. He said that gives him enough lead time so he can stake the parking lot out. Mr. Watson said that he was thinking he'd like to get some of the large balloons and place them in the parking stalls.

The Board agreed to schedule its site visit for Saturday, March 27, 2010 at 9:30 a.m.

Mr. Gainer said that the Board would prepare a formal recommendation back to the ZBA by the next meeting.

Mr. Gibbons said that they are only putting in rain gardens in a couple of areas, but not in others and asked if that was due more to the pitch and the slope or ground cover.

Mr. Watson said that he was not sure if that particular subject was in the literature he handed the Board, but rain gardens are limited to a thousand square feet of creeping area. He said that they have to be small and can only capture enough per thousand square feet of parking to go into a rain garden, so it's really not an appropriate solution here. Mr. Watson said that here you have water sheathing basically across from southeast to northwest and it will hit a trench, go into the trench and be absorbed.

Mr. Gibbons said, so you're doing stormwater management.

Mr. Watson said yes. He said that both are stormwater management.

Mr. Gibbons asked how far the walk was from the parking lot on the right where the building is.

Mr. Watson said that it was a twenty scale map and he would say it's about seven inches – 150/160 feet. He said that they really anticipate that the basic staff is going to be pretty small most of the time.

Mr. Gibbons said that his other question was why was the parking so far over to the right versus directly in front of where the house (did not finish sentence).

Mr. Watson said that they actually did several options for the owner. He pointed out the location where they wanted the parking. Mr. Watson said to be perfectly frank, the grade goes up a little steeply and gets back about seventy or eighty feet and then really goes up. He said that with the area, while it could be done, you would lose a lot of trees and you'd have retaining walls in the area of ten feet high, so it just didn't make sense.

Mr. Gibbons said that it was going to be asked by the public and was why he was asking. He said that they were talking about a ten foot high retaining wall, and he could understand.

Mr. Watson said right. He said and if you were to get rid of the stand of trees and parking, you'd be exposing the parking to the people approaching the property. Mr. Watson said it is really going to minimize the ability of anyone to see it.

Mr. Merante asked if the spot now, for the most part, was covered with trees.

Mr. Watson said that it is all second growth. He said that they will mark it up.

Mr. Gibbons asked if they were going to have it staked.

Mr. Watson said yes, they are going to have it staked so they can see exactly where the parking is.

The Board agreed to hold visit on Saturday, March 27, 2010 at 9:30 a.m.

Juan Montoya – Approval of two-lot subdivision – 236 Old Albany Post Road, Garrison: Submission of revised plans

Mr. Watson said that this was the same basic piece of property the Board looked at a couple of months ago. It was a two-lot subdivision. Mr. Watson said that he represented to the Board that they wanted to keep the existing small cottage near the road as a caretaker's cottage for the main lot. He said that he just had his wires crossed and apologized for the confusion, but it was he who asked that the public hearing on the matter be postponed pending submission of revised plans and they did that. Mr. Watson said that the Board made its site visit and the CAC has made its site visit and recommendations. He said that basically the revision was to make it a three-lot subdivision and create the third lot around the cottage that the caretaker lives in now. Mr. Watson said that despite his discussion to the contrary, it's the owner's wish to actually have that flexibility of being able to sell that off in the future. So they did revise the shape of lot two slightly and create a lot three. Mr. Watson said that it is strictly around an existing house (the third lot), so they don't anticipate any additional disturbance or anything as a result of that change in the plan. He presented a plan of the front of the property and pointed out the existing cottage and garage, behind which he stated was the pond and a wetland that separates the front from rear area. Mr. Watson said that Mr. Montoya's house is set well into the property. He said that they anticipate a new house. He said that one of Mr. Gainer's recommendations was that they use one of the two open (inaudible) for access and they've revised the plan to do that. Mr. Watson said that one of the reasons they move the lot line was in planning for a potential septic system, plus the required (inaudible) and all the geometric requirements. He said that they needed to reserve some of the land north of the existing land for the house should a septic system ever have to be put in. Mr. Watson said that the CAC noted several minor infractions of the wetlands ordinance and recommended that the Planning Board not approve it until the wetlands permit for those infractions gets obtained. He said that toward that end, he's spoken with Mr. Klotzle and they plan to meet next Monday at 3:00 p.m. They're going to walk the site, take pictures and decide what they need a wetlands permit for. Mr. Watson said that there is firewood that was harvested and piled up, which was not supposed to be. There is a walkway through the swamp, which may or may not be a permit – they're not sure about that. Mr. Watson said that there is some metal debris near the southwest corner of the pond. He said that CAC also made a recommendation with regard to the location of the driveway and suggested that it would be better to come out on the southerly route – mostly before the screening from the road. He said that they're going to look at that. Mr. Watson said that they're a little reluctant to do it because Mr. Montoya's plans for this part of the area (pointed out) don't include a driveway and so they will be looking at that and discussing that.

Mr. Merante said that one of the questions that always comes up also is sight lines.

Mr. Watson said that the sight lines are not great in either place. He said other than the addition of a couple of the lines to make the third lot...this is really no different and is no different physically than what they've talked about. Mr. Watson said that he was hoping the Board would see fit to re-schedule the public hearing.

The Board agreed to schedule the public hearing on this application for April 15, 2010.

Frederick H. Osborn III – Approval of access – Old West Point Road West: New submission

Mr. Watson said that Fred and Ann Osborn own about an eight acre parcel on Old West Point Road West. He said that have a significant amount of frontage on Old West Point Road. There's a wetlands across from the property that affects the entire frontage of the property. Additionally, it's doable, but steep to come up from West Point Road into the property. A number of years ago, the Board approved a subdivision – it was an open development area. This property services Nick Berger's house at the foot, it goes up to two relatively new houses. Mr. Watson said that there were several intra-Osborn family transactions over the years. He said that Fred Osborn and his cousin reserved the right to access their property over the easement. They have an easement right to do that. They, of course, don't have approval of access. Mr. Watson said that they are seeking approval to be the fourth lot counting Mr. Berger, or the third lot to rely exclusively on the right-of-way. He said just in evidence of that right-of-way, he had copies of the deeds that reserved them and the current deed for the property that mentions them. Mr. Watson said that the Board would see in the highlighted sections that that reservation was made so that it could not be used for sole access until it was approved by the Planning Board. He said that they have a septic system and a septic permit in place, it's been in place for probably ten years and was just renewed a couple of days ago.

Mr. Merante asked if the Board had any questions.

There were none.

Mr. Gainer said that clearly they could not come in the front. He said that it was much more appropriate to come in off the easement. Mr. Gainer said that the Board may want to conduct a site visit.

Mr. Meehan asked if it was steep driveway.

Mr. Watson said no.

Mr. Meehan said that they have a proposed driveway there and it says fourteen percent. He said that he did not know what driveway they were talking about.

Mr. Watson pointed out the driveway to Mr. Meehan. He said that it is the maximum grade of the code.

Mr. Meehan said that it is a pretty steep driveway.

Mr. Watson said not around here (pointed out). He said that's the code.

Mr. Gaba said that the issue is safe and suitable access – just the same as if it was a new ODA road. He said that if the Board finds that there's nothing on the road that needs to be changed or should otherwise prevent access off this...it's already been approved once. Mr. Gaba said that if the Board looks and is satisfied, there's not even a requirement to hold a public hearing

The Board agreed to hold a site visit on Saturday, March 27, 2010 at 10:00 a.m.

Old Business

- Santucci site visit

Mr. Merante said that the Board attempted twice now to have the site visit. He asked which dates Mrs. Santucci said she would be available.

Ms. Gallagher said that Ms. Santucci said they could meet with the Board anytime except April 4th.

Mr. Merante said that it has to be after April 10th. He said that they would not be on the agenda next month.

Several Board members said they would not be available on the April 10th /11th weekend.

The Board agreed to hold a site visit on Sunday, April 18, 2010 at 9:30 a.m.

Mr. Gibbons said that he wanted to make note that the last site visit was postponed at the applicant's request.

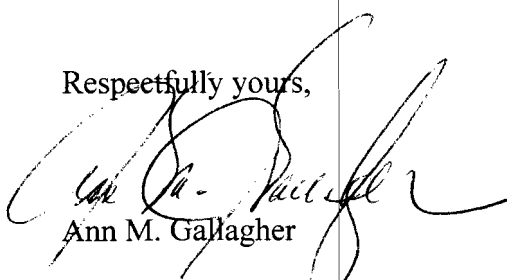
Mr. Merante said that he thought the last one was because of the weather. He said that he thought the one prior to that was canceled by the applicants.

Adjourn

Ms. Doherty made a motion to adjourn the meeting. Mr. Gibbons seconded the motion. The meeting ended at 9:25 p.m. The vote was as follows:

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

Respectfully yours,

A handwritten signature in black ink, appearing to read "Ann M. Gallagher", is written over the typed name.

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: _____

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 2 Healy two lot subdivision. 79.407 +/- Acres of Land located on Lane Gate Road. Tax Map # 38.00-03-88.1.

WHEREAS, Elizabeth Healey owns a parcel of some 79.407 +/- of acres located on Lane Gate Road in the R-40 and R-80 Zoning Districts; and

WHEREAS, an application was made to the Planning Board of the Town of Philipstown by Elizabeth Healey for approval of a subdivision to divide the said parcel into two (2) lots; and

WHEREAS, the Planning Board has completed SEQRA review for this project; and

WHEREAS, a duly advertised public hearing on the application has been held; and

WHEREAS, referral of the application pursuant to GML §239-n has been duly made to the County Planning Department, which has responded with approval of the project; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials; and

WHEREAS, the applicant has submitted the following materials for consideration:

Author	Title	Last Revision Date
Badey & Watson, Surveying & Engineering, P.C.	Subdivision Plat prepared for Elizabeth Todd Healey	January 6, 2010

WHEREAS, the Town Planning Board has been duly authorized to approve plat applications and to grant subdivision approval for property located within the Town and approve local wetlands permits; and

WHEREAS, appropriate application fees have been received by the Town.

NOW, THEREFORE, BE IT RESOLVED, that:

I. Subdivision Approval:

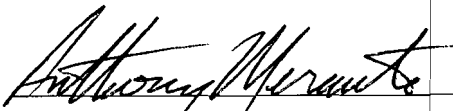
1) The Planning Board finds that the applicant has met the requirements of Town of Philipstown Article 112 for grant of subdivision approval; and

2) The Planning Board grants Final approval of the subdivision plat as depicted on the plans listed above and final approval subject to the following conditions:

- A. Presentation of a tracing and print of the final plat in accordance with Section 112-14C(1) of the Philipstown Code; and
 - B. Signature of the Plat by the Putnam County Health Department; and
 - C. Resolution of previously raised technical concerns, including:
 - The adequacy of the SSDS "reserve" area shown adjacent to the residence should be confirmed
 - As the Lot 1 SSDS lies on an adjacent parcel across Lane Gate Road from the parcel, and the residence's wastewater line traverses Town R.O.W. to enter upon other lands of Healy where the disposal fields are located, the applicant shall obtain any required agreements and/or approvals from the Town to authorize the provision of this waste line as the Planning Board's Attorney may deem necessary.
 - The design engineer should confirm that roadway drainage which enters private lands in the vicinity of the SSDS is sufficiently separated from the limits of the SSDS so as not to adversely impact it.
 - D. Payment of all outstanding fees for review and approval of this application.
- 3) The Chairman is authorized as officer of the Planning Board to endorse the final plat when Conditions A through D have been met.
- 4) Pursuant to Section 112-47D(5)(e) of the Philipstown Code, conditional approval expires 180 days after the date of this resolution unless the conditions or requirements have been certified as completed. Provided, however, that the Planning Board may extend the time in which the conditionally approved plat must be submitted for signature for two (2) additional periods of ninety (90) days each.

Adopted at a meeting of the Philipstown Planning Board on March 18, 2010.

PHILIPSTOWN PLANNING BOARD



Anthony Merante, Chairman.

c: Richard Shea, Town Supervisor
Bob Emerick, Building Inspector
David Klotzle, Wetlands Inspector

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, Elizabeth Todd Healy has applied to the Town of Philipstown Planning Board for subdivision approval pursuant to Town Code Chapter 112, Article II, for a two lot subdivision on certain real property located on Lane Gate Road, Philipstown, New York within both an "R-40" and "R-80" Zoning Districts and identified as Town of Philipstown Tax Map Nos. 38.00-03-88.1; and

WHEREAS, in regard to proposed development of the property a Short Environmental Assessment Form ("EAF") has been submitted pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the Planning Board is deemed the responsible agency for review under SEQRA; and

WHEREAS, the Planning Board has duly reviewed the latest EAF, the public record and latest plans;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Planning Board does hereby adopt the Negative Declaration attached hereto.

Pet Sexton presented the foregoing resolution which was seconded
by Kerry Sueda.

Adopted at a meeting of the Philipstown Planning Board on March 18, 2010

PHILIPSTOWN PLANNING BOARD

Anthony Merante
Anthony Merante, Chairman

NEGATIVE DECLARATION

Elizabeth Todd Healy Subdivision
Town of Philipstown Planning Board, County of Putnam

Date: March 18, 2010

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (the State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Philipstown Planning Board as Lead Agency has determined that the proposed action described below will not have potential significant harmful effects on the environment, and a Draft Environmental Impact Statement will not be prepared.

Name of Project: Healy Two Lot Subdivision
Action Type : Unlisted
Site Location : Lane Gate Road, Town of Philipstown, NY
Location : Town of Philipstown

Summary of Action: The action is granting of subdivision approval for a two lot residential subdivision, with the new lot to be created already containing an existing, occupied residence.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed subdivision of the project site as per review of the EAF prepared and duly adopted herein.

Agency Address: Town of Philipstown Planning Board
Town Hall - 238 Main Street
Cold Spring, New York 10516
Tel. No. (845) 265-5200

Contact Person: Planning Board Chairman, Anthony Merante