

*Record at
Town Hall*

Philipstown Planning Board
Meeting Minutes
March 21, 2013

The Philipstown Planning Board held its regularly monthly meeting on Thursday, March 21, 2013 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: Michael Leonard, Chairman
Kim Conner
Mary Ellen Finger
Kerry Meehan
Anthony Merante
Pat Sexton
Steve Gaba, Counsel
Ron Gainer, Planner
Absent: Neal Zuckerman

Approval of Minutes

- February 21, 2013

Mr. Meehan made a motion to adopt the minutes. Mr. Merante 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	-	Absent

Public Hearing

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

Mr. Mike Picorelli said that the letter of submission was in response to Mr. Gainer's comments. He said that he had received the latest comments based on the site visit and will incorporate all of those comments into their final submission as well as the additional comment he received this morning.

Mr. Meehan said that his only concern was that many people talked about the amount of salt being used on County and State roads. He said that the wells seem to be very close to Route 9D.

Mr. Picorelli said that the issue is that they are basically blocked into that area between the drainage culvert, septic system, tree and drive.

Mr. Meehan said that he wanted them to be aware they were going to get a lot of salt on top of the well and suggested the well digger be told about that.

Mr. Picorelli said sure and maybe they could look to tweak the location a little.

Mr. Gainer said that the Board received a memorandum from his office. He said that the points he raised were to be sure the Board's files have copies of all approvals of the project from the other regulatory agencies and they've also provided to the applicant the standard list of site plan notes that the Board requires since he's nearing action on the application.

Mr. Gaba said that he thought the Board was in a position to close the public hearing and may want to consider that the Resolutions be prepared for next month.

Ms. Finger said she wondered about the area between the two driveways and asked if there would be a large culvert between the old and the new driveway because of the steep drop.

received
5/22/13 *CM*

Mr. Gainer asked the applicant if he had the D.O.T. permit yet.

The applicant said yes.

Mr. Gainer asked if they were mandating a culvert be installed or would they just grade down.

The applicant said it's being graded down and they have not mandated a culvert.

The Chair opened the hearing to the public.

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 and 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	-	Absent

Ms. Finger asked with regard to the site plan notes – number 9, if they would have to come back before the Board for review every time they want to make an addition to the house if it's less than 1000 square feet.

Mr. Gainer said that he guessed that was for the Board to determine.

Ms. Conner made a motion that the Board direct Mr. Gainer to prepare a SEQRA Declaration. Mr. Merante 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	-	Absent

Regular Meeting

The New Friary at Graymoor – Special Use Permit and Site Plan – P.O. Box 300, Garrison: Submission of revised plans

Mr. Watson said that hopefully they were there for the Board to adopt a Negative Declaration and approval of the project, but they made some significant changes and wanted the Board to look at them first. He presented what he said was basically a new plan where they completed the landscaping plan around the proposed building, which was one of the requirements. Mr. Watson said that on the north side of the building they removed a lot of concrete, etc., in an effort to decrease impervious surfaces that were being created.

Mr. Gainer said to draw the Board's attention to one specific item that he thought may be of concern to the applicant, the Board may want to give guidance on, is one of the draft conditions of approval on the site plan concerns the acceptance of the site access modifications by the local fire department. It's been under discussion for some meetings and the applicant represented that they've tried on numerous occasions to affect that letter/confirmation. Mr. Gainer said that he maintained that as a condition.

Mr. Watson said that they have no objection to that condition, except that they'd like to have an escape valve. He said that they've been dealing with them since at least last August, with no response and they did do everything they wanted and added some of that stuff to the current plan.

Several Board members discussed the possibility of having a letter come from either Mr. Gaba or the Chair.

Mr. Gainer said that to have an escape in the letter, they could say if no response is received within thirty days or the next meeting, it would be considered to be acceptance of the design.

Mr. Leonard agreed and said that Mr. Watson had made the attempt and he thought they needed a letter coming from the Board.

Mr. Gaba said that he would leave the Resolution as it is and then if things don't pan out, just waive it. He said that he sent the Board a memo on Town Code 175-28 and explained why he feels that the plan complies with it and would be happy to answer any questions on that, but thought that aside, the Board is ready to move forward.

Mr. Gainer said that upon receiving the memo from Mr. Gaba and from his suggestion, he has modified the Resolution in front of the Board – to insert the phrase, “WHEREAS the Planning Board finds that the project meets the requirements of the Town Code Section 175-28”.

Ms. Conner made a motion to adopt the Negative Declaration as amended. Mr. Meehan 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	-	Absent

Mr. Merante made a motion to grant the site approval. Mr. Meehan 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	-	Absent

Cold Spring Farm – Site Plan Application – Route 9/Vineyards Road, Town of Philipstown: New submission

Mr. Michael Klein, Attorney, introduced himself and Mr. Schmidt, Project Engineer and Marion and Nicholas Rockwell, applicants/contract vendees. He said that the applicants seek limited development of the site for an agricultural use – namely, a commercial horse boarding operation with a riding academy as an accessory use. Mr. Klein said that the contract of sale is contingent upon them obtaining site plan approval from the Board to permit their intended uses.

Ms. Rockwell spoke briefly about the plan and what she has envisioned.

Mr. Merante asked if they would be using the driveway that's currently there.

Ms. Rockwell said no –they're gaining a right-of-way off of Vineyard Road.

Mr. Meehan said that he thought the property was quarried. He said that it was never a farm. Ms. Rockwell said that he was right – the very lower section of it was quarried and receded.

Ms. Sexton asked how many stalls she was planning on.

Ms. Rockwell said 21.

Ms. Sexton asked how big the arena was.

Ms. Rockwell said 220 feet long by 80 feet wide.

Ms. Conner asked if it would have a roof.

Ms. Rockwell said yes.

Ms. Conner asked how high it would be.

Ms. Rockwell said 30 feet.

Ms. Conner asked if the applicant was going to have classes.

Ms. Rockwell said that it was predominantly going to be a boarding barn. She said that she may give lessons from time to time – private or semi-private. Ms. Rockwell said that she does not anticipate it being a high volume barn – possibly a clinician maybe once or twice a year or perhaps an event, but not a show barn.

Mr. Meehan asked if the barn was going to be heated and how.

Ms. Rockwell said that barns traditionally are not heated. She said that the barn provides a certain amount of insulation. Ms. Rockwell said that she had a rough drawing of what the Amish (people she spoke with) had provided to her.

Mr. Meehan asked if the Board could see that.

Ms. Rockwell said that there will be for the boarders and for people a heated area and bathroom.

Mr. Meehan asked what they would do with the manure.

Ms. Rockwell said that she wanted to put in a compost bin.

Ms. Sexton asked if the applicant was going to have washing facilities.

Ms. Rockwell said that she had intended to provide a wash stall or two. She said that it did not use a lot of water – the average amount to wash a horse is about two gallons and it's not done on a daily basis.

Ms. Finger asked if there would only be one residence or they would have caretaker facilities in the horse barn.

Ms. Rockwell said that it's a little unclear right now, but thought she might need help.

Mr. Leonard said that the Board would be concerned because it's in a scenic overlay district. He asked what the public would see from Route 9, as that was important.

Ms. Rockwell said that she did not think you could see it. She said that it's in a section where it pretty much has a buffer all the way around.

Ms. Conner asked if the applicant was planning to fence the paddocks.

Ms. Rockwell said yes.

Ms. Conner asked what kind of fence she was planning.

Ms. Rockwell said a four board fence – a natural, darker color...and the barn also.

Mr. Merante asked if the location of the proposed residence was just tentative.

Ms. Rockwell said yes.

Ms. Conner asked what the rules were if they're getting a right-of-way to an existing road and if there's going to be commercial traffic on a pre-existing road.

Mr. Gainer said that they're going to have to understand whether it's a right-of-way that shows on a filed plat and what rights they have to that access, as they have frontage on Old Albany. He said that as was said, there's a scenic protection zone that runs along the Old Albany Post Road area, but he hadn't heard mention tonight that within the ridgeline protection overlay zone, there is a delineated ridge on this property in the vicinity of the proposed improvements. Mr. Gainer said that in looking at that, he thought the intention...the mapping that shoes the ridge...it would really run across the crest of that hill, so it should be reconfigured slightly on revised mapping and submitted to the Board. Mr. Gainer said that the Board should formally classify the project pursuant to 175-60C and it does represent a major project. He said that it would be good for the Board to have a Statement of Use or a narrative that better explains the intentions of the property owner in terms of how they propose to develop or what the uses are proposed to be. Mr. Gainer said that referrals to the CAB and Putnam County Planning can be made immediately. He suggested too, that the Board schedule a site visit.

Mr. Gaba said that the Board could declare itself Lead Agency under SEQRA and that it is an Unlisted Action and a major project.

Mr. Merante made a motion that the Board declare itself Lead Agency. Mr. Meehan seconded the motion was seconded. 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	-	Absent

Ms. Finger made a motion to refer the application to the County. The motion was seconded. 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	-	Absent

The Board agreed to schedule a site visit for Sunday, April 14, 2013 at 9:30 a.m.

Mr. Gainer asked if the applicant would speak to the issue of when they might be able to give a slope analysis and said that he delineated in his memo the specific classifications that the Board requires.

The applicant asked if the Board would like to see some sort of color banding showing the different labels or if the Board wanted it labeled somehow.

Mr. Gainer said something the Board would understand. He asked that the applicant also illustrate vegetative color also – just a rough outline.

Mr. Leonard asked if the applicant believed he could gather the information the Board asked for before the Board meets on the 18th.

The applicant said yes.

Ms. Finger asked if it was a requirement that the applicant have the soil surveys.

Mr. Gainer said that it would be at some point.

The applicant said that he could make another drawing that has all the soils on it also.

Mr. Gainer asked if it was possible for the consultant to rough layout in advance of the site walk the general area where the structures would be placed.

The consultant said they should be able to do that.

Garrison Properties (Guinan's) – Site Plan Application – 7 Garrison Landing, Garrison: Amend conditional final approval of site plan: Letter from Delmar Karlen, Jr.

Mr. Delmar Karlen Jr. introduced himself. He stated that as the Board may know, Garrison Properties itself has withdrawn from the plans it wanted to do at that site, but Garrison Station Plaza, the owner of the property, still wants to proceed. Mr. Karlen said that they were there a few years ago and had approval for apartments and offices and an apartment. He said that they don't want to do the business anymore, but he still wants to go ahead with something at that site and they would like to have approval to the restaurant if they can or to do the plan approved a couple of years ago of offices and apartment. Mr. Karlen said that after he wrote the letter to the Board on the 7th, another party came forward and would like to also put a restaurant there, but instead of apartments, have a small Inn/Hotel – around 7 rooms.

Mr. Gainer said that the original approval granted by the Board was in 2010 and it authorized two apartments in the building as well as office use. He said that the Board and entire community was very interested to see a restaurant use continued in that site. The applicant understood that and later came back with a revised application in 2012. The Board granted a modified site plan approval that granted the two apartments, retail sales and a restaurant. Mr. Gainer said that when he saw the letter come in, he expected that the Board may really have to understand whether it wanted to add the...the current approval talks about two apartments, retail and restaurant. Mr. Gainer said that this discussion tonight is somewhat different – the Board may need more information before deciding on how to address the issue.

Ms. Connor said that her concerns would be about parking. If they're going to have seven rooms, it's different than a couple of apartments, and would the rooms have on suite bathrooms or would there be a communal bathroom.

Mr. Karlen said that at this point, he expected it would be on suite.

Ms. Conner said because they'd have to show the Board that the septic could handle it.

Mr. Karlen said that as he understood it, there's quite a large waste water treatment plan approved at this point for the larger restaurant. He said that they would expect or hope that would be adequate, but if not, they'd do what had to be done. Mr. Karlen said that he thought the parking – with a smaller restaurant...they'd probably offset each other.

Mr. Gaba said that he did not think that there would be any problem with treating this as a continuation of the existing application, but thought that if they wanted to proceed, the applicant should submit some form of revised plans. He said that he understood they may not be changing the physical plan at all, but some

statement of what the use is going to be inside and some showing that they have adequate water, and showing that the parking is o.k. Mr. Gaba said that this was a pretty controversial application before, and certainly he didn't think a public hearing would be required on it, but it's the type of thing the Board might want to entertain just because of the history of it. Mr. Gaba said that he did not see how the Board could act on it in just one night.

Mr. Leonard stated that he thought the Board needed something from the applicant in writing, as to what he's looking for.

The Board agreed.

Mr. Karlen said that the Building Department and Planning Board has had plans for both of these – detailed plans. He asked if that did not help.

Mr. Leonard said yes it does help.

Mr. Karlen asked how much longer they'd have to go through this process and said that it has been over five years already.

Several Board members stated that the applicant was coming back to the Planning Board and the Planning Board didn't stop the process.

Mr. Karlen said that he was asking for nothing different than what they've already come to the Board for and had approved by the Board.

Mr. Leonard said that they need a Statement of Use.

Mr. Karlen asked if he could have some details as to what they have to come back with, as he wanted to do it right.

Mr. Gaba said that the Board would treat it as the exact same application, so the applicant didn't need a new application or EAF, etc. He said that the applicant should prepare a Statement of Use and a set of plans which show how the building is going to be used.

Miscellaneous

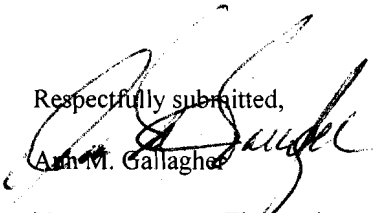
Mr. Leonard reminded the Board of the training session on April 20th (Saturday) at the North Highland Fire House. He said that he would have to check the time and get back to confirm with the Board.

Adjourn

Ms. Sexton made a motion to adjourn the meeting. Mr. Merante seconded the motion. The meeting ended at 9:00 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	-	Absent

Respectfully submitted,


Ann M. Gallagher

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

Approved: 