

Philipstown Planning Board
Meeting Minutes
April 15, 2010

The Philipstown Planning Board held its regular monthly meeting on Thursday, April 15, 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, Counsel
Ron Gainer, Planner

Minutes

March 18, 2010

Ms. Sexton referred to page 14, sixth sentence from the bottom of the page, and said that the word "for" should be taken out of the sentence.

Mr. Gibbons made a motion to adopt the minutes as amended. Ms. Sexton 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 it be noted that when the Montoya application came before the Board the first time, it was for a two-lot subdivision. He said that there had been discussion back and forth, it was changed to a three-lot subdivision, however, was noticed in the newspaper as a two-lot subdivision. Mr. Merante said that the Board would conduct a public hearing, take comments and then adjourn and resume next week.

Public Hearing

Juan Montoya

Mr. Watson said that when they first came to the Board it was actually three parcels, which they have merged into one large parcel. He said that the application is to subdivide that to create one three-acre parcel, which will contain the existing caretaker's cottage and a five-acre parcel, which is presently vacant and will be improved with a new house that Mr. Montoya is going to build for himself. The remainder of the property – 102 acres, will contain the existing dwelling and compound area for Mr. Montoya's present dwelling. Mr. Watson said that the CAC walked the property on the Board's

referral and noted a number of small violations and recommended that they be corrected. He said that he subsequently met with Mr. Klotzle on the site. They walked the entire thing, identified areas where the offenses occurred and have agreed that they will make an application to the wetlands people for their next meeting. Mr. Watson said toward the south end of the three-acre parcel with the caretaker's cottage, there is an area that had been cleaned and left bare that needs to be planted. Toward just south of the southeast corner of the pond, there is a wood storage, which they want removed. On the east side of the pond toward the north end, there is an area that had been cleaned and is bare and they want permanent vegetation put in there. In to the wetlands area, there's an area where some brush was cut. They would either have them removed or have it re-configured into something that would attract wildlife and eventually create habitat that would be suitable for the area. Mr. Watson said that he thought there was another area where some rocks are stored toward the northwest corner of the pond. He said that they have all seen it, but it is a pristinely kept piece of property. All the stuff was the result of efforts to clean it and beautify the place and Mr. Montoya has clearly said he would take care of those and accept the condition on the Board's approval subject to securing that permit. Mr. Watson said that the only significant amount of disturbance would be up at the northwest corner of the property. He said that they were wrestling with a recommendation with regard to the location of the driveway. Mr. Watson said that they prefer to come out at Bird Lane. CAC has recommended that it go out over to another opening to the south. Mr. Watson said that they are considering both of those. They're concerned about the maneuverability on the south entrance to make the hair pin turn to get back in.

Mr. Merante asked how the road jibed with what Mr. Gainer had suggested about moving the driveway to coincide with the road across the street.

Mr. Watson said that if he remembered Mr. Gainer's comment correctly, he said there were two existing openings and they should choose one of them rather than where they had the original driveway drawn, and they did choose one - they chose the one exactly opposite.

Mr. Merante said that it is the first he heard of the wood storage/lot on the south end. He asked if CAC addressed that other than it being unsightly.

Mr. Watson said that he thought they were of the opinion that stored board will leak certain things that are not good for wetlands environment and it's better to keep it outside of the buffer.

Mr. Merante asked if the same went for the other wood pile.

Mr. Watson said that he had asked about that. He said that it is stuck in the woods in the middle of thicket and was basically branches and a few logs. Mr. Watson said that Mr. Klotzle said that if you configured it and wove sort of a basket out of it, it would provide protection and some sort of habitat that the animals could use and eventually it would rot away.

Mr. Gibbons said he wanted to go back to the house where the CAC wanted to come in at the bend of the road.

Mr. Watson said that there's a second opening four hundred feet down the road from the northwest corner and it is an easier grade. The direct access is not a bad grade. Mr. Watson said that the way they've drawn it, it gives a more direct access from the road, so his instructions are to see if they can't work out a driveway where they can screen and hide it to avoid the hair pin turn. He said that it would be a very difficult driveway to deal with if you were coming from the north and turning into the property.

Mr. Gibbons said that his other concern with that aspect was the sight lines when you're going south to north and if they would be able to see into the house area.

Mr. Watson said that they had not measured the sight lines, but that comment was made in the field and he just took a visual inspection of them. He said that they appear to be about the same in either place.

Mr. Gibbons said, but if a car were traveling south to north, wouldn't they be looking into the people's kitchen or whatever.

Mr. Watson said no, there's a stone wall that would block their headlights.

Mr. Gibbons asked if it was basically an approval of access to get in there. He said that there's no real driveway there yet.

Mr. Watson said that it looks to him like there may have been some kind of car path a long time ago, but there is no real travel way in either place. There are two openings in the wall that were built to accommodate a vehicle.

Mr. Gibbons asked if this was something that needed to go in front of Roger Chirico.

Mr. Watson said that ultimately, yes – it does go before Roger Chirico.

Mr. Gibbons said that is why he was asking if it should go before him now.

Mr. Watson said that he would be happy to take him down there, as he's after him to go down there anyway.

Mr. Gibbons said that he may not have a problem with either one, but if he has a problem with the hair pin turn, then they've got to go that way anyway.

Mr. Watson said that it was a good suggestion and he will do that.

Mr. Gainer said that he had him do the site to evaluate the proposal for access as currently shown and he was satisfied with what's now proposed on the plan.

Ms. Doherty made a motion to adjourn the public hearing until next month. 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

Regular Meeting

Scanga Realty, LLC – Amended Site Plan – Lady Blue Devil’s Lane, Cold Spring: Discussion

Mr. Paggi said that went away with a couple directives from the Planning Board to take a look at adding additional landscaping primarily. He said that one of the questions was about existing landscaping. They went out and photographed what was there and based on the photographs they took, they added landscaping to the existing building. He pointed out the various plantings to the Board. Mr. Paggi said that in response to the Planning Board’s request, they’ve added three additional evergreens in front of the existing building. They would be the length of the building as requested. He said that they’ve also added two more of the same species in front of the proposed addition to provide some continuity. Mr. Paggi said that they have added landscaping around the perimeter as requested, and put in Norway spruce - seven to eight foot in height at planting. The concern was visual buffering across what would be their infiltration basin. He said that will be lawn area, but the concern was to provide visual buffering from a view of the building, so that basin is now lined with evergreen. Mr. Paggi said that they were asked to show the wetland buffer, so that’s now been depicted on the plan as well.

Mr. Gainer said that at the Board’s request, he had provided a Negative SEQRA Declaration and Site Plan Approval Resolution. He had updated them to identify the very latest plans that have been submitted, identified the architectural plans, which the Board has seen, and corrected all dates. So that’s now before the Board for its consideration.

Mr. Gaba said that he thought the applicant was asked to look at the landscaping and he had satisfied that and hopefully the Board could move on to consider SEQRA Review and take action.

Mr. Gibbons made a motion to adopt the Resolution adopting the Negative Declaration (attached). Mr. Leonard 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 said that the Board had the Resolution approving the application. He asked Mr. Gainer to summarize it, which he did.

Mr. Gibbons made a motion to adopt the Resolution as amended (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 – Site Plan for Lot #5 – Lady Blue Devil’s Lane, Cold Spring: Discussion

Mr. Paggi said that landscaping was again an issue on Lot #5. He said that in particular, there was a request to add planting along the common property line and they’ve added some species that were recommended by the CAC. Mr. Paggi named several species that were indicated as being a productive habitat for the area. He said that probably the biggest thing they talked about was adding landscape islands in the middle of the parking. They have done that. They put two pear trees in the middle of each island, so there is some shade. Mr. Paggi said that they’ve added a note on the plan that with adding those landscape islands, they dropped two parking spaces and they’ve added a note on the plan that with this application, they request a waiver with a requirement to provide those two parking spaces.

Ms. Doherty said that there is an existing sign with three or four names of businesses in the park and asked if this was going to be added on to it.

Mr. Scanga said that it’s already provided for.

Ms. Doherty said that is what she was asking - if they were going to use that same sign.

Mr. Scanga said that they would add a sign there and then have a sign.

Mr. Paggi said that he and Mr. Scanga talked about it. They don’t know who’s going in there. He said that they put a note on it that said there is no sign proposed with this application and they’d have to come back in and ask for a sign permit for that.

Mr. Gibbons said that the sign can only be four by four by eight. He suggested they designate it on there, get it approved now so they didn’t have to come back to the Board. He suggested they not put it up if they choose not to. Mr. Gibbons said that coming back later at their expense to get it signed...they could always put a note.

Mr. Merante said that the Board should see what its advisors have to say, as it was sort of after the fact.

Ms. Sexton made a motion to adopt a Negative Declaration (attached). Mr. Leonard 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. Gainer said that the Resolution had been modified this month – just correcting the dates.

Ms. Doherty asked where they were covering the landscaping – that it be kept in thriving condition.

Mr. Paggi said that it was actually a note on the plan.

Ms. Doherty said, and replaced if it's not (did not finish sentence).

Mr. Gainer said that those have now been evidenced on the plan itself. It mandates that they be nursery stock and kept in good condition or replaced at the applicant's expense.

Mr. Gibbons said that it had "hours and days of operation shall be noted". He asked if those were on the site plan, because typically they're in the Resolution.

Mr. Gainer said that he actually has it now on the latest plan set. On the very first page, it notes the hours of operation – 7 a.m. to 6 p.m., Monday through Friday.

Ms. Doherty made a motion to approve the Resolution as amended (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

**Winter Hill – Special Use Permit – Snake Hill Road, Garrison: Referral from ZBA
– Review drafted memo/authorize Chair to sign (recommendation to ZBA)**

Mr. Watson said that a couple of Saturdays ago, they had a site visit. He said that the Board had expressed concern about the size and visibility of the parking lot. Mr. Watson said that they staked it out for them. He said that he thought they represented to the Board that it is on fairly level ground. There are not very many trees that have to be cut. Mr. Watson said that they also took them out on the road so they could see the potential for visibility from the road. It's not invisible, but it is mostly invisible. With regard to the two-car parking lot just north of the building, the Board would see they provided for landscape screening around that to minimize the impact of it. Mr. Watson said that he had a copy of the report from the CAC. He said that he thought their statement that a wetlands permit is required was wrong, as there's no activity being proposed within a hundred feet of the wetlands. Mr. Watson said that there is in deed a wetland that is on the right side of the property as you make the first bend. It's before you get to Endler's driveway. There is some road drainage that is going into it, but there is not activity proposed anywhere within a hundred feet of it. Mr. Watson said that he thought it was misinformation. He said that he called Mr. Klotzle to try to talk to him and Mr. Klotzle did leave a message that he believes they require a permit because of the increase of traffic along the driveway. Mr. Watson said that he did not believe there was anything in the wetlands law that requires that permit for increase in the traffic along the existing driveway. He said that with regard to the site plan, he thought they've minimized the disturbance to the property to the greatest practical extent and still accomplished the requirements of the law. Mr. Watson said that since the Board members were there, they've tested the soil and have good run of bank gravel. He said that they have not per tested it yet, and will, but they're confident they will be able to put enough subterranean storage underneath this parking lot to more than account for all of the increased runoff from the impervious surface. Mr. Watson referred to an area on the plan and said that they felt a rain garden would be appropriate there. He said that rain gardens are limited to handling about a thousand feet of runoff and that they have the space to do it. Mr. Watson said that they did some testing on the south parking area and will be able to infiltrate up there. The soil is not as good up there, but the area that they are concerning themselves with is substantially smaller. He said that rain gardens in this particular case won't work because they have a fairly large steep slope that goes into the southwest of the driveway. Mr. Watson said that the rain garden's going to take roughly the same amount of disturbance, so if they start putting rain gardens out to the lawn, they'd be increasing the disturbance significantly and they think it would be better to infiltrate. He said that they are still of the opinion that the curved impervious pavers that were recommended are not a good idea at this particular location because they will eventually fail.

Ms. Doherty asked Mr. Gainer what his opinion was.

Mr. Gainer said that the Board did a site walk since the last time it was on the agenda. That culminated in a technical memorandum that summarized all issues the Board identified during that visit. He said that they also took the opportunity to develop a draft letter from the Planning Board to the Zoning Board of Appeals to identify all those concerns and present them to the ZBA for its consideration. Mr. Gainer said that is really why the matter is before the Planning Board tonight – to get a recommendation so that

they can process the application. He said that the Board had that at hand as a draft document and most recently today, the Board has two separate pieces of correspondence – a memorandum from the CAC, and they are continuing to recommend consideration for impervious pavers in the parking lot area. Mr. Gainer said that they continue to suggest that that would be appropriate, and it may be. He said that what he just heard the applicant discuss tonight was the likelihood that they'd be able to infiltrate all runoff from the parking lot. Mr. Gainer said that the point of it is to minimize runoff and if they can satisfy that through some drainage practice, that should satisfy the environmental concerns. He said that the second piece of correspondence the Board received was a memorandum directly from the Wetland Inspector and this has primarily focused on the issue of the down stream wetlands to the west of the entrance road. Mr. Gainer said that again, as the surveyor indicated, the Town has no ability to make them seek permits if they're not proposing any disturbance within a hundred feet of that wetlands boundary. He said that his point is well taken and it may be appropriate to just identify this as a concern that the ZBA might want to look into and the Board may wish to just convey the correspondence to the ZBA.

Mr. Merante said that he was a little surprised he didn't cc the ZBA on the report and asked if they cc'd them on anything else.

Mr. Gainer said that he did not know. He said that he was proposing adding a statement in the Board's draft letter to identify these two documents.

Mr. Gaba said that he agreed with Mr. Gainer as far as that went, although personally, he tended to agree with the applicant – he did not know that a wetlands permit is needed here and it is really not something the Planning Board is deciding. Ultimately, granting the permit is something they're going to have to decide.

Mr. Leonard asked Mr. Watson if he was still going to try to reach out to Mr. Klotzle.

Mr. Watson said that he was sure they were going to discuss it.

Mr. Gainer said that he spoke with Mr. Klotzle this evening and he did acknowledge that the Town has no ability to force the applicant to pursue a permit when no disturbance is being proposed. He said that he conveyed the thought that possibly the Planning Board would merely incorporate its concerns into the referral back to the ZBA and the ZBA would be the Board to evaluate any concerns of that sort.

Mr. Leonard made a motion to forward a positive recommendation (with the amendment discussed) to the ZBA. Mr. Meehan seconded the motion. The vote was as follows:

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

Frederick H. Osborn III – Approval of access – Old West Point Road West:**Discussion/approval**

Mr. Watson said that he and Mr. Osborn met with the Board during its site visit. He said that he hoped the Board members had noticed that access from the private road, Beech Farm Road, is preferable to taking access from Old West Point Road. He said that he remembered Mr. Gainer making that observation during the site visit. Mr. Watson explained that Mr. Osborn's application for approval of access was necessary in order to avoid having to take access from Old West Point Road.

Mr. Gibbons said that he thought that Putnam County waste management people should be sent this. He said that when the septic field is bigger than the building lot, they really have a problem in this community. Mr. Gibbons said that he thought it was atrocious that Putnam County Health is not looking at other alternatives than a hundred percent expansion fields. He said that the Planning Board has no control over it.

Mr. Merante said that this point had been brought up before with regard to clear-cutting expansion areas. He asked if that was what Mr. Gibbons was referring to.

Mr. Gibbons said that's correct.

Mr. Merante said that they don't have any recourse here, but they have expressed that concern a number of times.

Mr. Gibbons said that he called them and they told him that if it was a renewal or if the field failed, then you can try a different approach, but they won't consider it for new construction. He said that he would really like the Board to continue to pursue this.

Mr. Leonard said that in certain circumstances, land clearance requirements are forcing land owners to have to use other portions of property that in some cases have forced land clearance next to wetlands, which causes for increased disturbances next to such sensitive areas as this.

Mr. Watson said that he thought their logic in requiring the hundred percent expansion when it's a fill situation, be placed, he thought they had a number of situations where they've had a system fail and they needed a place so they do immediate repair and people don't have the money for the fill or they have to wait for the fill to get down and settle and come to a point where it can actually be used. Mr. Watson said that he thought that was the underlying reason – they were just worried about not being able to fix the system. He said that being said, there are other ways to accomplish the same thing.

Mr. Gibbons said that Orange County and many other counties in the immediate area are approving all kinds. He said that every county around them does, except for Putnam.

Ms. Doherty made a motion to adopt a Negative Declaration (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. Gibbons made a motion that the Board approve the Resolution (attached). Mr. Leonard 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

New Business/Old Business

o Request for return of escrow balance for the following applicants:

- Boscobel
- Doneraile Ballyhooly
- Rodney Weber
- Zeiderman

Correspondence

- Letter from Office of Parks and Recreation regarding Garrison Station Plaza Inc.

Mr. Gainer said that the Board had previously seen the attachment to the letter. He said that they were seeking information from SHIPO. It actually was sent back to DEC. Mr. Gainer said that the Board was given a copy of it then and it was referred to the applicant. He said that this covering letter is just formal notice from DEC back to the applicant deeming it incomplete and suggesting they address the recommendation to SHIPO.

Mr. Watson said that SHIPO's finding was that the stucco should not be removed and the original siding should either be restored or replaced. There was one issue with regard to the material that was used because it was proposed to be a synthetic material that looked like hardy plank. Mr. Watson said that there was an objection to that because of the material. The applicant was willing to use natural siding/original siding. The real problem came up with the statement in that letter that if they would leave the stucco on the building, they would approve it because the stucco had significance in terms of historic structure (apparently if something is there long enough, it becomes part of the fabric). Mr. Watson said that Garrison Station Plaza is

not happy with that, they don't think that's a good idea, and they have engaged an architect who is noted in the preservation field to look at it and give recommendations. He said that if they are able to convince SHIPO to reverse their position, then they'll be finished with that process. If they're not, they'll keep the stucco and get their approval. Mr. Watson said that one way or the other, they'll get through it, but they're trying to do what they think is a better solution.

Mr. Gainer said to be clear, there were actually two concerns raised. One was the issue of the stucco to be removed and the other was removal of the window bay. He said that both have to be addressed by the applicant.

Ms. Montgomery asked why SHIPO would be commenting on the building when it's not an historic building. The relevance of the building is that it is in a historic district.

Mr. Watson said that's exactly why – that's sufficient reason.

Ms. Montgomery said, but their application is for a change of use. She asked why they weren't commenting on the implications of this change of use to the district.

Mr. Watson said that it is not their job. He said that historic preservation and the use inside the building is not of concern. Mr. Watson said that, in fact, often the inside of the building could be something that's not traditional like Winter Hill, where they're changing from a residential structure to an office space, but it gives them the opportunity to preserve the building.

Ms. Montgomery asked who preserves the district. She said that this obviously changes the district – the historical significance of the district.

Mr. Watson said that he did not know that's true. He said that he thought their concern was the structure. Mr. Watson said that in his limited knowledge, it's not what goes on inside the structure.

- Letter regarding delinquent applications

Mr. Merante said that the Board had asked Mr. Gaba to draft some sort of Resolution or application to the Town Board, as the Planning and Zoning Boards have been concerned with applications that come before them and then are not seen forever, and then come back a year or more later and they want to pick up where they left off. As was said, sometimes the law has changed, the Board members have changed and nobody knows what's going on. Mr. Merante read aloud the letter drafted by Mr. Gaba and said that it would be sent to the Town Board. He asked for comment from the Board.

Ms. Sexton asked what then happens to all the monies spent and if there is some kind of a grace period, etc.

Mr. Gaba said that it is not an automatic dismissal. He said that if there is not activity of any kind on an application for a year or more, then the Planning Board gives notice to the applicant that there's been no activity on their application and at its next meeting, the Planning Board would consider a motion to declare the application abandoned and close the file. Mr. Gaba said that if the person wants to go forward or give a reason as to why it shouldn't be deemed abandoned, they would either have to come before or send a letter to the Board, and the Board could take that into consideration and decide on six, eight, or however many months. He said that if there is either nothing going on or there's no reason as to why they aren't going forward, then the Board would adopt the Resolution declaring it to be abandoned and close it out.

Ms. Sexton asked if, with regard to the notification to these people, it would be something they'd have to sign for so they couldn't say they never received it. She said that she really thought there should be something.

Mr. Gaba said that the Planning Board can recommend to the Town Board that it adopt a policy and procedure for the Planning Board. The Town Board makes the determination as to whether or not it will and if so, what the terms are going to be. Mr. Gaba said that if the Town Board approves the Resolution, he would suggest one copy be sent certified mail, return receipt and then one copy as regular mail in addition, so that if the certified doesn't get picked up, but the regular mail doesn't get returned, they know at least one got through.

Ms. Conner made a motion to adopt the Resolution (copy attached) and forward to the Town Board. 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

- Trees in Urban & Community Landscapes (Workshop)

Mr. Merante asked the Board to take a look at this and send an email to him with a response to let him know if they think it's worth it.

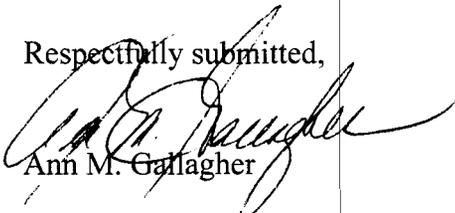
Adjourn

Ms. Doherty made a motion to adjourn the meeting. Mr. Gibbons seconded the motion. The meeting ended at 8:40 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

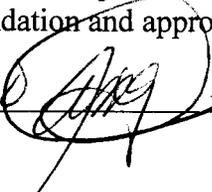
Respectfully submitted,



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:

May 20, 2010 

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 03 Scanga Lot 4 Amended Site Plan. Two lots comprising, in total, 4.01 Acres of Land located on Lady Blue Devils Lane. Tax Map # 16.16-1-20.3 & 16.16-1-20.4.

WHEREAS, Scanga Realty, LLC owner of two parcels located on Lady Blue Devils Lane in the "B-2" Zoning District, being lot 3 (of 2.0 acres) and lot 4 (of 2.01 acres) of a previously approved subdivision; and

WHEREAS, an application was made to the Planning Board of the Town of Philipstown by Scanga Realty, LLC for amended Site Plan approval for merger of lots 3 and 4, and the expansion of an 25,000sf existing woodworking operation on lot 4 over the expanded site with a 25,000 sf addition, to comprise in total 50,000 sf, and including modifications to the access, parking and drainage facilities on the premises; and

WHEREAS, the Zoning Board of Appeals of the Town of Philipstown granted variances for insufficient lot front yard setback for a limited portion of the proposed building extension, and for lot area, on February 8, 2010, allowing the development application to be processed by the Planning Board; 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-m 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
Lawrence J. Paggi, PE, PC	Site Plan; dated September 30, 2009	March 31, 2010
Lawrence J. Paggi, PE, PC	Grading Plan; dated September 30, 2009	March 31, 2010
Lawrence J. Paggi, PE, PC	Erosion Control Details; dated September 30, 2009	March 31, 2010
Lawrence J. Paggi, PE, PC	Erosion Control Plan; dated November 2, 2009	March 31, 2010
Lawrence J. Paggi, PE, PC	Details; dated November 2, 2009	March 31, 2010
Lawrence J. Paggi, PE, PC	Lot Consolidation Plan; dated November 2, 2009	March 31, 2010
Lawrence J. Paggi, PE, PC	Landscaping Plan; dated November 2, 2009	March 31, 2010
Lawrence J. Paggi, PE, PC	Lighting Plan; dated November 2, 2009	March 31, 2010
Index Industrial Design and Development Inc.	Scanga Architectural Woodworking Building - Proposed Addition	September 2009

WHEREAS, the Town Planning Board has been duly authorized to grant site plan approval for property located within the Town; and

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

NOW, THEREFORE, BE IT RESOLVED, that:

I. Site Plan Approval:

- 1) The Planning Board finds that the applicant has met the requirements of Town of Philipstown Article 175 for granting of site plan approval; and
- 2) The Planning Board grants Site Plan approval of the improvements depicted on the plans listed above subject to the following conditions:
 - A. to address concerns of the Planning Board, the Site Plans shall incorporate the following:
 - The applicant shall provide documentation of the merging of lots 3 & 4 from the Putnam County Real Property Tax Service.
 - All concerns raised in the Town Engineer's technical memorandum of February 22, 2010.
 - Exterior lighting in the rear of the structure shall be downward directed, and employ shielding, if necessary, prevent off-site glare to minimize impacts to adjacent properties.
 - Hours and days of operation shall be noted.
 - Resolution of comments contained in the March 16, 2010 Conservation Advisory Council memorandum.
 - A note should be added to the Site Plan specifying that no roof-mounted mechanical equipment shall be provided on the building.
 - Noise attenuation for any exterior sound sources noticeable on the building exterior that are found necessary by the Town Building Inspector upon the expansion of the building shall be provided by the applicant.
 - B. 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 site plans when Conditions A through B have been met.
- 4) This conditional Site Plan approval shall expire in one year from the date of this resolution, unless such improvements shall have been certified as completed.

II. Wetlands/Watercourse Permit Approval:

- 5) The Planning Board is satisfied that the criteria set forth in Town Code §93-8 has been met and that, inter alia, the proposed activity will not have a substantial adverse effect upon any wetlands or watercourse adjacent to the Site if the protections required by the Town are properly adhered to by the applicant during construction;

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, Scanga Realty, LLC has applied to the Town of Philipstown Planning Board for approval of an amended site plan pursuant to Town Code Chapter 175, Article IX for certain real property located on Lady Blue Devils Lane, Philipstown, New York identified as Town of Philipstown Tax Map No's. 16.16-1-20.3 & 20.4; and

WHEREAS, in regard to the proposed amended Site Plan approval of the properties, which are to be merged as part of this application, a Full Environmental Assessment Form ("EAF") has been submitted pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the project represents an "unlisted" action pursuant to SEQRA, and the Planning Board has deemed itself the responsible agency for review under SEQRA;

WHEREAS, the Planning Board has duly reviewed the latest revised EAF, including Parts 1, 2 and 3 thereof, the public record and the latest plans filed;

NOW, THEREFORE, BE IT RESOLVED as follows:

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

MICHAEL GIBBONS presented the foregoing resolution which was seconded by MICHAEL LEONARD.

The vote on the foregoing resolution was as follows:

Kim Conner, Member, voting AYE

Josephine Doherty, Member, voting AYE

Michael Gibbons, Member, voting AYE

Michael Leonard, Member, voting AYE

Kerry Meehan, Member, voting AYE

Pat Sexton, Member, voting AYE

Anthony Merante, Chairman, voting AYE

Adopted at a meeting of the Philipstown Planning Board on April 15, 2010.

NEGATIVE DECLARATION

Scanga Realty, LLC Amended Site Plan Town of Philipstown Planning Board, County of Putnam

Date: April 15, 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 : Scanga Realty, LLC Lot 4 Amended Site Plan
Action Type : Unlisted
Site Location : Lady Blue Devils Lane, Town of Philipstown, N.Y.
Location : Town of Philipstown.

Summary of Action: The action is grant of amended site plan approval to permit construction of a 25,000 sf expansion of an existing structure, including associated driveway and parking area, for the purpose of continuing the present "Carpentry/ Woodworking" use that exists on the current (lot 4) premises. Two lots will be merged as part of this action, to permit the building expansion proposed.

Reasons Supporting This Determination:

(a) The property that is the subject of this application is located in an I zoning district, adjacent to the NYS Route 9 corridor, a heavily traveled state highway, approximately four (4) miles south of the intersection with I-84, an interstate highway. The proposed building addition will not create a material conflict with the community's plans or goals as officially approved or adopted. Nor will the proposed action result in a substantial increase in traffic, solid waste production or noise level.

(b) The proposed development does not pose significant potential water pollution impacts. While the existing operations include staining and finishing of wood products, all unused materials are returned to the supplier. No chemicals will be discharged into the sewage disposal system or into the stormwater management system.

(c) No significant adverse drainage impacts are expected. While new impervious surfaces will be created, a comprehensive Stormwater Pollution Prevention Program (SWPPP) conforming to NYS standards will be implemented, including appropriate stormwater management facilities. The SWPPP will insure that erosion/sediment impacts upon downstream drainage facilities and properties will be minimized to the maximum practical extent possible.

(d) The proposed development of the property will not substantially interfere with the movement of any resident or migratory fish or wildlife species, nor will it have an impact on a significant habitat area, or on a threatened or endangered species of animal or plant life, or the habitat of such species.

(e) The property is not near a critical environmental area and the proposed development will not result in the impairment of the same. Neither will the proposed development impair the character or quality of important historical, aesthetic, archeological or architectural resources or be detrimental to existing community or neighborhood character.

(f) The proposed development will not attract large numbers of people to a place or places for more than a few days compared to the number of people who would come to such place without any such action.

(g) The action will not create a material demand for other actions that would result in one of the above consequences. It will not result in two or more related actions undertaken, funded or approved by an agency, none of which have or would have a significant impact on the environment, though when considered cumulatively would meet one or more of the criteria set forth in 6 N.Y.C.R.R. part 617.7(II) or (III). Nor will it create changes in two or more elements of the environment, no one of which has significant effect but when considered together results in a substantial adverse impact on the environment.

In making the foregoing determinations, the Planning Board has considered the reasonably related long -term, short-term, direct, indirect and cumulative impacts of the action as set forth in 6 N.Y.C.R.R. part 617.7(II) or (III).

No other potentially significant harmful impacts are identified.

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

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 04 Scanga Lot 5 Site Plan. 4.01 Acres of Land located on Lady Blue Devils Lane. Tax Map # 16.16-1-20.5.

WHEREAS, Scanga Realty, LLC owner of a parcel located on Lady Blue Devils Lane in the "I" Zoning District; and

WHEREAS, an application was made to the Planning Board of the Town of Philipstown by Scanga Realty, LLC for Site Plan approval of a proposed 24,450 sf two-story structure on lot , and associated access, parking on site utilities and drainage facilities; 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-m 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
Lawrence J. Paggi, PE, PC	Site Plan; dated September 30, 2009	March 30, 2010
Lawrence J. Paggi, PE, PC	Sewage Disposal and Grading Plan; dated September 30, 2009	March 30, 2010
Lawrence J. Paggi, PE, PC	Erosion Control Details; dated September 30, 2009	March 30, 2010
Lawrence J. Paggi, PE, PC	Erosion Control Plan; dated November 16, 2009	March 30, 2010
Lawrence J. Paggi, PE, PC	Details; dated November 16, 2009	March 30, 2010
Lawrence J. Paggi, PE, PC	Sewage Treatment and Water Supply Details; dated November 16, 2009	November 16, 2009
Lawrence J. Paggi, PE,	Landscape Plan; dated September 30, 2009	March 30, 2010
Lawrence J. Paggi, PE,	Lighting Plan; dated September 30, 2009	March 30, 2010
Warren Temple Smith Architects. LLC	Scanga Commercial Building (4 sheets)	January 19, 2010

WHEREAS, the Town Planning Board has been duly authorized to grant site plan approval for property located within the Town; and

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

NOW, THEREFORE, BE IT RESOLVED, that:

Site Plan Approval:

- 1) The Planning Board finds that the applicant has met the requirements of Town of Philipstown Article 175 for granting of site plan approval; and
- 2) The Planning Board hereby waives the following Site Plan requirements:
 - a. The waiving of two (2) "required" parking spaces, which is due to the provision of landscaped islands within the parking lot that has been done as per the request of the Planning Board.
- 3) The Planning Board grants Site Plan approval of the improvements depicted on the plans listed above subject to the following conditions:
 - A. to address concerns of the Planning Board, the Site Plan shall incorporate the following:
 - All concerns raised in the Town Engineer's technical memorandum of February 22, 2010.
 - A note should be added to the Site Plan specifying that no roof-mounted mechanical equipment shall be provided on the building.
 - B. Payment of all outstanding fees for review and approval of this application.
- 4) The Chairman is authorized as officer of the Planning Board to endorse the site plans when Conditions A through B have been met.
- 5) This conditional Site Plan approval shall expire in one year from the date of this resolution, unless such improvements shall have been certified as completed.

Adopted at a meeting of the Philipstown Planning Board on April 15, 2010.

PHILIPSTOWN PLANNING BOARD


Anthony Merante, Chairman

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

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, Scanga Realty, LLC has applied to the Town of Philipstown Planning Board for approval of a site plan pursuant to Town Code Chapter 175, Article IX for certain real property located on Lady Blue Devils Lane, Philipstown, New York identified as Town of Philipstown Tax Map No's. 16.16-1-20.5; and

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

WHEREAS, the project represents an "unlisted" action pursuant to SEQRA, and the Planning Board has deemed itself the responsible agency for review under SEQRA;

WHEREAS, the Planning Board has duly reviewed the latest revised EAF, including Parts 1, 2 and 3 thereof, the public record and the latest plans filed;

NOW, THEREFORE, BE IT RESOLVED as follows:

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

PAT SEXTON presented the foregoing resolution which was seconded by MICHAEL LEONARD,

The vote on the foregoing resolution was as follows:

Kim Conner, Member, voting AYE

Josephine Doherty, Member, voting AYE

Michael Gibbons, Member, voting AYE

Michael Leonard, Member, voting AYE

Kerry Meehan, Member, voting AYE

Pat Sexton, Member, voting AYE

Anthony Merante, Chairman, voting AYE

Adopted at a meeting of the Philipstown Planning Board on April 15, 2010.

NEGATIVE DECLARATION

Scanga Realty, LLC Lot 5 Site Plan
Town of Philipstown Planning Board, County of Putnam

Date: April 15, 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 : Scanga Realty, LLC Lot 5 Site Plan
Action Type : Unlisted
Site Location : Lady Blue Devils Lane, Town of Philipstown, N.Y.
Location : Town of Philipstown.

Summary of Action: The action is grant of site plan approval to permit construction of a 24,450 sf two-story structure and associated parking on a currently vacant commercial building site.

Reasons Supporting This Determination:

(a) The property that is the subject of this application is located in an I zoning district, immediately adjacent to the NYS Route 9 corridor, a heavily traveled state highway, approximately four (4) miles south of the intersection with I-84, an interstate highway. The proposed building addition will not create a material conflict with the community's plans or goals as officially approved or adopted. Nor will the proposed action result in a substantial increase in traffic, solid waste production or noise level.

(b) The proposed development does not pose significant potential water pollution impacts.

(c) No significant adverse drainage impacts are expected. While new impervious surfaces will be created, a comprehensive Stormwater Pollution Prevention Program (SWPPP) conforming to NYS standards will be implemented, including appropriate stormwater management facilities. The SWPPP will insure that erosion/sediment impacts upon downstream drainage facilities and properties will be minimized to the maximum practical extent possible.

(d) The proposed development of the property will not substantially interfere with the movement of any resident or migratory fish or wildlife species, nor will it have an impact on a significant habitat area, or on a threatened or endangered species of animal or plant life, or the habitat of such species.

(e) The property is not near a critical environmental area and the proposed development will not result in the impairment of the same. Neither will the proposed development impair the character or quality of important historical, aesthetic, archeological or architectural resources or be detrimental to existing community or neighborhood character.

(f) The proposed development will not attract large numbers of people to a place or places for more than a few days compared to the number of people who would come to such place without any such action.

(g) The action will not create a material demand for other actions that would result in one of the above consequences. It will not result in two or more related actions undertaken, funded or approved by an agency, none of which have or would have a significant impact on the environment, though when considered cumulatively would meet one or more of the criteria set forth in 6 N.Y.C.R.R. part 617.7(II) or (III). Nor will it create changes in two or more elements of the environment, no one of which has significant effect but when considered together results in a substantial adverse impact on the environment.

In making the foregoing determinations, the Planning Board has considered the reasonably related long -term, short-term, direct, indirect and cumulative impacts of the action as set forth in 6 N.Y.C.R.R. part 617.7(II) or (III).

No other potentially significant harmful impacts are identified.

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

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 05 Osborne Access Approval. 8.525 +/- Acres of Land located on Beech Farm Lane.
Tax Map # 71-2-49.

WHEREAS, Frederick H. Osborne III owns a parcel of some 8.525 +/- of acres located in the Town of Philipstown in the R-40 Zoning District; and

WHEREAS, the said property has frontage on Old West Point Road West, an existing Town roadway as well as on Beech Farm Lane (f/k/a "Early Breeze Lane"), an existing private roadway; and

WHEREAS, it appears from the public record that use of Beech Farm Lane was or may have been approved by the Town Planning Board as part of a subdivision approval or an Open Development Area ("ODA") road; and

WHEREAS, the deed to the applicant's property contains a provision stating that access to the property shall not be derived from Beech Farm Lane without prior approval by the Town Planning Board which condition may have been imposed pursuant to the said prior approval; and

WHEREAS, an application was made to the Planning Board of the Town of Philipstown by Frederick H. Osborne III for approval to allow access into the lot from Beech Farm Lane, and thereby satisfy the condition imposed in the deed and/or by any approval previously granted; and

WHEREAS, provision of this lot access from the private road will not exceed the Town Code requirement (per §112-34A(1)(d)) that no more than four (4) lots derive access from such private roads; and

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

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

Author	Title	Last Revision Date
Badey & Watson, Surveying & Engineering, P.C.	Residential Site Plan	February 22, 2010

WHEREAS, the Town Planning Board has been duly authorized to grant approval for lot access for properties lying along private roads within the Town; and

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

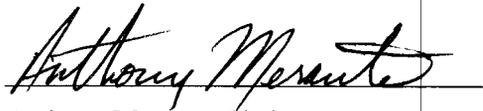
NOW, THEREFORE, BE IT RESOLVED, that:

Access Approval:

- 1) The Planning Board finds that the applicant has met the requirements of the Town of Philipstown for grant of access approval; and
- 2) The Planning Board grants approval of the intended lot access as depicted on the plans listed above, subject to the following conditions:
 - A. Payment of all outstanding fees for review and approval of this application.
- 3) 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 April 15, 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, Frederick H. Osborne III has applied to the Town of Philipstown Planning Board for approval to permit lot access for certain real property located on Beech Farm Lane, Philipstown, New York with the "R-40" Zoning District and identified as Town of Philipstown Tax Map No. 71-2-49; 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.

Stephanie O'Keefe presented the foregoing resolution which was seconded by *Kerry Miller*,

Adopted at a meeting of the Philipstown Planning Board on April 15, 2010

PHILIPSTOWN PLANNING BOARD

Anthony Merante
Anthony Merante, Chairman

NEGATIVE DECLARATION

Osborne Access Approval *Town of Philipstown Planning Board, County of Putnam*

Date: April 15, 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: Osborne Access Approval
Action Type : Unlisted
Site Location : Beech Farm Lane, Garrison, NY
Location : Town of Philipstown

Summary of Action: The action is granting of approval for lot access onto Beech Farm Lane, a private roadway, for an existing residential lot which is to be served by a new individual subsurface sanitary disposal system and well.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed subdivision plan 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