

Philipstown Planning Board  
Meeting Minutes  
April 18, 2013

The Philipstown Planning Board held its regularly monthly meeting on Thursday, April 18, 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  
Neal Zuckerman (arrived late)  
Steve Gaba, Counsel  
Ron Gainer, Engineer  
Susan Jainchill, Planner

**Approval of Minutes**

- March 21, 2013

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

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

**Neill – Site Plan Application – 621 Route 9D, Garrison: Neg Dec/Resolution**

The Neill's representative introduced herself and gave a summary of what the application involved.

Mr. Gainer stated that the Board had resolutions in front of them – documents for a negative SEQRA declaration and approving resolution for site plan. He said that as the representative had indicated, the latest plans have been revised to address all prior concerns of the Board. Mr. Gainer said that both resolutions were ready for the Board's action tonight and suggested the Board take action on SEQRA before consideration of the site plan approval. He stated that there was an adjustment to sections four and five, page two.

Ms. Sexton made a motion to adopt the Neg Dec. Ms. Finger seconded the motion. The vote was as follows:

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

Mr. Merante made a motion to adopt the Resolution with adjustments to #'s 4 and 5 on page two and conditioned based on A&B. Ms. Finger seconded the motion. The vote was as follows:

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

**Evelyn Gex – Realignment of Property – 4 and 24 Hummingbird Lane, Garrison: Request for 90-day extension (letter from Evelyn Gex)**

Ms. Conner asked Mr. Gaba if there was a limit to the amount of extensions granted.

Mr. Gaba said no. He said that the only consideration is if there has been a change in circumstances, which might make it inappropriate to grant the extension.

Mr. Zuckerman made a motion to grant the request for the extension. Ms. Conner seconded the motion.

The vote was as follows:

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

**E. Polhemus Enterprise, LLC – Site plan application: Request for return of escrow funds (Letter from Mr. Polhemus)**

Mr. Gainer said that the applicant had previously filed a letter with the Board. His approval was granted toward the end of last year. Mr. Gainer said that he thought they hadn't been any activity from any of the consultants since.

Mr. Merante made a motion to return the funds. Ms. Sexton seconded the motion. The vote was as follows:

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

**Open Space Conservancy, Inc. – Approval of subdivision plat – Route 9d, Garrison: New submission**

Mr. Watson said that this was an application from Open Space Conservancy to subdivide the remaining property that they have from Glenclyffe site – just south of the Highlands Country Club. Mr. Watson presented the plan and went over the specifics with the Board. He said that the idea is to divide the property into three twenty-acre parcels. The zoning is institutional. Mr. Watson stated that there are wetlands on the north part of the site and steep slopes. He said that there is a developable site separate and apart from the rest of it. The entire property is in the scenic protection overlay. Mr. Watson said that their intention is to take the previously approved right-of-way, extend it into the property and provide a cul-de-sac so that they get their required frontage on a private road and it will not be a non-conforming lot.

Mr. Gainer asked if the northerly lot was to be developed eventually.

Mr. Watson said yes. He said that the two vacant lots are to be developed residential. Mr. Watson said that the Garrison Institute, the Town of Philipstown and Open Space Conservancy have a joint maintenance and operational agreement for a sewer treatment plant to service each of the buildings. He said that they do not believe that the residential lots will participate in that.

Mr. Merante asked with regard to the Fish building on Lot Two would impact the use or sale of that lot.

Mr. Watson said that the hope is that the building will be restored in some fashion.

Ms. Conner said that it says if it's going to be used for a residential purpose, it needs a special permit.

Mr. Watson said that's correct. He said that would be the responsibility of the person who wanted to develop the lot. Mr. Watson said that theoretically someone could come in and put a new institutional use in there, but at this point the lots will be sold and the purchaser, when they go to build, will have to come in and get the special use permit. Mr. Watson said that it may not be exactly that and has to be looked at.

Mr. Gainer said that it will be researched.

Mr. Gaba said that it is a little tricky the way it works out and he thought that a site plan was required no matter what. He said that he thought if you're using a residence in conjunction with the institutional use, then it requires a special permit as well. Mr. Gaba said that if you are using it just residentially, then it requires site plan but not a special permit. He said that it is not as-of-right – they have to come in and get approval.

Mr. Merante said that Mr. Watson mentioned the access earlier and asked if the road still comes all the way around.

Mr. Watson said that it comes all the way around and they're talking about providing a loop back through, so the legal access will be on the open development road, back to the new cul-de-sac at the intersection.

Ms. Finger asked if would be an institutionally use classification until it is developed.

Mr. Watson said that the property is zoned institutional and will stay institutional. He said that if the property ceases to be used for institutional purposes, a different set of use rules apply.

Mr. Gaba said that if the institutional use ceases, and you are just going to use as residential, then you need a special permit. He said that regardless of which it is, you need site plan.

Mr. Watson said that he thought it was as-of-right if it's associated with the institution use. He said that if you want to put a private house on the property as well and rent it to somebody to make some income, that requires a special use permit. Mr. Watson said that if it ceases to be an institution at all, then he thought you had it as a right.

Mr. Gaba and Mr. Watson said that they could talk about it.

Ms. Conner asked what the difference was between the Open Space Institute and the Open Space Conservancy.

Mr. Watson said that the Open Space Conservancy is the arm of Open Space Institute that has the charitable non-profit that they take the conservation easements through that organization as opposed to the Open Space.

Ms. Conner said that it says for ten dollars, they're giving it to themselves.

Mr. Watson said yes, they made a lot line adjustment (pointed out on the plan). He said that was done recently. He said that there were three deeds. The first deed conveyed some little tiny parcels from institute to conservancy and there was another one from conservancy to institute and then there was a deed where conservancy put them together and then another where institute put what they had together.

Ms. Conner asked if there was a reason those deeds should be with the Board's documents.

Mr. Watson said that he'd be happy to provide them.

Mr. Leonard asked Mr. Watson if Lot Two keeps the easement capability behind the current Recreation Center where there's a chain now and then a small fence.

Mr. Watson said that Lot Three has an easement.

Mr. Leonard asked if they keep a legal easement.

Mr. Watson said yes.

Mr. Leonard asked who actually keeps easement for the little road back from the parking lot.

Mr. Watson said nobody. He said that they are talking about providing a prior access route so they can get through there.

Mr. Meehan asked if this would be a conservation site plan or regular site plan.

Mr. Watson said regular/conventional site plan.

Mr. Gainer said that the Board can declare it a minor procedurally. He said that if the Board wished to conduct this as a Coordinated Environmental Review, it could declare itself to be Lead Agency.

Ms. Conner asked if with regard to the road, Mr. Watson said that it was narrow.

Mr. Gainer said that road was built in 2008 or 2009.

Mr. Watson said that he said they had to extend it out and put a cul-de-sac on.

Mr. Gainer said that he suspected it was to an appropriate width, but would verify it. He said that he thought a public hearing would be a bit premature, and suggested the Board meet on the site first.

Mr. Merante made a motion to declare this project a minor subdivision. Mr. Conner seconded the motion.

Ms. Sexton made a motion that the Board declare itself Lead Agency. Ms. Finger seconded the motion. The votes (for both motions) were as follows:

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

The Board decided to schedule a site visit on this property for May 5, 2013 at 9:30 a.m.

Ms. Conner made a motion that referrals be made to the County (239M), Putnam County Health Department and the Conservation Advisory Board. Ms. Finger seconded the motion. The vote was as follows:

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

**Mountain Trace – Subdivision approval – Canopus Hollow/Sprout Brook Road, Garrison:  
Submittal of revised technical engineering plans/discussion**

Ms. Conner recused herself from this application and left the table.

Mr. Wegner gave a summary of the long history of the Mountain Trace application. He stated that he was asked to submit additional materials – providing more details for the Board’s review, which he had done.

Mr. Wegner said that those materials included existing conditions, erosion control, etc. He said that he was looking for some discussion on the viability of the project.

Mr. Gainer said that the Board had received a technical memorandum from his office based on a review of the latest plans submitted. He said that the Board had directed that the applicant fill out the plans with appropriate technical details, and more specifically, address the issues of storm water management and SWIPP requirements, which was what generated this last submittal. Mr. Gainer said that it is a matter now of whether the Board is prepared to consider a preliminary approval on the project. He said that the project is three lots and all they serve to do is improve the level of detail on the plans. Mr. Gainer said that he tried to simplify as to whether the Board wants to see these comments addressed either prior to or as a condition of some preliminary action of the Board.

Mr. Zuckerman said that he had not remembered exactly what the Board had straw polled on and thought it might be grade and disturbance.

Mr. Gainer said that he believed it was grade that the Board was wrestling with. He said that they actually, just prior to that, had gotten confirmation from the Fire Department that they would accept the 17 percent grade.

Mr. Leonard said that it was basically to take a look at the 14 percent plan for distance, driveway and disturbance and 16 percent - same ratios, and then 17 percent.

Mr. Wegner said, and the previous impact regarding excavation on the site and they dropped it down – compared to the five and four lot layouts – the 17 percent is a tenth of the amount of materials being removed.

Mr. Leonard said that obviously disturbance was a big issue and the applicant went through a great extent for drainage, etc. and those issues were all discussed.

Mr. Gaba said that they need a waiver for the road.

Mr. Gainer said that at this point, the Board would have to make a decision as to whether it's prepared to move it to an action. If they were to consider granting preliminary subdivision approval, they'd address the issue of the waiver to 17 percent within that document and also have to prepare a SEQRA document to be adopted first. Mr. Gainer said if the Board is prepared for that action, it could direct him to prepare the Resolutions for the next meeting and he would incorporate that level of detail in those draft Resolutions.

Ms. Sexton reminded the Board that they had discussed and Mr. Santucci was adverse to it, the agreement with regard to the swales and drainage.

Mr. Gaba said that it would be a condition, as they're just talking preliminary approval. He said that it wouldn't actually be prepared yet – it would be a condition of getting final.

Mr. Gainer said, and the issue of the required access easements and need for a maintenance agreement for the roadway is addressed in the memo the Board has.

Mr. Merante made a motion that the Board prepare action on this application. The motion was seconded by Ms. Sexton. The vote was as follows:

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

Ms. Conner joined the table again.

**CF Diversified – Subdivision – 2700 Route 9, Cold Spring: Informal review (Request from Glenn Watson via email)**

Mr. Watson thanked the Board for agreeing to an informal discussion with regard to the above-stated application. He said that he was there to find out what they could do to minimize the effort of the applicant with regard to the overall subdivision. He said that the property would contain a total of 122 acres. Mr. Watson said that the Cyberchron building on Route 9 is on a 72 acre parcel traversed by two open development roads that go to four residential lots in back. He said that the road has been developed to at least residential road standards and he knew it was developed to a commercial grade standard as far as the grade of the road is concerned. Mr. Watson said that Mr. Fadden, who owns C.F. Diversified, Cyberchron and most of the property in back, wants to sell his building and it was, in fact, merged into the larger lot and he would like to get back to the point where he's selling the building on a new lot, and do a two-lot subdivision of this 72 acre parcel. Mr. Watson said that they're anticipating a roughly three-acre lot around the building which will contain the septic and well. He said that they'd like to do a two-lot subdivision. Essentially they want to ask for a waiver of topo – the topo shown on the plan, they can give the Board some of it, but most of it (inaudible). Mr. Watson said that he was looking for the Board's advice with regard to what reasonable waivers they could ask for with regard to the regulations. He said that they will proceed based on that advice.

Ms. Jainchill said that her understanding of open development area subdivision abuts four properties off of an open development road and two off of the main road. She asked if that was correct.

Mr. Watson said that in a typical open development area, you go in with the road and you have the four in the back. They will let you also use the open development...in fact, they encourage you to use the open development road for what would be the corner, so that you avoid an extra curb cut onto the main road.

Ms. Jainchill said here, the curb cut exists already.

Mr. Watson said it already exists. He said that the master plan of this thing, back when..., was that this (pointed out on plan) would have eventually been developed as a commercial subdivision.

Mr. Gaba said from his understanding, what they'd want to do is show the overall subdivision. He asked if there were any waivers other than that Mr. Watson was looking for.

Mr. Watson said no.

Mr. Gainer said that Mr. Watson would really want to show at least the wetlands on the proposed subdividing (inaudible).

Mr. Zuckerman asked Mr. Gaba to help the Board out with regard to where the requirement is for the subdivision.

Mr. Gaba said that the regulations say what has to be shown on the subdivision with regard to access, drainage, etc.

Mr. Watson said that he has to update the survey, but the only thing he anticipated asking a waiver for is the entire wetlands and the topo.

Ms. Sexton asked if the purpose was really to make it easier for him to sell off the property.

Mr. Watson said yes, to be perfectly blunt. He said that the applicant said that they either want the building and only a little land or they want the land and no building.

Mr. Leonard asked the Board if anyone objected to granting the waiver.

Nobody objected to granting the waiver.

Mr. Watson thanked the Board.

#### **Miscellaneous**

##### **- Cold Spring Farms - Discussion**

Mr. Gainer said that he thought the intent of this application being addressed was for the Board to present the comments from the site walk. He said that he forwarded his draft comments to the Board.

Ms. Conner said that was not prepared to talk about it as it was not on the agenda.

Mr. Leonard clearly stated that they were not asking for the Board to take any action on the application.

Mr. Gainer explained that he was interested to see whether he accurately summarized comments the Board had offered. He said that he also issued it to the applicant's engineer just this evening.

Ms. Sexton said that before the application can go anywhere, they're going to have to show some kind of proof of a road there.

Mr. Gainer said that that was the first issue and at the end of the site walk, it was the last issue talked about. He said that the applicant well understands that the biggest concern of the Board really related to the construction in the vicinity of the delineated ridge line and the plan reviewed at the site walk was actually revised from the original application file. Mr. Gainer said that the dimensions are going to be very difficult to get grading to work in the Board's view. He said that from his sense, one big need for the applicant to pursue is some informal soils testing so they can better understand impacts to rock out crops and whether he's able to get the extent of re-grading that he's proposing. Mr. Gainer said that it would not be necessary for him to come back until they all better understand the soils issues up there.

Mr. Zuckerman said that he was confused and said, when you don't own it yet and don't have access to get into the thing, and yet, the Board is reviewing it..." He didn't understand when there was appropriateness for a Planning Board to get involved. Mr. Zuckerman asked for Mr. Gaba's advice.

Mr. Gaba said that usually it is a matter of degrees with this type of thing. If it's a matter of getting an easement or right-of-way for access or perhaps improving an existing right-of-way for access – a land that someone else owns, ordinarily a Board would process the application with the understanding that any approval would be contingent upon...at the other extreme would be someone coming in saying, "I'm thinking of buying this piece of land, but I don't have any contract or right to own it...let's start reviewing that land that belongs to someone else." Mr. Gaba said that in that instance, the Board would say that unless they get an authorization from the property owner to allow review of the plans for development, they're not going to review plans for development and would not entertain the application. The Board has to look at what's in front of them and make that decision. Mr. Gaba said that it can be a grey area.

Mr. Michael Klein, Attorney for applicant, introduced himself. He said that with regard to the access question, clearly they have provided access on Route 9 or Old Albany Post Road. Mr. Klein said that they would rather not use that access way because it requires a significant amount of disturbance and visually it would be less desirable. He said that in 1995, Diversified had its subdivision pending. At that point in time, it was contemplated with the desire it be a town road and ultimately that did not happen. Mr. Klein said that the agreement from 1995 provided that Rossi would have access to whatever road was ultimately approved by the Planning Board – whether it be the Town road or otherwise. In this case it became otherwise – a private road. Mr. Klein said that they believe they have the right to access Vineyard Road in any event. He said that they are not pursuing this on a whim. Mr. Klein said they have a background that they believe establishes their right to use Vineyard Road, but when the subdivision for Diversified is approved, he did not believe there were any notes that reflect their rights to use it, although there is an agreement between the parties that provided them with that right.

Ms. Sexton asked that Mr. Klein provide Mr. Gaba with a copy of the agreement.

Mr. Gainer said that he wanted to memorialize the memorandum. He asked that the Board look at it and get back to him with comments, so that it can be finalized and then issued as a final. Mr. Gainer said that he thought the applicant, just by seeing the draft, has his marching orders (site investigations). He said that again, there's really no reason for the applicant to come before the Board until they start getting accurate field information.

Ms. Conner asked if it was Open Space Overlay District, which requires that 80% of the open space...she asked if it went in the layer, it counted as open space.

Mr. Gainer said that he did not know. He said that they proposed about twenty-five acres of paddock area on the horse farm. The parcel is about 85 acres. Mr. Gainer said that he would have to research it.

**Training notices**

- Putnam County Chamber of Commerce is meeting on April 29, 2013 at Putnam Hospital in Carmel.

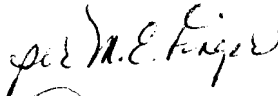

Mr. Leonard said that he and Ms. Finger attended the last one. He said that he already responded to say that he would be attending. Mr. Leonard asked the Board members to let him know if they'd be able to attend.

- Philipstown Planning Board Training Session to be held on Saturday, April 20, 2013 from 9:00 a.m. to 1:00 p.m. Ms. Jainchill put together a program and summarized the agenda items.

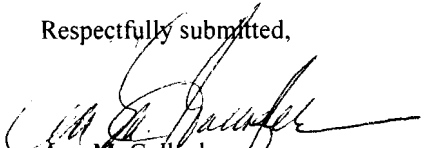
**Adjourn**

Ms. Finger 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	-	<del>Absent</del> In favor
Mary Ellen Finger	-	<del>Absent</del> In favor
Anthony Merante	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

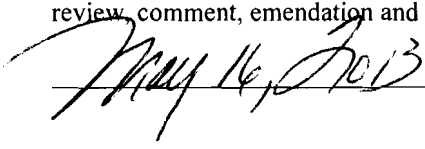
*per M.E. Finger*  
  


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:

  
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174 to  
mail

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 5 Neill Site Plan. 2.49± acres of Land located at 621 NYS Route 9D in Garrison, New York. Tax Map # 81-1-38.

WHEREAS, Peggy and Richard Neill are the owners of the parcel located on U.S. Route 9D in the "RR Rural Residential" Zoning District; and

WHEREAS, a residence formally existed on the property, which has since been demolished; and

WHEREAS, an application was made to the Planning Board of the Town of Philipstown by Peggy and Richard Neill for approval of a site plan for the construction of a new 5,200 square foot residence on the property; and

WHEREAS, the Planning Board has completed SEQRA review for this project; 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
Michael Piccirillo, AIA	T-1 Title Sheet	02-07-13
Michael Piccirillo, AIA	SP-1 Site Plan	02-07-13
Michael Piccirillo, AIA	SP-2 Coverage Calculation	02-07-13
Michael Piccirillo, AIA	SP-3 Site Details	02-07-13
Michael Piccirillo, AIA	SP-4 Coverage Calc./Buildable Area	02-07-13
Michael Piccirillo, AIA	SP-EL Lighting Site Plan	02-07-13
Badey & Watson, PC	Subsurface Treatment System	12-18-12

WHEREAS, the Plans have been revised to address concerns of the Town Planning Board; and

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:

received  
5/3/13/224

A. Resolution of comments contained in the Town Engineer's memorandum of March 18, 2013

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) Pursuant to Section §175-68 of the Philipstown Code, within 6 months after receiving approval of a Site Plan, with or without modifications, the applicant shall submit multiple copies of the Site Plan, as determined by the Planning Board, for stamping and signing. The Site Plan submitted for stamping shall conform strictly to the Site Plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the information required by §175-68A.
- 5) This Site Plan approval shall expire if the applicant fails to obtain any necessary Building Permits, fails to comply with the conditions of the Site Plan approval, or fails to initiate the use within 24 months of its issuance. The Planning Board may grant a one-time six-month extension, and additional extensions, upon a showing of hardship or extenuating circumstances.

II. Wetlands/Watercourse Permit Approval:

- 6) 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 if the protections required by the Town are properly adhered to by the applicant during construction;
- 7) A formal wetlands/watercourse permit evidencing this approval shall be issued by the Wetlands Inspector, based upon the criteria set by the Planning Board with reference to any CAC reports and standard wetlands protection procedures required by the Wetlands Inspector, which shall only be valid upon its execution by the applicant, to be filed with both the Planning Board and Wetlands Inspector upon the applicant's endorsement, for the purpose of confirming the specific conditions applicable to work in the vicinity of Town-regulated wetlands and/or watercourses, including prior notification to the Wetlands Inspector before any construction can take place.
- 8) Prior to the start of construction, the applicant shall deposit in escrow with the Town an fee to be established by the Town, which funds shall be used to pay the Town's consultants for all reasonable costs of the Wetlands Inspector and/or Town Engineer for such inspection services deemed necessary by the Town to monitor construction activities on the site. In the event that the escrow account is subsequently reduced by more than half, the applicant shall replenish the account to its original balance. At the completion of construction, in the event the amount remaining in escrow by the Town is more than the amount of the actual billing or invoicing from the Town's consultants, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after they have certified that all construction activities have been completed, and the site has been restored in accordance with the terms of this approval.

Adopted at a meeting of the Philipstown Planning Board on April 18, 2013.

**PHILIPSTOWN PLANNING BOARD**

A handwritten signature in black ink, appearing to read "Michael Leonard", written over a horizontal line.

Michael Leonard, Chairman

cc: Richard Shea, Town Supervisor  
David Klotzle, Wetlands Inspector  
Kevin Donohue, Code Enforcement Officer

**RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA**

WHEREAS, Peggy and Richard Neill have applied to the Town of Philipstown Planning Board for Site Plan approval pursuant to Town Code Chapter 175, Article IX, on certain real property located at 621 NYS Route 9D, Garrison, New York within a "RR Rural Residential" Zoning District and identified as Town of Philipstown Tax Map No. 81-1-38; and

WHEREAS, a residence formally existed on the property, which has since been demolished, and the Neills propose the construction of a new 5,200 square foot residence on the property; and


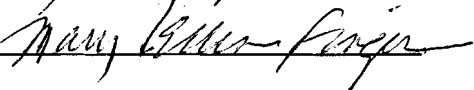
WHEREAS, in regard to proposed development of the property a Short Environmental Assessment Form ("EAF") has been submitted pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and

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

WHEREAS, the Planning Board has duly reviewed the 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.

 presented the foregoing resolution which was seconded  
by 

Adopted at a meeting of the Philipstown Planning Board on April 18, 2013

**PHILIPSTOWN PLANNING BOARD**

  
\_\_\_\_\_  
Michael Leonard, Chairman

# NEGATIVE DECLARATION

## Neill Site Plan

*Town of Philipstown Planning Board, County of Putnam*

Date: April 18, 2013

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: Neill Site Plan  
Action Type : Unlisted  
Site Location : 621 Route 9D, Garrison, NY  
Location : Town of Philipstown

Summary of Action: The action is granting of site plan approval for the construction of a new 5,200 square foot residence on the property, where a residence formally existed.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed site 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, Michael Leonard