

Philipstown Planning Board
Meeting Minutes
May 20, 2010

The Philipstown Planning Board held its regular monthly meeting on Thursday, May 20, 2010 at the VFW Hall in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present: Anthony Merante, Chairman
Kim Conner
Josephine Doherty
Michael Gibbons
Michael Leonard
Kerry Meehan
Pat Sexton
Steve Gaba, Attorney
Ron Gainer, Planner

Elizabeth Healy – Request for return of escrow (memo dated 4-22-10 from Dottie Turner)

Mr. Merante said that as of this date, a balance of \$3198.80 remains in Ms. Healy's account and there are no outstanding invoices. He said that the Planning Board passed the Resolution last month to return Mrs. Healy's escrow account.

Public Hearing

Juan Montoya – Approval of three-lot subdivision – 236 Old Albany Road, Garrison

Mr. Watson said that nothing really had changed on the plans. He said that it was to take a 110-acre parcel that was originally three parcels, which they've recently merged and divide it into three parcels – a 5-acre parcel, a 3-acre parcel and the balance of about 102 acres. Mr. Watson said that the 102-acre parcel is already improved with a house, the 3-acre parcel is improved with a house, and the 5-acre parcel will eventually be improved with a new house. He said that they've made the survey necessary for the wetlands permit, which has been recommended that they pursue and they will pursue that and they have finished the survey. Mr. Watson said that he's hopeful they're going to be making the application by the 31st of May. He said that he did not think there would be any particular difficulties with the application because he'd been out to the site with Mr. Klotzle two different times.

Mr. Merante said that the Board received a letter in December from Madeline James Rae regarding the application, essentially opposed to it. He said that it was asked that the Planning Board take into consideration the adopted Comprehensive Plan and the proposed Philipstown Zoning Law. Mr. Merante said that as he said at the public meeting, as far as he is concerned, this thing has vested rights and they're considering under the old zoning. He asked Mr. Watson if he had any response to it and if he had a copy of the letter.

Mr. Watson said that he had seen the letter, but had not read it probably since last December. He said that he thought this was a minimal subdivision – it's for Mr. Montoya's retirement home and they are trying their best to comply with the law.

Mr. Gaba said that certainly the Comprehensive Plan is something the Board should take into consideration - the overall tenets of it in the planning process. He said that he did not think that anything has been pointed out, which in particular, would weigh in favor of denying a three-lot subdivision. Mr. Gaba said that he did not know if he agreed with the Chairman's statement that they have vested rights, however since the new zoning hasn't been enacted, it would have to be considered under existing zoning and you can't really take into consideration proposed changes. He said that he thought they comply with the zoning that exists now.

Mr. Gibbons said that this is really just subdividing property and there's not going to be any new development.

Mr. Watson said one new house.

Mr. Gibbons asked Mr. Watson to point out where it was going.

Mr. Watson did so.

Mr. Gibbons asked if with regard to the remaining major parcel there was another way to access that area.

Mr. Watson said that in his opinion there was not. He said that there's a very steep slope that comes from the north boundary, goes immediately behind the house almost to the south boundary, comes all the way to the east boundary, and then wraps around. Mr. Watson said so there is what would be developable land. He said that he did not believe there was an approvable route for a private road to that property.

Mr. Gibbons said that was what he was driving at – even if the one house coming on board, they're trying to indicate that the area is overdeveloped as it is, which is a point of view and not a fact. He said that the idea that they're doing a three-lot subdivision for one house, in his mind, discounts the letter.

Mr. Watson said that he was approached several years ago by, he thought, two different people who were looking to purchase the property with the idea of subdivision and he basically told them that he didn't think it was approvable.

Ms. Sexton asked if there were any conservation easements on the property.

Mr. Watson said no.

Ms. Conner asked what the driveway situation was.

Mr. Watson said that the way he thought they left it was that Mr. Chirico was satisfied with the northerly route, which was one of two that Mr. Gainer had suggested. He said that they didn't have them aligned. They aligned it with the road across the street and Mr. Watson said that he thought Mr. Gainer told the Board last month that Mr. Chirico had opined in favor of that one.

Mr. Gainer said that there were no more technical issues and that if the Board were so disposed, it could close the public hearing. He said that they do have SEQRA to prosecute and with regard to that, the applicant had submitted a Part 1 EAF reflecting a 3-lot subdivision, which they had asked for. Mr. Gainer said that he had provided for the Board the Part 2 EAF form, which the Board may wish to review tonight just to allow adoption, so that the applicant could then submit the necessary Part 3 statements for concerns that are identified.

The Board went over the Part 2 (copy attached).

Ms. Conner said that she was curious as to why it was 1000 or more vehicles.

Mr. Gainer said that the purpose of the Part 2 is to evaluate any potential environment impacts. He said that when you don't achieve the threshold, but there's an impact of that category, you check column one.

Mr. Merante asked if the public had any comment.

There was no comment.

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

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

Ms. Sexton made a motion to adopt the EAF. Ms. Doherty 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

Minutes

- April 15, 2010

Mr. Meehan made a motion to adopt the minutes. 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

Dominick and Debra Santucci – Mountain Trace Subdivision – Approval of four lot and five lot subdivision – Canopus Hollow/Sprout Brook Road: Discussion

Ms. Santucci said that there was a site visit by the Board. She said that Mr. Gainer was not there. Ms. Santucci said that she guessed what happened was that Mr. Gainer went after with Mr. Merante. She said that he wrote a letter on the 10th with his concerns that they (she and her engineer) never received, but received it at about 5:00 p.m. today, so as far as addressing his concerns this evening, she really didn't think they were able to do that.

Mr. Merante asked if it was about the so-called trails.

Ms. Santucci said oh no. She said that her husband brought home some notes when he went and the Board was concerned about trails that might be either State or Town. Ms. Santucci said that she pulled the title report, sent fourteen copies and it mentioned nothing and she thought that would suffice to know that there were no trails that were picked up by the title company when it was bought. She said that she guessed they would try to address everything next month that Mr. Gainer had in the letter and that Mr. Santucci wanted to ask the Board if there were any questions after the site walk.

Mr. Gainer said that obviously the Board had accomplished the site walk. Not all were able to make it entirely through the site. He said that he was unable to make the original site walk and made arrangements with Mr. Merante and Mr. Meehan to walk the site subsequently. Mr. Gainer said that after he walked the site and had developed some notes. He checked in with a few members of the Board and then prepared a draft memorandum trying to summarize what he understood to be site comments. He said that as they knew, that was transmitted internally to the Board. Mr. Gainer said that he awaited any receipt of corrections/additional comments. In the absence of any further revisions necessary, that was finally issued and that's the reason the applicants didn't receive it very early. Mr. Gainer said what is serves to do is summarize comments that he understood the Board and he had during their site walks.

Mr. Santucci asked if all the work they had done throughout the previous years would be covered by (did not finish sentence).

Mr. Gainer said that he chatted informally with Dom and Debbie just this afternoon. He said that obviously this represents just identified concerns of the Board. Mr. Gainer said that it's very likely – because many don't know the history of the project, but do know the project has been around for six or eight years possibly, there's probably been a great wealth of material that has been generated by the applicant to date. Obviously anything that exists that can respond to the concerns the Board sees today, should immediately be submitted that can easily short-circuit any concerns of the Board.

Ms. Santucci said that Cronin's office never got it (site visit memo) as of this afternoon because she called. She said that they have six boxes of material. Ms. Santucci said that they are going to have them sift through everything.

Mr. Gainer said that he would welcome sitting down with Cronin if it would help.

Mr. Santucci said that they will have them take a look at it, he will talk with them and then get together. He said that hopefully next month, they'll have some answers.

Mr. Merante asked if there were any questions.

Mr. Leonard asked if the Santucci's had the complete maps now for the site, because at the site walk they didn't have the complete maps.

Ms. Santucci said yes – they were actually in the Town's possession way before that.

Mr. Gainer said that again, he presumed the Board could formally endorse the contents of the memorandum and direct them to respond to those issues and to get any historical information that satisfied the concerns.

Mr. Gibbons said that, being as the Santucci's do not have the letter, he thought it should be brought out on Item 3 – the intention that the Town CAC and Wetlands Inspector needs to be reviewing this and that way, they're not waiting another week to be notified.

Ms. Santucci asked how they would do that.

Mr. Gainer said that if they have had prior contact with the CAC and/or Wetlands Inspector, they should bring that forward and visit with them at this time.

Mr. Gaba said that they need to be updated.

Ms. Santucci asked if she should just contact them.

Mr. Gaba said yes – they don't need a referral.

Mr. Gibbon said that his only concern with that would be that anything that's come up since that review, may have changed.

Ms. Santucci said that she'd like a new look at it.

Mr. Gainer said that he was saying again that if there's historical information, Mr. Klotzle might be interested to see that. He's still going to accomplish the same kind of site walk that the Planning Board just did, but it would give him some history to know where they've been.

Mr. Gibbons said that he was pretty sure the Board got a CAC report a few years ago, but his concern would be if there was anything updated in the Town Code that may change the perspective on that.

Mr. Gainer said that he was sure the site walk would pull out all those issues.

Mr. Santucci said that he believed they had a public hearing on this when Ms. Doherty was the Chairman at the time and it was closed. He said that the Board was going to give him sixty days for an answer. Mr. Santucci said that he remembered because the Board asked for an extension on that and he said yes, so they did everything the Board wanted at that time.

Mr. Merante asked the applicants if they had talked with the Secretary of the Supervisor regarding the escrow account.

Ms. Santucci yes, and they should have it by now.

**Richard Timmons – Approval of three-lot subdivision – Route 301, Cold Spring:
Submission of revised proposed subdivision plat**

Mr. Noviello stated that he thought the Board should have a revised plat. He said that he had received a response from Mr. Gainer dated May 19, 2010. Mr. Noviello said that some of the items he understood and agreed with and some of the items he thought he could use a little more clarification or make his point clearer.

Mr. Merante asked if Mr. Noviello would go over the dates again.

Mr. Noviello said that Mr. Gainer's notes are dated May 19, 2010.

Mr. Gainer said that by the way of background, the applicant appeared at the January meeting. The Board then scheduled a site walk and it was accomplished in February. This is the applicant's first return since the site walk and that was the genesis for the revised plat that got filed - to address concerns the Board had then.

Mr. Noviello said that the first comment he wished to address was that the proposed subdivision lines weren't dark enough, and he agreed. He said that there was an error in the printing, so they'll correct that and make them very clear and dark. Mr. Noviello said that the Board wanted to see the house to the east. He said that they'll survey that and show that. They've showed the septic and the well, but will show the actual house. Mr. Noviello said that the wells are close to 301, and they appreciate the Board's concerns

about any salt contamination that might be coming from 301, so they'll put culverts under the driveways and a swale along the property line to try to steer the runoff away from the property. Mr. Noviello said that they will do a sight distance study determine if the new proposed driveway has adequate sight distance, as obviously safety is a primary concern to everybody. He said that with regard to the note they should refer to the CAC, he received a phone call from the Planning Board Secretary and sent seven copies of this plan to the CAC and asked them to review it. Mr. Noviello said that they would also contact the Wetland Inspector. He said that there is a note that shows on the upper right corner of the plan that they hold that monument as a hundred feet, and they noted that on the plan. The re-grading and the proposed extent of disturbance...both the re-grading proposed contours that are necessary for the subdivision are shown on the plan and the limits of disturbance for each lot is shown on the plan. Mr. Noviello said that they would add a legend denoting the symbols. He said that the overhead utility lines that are existing will be removed since the house will be removed, and they'll put a note on the plan that they are to be removed.

Mr. Merante asked, the house and the garage?

Mr. Noviello said yeah – the house, garage and a pole with overhead utility lines.

Mr. Merante asked if the new lines would go underground.

Mr. Noviello said that he would anticipate they're underground and if that's the Board's requirement, they'll put a note on the plan. He said that he was not sure if the whole Board wanted to see engineering details for things like drywells or erosion control measures, but they will supply those to the engineer, planner, and whoever the Board wants.

Mr. Gainer said that the Board previously discussed that and he thought it was previously said that they need a full set to go the Planning Board Secretary for the file and a full set for Mr. Gainer to review. He said that the Board could just get the site plan drawings themselves.

Mr. Noviello said so they'll supply two sets of the engineering details.

Mr. Gaba asked if with regard to the wells, putting in the swales would be sufficient and if they should be pulled back from 301.

Mr. Merante said that is what the concerns are.

Mr. Noviello said that as far as the wells and the septic, he sees there are several comments about those, but it is his understanding that some of the subdivisions don't need to go to the Putnam County Health Department for approval, which is a higher level of government. He said that this subdivision will go to Putnam County Health Department for approval of each lot and they're going to review issues like the well location, the septic location, and septic design.

Mr. Merante asked if they actually reviewed the location of wells.

Mr. Noviello said yes. He said that all that is covered in detail by the Health Department.

Mr. Gibbons said that the Board likes to see on the septic fields and even on the building lot is the building envelope for each one of them to see how much disturbance is going to be happening.

Mr. Noviello said that it's identified on the plan for each lot.

Mr. Gibbons said that he was trying to follow the property line and the property line he has in blue.

Mr. Noviello said that was the one he identified earlier and they will correct it in a darker black and identify it so it's more obvious.

Ms. Conner said that the County is perhaps the ultimate authority, but if the wells or septic areas fail or become contaminated, it's the Town that has to deal with that.

Mr. Noviello said not at all – the County has to and the County will. He said that it is State law that the State has given the County jurisdiction to deal with and they will enforce it.

Mr. Merante said that he had one problem with relying on the County so much and wanted to make a point about that. He said that he was dealing with some people at Continental Village who's lots contiguous to their property were sold and a developer came in and wanted to make it into thirds. Mr. Merante said that he got approval from the County Health Department to put a septic system three feet below flood stage of the brook that ran right next to it.

Mr. Noviello said that he could probably explain that to the Board and it's an unusual circumstance. He said that had nothing to do with their property. Mr. Noviello said what happened is according to State law, there are certain subdivisions which have State Health Department approval, and because they have that approval, there's a law that basically says you are allowed to do the least worst within the old rules, trying to comply with the new rules. He said, so in certain cases on certain subdivisions that were done - he knew one was Southeast and Continental Village was another, where there is State Health Department approval, they have a legal right to do something there. Mr. Noviello said that he agreed that it is not an ideal situation and that's something that in terms of public health and safety the Board may wish to look at, but this subdivision is going to have to follow the current 2010 rules, which are much more restrictive.

Mr. Gainer said that again, the applicant has addressed some issues. His memorandum attempted to summarize things that still remain open. Mr. Gainer said that it is at a point

where the Board should determine whether it is prepared to move forward to schedule a public hearing or if it wants a re-submittal first to understand these details.

Mr. Noviello said that he guessed his only point was that they would be happy to share the well and septic details, but as they're doing them. He said that they're not doing them to this point. Normally, when they do subdivisions like this which comply with the new rules, they do it in stages and the well and septic details don't come into play until usually by the time they get done with preliminary approval, they have the well and septic details done and submit them to the Health Department. Mr. Noviello said that he didn't want to hold up the progress waiting for the stuff that's not done yet. He said that Mr. Gainer mentioned there was some concern that there might be an error in the topography. He said that he had an extra copy of the plan and asked that Mr. Gainer circle the areas he thought might be incorrect, and they'd be happy to re-shoot them and check them.

Mr. Gainer said that actually he thought he'd offered before and the offer remains that he wanted to meet with Mr. Noviello subsequent to the meeting and go through them in great detail and be very clear as to what plan revision would be appropriate.

Mr. Noviello said that he thought he mentioned that the limits of disturbance were shown on the plan. He said that he believed they were labeled. Mr. Noviello said that there was a question on the buildable area and on the 125 foot square. He said each of the lots has 180 foot or larger square that are identified and shown. So he was trying to show they easily comply with the 125 by having over 180 feet. Mr. Noviello said that in terms of 6000 square feet buildable, 180 square (did not finish sentence).

Mr. Gainer said that it's physically an obligation for Mr. Noviello to show it on the plan. He said that it's a plan detail.

Mr. Noviello said that the pipes including material and size they'll add.

Ms. Doherty asked if Mr. Noviello anticipated any impact on Foundry Brook.

Mr. Noviello said none whatsoever because the area closer to Foundry Brook on this property is not going to be disturbed at all and all of the construction is going to be toward the middle of the property and toward 301.

Mr. Gainer said that there was a concern raised by the Board during the site walk for rear lot driveway. At the time, it was running along the property line and sharing access with Lot Three. It's now been relocated and now he's using the existing driveway entrance to 301 to enter both lots one and two, so that mitigates the concern the Board had earlier over driveway slope.

Ms. Sexton said that they (she and Mr. Gibbons) had the same concern. She asked if with regard to the driveway, why one driveway couldn't service all three lots. Ms. Sexton said that if they move the lot line a little bit, even what exists there...they talked about it on

the site visit and about why they were putting another entrance on 301 that already has a poor sight line to begin with.

Mr. Noviello said that it was his understanding that their code doesn't allow three driveways coming in and sharing.

Ms. Sexton said that they've had other subdivisions where they share one driveway in and then fan off into each lot.

Mr. Merante said and one road into a cul-de-sac serving three lots.

Mr. Gaba said that he didn't see a problem with that. He said that it might have to go with ODA standards.

Ms. Sexton said that there's no reason not to have a turnaround or cul-de-sac and have fewer entrances onto a very dangerous 301 already.

Mr. Merante said not only 301, but the entrance is almost across from Lane Gate, and pulling out of Lane Gate can be horrific.

Mr. Noviello said that if it doesn't meet adequate safety standards, they will consider including a private road right-of-way in there. He said that from his point of view, they initially ruled it out because it's additional disturbed land and an additional expense.

Ms. Sexton said that it's a big safety factor. She said that right across from where it is, it is very dangerous.

The Board agreed that the application would not be moved to a public hearing at this time.

Mr. Gainer said that he'll work with the applicant's engineer to try to get the plan cleaner.

Mr. Gibbons asked Mr. Noviello if he would get an easel and give the Board a large blow-up version of the plan.

Mr. Noviello said that he would consider it.

Ms. Timmons, owner of the property stated that she had been listening to idea of the cul-de-sac and maybe it made sense money-wise, etc., but they like the property because it's rural and in a nice setting. She said that to her, to put a cul-de-sac in there is almost like a development in her eyes. Ms. Timmons asked if the Board would take that into consideration when it is deciding whether they should go with two driveways.

Mr. Gibbons and Ms. Sexton said that it doesn't have to be a cul-de-sac. Mr. Gibbons said that what he and Ms. Sexton were saying is that all you need is three branches. He said that he did not know that they really needed the cul-de-sac. Mr. Gibbons said that

because of the number of units being served, it might be a “t”, which is almost invisible. He said that it would be two cut-offs on the dirt side of the road, just to get out of the way in case another vehicle is coming the other way.

Ms. Timmons asked if it was determined that the sight distance is o.k. for that second driveway.

Mr. Merante said that they want to ensure that emergency vehicles have equal access to all three residences/properties, so it would be whatever the engineer comes up with and the Board and its’ engineer agrees to. He said that the concern is safety.

700-720 Indian Brook Road LLC – Approval of two-lot subdivision: New submission

Mr. Watson said that the property contains 257 acres and until the beginning of the year, Ms. Reeve owned the entire piece of property. Her intention was to keep two acres of the property on which the childhood home of her great aunt is located. Mr. Watson said that frankly, there was a need to get the closing done and a need to keep the house. The two couldn’t be accomplished simultaneously because subdivision was required. So the contract was modified to give Ms. Reeve a period of time to come the Board and seek subdivision approval, so that she could purchase back two acres around the house that she wants to keep. Mr. Watson said that was the purpose of the subdivision. He said that 700-720 Indian Brook Road LLC is owned by Christopher Buck, who owns the Nazareth/Winter Hill property. Mr. Watson said at any rate, they do have a problem with the subdivision, which they’ll get to, but they’ve made an application to subdivide this (end of tape)...to be able to retrieve ownership of the family house and at some point, rebuild it and live in it or use it for residence. He said that they’ve taken a blowup of that section of the property. Mr. Watson pointed out the existing dwelling. The existing dwelling is just shy of the setback. It is a very old house, but they are hoping to salvage it. He said that they’ve identified an area for a septic system. They have the two acres involved here. What they do not have is 6000 square feet of buildable area. They do not have a driveway that can get to that area without crossing a class three slope. To the west they have wetlands. There is a significant amount of ledge. The area for the septic system is adequate and that’s been tested, so they’re comfortable with that. Mr. Watson said that they are expecting the Planning Board will tell them that they are not able to give them approval, because they don’t meet the requirements of the zoning law for this lot with regard to the buildable area and they are also hopeful that they will recommend it positively to the Zoning Board so that they can apply for a variance to get relief on those two items – the driveway location and the 6000 square foot buildable area.

Mr. Merante said that since they were the original owners of the property, they went right to subdividing out the absolute minimum two-acre lot. He said that as Mr. Watson said, they don’t have the 6000, they don’t have the road, not crossing the stream, etc. Mr. Merante asked if they had the space and there was separation of well and septic.

Mr. Watson said yes, they do have that. He said that they’ve looked at the idea of making the lot bigger. There’s a contractual problem with that, but honestly he did not think that

was an insurmountable problem. Mr. Watson said that they have some pretty steep grades and they have a lot of distance to go to get to the buildable area. If they went too far to the west, they have wetlands; too far to the north, they'd get more steep slopes. Mr. Watson said that Mr. Buck is not willing to give away additional frontage, but they want to build this house in this place (pointed out) and as a matter of fact, there have been times in the past with this law where the question was rendered moot by the Board, but he didn't think that was exactly the correct thing to do. Mr. Watson said that the need for a buildable area somewhere back here (pointed out) where they can't get to, is really kind of a silly idea in his view, in this particular case because they already have a house and a reasonable distance to a septic system, and they already have a well. He said that there's no avoiding the logic of asking relief from a buildable area somewhere remote to the place where the house is.

Ms. Doherty asked how far off they were of the 6000 square feet.

Mr. Watson said he did not know the answer to that.

Ms. Doherty asked if it was considerable or if he was close.

Mr. Watson said no, they were not close. He said that they have little splotches of area that is buildable, but none that sum 6000.

Mr. Merante said that he was trying to understand the layout of the property. He said that there is a tiny almost bend in the river – now or formerly Kent. Mr. Merante asked if Mr. Watson said that Mr. Buck didn't want to give them additional frontage. He said that on the other side of the property – now or formerly Adams, in looking closer (did not finish sentence).

Mr. Watson apologized and pointed out where there was also frontage. He said that he does not need frontage, as he had plenty.

Mr. Merante said that it looked like they were just squeezing in about a ten foot neck as the property comes around.

Mr. Watson said that he had spoken with Mr. Buck. He said to be perfectly honest, it's not going to do them any good because there's exposed ledge.

Mr. Gaba asked if Mr. Watson said that they were rebuilding the house.

Mr. Watson said that they are not presently rebuilding – their intention is to rebuild the house.

Mr. Gaba asked if they were going to stay within the existing footprint.

The applicant said yes.

Ms. Doherty asked Mr. Watson where the driveway location was that he was proposing.

Mr. Watson said that they don't have the driveway because you have to have the 6000 square feet and then you have to name a driveway at it.

Mr. Gibbons said that the house has existed since the 1800's.

The applicant said no – early 1900's.

Mr. Gibbons said that it has access to the house that he's going to call a driveway. He said that the only question he had was that they were indicating it was two acres, yet they're at 1.87 acres according to the plan.

Mr. Watson said that they are at 80,000 square feet, which is zoning two.

Mr. Gibbons said then he's covered under the zoning and he really didn't see why he had to go anywhere– the house has existed all this time. The lot has not.

Ms. Doherty said, but it's existed on one lot, and that's the difference.

Mr. Watson said that the lot would be non-conforming because it doesn't have this element. He said that he thought and honestly believed that the Zoning Board will have the same sort of reaction the Planning Board is having – “Why is it here? It doesn't make sense...”. Mr. Watson said that it's one of those situations that the law doesn't cover. He said that gives him the opportunity to re-state his request that the Planning Board refer them to the Zoning Board with a positive recommendation with regard to the relief they're seeking.

Mr. Merante said that he had a question regarding something shown on the more detailed print. He said that they show a well house and asked if it was an active well.

Mr. Watson said that he'd get the Board more detail on that.

Ms. Conner asked if the house was in such a state of disrepair that it's not really a dwelling anymore.

Mr. Watson said that it is not a liveable building.

Ms. Conner asked if there was an existing septic at all.

The applicant said no.

Ms. Sexton asked if there was any way by extending it to make it somewhat bigger that they could find that square on the lot.

Mr. Watson said that he had the square, but didn't have the 6000 square feet. He said that it is not a matter of the size of the lot, it is a matter of the topography that's limiting that.

Mr. Gibbons made a motion that a positive recommendation be sent to the Zoning 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

Old Business

- Abandoned applications

Mr. Merante said that the recommendation the Planning Board made to the Town Board was approved this month regarding the applications that went for more than a year without hearing. He said that the one application that came to mind was Dong (Tom) Yu.

Several Board members said that the application was not a year old.

Mr. Merante said that he would research it. He said that ESP was another one and he would research that also, as it has been much longer than a year. Mr. Merante said that Garrison Station Plaza is another one and that it was still before the Historic Agency.

Ms. Sexton said that it was incomplete.

Mr. Gainer said they sought additional information. He said that project couldn't be advanced until that's responded to.

Mr. Gibbons said that now it's in the hands of Garrison Landing, and not the State.

Mr. Merante said that he thought the State responded to that and it had a problem with it and Garrison Landing has it in their hands and has to go back to the State for final approval.

Mr. Gainer said that it's in the applicant's hand to respond to the State's concerns, so the applicant has to respond.

Mr. Merante said that they don't consider that as having been abandoned.

Mr. Gainer said not yet.

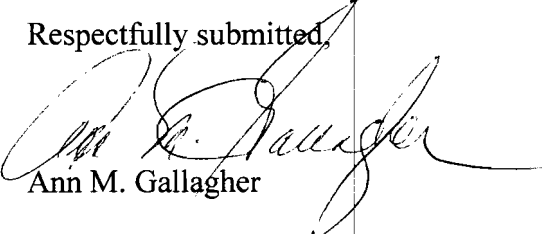
- Replenishment of Escrow
 - . Metro PCS
 - . Garrison Station Plaza

Adjourn

Ms. Doherty made a motion to adjourn the meeting. The motion was seconded. The meeting ended at 9:00 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: _____

Part 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

Juan Montoya 3-lot Subdivision

4/30/2010

General Information (Read Carefully)

In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.

- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

- Will the proposed action result in a physical change to the project site?
☐ NO ☒ YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction of land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts.

- Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
☒ NO ☐ YES

Specific land forms: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
- ☒ NO ☐ YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts _____

4. Will proposed action affect any non-protected existing or new body of water? ☐ NO ☒ YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts:
on-site pond/wetlands system

5. Will Proposed Action affect surface or groundwater quality or quantity? ☐ NO ☒ YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit. ⁽⁷⁾
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require a new or expansion of existing waste treatment and/or storage facilities. ⁽⁸⁾
- Other impacts

6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☐ NO ☒ YES

Examples that would apply to column 2

Proposed Action would change flood water flows.

[illegible]

Proposed Action may cause substantial erosion.

- Proposed Action is incompatible with existing drainage patterns.
- Proposed Action will allow development in a designated floodway.
- Other impacts:

IMPACT ON AIR

7. Will proposed action affect air quality? ☒ NO ☐ YES

Examples that would apply to column 2

- | | |
|--|--|
| <ul style="list-style-type: none"> Proposed Action will induce 1,000 or more vehicle trips in any given hour. Proposed Action will result in the incineration of more than 1 ton of refuse per hour. Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. Proposed action will allow an increase in the amount of land committed to industrial use. Proposed action will allow an increase in the density of industrial development within existing industrial areas. Other impacts | |
|--|--|

IMPACT ON PLANTS AND ANIMALS

- Will Proposed Action affect any threatened or endangered species? ☒ NO ☐ YES

Examples that would apply to column 2

- Reduction of one or more species listed on the New York or Federal list using the site, over or near site or found on the site.
- Removal of any portion of a critical or significant wildlife habitat.
- Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
- Other impacts

9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
- Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? ☒ NO ☐ YES

Examples that would apply to column 2

The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

[illegible]

- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff)
- Other impacts

11. Will proposed action affect aesthetic resources? ☒ NO ☐ YES
(If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.

Other impacts

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? ☒ NO ☐ YES

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

<ul style="list-style-type: none"> • The permanent foreclosure of a future recreational opportunity. • A major reduction of an open space important to the community. • Other impacts 	
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9

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? ☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | |
|--|--|
| <ul style="list-style-type: none"> Proposed Action to locate within CEA? Proposed Action will result in a reduction in the quantity of the resource? Proposed Action will result in a reduction in the quality of the resource? Proposed Action will impact the use, function or enjoyment of the resource? Other impacts | |
|--|--|

IMPACT ON TRANSPORTATION

7. Will there be an effect to existing transportation systems? ☒ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts

IMPACT ON ENERGY

16. Will proposed action affect the community's sources of fuel or energy supply? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts:

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☒ NO ☐ YES

Examples that would apply to column 2

Blasting within 1,500 feet of a hospital, school or other sensitive facility.

- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts _____

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety? ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

Other impacts _____

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community? ☒ NO ☐ YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g; schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? ☒ NO ☐ YES

any action in Part 2 is identified as a potential large impact or if you cannot determine the magnitude of impact, proceed to Part 3.