

Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

The Philipstown Planning Board held its regular monthly meeting on Thursday, May 21, 2015 at the Butterfield Library in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present: Anthony Merante, Chairman  
Kim Conner  
Joseph Giachinta  
David Hardy  
Peter Lewis  
Steve Gaba, Counsel  
Ron Gainer, Engineer  
Absent: Mary Ellen Finger  
Neal Zuckerman

**Public Hearing**

**- OWPP LLC (Grasso)**

Mr. Watson presented the plan to the Board. He said that it is a 14 acre parcel with the two parcels that exist outlined in red. The larger parcel is about 10 acres and the smaller parcel is about 4 acres. Mr. Watson said that the application is for two things. The first thing is to adjust the lot line. He said that the adjustment would move a portion of it - the existing division line, and rotate it roughly 90 degrees so that the new lot line would be what was outlined in green, if the Board approves the subdivision. Mr. Watson said that in order to be certain that they weren't dividing the lots in such a way that they'd end up with a non-buildable lot, they did a couple of things. He said that they presented the site plan to the Board in where they demonstrated where the driveway might be located, where a house might be located and where the septic system can be located. Mr. Watson said that they know that the septic system has already been approved and the permit has been issued. They turned additional copies of the permit into Mr. Gainer, as requested. Mr. Watson said in order to build a lot in the way they aligned it, they showed there will have to be some grading along the driveway and along the house in the area where the slope is 20%. That requires a special permit. Mr. Watson said that in their original application, they made application for that special use permit. He said that they are proposing a shorter driveway and the house would be positioned more or less as the other houses along the road are. Mr. Watson said that Mr. Grasso has no intention to build, but rather wants to sell the lot. He said that while they are not seeking an actual building permit, they are seeking a permit that would be necessary to get it at some time in the future.

Ms. Conner asked Mr. Watson to remind her of what the zoning/acreage was.

Mr. Watson said five acre zone. He said that this is a little over a five acre lot.

Ms. Conner said that they were showing 1500 feet or less and it looked extremely tight. She said that they may want to make it a little larger.

Mr. Watson said that there was a threshold over which a person would have to come to the Board for site



Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

plan approval and he believed it was a 3000 square foot footprint. He said that the septic system is designed for a three bedroom house.

Ms. Conner said that the seemed to be better, flatter land and wondered if they could do something with the existing driveway.

Mr. Watson said that one way or another, the existing driveway has to go through the lower slope. He said that in all, there would be more grading involved with a longer driveway.

Ms. Conner asked about the possibility of a shared driveway.

Mr. Watson said that was never discussed with the applicant, but he knew there would be some difficulty with getting 14% grades for a common driveway. He said that the slope analysis shows the constraint. Mr. Watson said that frankly, a shared driveway was nothing something that was desirable to the owner.

Mr. Grasso explained the reason for his preference and demonstrated it on the plan to the Board.

Mr. Gainer said that the site walk also identified immediately adjacent to, east of the existing driveway of the Grasso residence, there's a watercourse which would have to be crossed and also wetlands to the east of that that would have to be disturbed. He said that he did not believe they were large enough to be regulated by the town, but they're still wetlands that would be impacted if he tried to utilize a common driveway.

Mr. Lewis said that it says in the report that the Conservation Board was going to provide comments and asked if they would hear those comments.

Mr. Gainer said that at the time he issues his technical review, he had not seen any comments from the Fire Department or the Conservation Board. He said that just this afternoon, Mr. Klotzle issued those comments and he believed the Chair would read them into the record.

Mr. Lewis said that the septic system designed for a three-bedroom house and asked if they had approval.

Mr. Watsons said yes, and it had been submitted.

Mr. Merante read the letter from Mr. Klotzle aloud. (copy on file at Town Hall)

Mr. Watson said that there were several comments from Mr. Gainer's memo last month, which have been addressed. He said that there was a comment from Mr. Chirico's office regarding the installation of the catch basin and the site plan has been revised to specify that that would happen. Mr. Watson said that they have, on the subdivision map, shown all of the septic systems and wells that they know about that are

Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

in the inventory.

Ms. Conner said that the question she had was about the Conservation Easement and asked if he was going to talk about that.

Mr. Watson said sure.

Mr. Merante said Mr. Gainer commented that the retaining wall should be designed by a licensed professional engineer because it's up to a maximum height of eight feet.

Mr. Gainer said that they suggested that typically, walls of that height should be engineered and suggested that a note be added to the plan for that detail to acknowledge that an engineered plan will be provided by a licensed New York State engineer at the time that any building permits are filed for that the development of that lot.

Mr. Merante asked if Mr. Watson said that he'd comply with the suggestion of the galvanized fence.

Mr. Watson said that they will do that. He said that they have not complied fully with it.

Mr. Gainer said that the technical issues remain to be addressed and for the most part, they can easily be resolved. With regard to matters for the Board to address A SEQRA declaration remains to be accomplished. The property represents an Unlisted Action pursuant to SEQRA and a short form EAF has been filed by the applicant. He said that in terms of referrals, they have been made and the County and Planning have responded and approved the project as submitted. The fire company had also been given the opportunity to respond.

Mr. Gaba said that he reviewed the conservation easement. He said that the building envelope appears to conform with the conservation easement – it allows the construction of one single-family home. There are some restrictions, but nothing's being proposed now. Mr. Gaba said that the conservation easement does not allow subdivision, but allows lot-line changes. He said that it makes it very clear that the conservation easement runs with the land and that it really doesn't have anything to do with this per se', there is a provision in the conservation easement under paragraph 4.2 - cost of ownership, that states the owner who gave the conservation easement (which would be the owner of Lot B) is obligated to pay for the cost of maintaining the conservation easement. He said that Hudson Highland Land Trust can enforce that. Mr. Gaba said that it's not real under the conservation easement what happens to that obligation when you have a lot line adjustment like this. He said that clearly it remains with the person getting the land because the obligation runs with the land and has to fix it if there's a problem.

Mr. Matt Decker, Stewardship Coordinator with Hudson Highlands Land Trust, introduced himself. He said that they have reviewed some of the preliminary plans, and just received the latest plans and formal notice tonight, so they will be reviewing them. Mr. Decker said that he could tell the Board informally that they expect to not find anything that's contrary to the conservation easement and after they complete

Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

their review, they will write the applicant and cc Mr. Watson with the results of their review. He said that he would also cc the Planning Board.

Mr. Merante said that in looking at the short environmental assessment form, he did not see anything negative. He said that he only saw a couple that were answered yes.

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

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	Absent

Mr. Giachinta made a motion to adopt a Negative Declaration. Mr. Lewis seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	Absent

Ms. Conner made a motion that Mr. Gainer prepare a Resolution for the next meeting. Mr. Lewis seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	Absent

**John and Kimberly Sabatini – Site plan and special use permit – 101 Dicks Castle Road, Garrison, NY: New submission**

Mr. Justin Kacur of Highlands Architecture, introduced himself. He said that his clients' home is approximately a little over 3100 square feet and they want to add an addition that exceeds 1000 square feet. Mr. Kacur said that in the area of steep slopes, the slope varies from about 19% to 37.5%. He said that they would like to add landscaping terraces, a pool and spa and utilize boulders in retaining to make their way out of the house to the pool area and down to a new driveway. Mr. Kacur presented the plan to

Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

the Board and said that they would like to add a secondary driveway and a small level play area and possibly a parking area also. He said that they were just there to introduce the application to the Board to get a basic understanding. Mr. Kacur said that the addition will house a great room, a home movie theatre and a bathroom that's accessible from the outdoor terrace and pool area. He said that he would like to schedule a site walk for the Board to see the property.

Mr. Merante said that the swimming pool looks quite large and asked if it was.

Mr. Kacur said that the pool is very organic – a free form pool with an illusion edge.

Mr. Merante asked if there was any contemplation for blasting.

Mr. Kacur said that they did some blasting originally, but they mentioned to him that now, they are not doing blasting any more. They drill into the rock and use water pressure to split the rock.

Mr. Hardy said that with regard to the pool, the environmental assessment form (#18), states: “does the proposed action include construction or other activities resulting in the (inaudible) of water and other liquids”, and asked if the pool counted.

Mr. Gainer said that it relates to stormwater drainage.

Mr. Hardy asked if there was any forest area on the property.

Mr. Kacur said that it is forested. He said that there are a lot of trees. Mr. Kacur said that it is a primarily wooded lot.

Ms. Conner asked if there were any species identification.

Mr. Kacur said that he thought he put that into the short form EAF.

Mr. Gainer asked Mr. Kacur if he had gone onto the DEP website to identify environmental issues and habitat.

Mr. Kacur said that he had not.

Mr. Gainer said that he didn't attempt to evaluate the EAF. He said that his expectation was that the Board accomplishes the site walk and through that, at least he would better understand the validity of the answers provided and maybe as part of the site walk comments, they could identify deficiencies or questions they have that may warrant revisions to answers in the present EAF that was filed with the original application.

Mr. Giachinta asked Mr. Kacur if he had any plans yet for stormwater management or stormwater runoff.

Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

Mr. Kacur said no and that he was hoping to get input from the Board as to what it would like to see. He said that they wouldn't want to do a retention pond, but were thinking more along the lines of an underground stormwater system.

Mr. Gainer said that they'll try to evaluate that, but it has to recognize the issue of slope disturbance and then extent of that. He said that the Board's typical practice is to attempt to infiltrate any new roof areas, so as to avoid downstream runoff. Mr. Gainer said that all of that can come out of the Board's understanding upon visiting the property.

Ms. Conner made a motion to declare this a minor site plan. Mr. Hardy seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	Absent

Ms. Conner made a motion to declare this as an Unlisted Action. The motion was seconded by Mr. Giachinta. The vote was as follows

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	Absent

Mr. Gainer said that there was no specific requirement to do any outside agency referrals. He said that it does not appear to warrant a 239M referral. But because the applicant is proposing to disturb steep slopes and has filed a special permit application for the disturbance of those slopes and on that basis, the Board typically makes a courtesy referral to the Conservation Board.

Ms. Conner made a motion to schedule the public hearing for the next meeting. Mr. Lewis seconded the motion. The vote was as follows:

The Board agreed to schedule a site visit for May 31, 2015 at 9:30 a.m.

Ms. Conner made a motion to schedule a public hearing for the next meeting. Mr. Lewis seconded the motion. The vote was as follows:

Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	Absent

Mr. Gainer said that at the Board's direction he would make courtesy referrals to both Garrison Volunteer and the Conservation Board.

Mr. Hardy made the above-referenced motion and it was seconded by Mr. Giachinta. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Peter Lewis	-	In favor
Neal Zuckerman	-	Absent

**Adjourn**

Ms. Conner made a motion to adjourn the meeting. Mr. Giachinta seconded the motion. The meeting ended at 8:20 p.m. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	Absent
Joseph Giachinta	-	In favor
Peter Lewis	-	In favor
David Hardy	-	In favor
Neal Zuckerman	-	Absent

Respectfully submitted,

Ann M. Gallagher

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

Philipstown Planning Board  
Meeting Minutes  
May 21, 2015

Date approved: \_\_\_\_\_