

Philipstown Planning Board
Meeting Minutes
June 17, 2010

The Philipstown Planning Board held its regular monthly meeting on Thursday, June 17, 2010 at the VFW Hall on Kemble Avenue in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

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

Minutes

- May 20, 2010

Ms. Conner referred to page 6, stated that her impression was that the Santucci public hearing had not been closed, and asked that the correction be noted.

Ms. Gibbons referred to page 5 and asked that an “s” be added to “Gibbon”.

Mr. Gibbons made a motion to adopt the minutes as amended. The motion was seconded. The vote was as follows:

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

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

Garrison: Full EAF Parts 1, 2, and 3 and revised plans

Mr. Watson said that they submitted Part 3 of the EAF, tonight they’ll adopt a Negative Declaration and move to approve the subdivision. He said that they are working on the wetlands permit.

Mr. Gainer said that in anticipation of the Board’s actions, they’ve given draft SEQRA Declarations as well as the draft Approving Resolution. He said that as the applicant indicated, all SEQRA documents are now in hand. Mr. Gainer said that the Board had a Negative SEQRA Declaration for consideration and also, they’ve approved a final subdivision approval resolution. They are standard conditions of approval. He said that the only item of note is Item 2C in the approving section – it just acknowledges that the applicant has to pursue review of the prior activities by the Town Conservation Advisory

Council and Wetland Inspector including securing a fresh water wetlands permit for any remedial work that may be required.

Mr. Gibbons made a motion to adopt the Negative Declaration. Ms. Sexton seconded the motion. The vote was as follows:

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

Ms. Conner made a motion to adopt the Resolution (copy attached). Mr. Leonard seconded the motion. The vote was as follows:

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

Nathan H. & Ernest W. Lyons – Amended reclamation and site plan – Route 9, Cold Spring: New submission

Mr. Watson said that the application is for approval of a soil processing site at the existing Lyons Weitzman soil mine. He referred to the plan, pointed out the reclaimed area, and said that some of the plants are in place and some are proposed. Mr. Watson said that the soil mine permit from the State expires this December. He said that Mr. Gainer’s memo requested copies of that permit. Mr. Watson said that there is a small bit of material left and there’s been material that’s being processed in the soil mining operation and some material has been over the years brought in and out. He said that Mr. Lyons would like to maintain that and make that a permanent facility. Mr. Watson said that the operation would not be much different than it is today. The mine will be closed. The entire site will be reclaimed as meadow, grass and lawn with a limited amount of landscaping. In order to close the permit out, they have to amend the permit and amend the reclamation plan. Mr. Watson said that the use that they propose to put the property to requires site plan approval. This is the use that was recently re-enacted a couple of years ago and it was banned in all areas. Most recently it was re-enacted for sites of five acres or more. Mr. Watson said that the site is either seven or eleven acres, but it meets the minimum. He said that they don’t plan to do an awful lot, but there are some precise things. He said that as you approach the property from the south, there’s an existing double row of pine trees that is a fairly effective screen. There are the remains of the original soil mine plant that was a bank with a small berm that screens with a limited degree of effectiveness. Angled off to the north is a double row of trees – one or two of which have to be replaced. The plan is very simple. There will be additional landscaping

provided. First the berm is going to be extended around the corner and back about 120 feet. At the north end it's going to be turned, going back to about a hundred feet and then going north about a hundred feet. The berm is going to be built up and heavily landscaped. Mr. Watson said that it will have the affect of containing some of the noise and will effectively screen the whole operation. Behind there, there will be portable screening plants, which will be moved from time to time, and there will be stock piles brought in, processed, and then stored in bins that will be made out of concrete block. Mr. Watson said that they've provided two parking spaces. The operation will not be manned full-time. It will be manned part-time, as it is today. He said that they thought with the screening, it would be virtually invisible. Mr. Watson said that they don't believe there will be any increase in ambient noise.

Mr. Meehan asked how tall the concrete bins were.

Mr. Watson said that he believed they are going to be about four feet high.

Ms. Conner asked if this was permanent.

Mr. Watson said yes.

Ms. Conner asked if they had been with processing all along. She said that she goes by and doesn't see much going on.

Mr. Watson said that in his recollection, the mine is thirty years old this year. It never operated at what you would call full-time. Mr. Watson said that there might have been periods of a week or two where they did operate on a regular basis. As the material was depleted, it became operational less and less. Mr. Watson said that if the Lyons's (and he thought others too) have the opportunity to purchase material from Dutchess County at a reasonable price, instead of using their own, they'd purchase it because it makes economic sense to them. But now it's a little more difficult because the material is so far away, that it becomes prohibitive.

Mr. Merante asked exactly what the "amended reclamation plan" was.

Mr. Watson said that this application is going into the State as well next week. There is a State permit for the mining. The last page of the plan set is a reclamation plan which tells the State what it will look like when it's finished. Mr. Watson said that plan today has this (pointed out) all green and planted and it's just lawn, so they have to amend that plan.

Mr. Meehan asked what kind of operation it would be and if they'd be processing/taking rocks out of the soil. He asked if they were going to do any rock crushing.

Mr. Watson said no crushing. He said screening, mixing.

Ms. Sexton asked if the landscaping would be behind those places so that they're screened below. She said that she knew there was a berm.

Mr. Watson said that the Lyons' own that building – it was originally part of the mine.

Ms. Sexton asked if they owned both of the buildings – formally Trimble and (did not finish sentence).

Mr. Watson referred to the plan and said they don't own this building, but it is one they don't really see. He said that they would certainly take a look at it. Mr. Watson pointed to a location on the plan and said that there was a depression which has been acting very effectively to trap storm water. It's never overflowed in thirty years. Mr. Watson said that they graded it so they don't continue to send surface water to that spot.

Ms. Sexton said that by the apartment building there are some plantings and it is fairly flat. She asked if they were going to put a few more plantings around there to help screen the noise from the house.

Mr. Watson said that the plantings wouldn't be very effective in screening the noise. He said that the berm would be in between the two buildings. Mr. Watson said that he knew there was an apartment house there, but it is largely a material storage yard and didn't see any great need to screen it. He said that as far as dust is concerned, they'd treat that with water.

Mr. Gibbons asked in the original reclamation plan, what the intended use was after the soil mining was completed.

Mr. Watson said that it wasn't ever identified. He said back then, it was a little looser than it is today. Mr. Watson said that the reclamation plan physically was to close the mining permit so that it would just be a planted hillside. He said that they are telling them up front that they're not going to be finishing the reclamation plan. Mr. Watson said that the biggest reason they are doing it that way as opposed to finishing it and then coming into the Planning Board and getting a permit, which actually would be a little easier from a processing point of view, is because then they wouldn't have to go to the State. But they don't want to tear the berm down, which is required.

Mr. Gibbons said that as you come into the drive, the portion to the left is pretty flat and wide open. He asked if there was any intent to put an office building or anything of that nature in that area.

Mr. Watson said not at this time.

Ms. Conner said that it says the operations will be on Saturdays starting at seven in the morning, and as with all the mines in semi-residential settings, it would be nice if they could push it back an hour.

Mr. Watson said that he did not think that would be a problem.

Mr. Merante asked Mr. Gainer if he thought this required a Coordinated Review.

Mr. Gainer said that the Board could do either one. He said that since it is an application along Route 9, they would have to make appropriate referrals to the County. Mr. Gainer suggested the Board arrange a site visit.

Mr. Merante asked if the referral to the DEC for the amended reclamation plan was separate or above and beyond the actual mining/processing application.

Mr. Watson said that the permit expires the fifteenth of December. He said that they have to close it out. So they are not proposing any new mining or anything - they are just simply asking them to amend their approval, essentially so they can leave the berm.

Mr. Gainer said that again, the Board is not mandated to do a Coordinated Review. He said the Board could easily do an Uncoordinated Review.

Mr. Merante announced that the Board would hold its next meeting on July 29th.

The Board agreed to schedule a public hearing on the Lyons application at that time.

Mr. Merante asked the Board to schedule the site visit.

The Board agreed to schedule a site visit for the Lyons application on Saturday, June 26, 2010.

Ms. Sexton asked if it was the same situation as Polhemus.

Mr. Gainer said that Polhemus was processing – it wasn't mining. It was a processing facility and then wood processing.

RAS3LLC/Robert R. Rhodes – Subdivision Plat showing Lot Line Adjustment – 801-809 Route 9D, Garrison: New submission

Mr. Watson said that the Rhodes' live on the south piece of the property. They originally brought the property from Larry Downey. It had two rental incomes and a rental property. There was a greenhouse on the property that fell into significant disrepair. Mr. Rhodes refurbished the greenhouse and turned it into his studio. Mr. Watson said that they have decided they want to sell the rental income, but Mr. Rhodes intends to continue to use the greenhouse for his architectural practice. Mr. Watson said that the application before the Board is to make a lot line adjustment. He said that they would like to adjust the lot line so that the greenhouse becomes part of his residential (inaudible). Mr. Watson said that the application does not involve any physical change to anything – it's simply a matter of adjusting the lot lines. He said that there are some sub-surface utilities. Mr. Watson said that he's going to retain the easement.

Ms. Conner asked if the dotted line was the easement.

Mr. Watson (referred to the plan and) said that the dotted line is a new easement, which will be created to burden the piece they're selling and benefit the piece they're keeping.

Mr. Gainer asked if the lot line adjustment crossed a sanitary system designation.

Mr. Watson said that it does.

Mr. Gainer asked if it was proposed or existing.

Mr. Watson said it was existing.

Mr. Gainer said that would be encumbered by the easement or within the easement.

Mr. Watson said within the easement – it's one of the reasons for it.

Mr. Merante asked if that caused a problem – the fact that it's crossing two properties.

Mr. Watson said no. He said as far as the easement is concerned, Mr. Rhodes will retain the right to maintain his septic system in the easement area, so for the purposes of the septic system, it's as if he owned the property.

Mr. Merante said, so the people who buy Lot Two cannot encumber that at all – they obviously have to stay off the easement then.

Mr. Watson said that they can mow the lawn and use the property in that sense, but they couldn't build on it.

Ms. Conner asked if the size was such that if they created a straight line across, it made the lot too small for this building.

Mr. Watson said that they just made it.

Ms. Sexton asked where the square was.

Mr. Watson said that it wasn't there – they'd have to add it.

Mr. Gainer suggested the Board conduct a site walk and said that the standard referrals should be made.

Ms. Conner made a motion that the Board hold a public hearing on Thursday, July 29th.

Ms. Sexton seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	Absent

Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

The Board agreed to visit the site on Saturday, June 26 at 10:30 a.m.

Garrison Golf Club PDD – Application for Phase II Site Plan Approval

Mr. Watson said that in 2005, the Town established the Garrison Golf Club Planned Development District. They went through the SEQRA process, they did a full EIS, there were findings and it allowed for staged improvements over time with some significant limitations and some significant building too. Mr. Watson said that the vast majority of any improvements that can be made on the site occur within ten acres in the middle of 150 acres. The ten acres surrounds the main building. Anything that’s proposed there under the PDD has to come to the Planning Board for site plan approval. Mr. Watson said that beyond the ten acres, there are some very limited improvements. He said that there was a parking lot associated with it, which was already built and the Board already inspected that. Mr. Watson said that the Board released the bond on that. Mr. Watson referred to the plan and pointed out the existing building and the entrance used to go to the restaurant. He said that the southwest end of the building is the banquet hall. He said that at present, you come through the double doors and walk into a tent. They use it basically for the cocktail parties. If you walk outside of that, there’s a lawn area that they use for weddings, etc., and further to the south are putting greens. Mr. Watson said that they want to make the seasonal structure permanent. The proposed use would substitute a new building connected by a hall. Mr. Watson said that it would essentially occupy the same place as the tent now occupies. He said there would be a second entrance off of the main drop-off area. Mr. Watson said that the view to the Storm King/Breakneck gap in the river is lined up with the building. He said that they intend to take the tent down, substitute a building, and create a terrace for outdoor affairs. To the south of that the Club wants to formalize the ceremony area. They’ll put up a pergola/alter/multi-purpose ceremonial pergola and have a lawn area where they’ll be able to set up. It is already heavily landscaped, but the landscaping will be continued around to give some privacy to the ceremony area. There will be a new retaining wall to allow a more level area. The putting green will be moved from the north side to the south side of the driveway. In all, there is about 17,000 square feet of disturbance and about 4,000 square feet of additional pervious area. Mr. Watson said that Mr. Gainer’s initial memo asked for an EAF. They talked today and Mr. Watson handed in an EAF tonight along with a summation of the changes in pervious areas both in square feet and in percentages. He said that they are well below any of the anticipated build-out. Mr. Watson referred to the plan and said this area (pointed out) drains to the drainage system so the stormwater treatment is already in place. He said that in terms of size and scale, it’s going to be about the same as what’s there. The building is a little bit bigger. The architecture is going to be sympathetic and an extension of the existing building.

Mr. Merante asked Mr. Gainer if it was his opinion that the Board should declare itself Lead Agency on this.

Mr. Gainer said that was correct. He said that it is mandatory for any application that the Board conduct an environmental review, but that was the rationale for it – seeking an EAF.

Mr. Merante said that they are contending they've done the environmental reviews aside from the new EAF.

Mr. Gainer said that's correct. He said that the overall projects, as had been described by Mr. Watson, had been reviewed by the multiple boards involved, had been granted an approval, and had gone through a very significant environmental review through the EIS and Finding Statement Process. Mr. Gainer said that the Board's responsibility, because it has a new application before it, is to verify impact and so an EAF is required. The Board is mandated to do a requisite hard look and in this case, its findings were previously adopted and the overall project was once approved. Mr. Gainer said that the Board's goal is merely to understand if there's any impacts that were not understood or impacts which are now being exceeded from that which was originally accepted. He said that is the purpose of the environmental review for this application. Mr. Gainer said that they've asked the applicant to provide an EAF. He said that he has seen the document tonight that was submitted and will seek some enhancements of that to cover the various items that are covered in the Findings Statement, but he'll work directly with Mr. Watson and they'll get it resolved pretty quickly.

Mr. Merante said, and in addition, since this is part of a process that's been going on, Mr. Gainer said that the Planning Board would not adopt a Negative SEQRA, but a Determination of Consistency. He asked if that was consistency with the overall plan.

Mr. Gainer said that's exactly how these things get concluded - unless you find new impacts that need mitigation.

Ms. Conner asked if they were a sketch...the plans of the building...or they were just..(did not finish sentence).

Mr. Watson asked if Ms. Conner was referring to the building plans, the elevations.

Ms. Conner said yes.

Mr. Watson said that it's pretty close to what's going to be built. He said that they're still being developed.

Ms. Conner said that in that case, just personal experience in the building...the doorway is really narrow and that's where things clog up at these events.

Mr. Watson said that Marty (who was in the audience) is the Assistant General Manager there, but he would pass that on.

Ms. Sexton said that this wasn't part of the original – with regard to the canopy. She asked if that was a part of the first plans.

Mr. Watson said that it was not, but the temporary building had been there forever.

Ms. Sexton said that she knew that. She said, but this is a new drawing.

Mr. Watson said yes. He said that it wasn't something that was originally anticipated.

Ms. Sexton commented (inaudible).

Mr. Watson said that he didn't remember that there was anything specific at the south end of the building.

Ms. Sexton said no.

Mr. Gibbons asked Ms. Conner if she was asking about the architectural aspect.

Ms. Conner said yes – just as far as ingress and egress. She said that the doorway is right next to the bar, but they are moving the bar, so that might make it easier, but that's where they tend to congregate where you come in.

Mr. Watson said again, they would pass it on and that the architects can take a look at it.

Mr. Merante said that he wanted to ask Mr. Gainer about the request for not needing a public hearing.

Mr. Gainer said that he thought the Board should take no action tonight. He said to better understand impacts - thresholds from the original project versus what's now proposed, and conclude a site walk, and then come back, discuss the findings and make that determination.

Mr. Watson said that if they have the public hearing at the July meeting, he didn't think there was anything lost or gained by the applicant, because the Board can't act on it. He said that he frankly didn't think about it when he read the letter. Mr. Watson said that it has to be referred to the County.

Mr. Gibbons asked if there were any rest room facilities in this end.

Mr. Watson said yes.

Mr. Gibbons asked if they were going to tie it into the existing system.

Mr. Watson said oh yes, the existing system that was built was built large enough to accommodate the hotel.

Mr. Gibbons asked what the carrying capacity of the main building was.

The applicant said that the concept is whenever they have a wedding, they don't have a plan b if it rains. She said that they are trying to extend their season. The applicant said that they are not increasing capacity of banquets.

Mr. Gibbons said that he knows they're going to be standing and mingling versus sitting.

The applicant said yes – that's purely cocktail hour. She said that's not reception – it's not an increase on the dinner capacity.

Mr. Gibbons said, but it can hold the occupants that are going to be at the wedding.

The applicant said yes.

Mr. Gibbons said, so it is not designed for 87 people and you get 200 people coming.

The applicant said no.

The Board decided to schedule a site visit for Saturday, June 26th.

Mr. Watson asked if the Board would consider a public hearing on July 29th.

Mr. Gainer said that he would be more comfortable if the Board didn't schedule it yet, as he would like the opportunity to make sure they had a thorough analysis for the Environmental Review.

Mr. Watson said that the site walk is early and asked if it was possible to make a decision then.

Mr. Gainer said that was what he was thinking.

Mr. Watson said that there is a window between closing down in November and opening up in April that the applicants want to accomplish, and that is the reason.

Garrison Properties, LLC – Request for return of Remainder of Performance Surety (Letter dated June 2, 2010 from Glennon Watson to Richard Shea and Anthony Merante)

Mr. Watson said that this was the bond to cover the landscaping around the detention pond that the site drains to. He said that at the end of last year, the final decision was to return half the surety because it was too late in growing season to make a full inspection. Mr. Watson said that Mr. Klotzle has gone out there and said that he was o.k. with letting go of the bond.

Mr. Merante said that the Board didn't get anything from him.

Mr. Gainer said that he did not see anything, but he also made a site visit this week. He said that the plants have wintered fine, there are no issues and he had no objection if the Board wanted to release the bond.

Mr. Gibbons made a motion that the Planning Board recommend to the Town Board to return the remainder of the surety. Mr. Leonard seconded the motion. The vote was as follows:

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

Correspondence

1. Letter dated June 3, 2010 from Glennon Watson to Philipstown Planning Board regarding Garrison Station Plaza.
Mr. Gainer said that the process is actually in the applicant's hands to make a decision on how to resolve the issues raised by the Historic Preservation Office.
2. Letter dated June 1, 2010 from Anthony Merante to ZBA re: Indian Brook Road, LLC
3. Letter dated June 1, 2010 from Anthony Merante to Town of Philipstown regarding Release of Escrow Funds on Healy Subdivision
Mr. Merante read the letter aloud. He said that the Planning Board should think about those things mentioned in the letter and possibly discuss it and approach the Town Board.

Adjourn

Mr. Gibbons made a motion to adjourn the meeting. Mr. Meehan seconded the motion. The meeting ended at 8:25 p.m. The vote was as follows:

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

Respectfully yours,

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: _____