

Philipstown Planning Board  
Meeting Minutes  
September 17, 2015

The Philipstown Planning Board held its regularly monthly meeting on Thursday, September 17, 2015 at the Butterfield Library, 10 Morris Avenue, Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

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

**Approval of Minutes**  
- July 30, 2015

Ms. Conner made a motion to approve the minutes. Mr. Zuckerman seconded the motion. The vote was as follows:

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

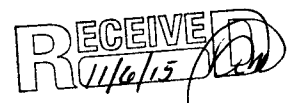
**Public Hearing**

**Vista44 LLC (dba Garrison Café )**

Mr. Gainer stated that the Board had a technical memorandum from his office summarizing the status of the project. He said that a site visit had been done, the public hearing was opened in July and there were significant concerns raised by the Board, as well as comments offered by the public which included among other things, the issue of traffic circulation to the site and the proposed use of access to Grassi Lane. Mr. Gainer said that various plan revisions have been made and are in front of the Board and that a SEQRA determination remains to be done. The Board previously referred the project to Putnam County Department of Planning and they responded advising the Board that the project is approved as submitted. The matter was also referred to the CAC and Wetlands Inspector. Mr. Gainer said that based on the Wetlands Inspector's review of the latest plan documents, which included moving some activities out of the buffer area, he has advised the Board that they will no longer require any permitting from the Conservation Board. Mr. Gainer said that with respect to open technical issues, they've identified continuation with the proposed off-street loading area for truck deliveries and think it's an inconvenient area to try to maneuver vehicles. He said that they also raised concern over the customer parking that's now shown on the property, and there have been revisions to that. Mr. Gainer said that they are suggesting the design engineer revisit some of those turning radii. He said that they'd work directly with the design professional to resolve construction details. Mr. Gainer said that the Board was just made aware of a resident's letter that was submitted about a month ago and that they had identified a variety of concerns that will take some time for the Board to review and investigate.

Mr. Merante said that the Board had the letter from eighteen neighbors on the various private roads. He said that it is quite informative and the Board will continue the public hearing.

Mr. Jeff Brocott of 23 Grassi Lane introduced himself. He said that he was one of the signatories of the "neighbor letter". He said that he was not anti wine or wine bar, but the issues are about appropriate land use and development and adherence to the codes that were put in place to maintain the character that had drawn them to Philipstown. Mr. Brocott said that his concern is when they look at the application filed,



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there are many issues it states and other issues it omits, which they are asking the Board to pay attention to. He said that they are being asked to take it on faith that the project is going to be carried out with the neighbors' best interest at heart, and their concern is that it is not possible given the history of "bad faith" on the site. Mr. Brocott said that one of the questions on the site proposal is about contamination asking if there had been a reported spill at the proposed site or any remedial action conducted at or near the proposed site. He said that the answer was "no". Mr. Brocott said that he wished to give the Board some background, which goes back to 2002, that makes this answer a little bit of a shock. He said that in 2002, there was a gas station on the site. The State discovered several violations in how the underground fuel tanks were being monitored and there were leaks in the tank that contaminated the ground and neighbors' wells. The tanks were dug out, the gas station was closed and it was later turned into a café. But the site was not cleaned to the satisfaction of the state's Department of Environmental Conservation. Mr. Brocott said that after several years of non-compliance with the remediation program, the site's owners were fined by the state's Attorney General. He said that as of earlier this week, the site's owner's had not met the state's cleanup requirements and had not paid fines levied several years ago. Mr. Brocott said that the applicant's failed to disclose the spill to the Planning Board. He said that he learned just this week that five test wells were dug on the site to monitor ground water quality there. Mr. Brocott said that environmental officials require the wells so they can monitor the contamination. He said that at one point in recent years, those wells were covered over and no longer exist. Mr. Brocott said that state officials cannot close the matter that's been open for thirteen years if they can't get a look at what the contamination on that site is. He said that he and the neighbors are asking the Planning Board to guarantee that the site is brought up to code. Mr. Brocott said that the application also says there will be no significant work within a 100 feet of local wetlands. He said that as the letter to the Board shows parking was expanded on the site in recent years between the café and the stream. Mr. Brocott said that it was actually physically parking on the area designated as Town wetlands and urged the Board to look into that issue more closely as well as the other issues raised in their letter.

Ms. Erin McNally of 3 Alfalfa Lane introduced herself. She said that since moving there since 2008, she spent a total of \$3,251.91 on road repairs and improvements. Ms. McNally said that she can attest to the fact that over the last seven years, she has lost in those who have time and again reassured her that they'd do the right thing. She said she needs a written guarantee that the changes being made to the Garrison Café building and surrounding property will not in any way have a negative impact on her property value, her quality of life or her finances.

Ms. Angelopolous of 183 Avery Road introduced herself and stated that she was there to speak in favor of the wine bar. She said that they think it is a very important small business for the Garrison community, as there are not a lot of places where people can go to meet. She said that they want to spend their money in Garrison. The wine bar is going to be run by people who live in Garrison and are firmly entrenched in the community. They are there to do the right thing, be good neighbors, good business people and run a business that keeps the charm but allows the people in Garrison to have a place to be together. She said that she hoped the Board would approve the request for expansion.

Mr. Tim Donovan introduced himself and said that he knew the owners of the Garrison Café. He said that he thought the Board would find in favor of the applicants when they explore this. Mr. Donovan said that his neighbors are wonderful people looking out for their best interest and the McMahan's are actually looking out for the best interest of Philipstown. He said that he was in favor of the project and his friends' interest.

Mr. Jamie Copeland introduced himself, stated that he lived not far from the Garrison Café and that he was also in favor and thought it was a great idea. Mr. Copeland said that he looked forward to having a place where friends and neighbors can meet and he knew he spoke for many people who would like to see this go forward.

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Ms. Anne Osborne introduced herself. She said that she hears this as three issues – a DEC hazmat issue that has yet to be closed, an expansion of a business within an allowed patch of business, and an opportunity to lower the speed limit between the library and Snake Hill Road and install a sidewalk.

Mr. Matthew Goldsmith of Alfalfa Lane stated that his concern is the business turning from a café to a bar, the time the Café would be opened and closed, and the use of the facility with regard to putting a band on the back porch and having entertainment.

Ms. Cuyler introduced herself and stated that she lived directly across from the Garrison Café. She thinks that more than anyone, she stands to suffer the most. Ms. Cuyler said that the McMahan's have been the best people that have taken this place so far. She said that they have been considerate. She said that she was concerned about what has happened in that place before and the landlord doesn't seem to care who they allow in there. Ms. Cuyler said that at one time they had trucks coming in at 3 a.m., made deliveries at any time and they were noisy. She said that she had rats around her house after that person left.

Ms. Amy Lipton introduced herself and said that she has witnessed many near accidents and accidents over the years in the section of 9D between the post office and café and was very concerned about the increase of traffic and potential of a severe accident. She said if there's any way they could have any kind of affect or petition to bring the speed limit down...that was her main concern and she is not opposed to the café.

Ms. Green of Alfalfa Lane said that it sucked to be behind a bar. She said it would involve more lights, which will be a violation. It will be traffic. It will be people painting themselves green on certain days of the year and hanging out. She said that it's just not right in the hamlet of Garrison to come into somebody's neighborhood to make it a hang out or free for all. Ms. Green said that there is a huge white light that shines on the property of someone who lives on the other side of 9D.

Mr. Wally Shafer introduced himself. He said that he wanted to make sure his letter gets reviewed and went over some of the points he made in his letter of last month (on file at Town Hall), including the traffic.

Mr. Merante stated that St. Philip's is on the National Register of Historic places and they just received a letter tonight that states it is on the State Register.

Mr. Zuckerman said, "State" on September 30, 1995 and the "National" on October 11, 1995.

Mr. David Gordon introduced himself and stated that he was representing the neighbors. He said that in speaking with the neighbors, there were a number of comments and concerns for the Board to consider. Mr. Gordon broke them down in four areas: *Impact on neighborhood and operations on the property that could directly impact the quality of life*, so, there should be no increased traffic; *noise standard*: the Code has a standard of 40 decibels emanating from a property between the hours of 8 p.m. and 7 a.m., so they suggest that noise meter be installed to measure this; *lighting*: the Board must ensure there are no undue off-site impacts and the lighting that's approved is the minimum necessary to do the job and performance standard of 0.5 foot candles emanating from the property (light analog of the 40 decibels) and all lighting be directed away from the neighborhood ; and *potential contamination of water resources*: some of the project is located in and will be expanded into the buffer zone of a town wetland. For that reason alone, this requires a wetlands permit. The site is an existing toxic spill site. It was found and investigated years ago and it was never cleaned up. Mr. Gordon said that these things are simply necessary in order to do the proper planning job on this site.

Mr. Watson said that although he acknowledged they made mistakes that were mentioned on the EAF and will correct them, he was unaware of the spill. He said that with regard to the National Register, they will correct those things – they acknowledge that. Mr. Watson said that he wanted to go over the changes they've made and that they've tried to be responsive to the concerns raised last month and they will continue to be responsive to any reasonable requests. He said that there was a question of wetlands and a question raised that there are wetlands or wetlands buffer on the site. Mr. Wetlands said that there are no

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wetlands on the site. He said that they hired somebody last month to go out and flag the wetlands. The wetlands boundary is on the next parcel, which the Rajus also own. He said that they have constructed a wetlands buffer line, which is on the site. Mr. Watson said that they have amended the site plan to remove any of the proposed activity on the site except for what is necessary to remove some of the materials that are there and shouldn't be there. For instance, the dumpsters were within the wetland buffer. They have specified a place for an enclosure for the dumpsters and have moved it out of the wetlands buffer. He said that there are wheel stops along the edge of the parking area that goes into the buffer and they've specified they be taken out. Mr. Watson said that they have realigned the parking so the parking is now out of the wetlands. He said that they have eliminated the lane through the northwest side of the property out to Grassi Lane as a primary access. Mr. Watson said that they do understand this is a private road and their client's landlord owns a part of that road. They will sign it however is necessary and they will block it from the regular use by patrons, but the owner as the owner of the property, may have occasional uses for that and they don't want to give up that right. Mr. Watson said that they did specify an additional light and put it on there. He said that he thought if you looked closely at the plan, they'll find they put a timed light/motion detected light that will be timed so that when the employees go out, they can have some light. He said that other than that, it will be off. Mr. Watson said they wanted parking on the south side. In order to do that, they proposed some parking on the north side, which allowed them to reduce the activity in the back. They have realigned the loading space. Mr. Gainer said that he had an issue with how they've done that and they will demonstrate how that works or they'll fix it. Mr. Watson said that they've addressed the appearance of the frontage with additional sidewalks, etc., to help people get across the front of the building. They've specified an arborvitae hedge along the northwest line. He said that it is his personal experience that this hedge will grow and thicken into something that is a significant screen, which addresses some of the issue – but not the issue of seeing it across the street. Mr. Watson said that they've realigned the parking spaces so that there would be more accessible. They've re-striated the parking in terms of the handicapped. Mr. Watson said that they'll be submitting plans to screen the air conditioning. He said that he was sure the applicant would see to it that it's addressed in terms of the noise. Mr. Watson said that most importantly, they put a note that there will be no outside dining and no tables on the deck, so they're seeking approval for inside dining. He said that they've added some details. There were some planters they want to put on the islands to make it more obvious where traffic should enter and exit the property. He said that Mr. Gainer had raised an issue with regard to the height of the planters and any plant material and they've added a detail limiting that height. Mr. Watson said that they've not submitted a signed detail yet, but will and will certainly address anything with regard to lighting.

Mr. Matthew McMahon introduced himself and said that he had prepared some comments based on the revised plan. He said that they have done their best based on the information they got from the last meeting and input from the Board to take every single issue the neighbors were concerned about and addressed them. He said that he just received their new letter last night and went over it again to make sure they addressed all the concerns. Mr. McMahon said that the reason the café is changing ownership is because it's not a self-sustainable business – there's not enough business in town, between breakfast and lunch, to stay in business. So this is their plan to keep the café in business and keep what they consider an important business as a resident of Garrison, operational. He said that their plan is very clear and said that last time. Mr. McMahon said that generally they are open until 8. Last summer they stayed open until 9. He said that their concept is to take the space over directly adjacent, put a small – 12-person bar and seating for seven people. He said that should shift their day business if they're lucky, from one room to another room in the evening. Their plan is Thursday, Friday, Saturday and potentially Sunday. Mr. McMahon said that their hope is that during the good season, they'll be open four nights a week and in the winter, the store will be open a maximum of three nights a week. He said that their intention is to probably close the café on Tuesday. So they are not going to be operating more hours. They're shifting – closing down some daytime/evening hours on slow days and put in a few more hours primarily on Thursday, Friday and Saturday. Mr. McMahon said that this is a tiny little place and they feel like they would capture some evening business on a very small scale and not fundamentally change the use that they're currently using the café space for. Mr. McMahon said that they do not have any issues with their neighbors and are happy to get the feedback and happy to adjust the plans. He said that in their latest memo they broke their concerns into three groups – safety, quality of life and preserving their heritage. Mr. McMahon said that

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with regard to the "liquor store", he wished the wine shop wasn't even in the plan. It's something maybe/when/if...they feel it's complimentary to the wine bar, but in no way is it a liquor store. He said that there are no active plans to even do it. Capacity-wise, it's nineteen people. With regard to the speed limit issue, they are whole-heartedly behind that and if there is anything they can do, they are happy to spearhead it. In terms of deliveries, the café does a little business. There are not a lot of deliveries...there are a couple a day. Mr. McMahon said that they felt that last time, by far, the biggest issue with the neighbors was the use of Grassi Lane, so their immediate plan after the last meeting was to take Grassi Lane off the table. So they changed the plan to address that and hope it goes a long way in taking care of some of the concerns. With regard to the HVAC, they will screen it and will screen the garbage. Mr. McMahon said that their sign will be self-illuminated, as they don't believe a neon sign is appropriate for their business or their town and the HVAC is turned off every night at 7:00. With regard to lighting, they will have the proper lights in and will dim them or turn them off or anything that needs to be done.

Ms. Raju introduced herself and stated that she lived at 1135 Route 9D. She said that when she first found out about the wine bar, she was upset because she lived next to the market. Ms. Raju said that she has lived all over the world and brings people back here all the time and they love Garrison. She said that she supports the wine bar because they need a place to be social and build a community, as at times, Garrison lacks that. Ms. Raju said that she thought they should remember that the vision of this place is exactly as Mr. McMahon had described.

Mr. Michael Vasa of 76 Winston Lane said that he agreed that the Garrison Café would be a good part of the community and they need it in Garrison.

Mr. Gainer said that at this point, there were a variety of open technical issues to deal with. He said that the Board could consider closing the public hearing and that the applicant has significant issues to respond to.

Mr. Gaba said that they went a long way in resolving the legal issues by taking Grassi Lane off the table. He said that he'd like to know more about how that's going to be blocked off in terms of traffic that might go through there from the proposed plan. He said that the uses are permitted, but they are looking at going through SEQRA review and determining what the site plan needs to look like if it's to be approved. Mr. Gaba said that he thought the Board heard pretty much as many comments from the public – every concern they can imagine has been raised. He recommended the Board closed the public hearing and move forward with SEQRA. Mr. Gaba said that if something new or different comes up, they could always re-open the public hearing if necessary.

Mr. Merante stated that this is an Unlisted Action and asked if a coordinated review had been completed yet and if it needed to be done.

Mr. Gainer said that he'd have to confirm that for the Board.

Mr. Merante asked how the Board felt with regard to closing the public hearing.

Ms. Finger said that she thought the public would prefer to keep the public hearing open, as for one, there was an inaccuracy in the EAF.

Mr. Zuckerman said that he was not sure the Board would see anything new if the public hearing were held open.

Mr. Hardy said that he agreed with Mr. Zuckerman.

Ms. Conner said that she said that if there is anything new, they could bring it up.

Mr. Zuckerman made a motion to close the public hearing. Mr. Hardy seconded the motion. The public hearing was closed and the vote was as follows:

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

Mr. Gaba said that once the Board has more information, it can finalize Part 2 of the EAF, which may result in requiring an EAF Part 3. He said that the first thing is to get more information on the issues that had been raised.

**Scanga Realty Lot 4** – Amended site plan approval - Lady Blue Devils Lane, Cold Spring, NY:  
Submission of revised plans

Jamie McNiff introduced herself. She stated that currently, Mr. Scanga is in construction. He's done all the drainage work for the detention basin and he's excavated the proposed addition for the building. Ms. McNiff said that during building permit review, there's been a little bit of a process with reviewing the building plans and it was decided that it would be better to reduce the size of the building, so instead of 41,000 square feet, they're reducing it to 20,000 square feet. She said that Mr. Donohue had asked them to widen the area (pointed out) to twenty feet – it was originally fifteen feet. Ms. McNiff said that he asked for some handicap spots closer to where the entrance would be. She said that they already have spots on their amended site plan, so they can remain where they were. Ms. McNiff said that lighting would be reduced because the size of the building footprint has been reduced. The landscaping that was previously approved on the amended site plan would remain the same. She said that those were the only changes they were making.

Ms. Conner asked if the handicap spaces were near an entrance.

Ms. McNiff said that they are near a back entrance. She said to move them over here (pointed out) they have an issue with grade.

Mr. Gainer said that he and Ms. McNiff has had discussions on this matter. He said that she currently shows parking within the cul-de-sac and it would not be appropriate. Mr. Gainer said that he was certain they'd be able to relocate that near the entrance, but on their property and satisfy the grading issues. He said that because it's an amended approval, they'd have to make the same referrals as they did last time – it has to go to County Planning. Mr. Gainer said that since it's a new application – even though amended, they have to initially classify the project. Because of the size, the magnitude of it, it represents a major project and the Board should classify it as such tonight. Mr. Gainer said that the Board would still want to revisit the issue of landscaping. He said that he'd like to see a bulk dimensional table to make sure that all bulk regulations applicable to the OC zone are being met. Mr. Gainer said that they do have an architectural plan that doesn't exactly agree with the details that are on this site plan in terms of building access, etc. He asked Ms. McNiff to identify to the left of the new building...there is a significant parking area that's now being proposed to get underneath the building. Mr. Gainer said that because of the change of grade, they are now proposing access under the building – there's going to be a basement level. They've identified significant impervious area. Mr. Gainer said that it brings up issues of potential outdoor storage or truck parking. He said that there have been recent communication/interaction between the design engineer and the County Department of Health and they'd like to see those communications and see a copy of a permit when it's issued for the Board's records. Mr. Gainer said that the 2010 project required that the two lots were to be merged as part of the approval and he asked if that was ever accomplished.

Ms. McNiff said that it was. She said that they had provided recording documents when that happened.

Mr. Gainer asked that she send that again to verify that it's been done.

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Ms. Connor made a motion that the Board declare this a major project

Ms. McNiff asked if she could just explain that they went through site plan approval, a lot merger and it was a much larger building. She said that they reduced the size of the building. The footprint area is still the same...the impervious area, the amount of coverage is...it met what the zoning was last time and it's now even less than what's required. Ms. McNiff said that Mr. Scanga has already started construction because he wants the building addition. The landscaping in the rear, along the front and along the side isn't going to change. She said that they could provide a full set of plans showing the landscaping and lighting that was approved previously but for this size building. Ms. McNiff said that she did not see why they had to go through the steps of amended site plan approval again when they've already done that. She said that he has an open DEC permit that they go every week to do inspections on. He has a wetlands permit for working within the buffer. Ms. McNiff said that she did not want to put him through all this.

Mr. Marc Scanga introduced himself and said that he was backing what McNiff said. He said that they do have the 2010 approval. He said that they've reduced the square footage by about half, so he did not see why it would be necessary to open up a new public hearing, etc., and that he thought it was unreasonable.

Mr. Gainer said that it was a major project.

Mr. Scanga said that it was classified a major project in 2010.

Mr. Gainer said that with major, a public hearing is mandatory.

Mr. Scanga said that the usage is not changing, the space is the same. He said that the landscaping and lighting can be reduced. He said that he had been put through drawing upon drawing – they've done everything they've been asked to do. Mr. Scanga said that he is in a position to get his permit and start building, but has to start over.

Mr. Gaba said that under the code, a major project involves over a certain amount of square footage of construction – this greatly exceeds the threshold for being a major project. He said that even if it didn't exceed that, the difference is in just the overall appearance of what's been proposed to be constructed there, are significant enough that the Board. Mr. Gaba said that the Board has to put the applicant through the review. He said that the site visit is appropriate because they have new Board members, the SEQRA review and the referrals are all required by law. Mr. Gaba said that the only issue he had...he said that he was under the impression that even with a major site plan project, the Board could waive the public hearing. He said that he would have to take a look at the code.

Mr. Gainer said that the text says it's mandatory. He said that he also recognized it with the exception of the fact that there are new Board members, but he would expect that whatever the requirement is procedurally that the Board would expedite that review. Mr. Gainer said that it's been identified that the plans have to be modified because the building is different. He said that in his view, that would be a simple matter to pull together. Mr. Gainer said that it's not a matter for a very long process, but the zoning ordinance does require that the applicant go through the process.

Ms. Conner asked if the Board remembered whether there was a significant public hearing attendance.

Mr. Gainer said there were significant comments from those up in Lake Valhalla and Sky Line. He said that this would only improve things because it's a smaller footprint.

Mr. Scanga said that is why he would ask the Board...as someone who went through the process, he did get the approval, he understands the avenues they have to take, but was asking if they could do whatever is necessary to expedite it so that he can get moving, as they are coming into the winter season and he would like to get a foundation in.

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Mr. Gainer said that he thought the Board could support that if they just get documents in. He said that the design engineer has to provide revised plans that address those things they talked about, which could easily be done.

Mr. Merante said that they had a motion on the floor.

Mr. Hardy seconded the motion (made by Ms. Connor). The vote was as follows:

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

Ms. Conner made a motion that the Board conduct a site visit on Sunday, September 27, 2015. Mr. Hardy seconded the motion. The vote was as follows

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

Ms. Finger made a motion to schedule a public hearing for October 15, 2015. Ms. Conner seconded the motion. The vote was as follows:

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

**Hudson Highlands Reserve – Conservation subdivision application – Horton Road and East Mountain Road No., Cold Spring: Request to Appear**

Mr. Watson said that they wanted to bring the Board up-to-date with what is going on. He said that they were sent out to do a conservation analysis and that's what's being done. Mr. Watson presented a plan to the Board and said that since the last meeting, there have been further wetland studies, another herpetology study and investigation for snakes and other wildlife, study of the pond, the stream, more in-depth analysis of the slopes, architectural review of the house, and an archeological investigation of the whole property. He said that perhaps the most significant change is that the owners have acquired an additional fifty acres (pointed out on plan), so the property has grown by approximately a third. Mr. Watson said that they've captured some more steep slopes and additional wetlands – all of which has been flagged and identified and gone through the same investigation. He said that the Board would have something to go through very shortly.

Mr. Anthony Sunga said that they have assembled a team of seven consultants to work on different aspects. He said that they've been working with Donald Smith to do vegetation and wildlife assessment. They also did wildlife observations for mammals and birds. Mr. Sunga said that they've also worked with Randi Stuckert, herpetologist, who did an update to the timber rattlesnake assessment. To assess the pond and Clove Creek, they worked with Allied Biological and they performed a water quality monitoring assessment, fish population surveys and aquatic plant surveys and did a Clove Creek monitoring as well. They worked to do an assessment of cultural heritage on the site – looking at buildings fifty years or older



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and adjacent buildings of that age. They will also do an archeological assessment of the site. Mr. Sunga said that they are waiting on their report and will be able to submit all their findings hopefully at the next planning board meeting.

Mr. Gainer said that a lot of the studies were based on time of year and asked Mr. Sunga if they were accomplished within the periods that were recommended for individual studies.

Mr. Sunga said yes.

**Olspan LLC – Site plan application – 2700 Route 9, Cold Spring: Request for approval of revised plan**

Mr. Watson said that Cyberchron was a site plan the Board approved and is under construction. He said that there is a lot of activity going on, but what wasn't really thought out was the need for some outdoor type storage – something to contain the garbage bins. Mr. Watson pointed to an oblong shaped building on the plan and stated that they were seeking to have approval to construct the structure. He said that it's fifteen feet wide and a hundred ten feet long and is to house trash, dumpsters, lawn mowers, and grounds equipment. Mr. Watson said that at the end is a heated space, behind which will be the storage tank for the fire suppression system that will be in the building. He said that essentially, there's a slight increase of disturbed area and they've modified the plan. Mr. Watson said that they've adjusted the parking a little. He said that previously, the anticipated only activity to the north of the existing building, but that changed, so they took the stabilized construction entrance and moved it closer to Route 9 so it would be available for the excavation involved with the new building. Mr. Watson said that whatever needs to be corrected, they'll correct. He said that they are seeking approval for modification to the site plan to allow re-configuration of the parking and the installation of that building.

Mr. Gainer said that this is considered minor. He said that it is only the very small building, which is less than 2,000 square feet. Mr. Gainer said that the technical issues are very much what they just discussed. He said that they are minor in nature, but they'd still have to go through the process. So, they have to file an EAF form again and would suggest they do an Uncoordinated Review. Mr. Gainer said that the public hearing is discretionary, so the Board may wish to waive it. He said that the technical things the Board found significant in the original application, they'd probably want to revisit now for the proposed building, and that's the site landscaping, screening and the issue of lighting that may result from the additional building.

Mr. Guismando, Architect said that he wanted to go over what Mr. Watson presented. He said they were doing an enclosure of half - more than half the building is going to be open. They're creating a buffer for the generator, enclosure for the transformer. Mr. Guismando said that they're going to have the dumpsters there. He said that they are doing a 9 foot tall building made of the same material – concrete. He said that it is not going to have any lights, any additional features, no living spaces. There will be gravel around on the inside.

Ms. Conner asked if it said two underground propane tanks.

Mr. Watson said yes, they're shown on the plan. He said that they're further away from Route 9 than the building.

Mr. Gainer said that they are buried.

Mr. Merante asked what the capacity was.

Mr. Guismando said 1000 gallons each.

Mr. Zuckerman made a motion that the Board determine the application as Minor. Mr. Hardy seconded the motion. The vote was as follows: Anthony Merante - In favor

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

Mr. Merante asked the Board how it felt with regard to the public hearing.

Ms. Conner made a motion to waive the public hearing. Mr. Zuckerman seconded the motion. The vote was as follows:

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

The Board agreed to skip the site visit.

Mr. Watson asked the Board to authorize Mr. Gainer to prepare a Resolution of Approval at the next meeting subject to their submitting what he finds to be sufficient paperwork and receiving the County referral back.

The Board agreed.

Mr. Hardy said that there were a couple of documents that said this had to have a wetlands permit and asked if Mr. Watson got that.

Mr. Watson said that he did not, but Mr. Miller's office got that.

Mr. Gainer said that this does not affect those permits and asked Mr. Watson if that was correct.

Mr. Watson said no.

Mr. Gainer said that the wetlands are on the north side of the building.

Mr. Watson said that they purposely avoided getting into that.

Ms. Conner made a motion that he Board direct Mr. Gainer to provide a Resolution of Conditional Approval. Ms. Finger seconded the motion. The vote was as follows:

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

**Old Business/New Business**

- Gex

Mr. Gaba said that there is no numerical limit to extensions. He said that the criteria for granting an extension is if the circumstances warrant it. Mr. Gaba said that if the circumstances are the same as when the Board originally granted the subdivision approval, there's no reason it can't

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grant as many as the applicant may need. He said that if the applicant does not ask for an extension before their approval expires, the Board can't grant the extension, but the Board can grant it retroactively if the request is received before expiration.

Mr. Merante said that there is really no action to take at this point.

Mr. Gaba suggested the Board reach out to the applicant's engineer to see if they need an extension.

Mr. Gainer said that he could assure the Board it would expire before the October meeting.

Mr. Gaba said that the Board has the power to require a public hearing on the extension requires if it is so inclined – if it wants to find out what the circumstances are and make certain that nothing has changed, etc., then it can hold another public hearing.

- Sabatini site plan

Mr. Gainer said that the Board conducted a site walk and was prepared to schedule a public hearing in July and the applicant asked that the Board not do so as they were not ready. He said that the applicant sent an email requesting to be put on the October agenda. Mr. Gainer said that if the Board wished, he would get in touch with the applicant's engineer.

Ms. Conner made a motion that Mr. Gainer reach out to the applicant's engineer with regard to the applicant appearing at the October meeting. Mr. Zuckerman seconded the motion. The vote was as follows:

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

**Adjourn**

Ms. Conner made a motion to adjourn the meeting. Mr. Zuckerman seconded the motion. The meeting ended at 9:50 p.m. The vote was as follows:

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

Approved: \_\_\_\_\_