



John J. Lynch
Commissioner

**Putnam County Department of Planning,
Development & Public Transportation**
841 Fair Street
Carmel, NY 10512

Phone: (845) 878-3480
Fax: (845) 878-6721

December 22, 2010

Ms. Tina M. Merando
Town Clerk
Town of Philipstown
238 Main Street
P.O. Box 155
Cold Spring, NY 10516

**Re: Referral 10-PC-102
Zoning Code Revision - Chapter
175 of the Code of Philipstown**

Dear Ms. Merando:

The Putnam County Department of Planning, Development and Public Transportation has received the revised zoning code including the Environmental Assessment Form and Build Out Analysis under GML 239M.

All materials have been reviewed and are approved as submitted. The new zoning code does not appear to adversely effect countywide considerations and is primarily concerned with municipal planning controls regarding land use.

Although the ordinance is approved, I recommend that the rationale for the Open Space Conservation Overlay District (OSO) acreage requirement and the acreage requirement for the Historic Preservation Adaptive Reuse Overlay District (HPO) be reviewed. It is not clear to me why the thresholds are 30 acres or more and 15 acres or more. The numbers appear to be arbitrarily set and if this is the case, this could lead to legal challenges in the future. For example, I do not understand why 30 acres is more important than say 29 or 29.5 acres. It would seem that both districts should be developed based on some other measure or perhaps land characteristics.

Sincerely,



John J. Lynch
Commissioner

JL:rc

received
12/27/10 *DM*
cc: TB/TAD/JOEL
KD/IRG