

September 14, 2012
September 21, 2012
September 25, 2012
September 26, 2012
September 28, 2012

Town Board Monthly Meeting

October 4, 2011 7:30 p.m. Town Hall

SALUTE TO THE FLAG

APPROVAL OF MINUTES

- **Monthly Town Board Meeting of September 6, 2012**
- **Bid Opening of September 19, 2012 – Bulk Fuel**
- **Weekly Town Board Meeting of September 19, 2012**

COMMITTEE REPORTS

1) CAC 2) Recreation 3) Recycling 4) Planning Board 5) Zoning
6) Highway 7) Building & Land Acquisition 8) GVFD

AGENDA

1. Resolution scheduling a Public Hearing regarding a proposed code amendment for extensions of subdivision approval.
2. Resolution directing Town Clerk Merando to forward the draft local law for establishing the areas of Special Flood Hazard (National Flood Insurance Program) to the New York State DEC for their review prior to it's adoption by the Town.
3. Resolution referring a Proposed Local Law to amend Zoning Law Sections 175-59 G.4. and 175-62 F (2) of Chapter 175 of the Code of the Town of Philipstown regarding Hearing and Public Notices to the Planning Board and Putnam County Division of Planning for their review and comment.
4. Resolution approving the adoption of the Certificate of Substantial Completion for the Winston Lane Roadway Re-Construction Project.
5. Resolution accepting the Maintenance Bond submitted by Ben Cozzi Inc. d/b/a Northern Construction.
6. Award bid for Bulk Fuel Delivery to the Claudio Marzollo Community Center.
7. Appointment to the Board of Assessment Review, which term will expires September 30, 2012.
8. Schedule Workshop/Meetings

September 14, 2012
September 21, 2012
September 25, 2012
September 26, 2012
September 28, 2012

- Schedule Budget Workshops
- Schedule Public Hearing for the 2013 proposed budget: (Suggested date November 7, 2013) (*Public Hearings may exceed estimated times*)

Continental Village Park District Budget	7:30 p.m.
Continental Village Water District Budget	7:35 p.m.
Philipstown Ambulance Contract	7:40 p.m.
Garrison Ambulance Contract	7:45 p.m.
Cold Spring Fire Contract	7:55 p.m.
Garrison Fire Contract	8:05 p.m.
Continental Village Fire Contract	8:30 p.m.
General Budget	8:45 p.m.

9. Resolution authorizing Supervisor Shea to sign the 2011 Sponsor Authorization Form for the Service Award Program lists of all 2011 active members of the Garrison Volunteer Ambulance and First Aid Squad, Inc.

10. Code Enforcement Monthly Report.

August 2012
September 2012

11. Any other business that may come before the Town Board.

AUDIENCE

VACANCIES

Board of Assessment Review (1)
CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)

APPROVAL OF VOUCHERS

General Highway CVPD CVWD

ADJOURNMENT

Monthly Town Board Meeting
September 6, 2012

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilwoman

ABSENT: Edward W. Doyle Town Attorney

Supervisor Shea opened the meeting with a Salute to the Flag.

REVIEW OF MINUTES

The Minutes of the Monthly Meeting of August 2, 2012, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of August 2, 2012, are hereby approved as presented.

The Minutes of the Bid Opening of August 20, 2012, Frazier Road Culvert, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Bid Opening held on August 20, 2012, Frazier Road Culvert, are hereby approved as presented.

The Minutes of the Public Hearing of August 22, 2012, Valley Lane Road Improvement, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Public Hearing, held on August 22, 2012, Valley Lane Road Improvement, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of August 22, 2012, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Weekly Town Board Meeting of August 22, 2012, are hereby approved as presented.

COMMITTEE REPORTS

CB – Councilman Van Tassel reported that the Conservation Board did not meet in August. Next meeting scheduled for September 11, 2012.

RECREATION – Councilman Van Tassel reported that the Recreation Commission did not meet in August. Next meeting schedule for September 25, 2012.

RECYCLING – NO REPORT

PLANNING BOARD – Councilwoman Montgomery reported on the items covered at the August meeting Public Hearing re: 3-lot subdivision on Canopus Hollow Road and Sprout Brook Road (aka Mountain Trace). Other items covered were Philipstown Square, SNK Farms, Cold Spring Fuel Corporation, and County Line Equities. A workshop is scheduled for September 24th at 6:30 p.m., to discuss administrative issues, digital communications, digital submissions, file organization, and collection of applications being held in escrow. Next regular meeting is scheduled for September 20th.

ZONING – Councilman Van Tassel reported that the Zoning Board did not meet in August. Next meeting scheduled for September 10, 2012.

HIGHWAY – Councilwoman Budney read the monthly report submitted by Highway Superintendent Roger Chirico. The report is on file in the Town Clerk's Office for anyone wishing to review.

BUILDING & LAND ACQUISITION – Councilwoman Budney reported that she spoke with Deputy Burke regarding the painting of the flagpole in front of Town Hall on September 19th. Councilwoman Budney also is requesting assistance from the Highway Department to loosen the bolts on the pole so that it may be taken down for painting.

GARRISON VOLUNTEER FIRE DEPARTMENT – Jamie Copeland reported on the activities for the month.

BUTTERFIELD LIBRARY - NO REPORT

TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF SEPTEMBER 6, 2012

GENERAL & PART-TOWN FUNDS

R. Community Recycling	\$ 109.05
Town Clerk Fees – July 2012	852.08
Town Clerk Fees – Dogs – July 2012	405.00
Justice Fees – July 2012	7,075.00
Justice Fees – July 2012	3,755.00
Post Office Refund	18.43
R. Community Recycling	49.00
Tax Collector - Penalty Interest	11,280.23
Tax Collector – Reminder Fees	138.00
Tax Collector – Bank Interest	3.96
A. W. Scrap	1,596.00
Bank Interest	147.46

HIGHWAY FUND

Putnam County – Gas	\$ 562.99
Puma Workers Comp.	2,745.11
N.Y.S. FEMA	82,006.06
General Fund Bld/Reg Gas	754.62
Putnam County OFA – Gas	488.90
Bank Interest	285.42

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	\$ 7.13
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$ 350.00
Bank Interest	26.65

AGENDA

1. Board of Assessment Review appointment (Peter Richter).

Supervisor Shea stated that he would like to table this item for further discussion and requested a motion to do so.

RESOLUTION #-12

The following Resolution was presented by Councilman Merandy, seconded by Councilwoman Budney, and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby tables the Board of Assessment Review appointment for further discussion.

2. Resolution authorizing the Town Clerk to advertise for bidders for Bulk Fuel Oil at the Claudio Marzollo Community Center.

Town Clerk Merando reported that a letter dated August 24, 2012, was received from Director of Recreation & Parks, Amber Stickle, requesting that the Town Board issue a bid for the annual #2 fuel oil delivery – keeping in mind that the company must be able to deliver to a 4” fuel pipe line.

Councilman Merandy asked if the tank should be filled since there was ongoing discussion on moving the fuel tank. Supervisor Shea responded that Recreation goes through the fuel quickly. Supervisor Shea added that Councilman Merandy was working on a fuel tank replacement and boiler replacement. Councilman Merandy stated that everyone was presently on vacation right now. Supervisor Shea stated that the Town could advertise for the fuel and at the same time have a conversation with the Director of Recreation & Parks Stickle before the tank is filled.

RESOLUTION #-12

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilwoman Budney, and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, authorizes the Town Clerk to advertise for bidders for Bulk Fuel Oil at the Claudio Marzollo Community Center.

3. Resolution authorizing Supervisor Shea to sign the contract between the Town and Judith Mayle for legal services for fiscal year 2013.

RESOLUTION #-12

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery, and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby authorizes Supervisor Shea to sign the contract between the Town and Judith Mayle of Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, for legal services for fiscal year 2013.

4. Schedule Workshop/Meetings

- Public Hearing to amend Local Law, Chapter 175-59 G.4, "Hearing & Public Notices."

Town Clerk Merando stated that the approval from the County was received, but had not heard back from the Planning Board. Town Clerk Merando added that if the Town did not hear back from the Planning Board within 60 days, it was considered that they accepted the Local Law.

Supervisor Shea asked Planning Board Chairman, Michael Leonard, who was in attendance, if he had seen this. Mr. Leonard responded that he had, but didn't realize that he had to respond to it.

Councilwoman Montgomery asked Mr. Leonard if he did get the referral. Mr. Leonard responded that he saw it, but he didn't think ... they (the Planning Board Members), didn't make any kind of official response.... they actually got the letter. Mr. Leonard asked Town Clerk Merando if the letter was sent to the Planning Board Secretary, Ann Gallagher. Town Clerk Merando responded "no," that it was sent to him and the Planning Board members and John Lynch in the Putnam County Division of Planning. Mrs. Merando added that the response from the Putnam County Division of Planning was received on July 16th.

Councilwoman Montgomery asked if there was time to put this on the agenda for the 20th of September Town Board Monthly Meeting, after which they could then schedule a Public Hearing. It could be put on the agenda for discussion.

Supervisor Shea questioned Town Clerk Merando whether there was anything really pressing concerning this. Town Clerk Merando responded that it was up to the Board on how important they feel this Local Law was. Supervisor Shea then responded that this was pretty cut and dry.

Michael Leonard stated that the Planning Board members talked about it in general but he didn't realize that they didn't respond back.

Supervisor Shea then stated that he would rather move on, that if the Town had another mass mailing money could be saved, and the Board might as well go ahead and schedule the Public Hearing. Supervisor Shea added that he didn't know how much discussion there would be on this or how much adversity or aversion to this would be public comment – it was about saving the Town money.

Monthly Town Board Meeting
September 6, 2012

RESOLUTION #-12

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Van Tassel, and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby schedules a Public Hearing to amend Local Law, Chapter 175-59 G.4, "Hearing & Public Notices," to be held on Wednesday, September 19, 2012, at 7:30 P.M., at the Town Hall, at 238 Main Street, Cold Spring, NY.

5. Discussion with regard to the Village of Cold Spring Planning Board's intention to be Lead Agency in the matter of Elmesco A.T.I., Inc.

RESOLUTION #-12

The following Resolution was presented by Councilman Van Tassel, seconded by, Councilwoman Budney, and unanimously carried;

RESOLVED, that the Town Board has no objections to the notification of the Village of Cold Spring Planning Board's intentions to become Lead Agency for the proposed re-development of a Gasoline Service Station to a Convenience Store with a Drive Up Window and Gas Dispensing Pumps, Located at 33 Chestnut Street, Cold Spring, New York, applicant Elmesco A.T.I., Inc.

6. Resolution authorizing Supervisor Shea to sign the consent form in the matter of Haldane Central School District serving as Lead Agency for a Capital Improvement Project for upgrades to existing athletic facility on Craigside Drive.

RESOLUTION #-12

The following Resolution was presented by Councilwoman Montgomery, seconded by, Councilman Merandy, and unanimously carried;

RESOLVED, that the Town Board authorizes Supervisor Shea to sign the consent form in the matter of Haldane Central School District, and;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Philipstown, has no objections to Haldane Central School District's intentions to become Lead Agency for the proposed 2012 Capital Project proposing a public referendum that will involve upgrades to its existing athletic facility on the school campus located on Craigside Drive, Cold Spring.

7. Resolution awarding the bid for the Indian Brook Road East Bank Stabilization Project to Ben Ciccone, Inc., of Poughkeepsie, New York, in the amount of \$94,200.00.

Town Clerk Merando stated that before Town Attorney left on vacation, they reviewed the bid package and Town Attorney Doyle approved to form.

RESOLUTION #-12

The following Resolution was presented by Councilwoman Budney, seconded by, Councilman Van Tassel, and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby awards the bid for the Indian Brook Road East Bank Stabilization Project to Ben Ciccone, Inc., of Poughkeepsie, New York, in the amount of \$94,200.00.

8. Resolution awarding the bid for the Frazier Road Culvert Replacement Project to Con-Tech Construction Technology of Yorktown Heights, New York, in the amount of \$397,376.36.

RESOLUTION #-12

The following Resolution was presented by Councilwoman Budney, seconded by, Councilwoman Montgomery, and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby awards the bid for the Frazier Road Culvert Replacement Project, to Con-Tech Construction Technology of Yorktown Heights, New York, in the amount of \$397,376.36.

9. Any other business that may come before the Town Board.

Supervisor Shea reported that he was awaiting news from Senator Schumer's office regarding funding for the road projects that the Town was still waiting for. Supervisor Shea hoped to hear from Schumer's office as early as tomorrow. Supervisor Shea added that there was a holdup – almost 3 years now – APR completed – final approval done, but too late to complete the job and an extension of the time was needed for the MOA. This process went on and on and the extension was approved but the Town never received a copy of the signed MOA, which the Town has been trying to obtain.

Supervisor Shea stated that he received an e-mail from the Putnam County Development Corporation regarding the leasing or purchasing of a Headquarters approximately 150,000 sq. ft., for the operating of a distribution center for an organic product line. Councilwoman Montgomery asked if the Economic Development Council had statistics for people who wanted to go into business and stay in the Hudson Valley or, really in Cold Spring, about occupancy rate for bed & breakfast or tourism. Supervisor Shea responded that this is not what the Economic Development Council does --- they try to match businesses with properties or existing buildings; they have an inventory on file of open properties in Philipstown.

Supervisor Shea reported that he had just received a proposal from Berger Engineering regarding lots the Town owns on Knollwood Lane. Supervisor Shea added that the proposal of \$14,400 was high for just preparing documents, and felt

that there should be a simpler solution. Supervisor Shea will discuss this further with Highway Superintendent Chirico.

Supervisor Shea then suggested that the Town Board schedule a workshop to clear up some issues and move ahead. Councilman Merandy stated that he would also like to discuss the boiler replacement at Recreation and would check with availability of persons involved. Councilman Merandy questioned if the Berger Engineering request for proposal went out as an RFP? Supervisor Shea responded that this was just someone that the town used in-house at no cost to the Town. At this point, a workshop was scheduled for September 19, 2012, following the public hearing.

Supervisor Shea reported that he was invited to tour the Butterfield Hospital site next week and that there was some portion of the building that could be preserved now.

AUDIENCE

Horton Road resident, Oliver Maletz, stated that he had prepared a statement regarding the need he and several neighbors have for eliminating any future mining in Philipstown, and presented a document outlining concerns and a petition to eliminate same. Supervisor Shea agreed to holding a workshop, which would possibly be followed by a Public Hearing and Town Code Change. A workshop was then scheduled for October 3, 2012, to discuss the elimination of mining in Philipstown.

Walmer Lane resident, Andy Chmar, asked if a meeting could be arranged to determine the future of Walmer Lane, which was washed out during Hurricane Irene and not eligible for FEMA funding. Supervisor Shea informed Mr. Chmar that the Town did not have funds to repair the road it did not own and a Improvement District would probably have to be formed in order to have separate funding – paid for by the homeowners in the area. Supervisor Shea added that a time and place would be arranged that would be suitable to everyone's schedule.

Liz Armstrong, a member of the press, questioned why she was told that she needed to submit a FOIL (Freedom of Information Form) request in order to find out how much money was spent by the Highway Department over the summer for watering down dusty, dirt roads. Supervisor Shea informed Ms. Armstrong that he was sure that man hour records are kept and would look into it. Ms. Armstrong asked if she still had to complete a FOIL request. Town Clerk Merando explained that this benefits whomever is making the request as far as this is what you want, and clearly states the documents requested, and it protects her in that she will receive a response within five (5) business days from the Highway Department.

Supervisor Shea reported that he went down to Continental Village and examined the bridge crossing the stream down in the park, the bridge that washed out. Supervisor Shea stated that he was not sure what it was before. Supervisor Shea added that it looked like someone found something that they felt might work and just put it there.

Monthly Town Board Meeting
September 6, 2012

Supervisor Shea suggested that since this would be a sizeable project, around \$150,000 to \$250,000. Supervisor Shea suggested scheduling a discussion with Superintendent Michael Phelan and members of the Park District to discuss in detail.

VACANCIES

CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)

APPROVAL OF VOUCHERS

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$152,181.74 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery, and unanimously carried that the Highway Vouchers in the amount of \$77,913.43 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the CV Park District Vouchers in the amount of \$3,724.00 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Budney make a motion, seconded by Councilwoman Montgomery, and unanimously carried that the CV Water District Vouchers in the amount of \$13,433.72 are hereby approved as presented in Abstract 9.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney, to close the Town Board Monthly Meeting at 8:30 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk

BID OPENING
September 19, 2012

The Town Clerk's Office held a Bid Opening at the Town Hall, 238 Main Street, Cold Spring, N.Y. 10516, on the above date at 2:00 p.m., for the purchase of #2 Fuel Oil - Bulk Delivery for the Town of Philipstown Community Center.

The bid result is as follows:

Downey Oil Company

New York Barge Resell Price: \$3.077/Gal
Bidder Transportation: \$.02/Gal
Total Bid Price: \$3.097/Gal

Joan B. Clauss
Deputy Town Clerk

Weekly Town Board Meeting
September 19, 2012

The Town Board held their Weekly Meeting on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

AGENDA

1. Resolution scheduling a Public Hearing on the proposed Local Law to amend the Zoning Law Section 175-59 G.4., of Chapter 175 regarding Hearing and Public Notices for September 26, 2012 at 7:30 p.m.

RESOLUTION #

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilwoman Budney and unanimously carried;

RESOLVED, that the Town Board hereby schedules a Public Hearing on the proposed Local Law to amend the Zoning Law Section 175-59 G.4., of Chapter 175 regarding Hearing and Public Notices for September 26, 2012 at 7:30 p.m. Nunc Pro Tunc.

There being no further business to act upon, Town Clerk Merando was excused at 7:35 p.m.

The Town Board then discussed Knollwood Lane and the new boiler at the Claudio Marzollo Community Center.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Philipstown

Local Law No. _____ of the year 2012

A local law to amend Town Code Chapter 112, "Land Development," Section 112-15, "Final Plat
(Insert Title)
Endorsement and Filing," Paragraph "A," "Expiration of Final Approval," to permit multiple
extensions of time to obtain final subdivision approval.

Be it enacted by the Town Board _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Philipstown

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 1. PURPOSE

The Town Board of the Town of Philipstown finds that it is in the public interest to amend Town Code §112-15 (A) to conform to the provisions of New York State Town Law §276 (7) (c) regarding extensions of time to obtain final subdivision approval.

SECTION 2. AMENDMENT OF THE TOWN CODE

Town of Philipstown Town Code Chapter 112, Section 112-15, Paragraph "A" is hereby repealed and reenacted to read as follows:

- A. Expiration of final approval. Conditional final approval of a plat shall expire 180 days after the date of the resolution granting conditional approval unless the conditions have been met and the final plat map has been endorsed by the authorized officer of the Planning Board. The Planning Board may extend for periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹² of the ~~(County)(City)(Town)(Village)~~ of Philipstown was duly passed by the Town Board _____ on _____ 20¹², in accordance with the applicable *(Name of Legislative Body)* provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____¹ above.~~

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Philipstown	2. PROJECT NAME Expiration of Final Subdivision Approval
3. PROJECT LOCATION: Municipality Philipstown County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Township	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Local Law to amend Town Code Chapter 112, "Land Development," Section 112-15, "Final Plat Endorsement and Filing," Paragraph "A," "Expiration of Final Approval , " to permit multiple extensions of time to obtain final subdivision approval.	
7. AMOUNT OF LAND AFFECTED: Initially <u>n/a</u> acres Ultimately <u>n/a</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: Entire Town of Philipstown	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Richard Shea</u> Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 N/A

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 N/A

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 N/A

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 N/A

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 N/A

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 N/A

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 N/A

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination

Town of Philipstown

Name of Lead Agency	Date
Richard Shea	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Town Board of the Town of Philipstown will conduct a Public Hearing on _____ at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York. The purpose of the Public Hearing is to hear comments for/against a proposed **LOCAL LAW TO AMEND TOWN CODE CHAPTER 112, "LAND DEVELOPMENT," SECTION 112-15, "FINAL PLAT ENDORSEMENT AND FILING," PARAGRAPH "A," "EXPIRATION OF FINAL APPROVAL," TO PERMIT MULTIPLE EXTENSIONS OF TIME TO OBTAIN FINAL SUBDIVISION APPROVAL.**

A copy of the proposed Local Law is on file in the Town Clerk's Office where it may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN

DATED: _____

Tina M. Merando
Town Clerk

2

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Philipstown _____

Local Law No. _____ of the year 2012

A local law to amend the Code of the Town of Philipstown by deleting and repealing Chapter 90
(Insert Title)
thereof, Flood Damage Prevention, and replacing it with a new Chapter 90, to be
entitled Flood Damage Prevention.

Be it enacted by the Town Board _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Philipstown _____ as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. The Code of the Town of Philipstown is hereby amended by deleting and repealing Chapter 90, Flood Damage Prevention.

Section 2. The Code of the Town of Philipstown is hereby amended by adding thereto a new Chapter, to replace Chapter 90 repealed above, to be Chapter 90, Flood Damage Prevention, to read as follows:

**SECTION 90-1
STATUTORY AUTHORIZATION AND PURPOSE**

90-1.1 FINDINGS

The Town Board of the Town of Philipstown finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Philipstown and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Chapter 90 - Flood Damage Prevention, is adopted

90-1.2 STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

90-1.3 OBJECTIVES

The objectives of this Chapter are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;

- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 90-2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Chapter or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

“Critical facilities” means:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

“Elevation Certificate” means the NFIP Elevation Certificate used to provide elevation information necessary to ensure compliance with the FIRM and to determine the proper insurance premium rate for Pre-FIRM and Post-Firm buildings, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program (NFIP).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance

Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodproofin Certificate" means the NFIP Floodproofing Certificate used to determine compliance as an alternative to elevating to or above the Base Flood Elevation for non-residential buildings.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the Town Board to administer and enforce this Chapter 90 – Flood Damage Prevention, in accordance with its provisions. This person shall be an employee of the Town of Philipstown.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter 90 – Flood Damage Prevention.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle" The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;

- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 90-4.4-2 of this chapter.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a combination of materials to form a construction that is safe and stable and includes, among other things, a walled and roofed building, a manufactured home, a gas or liquid storage tank, and including but not limited to bridges, dams, trailers, stadiums, platforms, radio towers, sheds, storage bins, billboards, display signs, docks, wharves, boathouses, underground lines and pipes and apparatus, towers and lines for the transmission of electrical power; it excludes swimming pools, poles for local electrical power distribution lines and telephone lines in the Town of Philipstown and underground lines and pipes and apparatus for local distribution of electric power or telephone service in the Town of Philipstown and maintenance of roads and bridges and culverts by the Philipstown Highway Department.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Town Board" means the Town Board of the Town of Philipstown.

"Variance" means a grant of relief from the requirements of this Chapter which permits construction or use in a manner that would otherwise be prohibited by this Chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations, Chapter 90 – Flood Damage Prevention and cited in writing by the Local Administrator.

SECTION 90-3.0 GENERAL PROVISIONS

90-3.1 LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Philipstown, Putnam County, but outside the Villages of Cold Spring and Nelsonville.

90-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Philipstown, Community Number 361026, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36079C0077E, 36079C0078E, 36079C0079E, 36079C0081E, 36079C0082E, 36079C0083E, 36079C0084E, 36079C0086E, 36079C0087E, 36079C0089E, 36079C0091E, 36079C0092E, 36079C0093E, 36079C0094E, 36079C0105E, 36079C0111E, 36079C0177E, 36079C0178E, 36079C0179E, 36079C0181E, 36079C0182E, 36079C0183E, 36079C0184E

whose effective date is, March 4, 2013, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Putnam County, New York, All Jurisdictions" dated March 4, 2013.

The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and/or maps are on file at:

- Town Hall

90-3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

90-3.4 SEVERABILITY

The invalidity of any section or provision of this Chapter shall not invalidate any other section or provision thereof.

90-3.5 NOTICE AND PENALTIES FOR NON-COMPLIANCE

(1) No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Chapter and any other applicable regulations.

(2) Notices of violation. The Local Administrator is authorized to order, in writing, the remedying of any condition or development activity found to exist in, on or about any building, structure, or land in violation of the this Chapter. Upon finding that any such condition or activity exists, the Local Administrator shall issue a notice of violation. The notice of violation shall be in writing; be dated and signed by the Local Administrator; specify the condition or activity that violates this Chapter; specify the provision or provisions of the Chapter, which is/are violated by the specified condition or activity; specify the period of time which the Local Administrator deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Local Administrator shall cause the notice of violation, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Local Administrator shall be permitted, but not required, to cause the notice of violation, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the notice of violation.

(3) Failure to comply with a written order and/or notice of violation from the Local Administrator is a separate violation of this Chapter.

(4) Any infraction of the provisions of this Chapter by failure to comply with any notice or order and any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$1000 (one thousand) or imprisoned for not more than 15 (fifteen) days or both. Each day of noncompliance shall be considered a separate offense.

(5) Nothing herein contained shall prevent the Town of Philipstown from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Chapter for which the developer and/or owner has not applied for and received an approved variance under Section 90-6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

90-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Philipstown, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

SECTION 90-4.0 ADMINISTRATION

90-4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Town Board of the Town of Philipstown shall appoint by resolution the Local Administrator to administer and enforce this Chapter by granting or denying floodplain development permits and citing in writing any non-compliances in accordance with its provisions.

90-4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

90-4.2-1 PURPOSE

A floodplain development permit is hereby required for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 90-3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Such forms shall be prescribed by and may be amended by resolution of the Town Board.

90-4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee set forth in the Town of Philipstown Fee Schedule. The Town Board may adopt a

schedule of fees, concerning the applications, inspections, petitions and other matters specified in this chapter. Such fees may be amended from time to time by resolution of the Town Board.

90-4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 90-5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 90-5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 90-3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided for all construction and other development to be undertaken as part of a subdivision proposals (See Chapter 112 Land Development) and other proposed developments (See Chapter 175 Special Use and Site Plan Approval) (including proposals for manufactured home and recreational vehicle parks and subdivisions).
- (8) The Philipstown Highway Department is exempt from permit requirements for maintenance of roads and bridges and culverts.

90-4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

90-4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 90-4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this chapter.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 90-5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 90-5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 90-5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

90-4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 90-4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

90-4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

90-4.4-4 PERMIT ISSUANCE, VALIDITY, TIME LIMIT

- (1) Where the Local Administrator determines that an application for a Flood Development permit is in compliance with this Chapter, and the Code of the Town of Philipstown he/she shall issue such permit.
- (2) Time limits. The Flood Development permits shall become invalid unless the authorized work is commenced within six months following the date of issuance, unless the start of work has been delayed for good cause. The Flood Development permits shall expire 24 months after the date of issuance. A Flood Development permit which has expired may be renewed upon application by the permit holder and fee paid.

90-4.4-5 CONSTRUCTION STAGE

- (1) Before the start of work, a bench mark showing the base flood elevation shall be placed in the field no more than 50 feet from the edge the development activity.
- (2) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, the permit holder shall submit a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (3) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

90-4.4-6 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

90-4.4-7 STOP WORK ORDERS

- A. Authority to issue. The Local Administrator is authorized to issue stop-work orders pursuant to this section. The Local Administrator shall issue a stop-work order to halt:
- (1) for any floodplain development found ongoing without a development permit.
 - (2) for any floodplain development found non-compliant with the provisions of this chapter and/or the conditions of the development permit.
- B. Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by the Code Enforcement Official, state the reason or reasons for issuance, and if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The Code Enforcement Official shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. The Code Enforcement Official shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.
- E. Failure to comply with a written order from the Local Administrator is a violation and shall subject the violator to the penalties described in Section 90-3.5 of this Chapter

90-4.4-8 CERTIFICATE OF COMPLIANCE

- A. All Flood Development Permits completed require the issuance of a Certificate of Compliance.
- (1) In areas of special flood hazard, as determined by documents enumerated in Section 90-3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed,

converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Chapter.

- (2) A Certificate of Compliance shall be issued by the Local Administrator upon submission by a licensed land surveyor or professional engineer certifying that the development activity has been completed and is in compliance with the plans and specifications on file and this Chapter and;
- (3) The issuance of the Certificate of Compliance shall be based upon the inspections conducted as prescribed in Section 90-4.4-5, INSPECTIONS, and the submission of an Elevation Certificate or Flood Development Certificate for structures or certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses by licensed land surveyor or professional engineer.

90-4.4-9 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-section 90-4.4-5, and whether or not the structures contain a basement;
- (3) Elevation Certificates and Floodproofing certificates required pursuant to sub-section 90-4.4-8(3), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 90-6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 90-4.4-3, ALTERATION OF WATERCOURSES.

SECTION 90-5.0 CONSTRUCTION STANDARDS

90-5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 90-3.2.

90-5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) The base flood elevation, Special Flood Hazard zone and floodway as shown on the FIRM

shall be delineated on the plan;

- (2) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

90-5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Philipstown agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Philipstown for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Philipstown for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 90-3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted.
- (3) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

90-5.2 STANDARDS FOR ALL STRUCTURES

90-5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

90-5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

90-5.2-3 UTILITIES

- (1) New and substantial improvement structures, new and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) New on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (5) New and replacement compressed gas and liquid storage tanks, fuel lines, meters and controls shall be design and installed (anchored) to resist the effects of buoyancy, impact loads, scour and movement of connection.

90-5.2-4 BRIDGE-DAMS- CULVERTS

New and substantial improvement bridges, dams and culverts and other structures in areas of special flood hazard shall be designed to resist the effects of floodwaters and be anchored to prevent flotation, collapse, or lateral movement during a flood event.

(1) New construction and substantial improvements to bridges. The lowest structural member of a bridge spanning the floodplain shall be two feet higher than the base flood elevation or in an A zone when no base flood elevation data are available, elevated at least two feet above the highest adjacent grade.

(2) The supports for the bridge span shall be place two feet beyond the floodway and two feet beyond the steam bank

(3) New and substantial improvement to culverts. 20% of the culvert(s) shall be at and above the base flood elevation, or provided with other means to allow flood water to pass without causing erosion or damage to culvert installation.

90-5.3 RESIDENTIAL STRUCTURES

90-5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 90-5.1-1, SUBDIVISION PROPOSALS, and 90-5.1-2, ENCROACHMENTS, and Section 90-5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 90-3.2 (at least two feet if no depth number is specified).

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

90-5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 90-5.1-1, SUBDIVISION PROPOSALS, and 90-5.1-2, ENCROACHMENTS, and Section 90-5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 90-5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 90-5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

90-5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 90-5.1, GENERAL STANDARDS, and Section 90-5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

(i) be on site fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the requirements for manufactured homes in paragraphs 90-5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

(4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 90-3.2 (at least two feet if no depth number is specified).

90-5.6 CRITICAL FACILITIES

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

**SECTION 90-6.0
VARIANCE PROCEDURE**

90-6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town of Philipstown shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Chapter.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

- (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 90-6.1(4) and the purposes of this Chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

90-6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 90-6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing Chapters or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 90-4.4-9 of this Chapter.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 12 of the (County)(City)(Town)(Village) of Philipstown was duly passed by the Town Board on _____ 20 _____, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (Special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.~~

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Tina M. Merando, Town Clerk

Date: _____

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Edward W. Doyle

Title Town Attorney

County
City of Philipstown

Town
Village

Date: _____

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Philipstown	2. PROJECT NAME Flood Damage Prevention
3. PROJECT LOCATION: Municipality Philipstown County Putman	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Township	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: A Local Law to amend the Code of the Town of Philipstown by deleting and repealing Chapter 90 thereof, Flood Damage Prevention and replacing it with a new Chapter 90, to be entitled Flood Damage Prevention.	
7. AMOUNT OF LAND AFFECTED: Initially <u>n/a</u> acres Ultimately <u>n/a</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: Entire Town of Philipstown	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Richard Shea</u>	Date: _____
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 N/A

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 N/A

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 N/A

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 N/A

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 N/A

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 N/A

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 N/A

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of Philipstown

Name of Lead Agency	Date
Richard Shea	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Town Board of the Town of Philipstown will conduct a Public Hearing on _____ at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York. The purpose of the Public Hearing is to hear comments for/against a proposed **LOCAL LAW TO AMEND THE CODE OF THE TOWN OF PHILIPSTOWN BY DELETING AND REPEALING CHAPTER 90, THEREOF, FLOOD DAMAGE PREVENTION, AND REPLACING IT WITH A NEW CHAPTER 90, TO BE ENTITLED FLOOD DAMAGE PREVENTION.**

A copy of the proposed Local Law is on file in the Town Clerk's Office where it may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN

DATED: _____

Tina M. Merando
Town Clerk

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Philipstown _____

Local Law No. _____ of the year 20¹²

A local law to amend Zoning Law Sections 175-59 G.4 and 175-62 F (2) of Chapter 175 of the Code
(Insert Title)
of the Town of Philipstown regarding Notice and Hearing.

Be it enacted by the Town Board _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Philipstown _____ as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 1. AUTHORITY

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law Section 10, the Town Law, and in accordance with the Zoning Law of the Town of Philipstown, New York, Section 175-69, entitled "Amendments."

SECTION 2.

Chapter 175 of the Code of the Town of Philipstown is hereby amended by deleting the existing text of Section 175-59 G. 4. and inserting the following new text in it's place:

G. Hearing and Public Notices

[Subdivision 1-3: No Change]

4. At least five days prior to the date of the hearing of appeals, the Zoning Board of Appeals shall publish notice of such hearing in the official newspaper, mail notice thereof to the Planning Board, *simultaneously with the appeal being placed on the Zoning Board Agenda*, and send notice by first class mail to all property owners within 200 feet of the property upon which the appeal is taken **as shown on the most recently adopted Tax Assessment Roll**. The cost of publishing and mailing such notices shall be borne by the appellant. ✓

[Subdivision 5-7: No Change]

SECTION 3.

Chapter 175 of the Code of the Town of Philipstown, is hereby amended by deleting the existing text of Section 175-62 F. (2), and inserting the following new text in its place:

F. Notice and Hearing.

[Subdivision (1): No Change.]

- (2): The Planning Board shall hold a public hearing on a complete special permit application within 62 days of its submission. The Board shall publish notice of such hearing in the official newspaper at least five days prior to the date thereof. The Board shall also send notices of the hearing by first-class mail to owners of properties within 200 feet of the property boundary **as shown on the most recently adopted Tax Assessment Roll**. This notice requirement to surrounding owners may be modified by the Planning Board, at the applicant's request, in the case of properties of greater than 50 acres where only a small area is being disturbed. In such cases, notification must be sent to owners of land lying

within 1,500 feet of the proposed area of land disturbance and within 200 feet of the parcel's road frontage. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard. The cost of giving all notices shall be charged to the applicant.

[Subdivision (3): No Change.]

SECTION 4: VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudicated invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Philipstown hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5: REPEAL

All ordinances, local laws and parts thereof that are inconsistent with this Local Law are hereby repealed.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately after its adoption by the Town Board and upon filing in the Office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹² of the (County)(City)(Town)(Village) of Philipstown _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable (Name of Legislative Body) provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, ¹ above.~~

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Philipstown	2. PROJECT NAME Hearing and Public Notice
3. PROJECT LOCATION: Municipality Philipstown County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Township	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Local Law to amend the zoning Law Sections 175-59 G.4. and 175-62 F (2) of the Code of the Town of Philipstown regarding Hearing and Public Notice.	
7. AMOUNT OF LAND AFFECTED: Initially <u>n/a</u> acres Ultimately <u>n/a</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: Entire Township	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Richard Shea</u>	Date: _____
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 N/A

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 N/A

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 N/A

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 N/A

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 N/A

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 N/A

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 N/A

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination

Town of Philipstown

Name of Lead Agency	Date
Richard Shea	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Town Board of the Town of Philipstown will conduct a Public Hearing on _____ at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York. The purpose of the Public Hearing is to hear comments for/against a proposed **LOCAL LAW TO AMEND ZONING LAW SECTIONS 175-59 G.4 AND 175-62 F (2) OF CHAPTER 175 OF THE CODE OF THE TOWN OF PHILIPSTOWN REGARDING NOTICE AND HEARING.**

A copy of the proposed Local Law is on file in the Town Clerk's Office where it may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN

DATED: _____

Tina M. Merando
Town Clerk

CERTIFICATE OF SUBSTANTIAL COMPLETION

PROJECT: Winston Lane Roadway Re-Construction Project

DATE OF ISSUANCE: July 30, 2012

OWNER: Town of Philipstown

OWNER's Contract No: N/A
Ben Cozzi, Inc.; d/b/a

CONTRACTOR: Northern Construction **ENGINEER:** Ronald J. Gainer, PE, PLLC

This Certificate of Substantial Completion applies to all Work under the Contract Documents or to the following specified parts thereof:

TO: Town of Philipstown

OWNER

And To: Ben Cozzi, Inc.; d/b/a Northern Construction

CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on

July 20, 2012

DATE OF SUBSTANTIAL COMPLETION

A tentative list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of CONTRACTOR to complete all the WORK in accordance with the Contract Documents. The items in the tentative list shall be completed or corrected by CONTRACTOR within 30 days of the above date of Substantial Completion.

From the date of Substantial Completion the responsibilities between Owner and Contractor for security, safety, maintenance, insurance, and warranties and guarantees shall be as follows:

RESPONSIBILITIES:

CONTRACTOR: Responsible to complete all work, perform repairs and corrections, and for security, safety, maintenance, contract closeout requirements, insurance and warranties for the one (1) year guarantee pertaining to the contract work.

RECOMMENDED:

By: _____
Ronald J. Gainer, PE, PLLC

ACCEPTED:

By: _____
Contractor (Authorized Signature)

APPROVED:

By: _____
Owner (Authorized Signature)

Date: _____

Date: _____

Date: _____

FINAL CONTRACT AMOUNTS THAT EXCEED THE ORIGINAL CONTRACT AMOUNT WILL BE CHARGED AN ADDITIONAL PREMIUM. INCLUDE THESE PREMIUM CHARGES IN YOUR CHANGE ORDERS.
MAINTENANCE BOND

Executed in Four Original Counterparts

Bond Number PB11509600196M

KNOW ALL MEN BY THESE PRESENTS, that we,

Ben Cozzi Inc. dba Northern Construction
1992 Commerce Street, Yorktown, NY 10598

as Principal, and **Philadelphia Indemnity Insurance Company, a Pennsylvania** corporation, as Surety, are held and firmly bound unto

Town of Philipstown
238 Main Street, Cold Spring, NY 10516

as Obligee, in the full and just sum of
Thirteen Thousand Four Hundred Ninety-Eight and 87/100 Dollars

(\$13,498.87)

for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a contract with

dated 5/22/12 ^{Town of Philipstown} for

Winston Lane Roadway Re-Construction Project

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee for the period of 1 year(s) after approval of the final estimate on said job, by the owner, against all defects in workmanship and materials which may become apparent during said period, and

WHEREAS, the said contract has been completed, and was approved on 10/4/12

NOW. THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if within 1 year(s) from the date of approval of the said contract, the work done under the terms of said contract shall disclose poor workmanship in the execution of said work, and the carrying out of the terms of said contract, or it shall appear the defective materials were furnished thereunder, then this obligation shall remain in full force and virtue, otherwise this instrument shall be void.

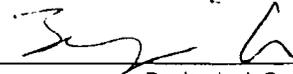
Signed and sealed this 28th day of August 2012 ,

Witness:

Ben Cozzi Inc. dba Northern Construction

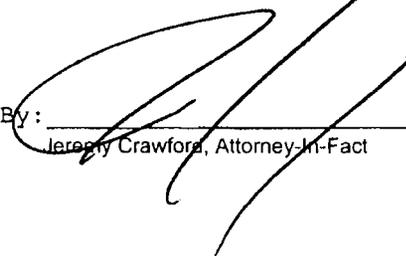


Principal

By: 
Benjamin J. Cozzi, President
Philadelphia Indemnity Insurance Company

Surety



By: 
Jeremy Crawford, Attorney-In-Fact

PHILADELPHIA INDEMNITY INSURANCE COMPANY
231 St. Asaph's Rd., Suite 100
Bala Cynwyd, PA 19004-0950
Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: **Michael Williams, Jeremy Crawford, William J. Nemecek, and Andrea J. Michael of C*C*I Surety, Inc., a Minnesota Corporation.**

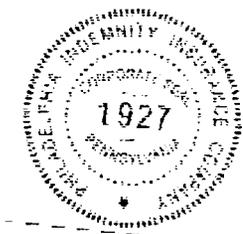
Its true and lawful Attorney (s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$4,000,000.00.**

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 11th day of July, 2011.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

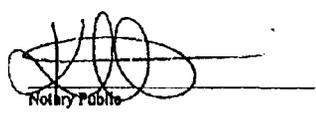
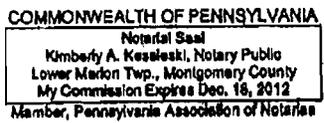
FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 18TH DAY OF JULY, 2011.



President
Christopher J. Maguire
President Philadelphia Indemnity Insurance Company, a Pennsylvania Corporation.

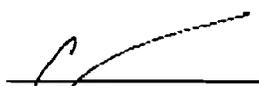
On this 18th day of July 2011, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 18th day of July 2011 are true and correct and are still in full force and effect. I do further certify that Christopher J. Maguire, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 28th day of August 2012



Craig P. Keller
Executive Vice President, Chief Financial Officer & Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

Acknowledgment of Surety

State of Minnesota
County of Hennepin

On this 28th day of August, 2012 before me personally appeared **Jeremy Crawford** who acknowledged that he or she is the attorney in fact who is authorized to sign on behalf of **Philadelphia Indemnity Insurance Company** (surety company), the foregoing instrument, and he thereupon duly acknowledged to me that he executed the same.



Notary Public



BID OPENING
September 19, 2012

6

The Town Clerk's Office held a Bid Opening at the Town Hall, 238 Main Street, Cold Spring, N.Y. 10516, on the above date at 2:00 p.m., for the purchase of #2 Fuel Oil - Bulk Delivery for the Town of Philipstown Community Center.

The bid result is as follows:

Downey Oil Company

New York Barge Resell Price: \$3.077/Gal
Bidder Transportation: \$.02/Gal
Total Bid Price: \$3.097/Gal

Joan B. Clauss
Deputy Town Clerk

TOWN OF PHILIPSTOWN APPOINTED POSITION LIST (6/2012)

TERM EXPIRES

March 31, 2015
 March 31, 2013
 March 31, 2015
 March 31, 2016
 March 31, 2017

ZONING BOARD OF APPEALS (5Year Term)

Vincent Cestone, Chairman, 44 Aqueduct Rd., Garrison 737-
 Paula Clair, 162 Gallows Hill Rd., Garrison 739-
 William Flaherty, 18 JoAnn Place, Cold Spring 265-
 Leonard Lim, 11 Horton Rd., Cold Spring 265-
 Robert Dee, 5 Old Albany Post Rd., Garrison 424-
 Tina Landolfi, Secretary 519-

PLANNING BOARD (4 Year Term)

March 31, 2013 Michael Leonard, Chairman, 16 Valley Lane, Garrison 739-
 March 31, 2014 Anthony Merante, 56 Pine St., Nelsonville 265-
 March 31, 2015 Kim Conner, P.O. Box 60, Cold Spring 265-
 March 31, 2015 Kerry Meehan, 1892 Rt. 9, Garrison 424-
 March 31, 2014 Neal Zuckerman, 663 Old Albany Post Road, Garrison 424-
 March 31, 2013 Mary Finger, 3 Horsemens Trail, Cold Spring 265-
 March 31, 2016 Pat Sexton, 16 Corey Lane, Cold Spring 265-
 Ann Gallagher, Secretary 265-

BOARD OF ASSESSMENT REVIEW(5 Year Term)

September 30, 2015 Jamie Adams, Chairman, 36 Manitou Woods Rd., Garrison 424-
 September 30, 2015 Gordon Casement, 65 Moffett Road, Cold Spring 809-
 September 30, 2013 Michael Leonard, 16 Valley Lane, Garrison 739-
 September 30, 2012 Peter Richter, 922 Old Albany Post Road, Garrison 424-
 September 30, 2014 Anne Nichter, 519 N. Fishkill Road N, Cold Spring 265-

RECREATION COMMISSION (7 Year Term)

September 1, 2013 William Mazzuca, Chairman, 22 Parrott St., Cold Spring 265-
 September 1, 2014 Al Zgolinski,, 23 Market Street, Cold Spring 265-
 September 1, 2018 Claudio Marzollo, Lane Gate Rd., Cold Spring 265-
 September 1, 2015 Stephanie Hawkins, 15 Academy St., Cold Spring 265-
 September 1, 2018 Philippe Cotennec, 223 Route 301, Cold Spring 265-
 September 1, 2012 John Maasik, 2792 Route 9, PO Box 69, Cold Spring 926-
 September 1, 2013 Seth Dinitz, 30 Ferris Drive, Garrison 736-

CONSERVATION BOARD (2 Year Term)

March 3, 2014 Eric Lind (Interim Chairman), PO Box 174, Cold Spring 265-
 March 3, 2014 Andrew Galler, 170 Old Albany Post Rd, Garrison 739-
 March 3, 2014 Robert Repetto, 9 Old Albany Post Rd., Garrison (845) 737-
 March 3, 2013 Lew Kingsley, 16 Reservoir Lane, Cold Spring 265-
 March 3, 2014 Mark Galezo, 6 Ledge Rock Ct., Garrison 424-
 March 3, 2013 Michael Leonard, 16 Valley Lane, Garrison 739-
 March 3, 2013 M. J. Martin, 398 Indian Brook Road, Garrison 424-
 Wetlands Inspector David Klotzle, 6 Skytop Dr., Croton (914) 736-
 Tina Landolfi, Secretary 519-

CONTINENTAL VILLAGE WATER DISTRICT (1 Year Term)

Employees Answering Service 1-845-737-2442
 January 1, 2013 Ralph Bassignani, 12 Howland Rd., Garrison (Superintendent)
 Cell# 914-980-2493 Home# 737-8290
 January 1, 2013 Diane Barton, 65 Aqueduct Rd., Garrison (Collector) (845)-739-
 January 1, 2013 Steve LeClaire
 January 1, 2013 Ed Barticcio A.W.T.P.O
 January 1, 2013 Ken Gonsalves A.W.T.P.O
 January 1, 2013 Stan Houghton A.W.T.P.O

ADVISORY COMMITTEE (1 Year Term)

January 1, 2013 Michael Phelan, 10 Evans Knoll, Garrison 737-
 January 1, 2013 (Position Vacant)
 January 1, 2013 Robert Sesselberg, 6 Knox Lane, Garrison 737-
 January 1, 2013 (Position Vacant)

CONTINENTAL VILLAGE PARK DISTRICT (1Year Term)

Superintendent Michael Phelan, 10 Evans Knoll, Garrison 737-

ADVISORY COMMITTEE

January 1, 2013 (Position Vacant)
 January 1, 2013 (Position Vacant)
 January 1, 2013 Frederick Romer, 157 Gallows Hill Rd., Garrison 734-
 January 1, 2013 Ken Gonsalves, 4 Evans Terrace, Garrison 737-
 January 1, 2013 (Position Vacant)
 January 1, 2013 Tony Galfano, 467 Sprout Brook Rd, Garrison 736

LEGAL NOTICE**NOTICE OF PUBLIC HEARING ON PRELIMINARY BUDGET FOR
CONTINENTAL VILLAGE PARK DISTRICT AND CONTINENTAL
VILLAGE WATER DISTRICT**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown has completed the Preliminary Budget of the Continental Village Park District and the Continental Village Water District for the fiscal year beginning January 1, 2013, and the same was filed in the Office of the Town Clerk of the Town of Philipstown, where the same will be available for inspection by any interested persons during regular office hours. The Town Board will meet at the Town Hall, 238 Main Street, Cold Spring, New York on the ____ day of November _____ at 7:00 p.m. and 7:05 p.m. respectively, for the purpose of hearing any one person in favor of or against the Preliminary Budget for the Continental Village Park District and the Continental Village Water District as compiled for or against any item therein contained.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN**

Tina M. Merando
Town Clerk

DATED: October

LEGAL NOTICE

**PUBLIC HEARING ON PHILIPSTOWN VOLUNTEER AMBULANCE
EMERGENCY SERVICES CONTRACT**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown, Putnam County, New York will conduct a **PUBLIC HEARING** on _____, November _____ at 7:40 p.m. Prevailing Time, at the Town Hall, 238 Main Street, Cold Spring, New York to consider the contract with Philipstown Volunteer Ambulance Corp., to furnish general ambulance services to various areas and residents of the Town of Philipstown for the fiscal year 2013.

All persons interested in this proposed contract will be heard at the time, date and place specified above.

A copy of the proposed contract is on file in the Office of the Town Clerk and may be examined during regular business hours.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN**

Tina M. Merando
Town Clerk

DATED: OCTOBER

LEGAL NOTICE

**PUBLIC HEARING ON PHILIPSTOWN VOLUNTEER AMBULANCE
EMERGENCY SERVICES CONTRACT**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown, Putnam County, New York will conduct a **PUBLIC HEARING** on _____, November _____ at 7:45 p.m. Prevailing Time, at the Town Hall, 238 Main Street, Cold Spring, New York to consider the contract with Garrison Ambulance., to furnish general ambulance services to various areas and residents of the Town of Philipstown for the fiscal year 2013.

All persons interested in this proposed contract will be heard at the time, date and place specified above.

A copy of the proposed contract is on file in the Office of the Town Clerk and may be examined during regular business hours.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN**

Tina M. Merando
Town Clerk

DATED: OCTOBER

LEGAL NOTICE

PUBLIC HEARING ON THE FIRE PROTECTION CONTRACT

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown, Putnam County, New York will conduct a **PUBLIC HEARING** on _____, November _____, at 7:55 p.m. Prevailing Time, at the Town Hall, 238 Main Street, Cold Spring, New York, to consider the contract with Cold Spring Fire Company No. 1., for fire protection to be furnished in the area in said town known as Town of Philipstown Fire Protection District No. 1 of North Highlands upon the following terms and conditions.

- a) The said Fire Department shall furnish fire protection for said Fire Protection District;
- b) The contract shall run from the first day of January 2013 and continue through December 31, 2013.
- c) For such services, said Fire Company shall receive the following payment for protection to Town of Philipstown Fire Protection District No. 1 of North Highlands: \$_____ for 2013.
- d) The Fire Company shall have the right to fight fires in other areas without violating the terms of this contract.
- e) All monies to be paid under the contract, as well as all other monies and charges lawfully chargeable thereto, shall be a charge upon the said Fire Protection District, to be assessed and levied upon the taxable property in said district and collected with Town taxes.
- f) The monies to be paid under the contract shall be paid as the Town Supervisor receives the tax money therefore levied against the Fire Protection District; and
- g) Such other terms as may be necessary and proper in connection with this contract.

All persons interested in this proposed contract will be heard at the time, date and place specified above.

A copy of the proposed contract is on file in the Office of the Town Clerk and may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN

Tina M. Merando
Town Clerk

Dated: October 28, 2009

LEGAL NOTICE

PUBLIC HEARING ON THE FIRE PROTECTION CONTRACT

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown, Putnam County, New York will conduct a **PUBLIC HEARING** on _____, November _____ at 7:55 p.m. Prevailing Time at the Town Hall, 238 Main Street, Cold Spring, New York to consider the contract with Garrison Volunteer Fire Company, for fire protection to be furnished by said Fire Company to the Protection District in said Town known as Garrison Fire Protection District of the Town of Philipstown upon the following terms:

- a) The said Fire Department shall furnish fire protection for said Fire Protection District;
- b) The contract shall run from the first day of January 2013 and continue through December 31, 2013.
- c) For such services said Fire Company shall receive \$ _____ for 2013, \$ _____ for 2014 and \$ _____ for 2015.
- d) The Fire Company shall have the right to fight fires in other areas without violating the terms of this contract.
- e) All monies to be paid under the contract, as well as all other monies and charges lawfully chargeable thereto, shall be a charge upon the said Fire Protection District, to be assessed and levied upon the taxable property in said district and collected with Town taxes.
- f) The monies to be paid under the contract shall be paid as the Town Supervisor receives the tax money therefore levied against the Fire Protection District; and
- g) Such other terms as may be necessary and proper in connection with this contract.

All persons interested in this proposed contract will be heard at the time, date and place specified above.

A copy of the proposed contract is on file in the Office of the Town Clerk and may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN

Tina M. Merando
Town Clerk

Dated: October

LEGAL NOTICE

PUBLIC HEARING ON THE FIRE PROTECTION CONTRACT

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown, Putnam County, New York will conduct a **PUBLIC HEARING** on _____, November _____ at 7:30 p.m. Prevailing Time at the Town Hall, 238 Main Street, Cold Spring, New York to consider the contract with Continental Village Volunteer Fire Department, Inc., for fire protection to be furnished by said Fire Company to the Protection District in said Town known as Continental Village Volunteer Fire Department, Inc. of the Town of Philipstown upon the following terms:

- a) The said Fire Department shall furnish fire protection for said Fire Protection District;
- b) The contract shall run from the first day of January 2013 and continue through December 31, 2013.
- c) For such services said Fire Company shall receive \$ _____ for the year 2013.
- d) The Fire Company shall have the right to fight fires in other areas without violating the terms of this contract.
- e) All monies to be paid under the contract, as well as all other monies and charges lawfully chargeable thereto, shall be a charge upon the said Fire Protection District, to be assessed and levied upon the taxable property in said district and collected with Town taxes.
- f) The monies to be paid under the contract shall be paid as the Town Supervisor receives the tax money therefore levied against the Fire Protection District; and
- g) Such other terms as may be necessary and proper in connection with this contract.

All persons interested in this proposed contract will be heard at the time, date and place specified above.

A copy of the proposed contract is on file in the Office of the Town Clerk and may be examined during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PHILIPSTOWN

Tina M. Merando
Town Clerk

Dated: October

LEGAL NOTICE

NOTICE OF HEARING ON PRELIMINARY BUDGET FOR THE TOWN OF PHILIPSTOWN FOR THE YEAR 2013

NOTICE IS HEREBY GIVEN that the Preliminary Budget for the Town of Philipstown, Putnam County, New York for the fiscal year beginning January 1, 2013 has been completed and filed in the Office of the Town Clerk of said Town, where it is available for inspection by any interested persons during regular business hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Philipstown will hold a Public Hearing on the ____ day of November, _____, at 7:50 p.m. Prevailing Time, and at such hearing all persons may be heard in favor of/or against any item or items therein contained.

AND FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are the proposed salaries of the Town Officers of this Town:

Supervisor	\$ _____
Council Members (4 at 17,000.00)	_____
Town Clerk/Tax Collector	_____
Town Superintendent of Highways	_____

BY ORDER OF THE TOWN BOARD OF THE TOWN OF PHILIPSTOWN

Tina M. Merando
Town Clerk

DATED: October

2011 AMBULANCE COMPANY SERVICE CERTIFICATION FORM SERVICE AWARD PROGRAM

Town of Philipstown
Garrison Volunteer Ambulance Corps.

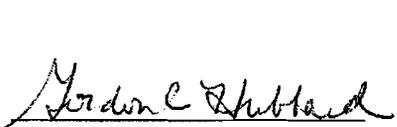
Deadline: 2 / 1 / 12

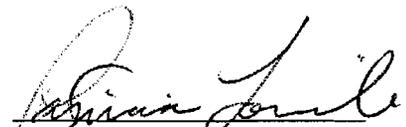
Instructions

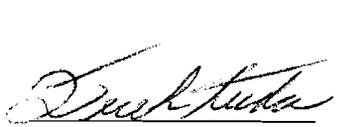
New York State General Municipal Law requires that the list of members of the Ambulance Company indicating those who earned a year of service credit during 2011, those that did not earn a year of credit in 2011, those who were granted prior service credit (years of service credit earned prior to the program's effective date) in 2011, and those who waived participation must be certified under oath by the President, Secretary and Chief (or comparable officers). Once complete, the 2011 Data Request Package should be sent to the Town of Philipstown for approval.

Certification

We certify under oath the attached is a list that includes all 2011 Active Members of the Ambulance Company and indicates the points earned by each volunteer in accordance with the Service Award Program Point System which will be used to determine who will be credited with a year of service for calendar 2011. We also certify that the years of prior service credit shown was earned during 2011 by Active Members of the Ambulance Company, and has been prepared in accordance with the provisions of the Service Award Program.


Ambulance Co. President


Ambulance Co. Secretary


Ambulance Co. Chief

2/12/12
Date Signed

2/22/12
Date Signed

2/22/12
Date Signed

2011 SPONSOR APPROVAL FORM

SERVICE AWARD PROGRAM

Town of Philipstown
Garrison Volunteer Ambulance Corps.

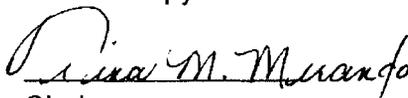
Deadline: 3/1/12

Instructions

This form is to be signed by either the clerk with a copy of the certified resolution attached OR by all members of the Town of Philipstown governing board once the volunteer ambulance worker Service Award Program certified points listing has been reviewed and approved by the Board. Once this form has been completed, the entire Data Request Package should be returned to the Ambulance Company so that the list can be posted for at least 30 days as required by New York State Law.

Approval

By resolution of the Town of Philipstown governing board, they approved the Service Award Program list of all 2011 volunteer ambulance workers of the Garrison Volunteer Ambulance Corps.. Attached is a certified copy of the resolution.

 3.1.12
Clerk Date Signed

----- OR -----

The Town of Philipstown herein approves the volunteer ambulance worker Service Award Program list of all 2011 active volunteer ambulance workers of the Ambulance Company.

Governing Board Member

Date Signed

2011 AMBULANCE COMPANY POSTING CERTIFICATION FORM

SERVICE AWARD PROGRAM

Town of Philipstown
Garrison Volunteer Ambulance Corps.

Instructions

To comply with New York State Law, after the 2011 points listing has been approved by the governing board of the Town of Philipstown, it must be posted in the Ambulance Company's principal headquarters for a period of at least 30 days. Please have the person responsible for compiling the points and/or prior service enter their name and contact information on the form below, and enter the date the list and this form was first posted. When the 30 day posting period is complete, please sign the bottom section of this form and enter the date the list was removed. Then please return the Data Request Package to the Town of Philipstown for final authorization.

Notice to Volunteer Ambulance Workers about Posting

New York State Law requires that the approved and certified 2011 service listing be posted for 30 days for review by the members. Please review your service closely, and if you feel the service or points listed for you on the list is incorrect, please contact the person noted below.

The attached list has been completed by:

<u>Gordon C. Hubbard</u>	<u>(631) 553-6031</u>	<u>845 809-5701</u>
Name	Day Phone Number	Evening Phone number
<u>ghubbard04@gmail.com</u>		
e-mail Address		

The approved and certified 2011 service listing was posted on this date: 4/1/12

Posting Certification

I hereby certify that the approved and certified 2011 service listing was posted for no less than 30 days.

No changes were made to the listing.

Changes have been made to the listing and an explanation is attached.

Gordon C. Hubbard
President's Signature

5/1/12
Date listing was removed

2011 VOLUNTEER AMBULANCE WORKER SERVICE AWARD PROGRAM RECORDS

Garrison Volunteer Ambulance and First Aid Squad, Inc.

#	Last Name	First Name	MI	Date of Birth mm/dd/yy	Prior Service Credit	Service Credit 2000-2010	2011 Points Earned	Prior Service Earned in 2011	Mailing Address	Program Status
1	Albertson	Denise	H.	8/11/1969	0	1	<u>52</u>	N/A	31 Canada Hill Drive Garrison, NY 10524	Active
2	Arceo	Louis	M.	3/3/1947	5	11	<u>97</u>	N/A	24 Allen Drive Garrison, NY 10524	Active
3	Arceo	Mary	T.	1/16/1945	5	11	<u>94</u>	N/A	24 Allen Drive Garrison, NY 10524	Active
4	Bohl	Sandra	L.	2/24/1962	0	1	<u>100</u>	N/A	PO Box 38 Garrison, NY 10524	Active
5	Calhoun	Marie		4/30/1937	4	5	<u>0</u>	N/A	241 South Highland Road Garrison, NY 10524	Active
6	Cashman	David		5/4/1960	0	7	<u>0</u>	N/A	4 Steuben Road Garrison, NY 10524	Active
7	Catalano	Eileen		12/2/1971	0	2	<u>0</u>	N/A	6 Mountain Drive Garrison, NY 10524	Active
8	Christy	Georgia		7/27/1965	5	1	<u>0</u>	N/A	17B Garrison Landing Garrison, NY 10524	Active
9	Cotic	Sandra	A.	10/12/1961	0	6	<u>0</u>	N/A	155 Old West Point Rd. E. Garrison, NY 10524	Active
10	Fry	Thomas	L.	8/27/1991	0	1	<u>0</u>	N/A	4 Dry Pond Road Cold Spring, NY 10516	Active
11	Hansler	Robert	T.	10/7/1951	0	3	<u>32</u>	N/A	3 Meadow Lane Garrison, NY 10524	Active

Note: Date of Birth must be provided for all volunteers.

2011 VOLUNTEER AMBULANCE WORKER SERVICE AWARD PROGRAM RECORDS

Garrison Volunteer Ambulance and First Aid Squad, Inc.

#	Last Name	First Name	MI	Date of Birth mm/dd/yy	Prior Service Credit	Service Credit 2000- 2010	2011 Points Earned	Prior Service Earned in 2011	Mailing Address	Program Status
12	Hemminghouse	Justin		8/12/1969	3	11	<u>77</u>	N/A	44 Upland Drive Garrison, NY 10524	Active
13	Hubbard	Gordon	C.	1/20/1969	0	3	<u>89</u>	N/A	7 Deborah Drive Westhampton Beach, NY 11978	Active
14	Irish	Kyle	M.	10/12/1967	5	11	<u>84</u>	N/A	101 Travis Corners Road Garrison, NY 10524	Active
15	Kavaler	Matthew	A.	2/21/1986	0	6	<u>0</u>	N/A	100 Dick's Castle Road Garrison, NY 10524	Active
16	Kay	Lisa		2/14/1980	0	2	<u>0</u>	N/A	P.O. Box 194 Garrison, NY 10524	Active
17	Lilburne	David	D.	12/29/1953	5	11	<u>84</u>	<u>56</u> N/A	29 Garrisons Landing Garrison, NY 10524	Active
18	Loisele	Patricia			0	2	<u>56</u>	<u>55</u> N/A	492 Sprout Brook Road Garrison, NY 10524	Active
19	Lombardo	Louis	A.	7/16/1941	5	11	<u>53</u>	N/A	P.O. Box 183, 1988 Route 9 Garrison, NY 10524	Active
20	McEvoy	Daniel		8/8/1960	0	7	<u>33</u>	N/A	37 Moog Road Garrison, NY 10524	Active
21	Morzello	Tom		8/29/1965	0	1	<u>35</u>	N/A	12 Morris Road Garrison, NY 10524	Active
22	Prescott	Murray	A.	11/5/1937	0	3	<u>34</u>	N/A	19 Garrisons Landing Garrison, NY 10524	Active

Note: Date of Birth must be provided for all volunteers.

2011 VOLUNTEER AMBULANCE WORKER SERVICE AWARD PROGRAM RECORDS

Garrison Volunteer Ambulance and First Aid Squad, Inc.

#	Last Name	First Name	MI	Date of Birth mm/dd/yy	Prior Service Credit	Service Credit 2000-2010	2011 Points Earned	Prior Service Earned in 2011	Mailing Address	Program Status
23	Smith	Patti	M.	10/1/1943	0	4	<u>37</u>	N/A	11 Black Diamond Hill Garrison, NY 10524	Active
24	Smith	William	E.	3/1/1948	0	4	<u>0</u>	N/A	11 Black Diamond Hill Garrison, NY 10524	Active
25	Swartzwelder	Christina	E.	2/25/1986	0	1	<u>0</u>	N/A	18 S. Highland Road Putnam Valley, NY 10579	Active
26	Tiffany-Miller	Gabriel	E.	11/24/1992	0	1	<u>55</u>	N/A	42 Dicks Castle Road Garrison, NY 10524	Active
27	Tudor	Rodney	A.	9/19/1965	0	3	<u>30</u>	N/A	28 Lovell Lane, P.O. Box 423 Garrison, NY 10524	Active
28	Tudor, Jr.	Derek	L.	6/13/1961	5	10	<u>93</u>	N/A	54 Winston Lane Garrison, NY 10524	Active
29	Tudor, Sr.	Derek	L.	3/18/1937	0	7	<u>76</u>	N/A	33 Lovell Lane Garrison, NY 10524	Active
30	Berkery	April		8/28/1973	3	5	<u>0</u>	N/A	10424 Maverick Street New Port Richey, FL 34654	Vested/Inactive 2007
31	Rimm	William		10/7/1979	4	5	<u>0</u>	N/A	37 Arden Drive Garrison, NY 10524	Vested/Inactive 2007

Note: Date of Birth must be provided for all volunteers.

2011 SPONSOR AUTHORIZATION FORM

SERVICE AWARD PROGRAM

Town of Philipstown

Garrison Volunteer Ambulance Corps.

Deadline: 5 / 1 / 12

Instructions

This form is to be signed by the Supervisor of the Town of Philipstown after the 2011 ambulance worker service listing has been posted for at least 30 days, as certified by the completion of the 2011 Ambulance Company Posting Certification Form. Please sign and return the ENTIRE 2011 DATA REQUEST PACKAGE to:

Penflex, Inc.
50 Century Hill Drive, Suite #3
Latham, NY 12110

Authorization

I hereby authorize Penflex, Inc. to use the data herein submitted about active volunteer ambulance worker Service Award Program 2011 records. I understand this data will be used to determine the funding requirements of the Service Award Program, the eligibility of persons to be paid Service Award Program cash benefits, and the amount of benefits to be paid to such persons. I understand that if any of the 2011 administrative services provided by Penflex, Inc. must be redone due to errors in the data herein submitted that there may be an additional charge payable by the program sponsor. I further understand that Penflex, Inc. will not be liable for any errors in the calculation of the amounts due or payable from the Service Award Program Trust Fund which is the direct result of an error or errors in the data submitted herein.

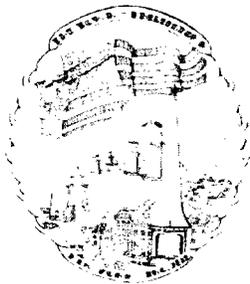
Signature
Supervisor
Town of Philipstown

Date Signed

RESOLUTION

The following Resolution was presented by _____, seconded by _____ and unanimously carried;

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the 2011 Sponsor Authorization Form for the Service Award Program lists of all 2011 active volunteer ambulance workers of the Garrison Volunteer Ambulance and First Aid Squad, Inc.



Town of Philipstown

Code Enforcement Office
238 Main Street, PO Box 155
Cold Spring, NY 10516

10

Office (845) 265- 5202 Fax (845) 265-2687

MONTHLY REPORT for August 2012

1. Fees Collected	# 13,632
2. Total Number of Permits Issued	<u>23</u>
3. New One- or Two-family dwellings:	<u>—</u>
4. New Commercial/Industrial buildings:	<u>—</u>
5. New Hazardous (H) occupancies:	<u>—</u>
6. New Multi family occupancies:	<u>—</u>
7. Additions, alterations or repairs residential buildings	<u>7</u>
8. Additions, alterations or repairs commercial buildings:	<u>3</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>13</u>
10. Number of Certificates of Occupancy :	<u>20</u>
11. Number of Stop Work Orders issued:	<u>0</u>
12. Operating permits issued	<u>0</u>
13. Operating permits issued hazardous materials	<u>0</u>
14. Operating permits Hazardous processes and activities	<u>0</u>
15. Permits issued for the Use of pyrotechnic devices:	<u>0</u>
16. Inspection of public assembly :	<u>0</u>
17. Inspection of commercial occupancies	<u>0</u>
18. Inspection of buildings with 3 or more dwelling units:	<u>0</u>

Projects of Significance: _____



Town of Philipstown

Code Enforcement Office
238 Main Street, PO Box 155
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

MONTHLY REPORT for September 2012

1. Fees Collected	<u>\$9027-</u>
2. Total Number of Permits Issued	<u>16</u>
3. New One- or Two-family dwellings:	<u>-</u>
4. New Commercial/Industrial buildings:	<u>-</u>
5. New Hazardous (H) occupancies:	<u>-</u>
6. New Multi family occupancies:	<u>-</u>
7. Additions, alterations or repairs residential buildings	<u>2</u>
8. Additions, alterations or repairs commercial buildings:	<u>0</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>14</u>
10. Number of Certificates of Occupancy :	<u>11</u>
11. Number of Stop Work Orders issued:	<u>0</u>
12. Operating permits issued	<u>0</u>
13. Operating permits issued hazardous materials	<u>0</u>
14. Operating permits Hazardous processes and activities	<u>0</u>
15. Permits issued for the Use of pyrotechnic devices:	<u>0</u>
16. Inspection of public assembly :	<u>0</u>
17. Inspection of commercial occupancies	<u>0</u>
18. Inspection of buildings with 3 or more dwelling units:	<u>0</u>

Projects of Significance: _____

