

**PUBLIC HEARING/WEEKLY WORKSHOP
TOWN BOARD, TOWN OF PHILIPSTOWN
May 21, 2014
TOWN HALL, 238 MAIN STREET, COLD SPRING**

PUBLIC HEARING:

7:15 P.M. – Public Hearing – Local Law to amend Town Code Chapter 175 by amending Town Code Section 175-8 “Zoning Maps” to change the zoning designation of certain property from “OC” to “HC.”

7:30 p.m. – Public Hearing – On the proposed financing of equipment by the Garrison Volunteer Fire Company, Inc.

Immediately following:

WEEKLY MEETING

AGENDA

1. Resolutions adopting Local Law.
 - SEQRA/Negative Declaration
 - Adopt Local Law
2. Resolutions approving the proposed financing of equipment by the Garrison Volunteer Fire Company, Inc.:
 - SEQRA
 - Supervisor authorized to sign Section 147(f) Approval and Written Agreement presented by the Garrison Volunteer Fire Company, Inc.
3. Any other business that may come before the Town Board.
4. Adjournment.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Philipstown at the Town Hall, 238 Main Street, Cold Spring, New York, on the 21st day of May, 2014 at 7:15 p.m. in the evening of that day upon the question of a LOCAL LAW TO AMEND TOWN CODE CHAPTER 175 BY AMENDING TOWN CODE SECTION 175-8 "ZONING MAPS" TO CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY FROM "OC" TO "HC."

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

A complete copy of the proposed Local Law is on file in the Town Clerk's Office, Town of Philipstown, Town Hall, 238 Main Street, Cold Spring, New York, where it may be examined during the Town Office Hours.

DATED: MAY 7, 2014

By Order of the Town Board of the Town of Philipstown

Tina M. Merando
Town Clerk

TOWN OF PHILIPSTOWN LOCAL LAW NO. OF 2014

A LOCAL LAW TO AMEND TOWN CODE CHAPTER 175 BY AMENDING TOWN CODE SECTION 175-8 "ZONING MAPS" TO CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY FROM "OC" TO "HC."

SECTION 1. INTENT and AUTHORITY

The intent of this local law is to amend the Town's Zoning Code in accordance with the Town Code of the Town of Philipstown, New York, Article X entitled "Amendments," to carry out the provisions of the Town's Comprehensive Plan in regard to certain zoning districts. This local law is adopted pursuant to the authority granted by the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York.

SECTION 2. PURPOSE

The purpose of this local law is to amend the Town's Zoning Map to adjust the boundaries of the Office/Commercial/Industry Mixed-Use District ("OC") and the Highway Commercial District ("HC") to include within the HC District all that real property located at 3577-3585 U.S. Route 9, Cold Spring, New York, 10515.

SECTION 3. AMENDMENT OF CODE

Town Code §175-8 "Zoning Maps," is hereby amended to change the zoning designation from "OC" to "HC" of all that real property located at 3577-3585 U.S. Route 9, Cold Spring, New York, 10515, and identified on the Tax Map as Section 17., Block 1, Lot 71 (SBL 17.-1-71), consisting of approximately 3.34 acres bounded to its east by Albany Post Road, U.S. Route 9, and bounded to its west by Old Albany Post Road North, and bounded to its north by certain real property identified on the Tax Map as Section 17., Block 1, Lot 72.2 (SBL 17.-1-72.2), and bounded to its south by certain real property identified on the Tax Map as Section 17., Block 1, Lot 70 (SBL 17.-1-70), situated in the Town of Philipstown, Putnam County, State of New York.

SECTION 4. 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 language directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Town of Philipstown Local Law No. ____ of the year 2014.			
Project Location (describe, and attach a location map): 3577-3585 U.S. Route 9, Cold Spring, Town of Philipstown, Putnam County, New York 10516. Tax Parcel 17.-1-71.			
Brief Description of Proposed Action: The Town Board proposes to adopt a Local Law to amend Town Code Chapter 175 by amending Town Code Section 175-8 "Zoning Maps" to change the zoning designation of certain property from "OC" to "HC".			
Name of Applicant or Sponsor: Town Board, Town of Philipstown		Telephone: (845) 265-5200	
		E-Mail: Supervisor@philipstown.com	
Address: 238 Main Street / P.O. Box 155			
City/PO: Cold Spring		State: New York	Zip Code: 10516
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. See attached.		NO	YES
			X
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:.		NO	YES
3.a. Total acreage of the site of the proposed action _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Richard Shea – Supervisor</u> Date: <u>March</u> , 2014		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	X X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> 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.	
Town of Philipstown Name of Lead Agency	, 2014 Date
Richard Shea Print or Type Name of Responsible Officer in Lead Agency	Supervisor, Town of Philipstown Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

Part 1 – Attached Narrative for Question 1:

Description of the intent of the proposed action and the environmental resources that may be affected in the municipality.

The proposed action is enactment of a Local Law to change the zoning designation of certain real property located at 3577-3585 U.S. Route 9, Cold Spring, New York, 10515 from Office/Commercial/Industry Mixed-Use ("OC") to Highway Commercial ("HC").

The property at issue consists of 3.34 +/- acres, improved by a motel and certain commercial uses that have been in operation for many years. It is situated in an "OC" zoning district on the dividing line between "OC" and "HC" zoning districts. The existing uses and historical operation of the property make it more appropriate to be included in the HC district rather than the "OC" district. For example, the "OC" zoning district does not permit a property owner to occupy more than 20% of the floor space of a building with retail, which the adjoining "HC" district permits use of 100% of the floor space for retail. When the Town of Philipstown adopted a new Town Zoning Code in 2011 the subject property was inadvertently placed within the boundary of the "OC" zoning district.

By the proposed local law the Town will adjust the boundaries of the "HC" and "OC" zoning districts to place the subject property in the "HC" district where it belongs.

LEGAL NOTICE
Town of Philipstown

NOTICE OF PUBLIC HEARING
ON THE PROPOSED FINANCING OF EQUIPMENT
BY THE GARRISON VOLUNTEER FIRE COMPANY, INC.

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Philipstown, County of Putnam, State of New York, will meet on May 21, 2014 at 7:30 o'clock p.m. at the Town Hall, 238 Main Street, Cold Spring, New York, for the purpose of conducting a Public Hearing pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, on a proposal that The Garrison Volunteer Fire Company, Inc., the "Issuer," enter into a lease-purchase agreement in order to finance certain equipment. The equipment to be financed consists of One (1) 3,000 Gallon Tanker with pump on a Freightliner Chassis and will be located at the Garrison Fire Company Firehouse, 1616 Route 9, Garrison, New York.

To finance the costs of such equipment and to pay costs and expenses incidental to the financing, the "Issuer" proposes to enter into a lease-purchase agreement in the maximum aggregate principal amount of \$309,500.00. The "Issuer" will be required to pay all expenses of operating, maintaining and insuring the equipment and to pay all taxes on the equipment. The rental payments due pursuant to the lease-purchase agreement will be secured by a security interest in the equipment.

All person interested may appear and be heard at said time and place or may file written comment with the Town Clerk of the Town of Philipstown prior to the date of hearing set forth hereinabove.

DATED: May 7, 2014

BY ORDER OF THE TOWN BOARD OF THE TOWN OF PHILIPSTOWN

Tina M. Merando
Town Clerk

RESOLUTION – Type II Action

WHEREAS, the Garrison Volunteer Fire Company, Inc., has proposed to enter into a lease-purchase agreement in order to finance certain equipment consisting of "One (1) 3,000 Gallon Tanker with pump on a Freightliner Chassis" and will be located at the Garrison Fire Company Firehouse, 1616 Route 9, Garrison, New York;

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action, as defined under NYCRR Part 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the Environmental Conservation Law.

RESOLUTION - §147(f) Public Hearing

WHEREAS, the Town of Philipstown Town Board conducted a Public Hearing on _____, 2014, at 7:30 p.m., at the Town Hall, Town of Philipstown, 238 Main Street, Cold Spring, New York, in connection with entering an Agreement in order to finance equipment consisting of "One (1) 3,000 Gallon Tanker with pump on a Freightliner Chassis," which hearing was held pursuant to Internal Revenue Code Section 147(f); and

WHEREAS, said section 147(f) requires approval of such financing by the Town, which approval does not in any way constitute any financial involvement or obligation of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Section 147(f) Approval and Written Agreement presented by the Garrison Volunteer Fire Company, Inc., in connection with the foregoing financing.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

**Section 147(f) Approval
and
Written Agreement**

The undersigned Chief Elected Official of the Town of Philipstown (hereinafter referred to as "Town"), pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "code") hereby approves entering into an Agreement by the Garrison Volunteer Fire Company, Inc. in an aggregate principal amount not to exceed \$309,500.00 to finance equipment consisting of One (1) 3,000 Gallon Tanker with pump on a Freightliner Chassis which will be located at the firehouse of the Garrison Volunteer Fire Company, Inc.

This approval is given following a public hearing held at 7:00 p.m. on _____, 2014, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York, and is solely for the purpose of satisfying the requirements of Section 147(f) of the code. This approval does not in any way constitute any financial involvement or obligation of the Town of Philipstown.

Furthermore, this document acknowledges that for consideration, the receipt and for which is hereby acknowledged, the Garrison Volunteer Fire Company, Inc. is organized and operated to provide firefighting services for persons in an area of the Town; has provided fire fighting and other services for the Town since 1929; and the Garrison Volunteer Fire Company, Inc. hereby agrees to meet the requirement to continue to provide fire fighting and other services for the Town pursuant to its contracts with the Town.

DATED: _____, 2014

Garrison Volunteer Fire Co., Inc.

Town of Philipstown

Donna Corsi, President

Richard Shea, Supervisor

Title 26 - INTERNAL REVENUE CODE
Subtitle A - Income Taxes
CHAPTER 1 - NORMAL TAXES AND SURTAXES
Subchapter B - Computation of Taxable Income
PART IV - TAX EXEMPTION REQUIREMENTS FOR STATE AND LOCAL BONDS
Subpart A - Private Activity Bonds
Sec. 147 - Other requirements applicable to certain private activity bonds

§ 147 (f) Public approval required for private activity bonds

(1) In general

A private activity bond shall not be a qualified bond unless such bond satisfies the requirements of paragraph (2).

(2) **Public approval requirement**

(A) In general

A bond shall satisfy the requirements of this paragraph if such bond is issued as a part of an issue which has been approved by—

(i) the governmental unit—

(I) which issued such bond, or

(II) on behalf of which such bond was issued, and

(ii) each governmental unit having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such issue, is located (except that if more than I governmental unit within a State has jurisdiction over the entire area within such State in which such facility is located, only I such unit need approve such issue).

(B) Approval by a governmental unit

For purposes of subparagraph (A), an issue shall be treated as having been approved by any governmental unit if such issue is approved—

(i) by the applicable elected representative of such governmental unit after a public hearing following reasonable public notice, or

(ii) by voter referendum of such governmental unit.

....

(E) Applicable elected representative

For purposes of this paragraph—

(i) In general the term “applicable elected representative” means with respect to any governmental unit—

(I) an elected legislative body of such unit, or

(II) the chief elected executive officer, the chief elected State legal officer of the executive branch, or any other elected official of such unit designated for purposes of this paragraph by such chief elected executive officer or by State law.

If the office of any elected official described in subclause (II) is vacated and an individual is appointed by the chief elected executive officer of the governmental unit and confirmed by the elected legislative body of such unit (if any) to serve the remaining term of the elected official, the individual so appointed shall be treated as the elected official for such remaining term.

(ii) No applicable elected representative If (but for this clause) a governmental unit has no applicable elected representative, the applicable elected representative for purposes of clause (i) shall be the applicable elected representative of the governmental unit—

(I) which is the next higher governmental unit with such a representative, and

(II) from which the authority of the governmental unit with no such representative is derived.

....

(4) **Special rules for scholarship funding bond issues and volunteer fire department bond issues**

(B) **Volunteer fire department bonds**

In the case of a bond of a volunteer fire department which meets the requirements of section 150 (e), the political subdivision described in section 150 (e)(2)(B) with respect to such department shall be treated for purposes of paragraph (2) of this subsection as the governmental unit on behalf of which such bond was issued.

TITLE 26 - INTERNAL REVENUE CODE

Subtitle A - Income Taxes

CHAPTER 1 - NORMAL TAXES AND SURTAXES

Subchapter B - Computation of Taxable Income

PART IV - TAX EXEMPTION REQUIREMENTS FOR STATE AND LOCAL BONDS

Subpart C - Definitions and Special Rules

Sec. 150. Definitions and special rules

§ 150 (e) Bonds of certain volunteer fire departments

For purposes of this part and section 103 -

(1) In general

A bond of a volunteer fire department shall be treated as a bond of a political subdivision of a State if -

- (A) such department is a qualified volunteer fire department with respect to an area within the jurisdiction of such political subdivision, and
- (B) such bond is issued as part of an issue 95 percent or more of the net proceeds of which are to be used for the acquisition, construction, reconstruction, or improvement of a firehouse (including land which is functionally related and subordinate thereto) or firetruck used or to be used by such department.

(2) Qualified volunteer fire department

For purposes of this subsection, the term "qualified volunteer fire department" means, with respect to a political subdivision of a State, any organization -

- (A) which is organized and operated to provide firefighting or emergency medical services for persons in an area (within the jurisdiction of such political subdivision) which is not provided with any other firefighting services, and
- (B) which is required (by written agreement) by the political subdivision to furnish firefighting services in such area.

For purposes of subparagraph (A), other firefighting services provided in an area shall be disregarded in determining whether an organization is a qualified volunteer fire department if such other firefighting services are provided by a qualified volunteer fire department (determined with the application of this sentence) and such organization and the provider of such other services have been continuously providing firefighting services to such area since January 1, 1981.

(3) Treatment as private activity bonds only for certain purposes

Bonds which are part of an issue which meets the requirements of paragraph (1) shall not be treated as private activity bonds except for purposes of sections 147(f) and 149(d).

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RESOLUTION #

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

WHEREAS, the Garrison Volunteer Fire Company, Inc. has proposed to enter into a lease-purchase agreement in order to finance certain equipment consisting of "One (1) 3,000 Gallon Tanker with pump on a Freightliner Chassis" and will be located at the Garrison Fire Company Firehouse, 1616 Route 9, Garrison, New York;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Philipstown hereby schedules a Public Hearing on _____, 2014 at _____ 7:30 p.m. to hear persons for/against proposed lease-purchase agreement in the maximum aggregate principal amount of \$309,500.00