

SEPTEMBER 5, 2013
6:30 P.M. PUBLIC HEARINGS TOWN HALL

Public Hearings

6:30 p.m. - Chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board.

6:40 p.m. - Chapter 159 entitled "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan.

6:50 p.m. - Chapter 93, "Freshwater Wetlands and Watercourses" to fully implement changes in Chapter 175, "Zoning," the re-designation of the Town Conservation Advisory Council as a Conservation Board and to bring Chapter 93 into consistency with other sections of the Town Code and Comprehensive Plan.

7:00 p.m. - Chapter 112, "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of-way.

7:10 p.m. - Chapter 175, "Zoning," in order to make clarifications and technical corrections.

7:20 p.m. - Chapter 175, "Zoning," in order to ensure that the practice known as hydraulic fracturing and its associated impacts are prohibited in the Town of Philipstown.

IMMEDIATELY FOLLOWING

Town Board Monthly Meeting

September 5, 2013 7:30 p.m. Town Hall

SALUTE TO THE FLAG

APPROVAL OF MINUTES

- **Bid Opening of July 10, 2013 – Boiler @ Rec**
- **Bid Opening of July 18, 2013 – Indian Brook Road Culvert**
- **Weekly Town Board Meeting of July 31, 2013**
- **Monthly Town Board Meeting of August 1, 2013**
- **Weekly Town Board Meeting of August 7, 2013**
- **Special Town Board Meeting of August 12, 2013**
- **Bid Opening of August 20, 2013 – Indian Brook Road (Albanese)**
- **Special Town Board Meeting/Executive Session of August 21, 2013**

COMMITTEE REPORTS

1) CAC 2) Recreation 3) Recycling 4) Planning Board 5) Zoning
6) Highway 7) Building & Land Acquisition 8) GVFD 9) Putnam County
Legislator 10) Butterfield Library

AGENDA

1. Resolutions adopting Local Laws as follows:

- SEQRA – Type II for all Local Laws (*only one necessary for all*)
- *Authorize Supervisor Shea to sign short EAF.*

- Chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board. (*Roll Call Vote*)

- Chapter 159 entitled "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan. (*Roll Call Vote*)

- Chapter 93, "Freshwater Wetlands and Watercourses" to fully implement changes in Chapter 175, "Zoning," the re-designation of the Town Conservation Advisory Council as a Conservation Board and to bring Chapter 93 into consistency with other sections of the Town Code and Comprehensive Plan. (*Roll Call Vote*)

- Chapter 112, "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of-way. (*Roll Call Vote*)

- Chapter 175, "Zoning," in order to make clarifications and technical corrections. (*Roll Call Vote*)

- Chapter 175, "Zoning," in order to ensure that the practice known as hydraulic fracturing and its associated impacts are prohibited in the Town of Philipstown. (*Roll Call Vote*)

2. Resolution re-appointing Michael Leonard to the Board of Assessment Review for a 5 year term, which will expire on September 30, 2018.

3. Resolution accepting the resignation of Al Zgolinski as a member of the Recreation Commission effective August 11, 2013.

4. Resolution re-appointing William Mazzuca as a member of the Recreation Commission to a seven year term, which will expire on September 1, 2020.

5. Resolution re-appointing Joel Conybear as a member of the Recreation Commission to a seven year term, which will expire on September 1, 2020.

August 26, 2013

6. Resolution authorizing Supervisor Shea to draft a letter of support for the Constitution Island Education Center that will be housed on Main Street in the Village of Cold Spring. (*Nunc Pro Tunc*)

7. Resolution approving the permit application for the Continental Village Volunteer Fire Department to use the Continental Village Clubhouse exempting them from Local Law #1 regarding the regulation of alcohol in Public Place.

8. Resolution authorizing Town Clerk Merando to advertise for bidders for the following:

**New Dump Body, with plow and sander
New Cab-Chassis 4 wheel drive, dual rear wheel**

9. Code Enforcement Monthly Report.

10. Schedule Workshops/Meetings

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

AUDIENCE

VACANCIES

Recreation Commission (1)
CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)

APPROVAL OF VOUCHERS

General Highway CVPD CWWD

ADJOURNMENT

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 Town Code Amendments
3. PROJECT LOCATION: Municipality Philipstown County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Town of Philipstown	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Package of six amendments to the Town Code, more fully described in Attachment A.	
7. AMOUNT OF LAND AFFECTED: Initially <u>Townwide</u> acres Ultimately <u>Townwide</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 type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: NA	
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 type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: NA	
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, Town Supervisor, Town of Philipstown</u> DGE 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:
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 NO

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:
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 NO

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 Board, Town of Philipstown

_____	_____
Name of Lead Agency	Date
Richard Shea	Town 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

ATTACHMENT A TO SHORT ENVIRONMENTAL ASSESSMENT FORM,
TOWN OF PHILIPSTOWN, PROPOSED AMENDMENTS TO TOWN CODE

APRIL 2013

This EAF evaluates the environmental impacts of six proposed local laws, attached hereto and dated March, 2013, as follows:

1. Revision of Chapter 93, Wetlands, to expand the powers of the Conservation Board and make Chapter 93 consistent with the new zoning. By resolution of the Town Board dated May 5, 2011, the Philipstown Conservation Advisory Council was redesignated as a Conservation Board pursuant to Section 239-y of the General Municipal Law. By itself, the redesignation did not give any additional powers to this body. It simply authorized this body to be given additional powers. To exercise these powers, it was necessary to amend Chapter 93, as well as other chapters of the Town Code, to give the Conservation Board the powers that it needs to carry out the intent of the redesignation. The attached revisions to Chapter 93 give the Conservation Board plan approval authority for certain types of wetland permits under Chapter 93 and also provide that the Natural Resources Review Officer will issue all wetland permits. This proposed local law is primarily procedural in nature and makes no material substantive changes to Chapter 93. To the extent that it provides for more thorough review of wetland permit applications by the Conservation Board, it is expected to have only beneficial environmental impacts.
2. Amendments to various chapters of the Town Code (10, 30, 38, 62, 71, and 85) to implement provisions of the new Zoning Law passed in May, 2011 and to expand the powers of the Conservation Board, including amendments that provide for the position and authority of the Natural Resources Review Officer, appointment of alternate members of the Planning Board, procedural and definitional amendments to the building code chapter, modification of the provisions on escrow accounts for review of applications, definitional changes to the chapter on environmentally sensitive lands to correspond to changes already made in the zoning, and repeal of the steep terrain provisions of Chapter 147 which have been incorporated into the zoning. These changes are technical in nature, do not change the substantive provisions of any existing chapter of the Town Code, resolve inconsistencies between these chapters and the new Zoning Law, and implement the prior designation of the Conservation Board.
3. Amendments to Chapter 159, Timber Harvesting, to expand the role of the Conservation Board and to make Chapter 159 consistent with the new zoning.
4. Amendment of Chapter 112 to require recorded maintenance agreements for rights of way in Open Development Areas.
5. Technical amendments to the Zoning Law (Chapter 175) to correct minor mistakes and clarify and resolve ambiguities.
6. An amendment to the Zoning Law to (Chapter 175) to clarify that hydraulic fracturing and related activities associated with drilling for petroleum products in prohibited throughout the Town.

Inasmuch as these Town Code amendments are technical and procedural in nature, more fully implementing previously adopted measures by the Town Board, they will have no environmental impact.

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 5th day of September, 2013 at 6:30 p.m. in the evening of that day upon the question of the enactment of a **Local Law to amend certain chapters of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, "Zoning," and to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board.**

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 and www.philipstown.com where it may be examined during the Town Office Hours.

DATED: August 21, 2013

By Order of the Town Board of the Town of Philipstown

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 Town of Philipstown

Local Law No. 1 of the year 2013

A local law to amend certain chapters of the Code of the Town of Philipstown in order to fully
(Insert Title)
implement changes in Chapter 175, "Zoning," and to implement the re-designation of
the Town's Conservation Advisory Council as a Conservation Board

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

County City Town Village
(Select one.)

of Town of Philipstown as follows:

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

(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. 1 of 2013 of the (County)(City)(Town)(Village) of Town of Philipsotwn was duly passed by the Town Board on September 5 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 w ith 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 _____ above.

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

(Seal)

Date: _____

Town of Philipstown

Local Law No. of the Year 2013

A Local Law to amend certain chapters of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, “Zoning,” and to implement the redesignation of the Town’s Conservation Advisory Council as a Conservation Board.

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

SECTION 1. TITLE

This local law shall be known as “A Law Amending the Town Code of the Town of Philipstown to implement the revised Zoning Law and designation of the Conservation Board.”

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, §10 et seq., the Consolidated Laws of the State of New York, Chapter 62, Article 16 (the “Town Law”), and Section 239-y of the General Municipal Law.

SECTION 3. PURPOSE AND FINDINGS

This local law is intended to more fully implement the Philipstown Comprehensive Plan, adopted March 9, 2006, by bringing the Town Code into consistency with it and with the recently enacted revision of the Town’s Zoning Law, Chapter 175 of the Town Code (Local Law # 1 of the Year 2011). This local law is also intended to implement the recommendation of the Town’s Comprehensive Plan to redesignate the Conservation Advisory Council as a Conservation Board, with enhanced powers as provided in Section 239-y of the General Municipal Law.

The Town Board finds that changes to Chapters 10, 30, 38, 62, 71, and 85, along with the repeal of Chapter 147, are necessary in order both to give fuller effect to the Comprehensive Plan and to avoid conflicts between existing chapters of the Town Code and the provisions of new Zoning Law. Because the designation of the Conservation Board involves changes to many of the same chapters of the Town Code as are required for consistency with the Zoning Law, these changes are being made simultaneously in this local law in order to update all relevant sections of the Town Code.

SECTION 4. AMENDMENTS TO CHAPTER 10 *(ALL NEW MATERIAL)*

Chapter 10 of the Town Code of the Town of Philipstown, entitled "Conservation Advisory Council," is hereby repealed and a new Chapter 10, entitled "Conservation Board" is adopted, as follows:

§ 10-1 Establishment.

The Town Board of the Town of Philipstown, having adopted an Open Space Index, does hereby designate its Conservation Advisory Council as a Conservation Board pursuant to §239-y of the General Municipal Law.

§ 10-2 Membership; terms; officers.

A. The Board consists of seven members appointed by the Town Board of the Town of Philipstown for two year terms. Persons residing within the Town of Philipstown who are interested in the improvement and preservation of the environment and a maximum of two non-resident employees of non-profit environmental organizations in the Town of Philipstown are eligible for appointment as members of the Board. The Town Board shall appoint a Chair from among the members.

B. The current members of the Conservation Advisory Council, and their two-year terms as they exist on the effective date of this local law, shall be converted to terms on the Conservation Board. Vacancies on the Board occurring other than by the expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

C. The Chairman of the Board shall be appointed by the Town Board from among the members appointed to the Board.

D. The Board shall either elect a recording secretary from its members or employ a recording secretary to take minutes of meetings.

E. The Town Board shall have authority to remove any member of said Board so appointed for cause, after a public hearing, if requested.

§ 10-3 Meetings and reports.

The Board shall keep accurate records of its meetings and actions and shall file an annual report with the Town Board of the Town of Philipstown on or before the 31st day of December in each and every year. Once approved, the Town Board shall forward a copy of this report to the State Commissioner of Environmental Conservation.

§ 10-4 Powers and duties.

A. The powers and duties of the Board shall be to:

(1) Conduct research into the land area of the Town of Philipstown.

- (2) Seek to coordinate the activities of unofficial bodies organized for similar purposes and to cooperate with other official municipal bodies active in the area of community planning for the particular municipality.
- (3) Keep and update the Open Space Index, as defined in §239-y of the General Municipal Law, with the plan of obtaining information pertinent to proper use of such open lands, including lands owned by the state, any other municipality within the state or by the Town itself.
- (4) Keep and update an inventory and map of all open marshlands, swamps and all other wetlands in a like manner, and with the option of recommending to the Town Board a program for ecologically suitable use of all such areas.
- (5) Review and report to any other boards or committees on such applications or matters as they may refer to it.
- (6) Have the duties, powers and authority conferred on it by the following chapters of the Town Code: Chapter 62, Building Code, Chapter 78, Driveways, Chapter 93, Freshwater Wetlands and Watercourses, Chapter 112, Land Development, Chapter 159, Timber Harvesting and Forest Management, and Chapter 175, Zoning.
- (7) Hold regular meetings no less frequently than once per month and hold such additional meetings as shall be necessary for the timely processing of applications.
- (8) In addition to the foregoing, carry out any other duties, tasks or responsibilities consistent with the objectives of this chapter.

B. The Board may:

- (1) Prepare, print and distribute books, maps, charts, plans and pamphlets.
- (2) Request the Department of Environmental Conservation to render such assistance and advice as the Board deems necessary and as may be permitted by law.

§ 10-5 Compensation and expenses.

The members of the Board may receive compensation at the discretion of the Town Board. The members of the Board may also be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made therefor.

§ 10-6 Notice to state.

Within 30 days following the designation of the Board, written notification thereof shall be sent by the Town Board to the State Commissioner of Environmental Conservation.

§ 10-7 Interpretation.

This chapter shall be deemed an exercise of the powers of the Town of Philipstown to preserve and improve the quality of the natural and man-made environment on behalf of the present and future citizens of the town. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

SECTION 5. AMENDMENT TO CHAPTER 30

Section 30-9 of Chapter 30 of the Town Code of the Town of Philipstown, entitled “Officers and Employees,” is hereby amended to read as follows (added language is underlined):

§ 30-9 Residency requirement; state law superseded.

A. The Wetlands Inspector of the Town of Philipstown, who may also be designated by the Town Board as the “Natural Resources Review Officer.” shall not be required to be a resident of the Town.

B. Pursuant to the power granted to the Town of Philipstown by the Municipal Home Rule Law, this article supersedes New York State Town Law § 23, Subdivision 1, and New York State Public Officers Law § 3, Subdivision 1, to the extent necessary to give this article full force and effect.

SECTION 6. AMENDMENTS TO CHAPTER 38

Chapter 38 of the Town Code of the Town of Philipstown, entitled “Planning Board,” is hereby amended as follows:

1. §38-3, “General Duties and Responsibilities,” is hereby amended by deleting subsection A(3)(d) and renumbering subsection A(3)(e) as A(3)(d).
2. A new §38-15 is hereby added after §38-14, to read as follows:

38-15 Appointment of Alternate Planning Board Members.

The Town Board may appoint alternate members of the Planning Board for terms specified by resolution for purposes of substituting as needed for a regular member in the event such member is unable to participate in a particular matter or matters because of a conflict of interest or because of an expected extended absence. The chairperson of the Planning Board may designate one of the duly appointed alternate members to substitute for a regular member where a regular member has a conflict of interest or expects to have an extended absence. Such designation of an alternate member shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. To the extent that the preceding three sentences may be inconsistent with Section 271(15) of the Town Law, the Town Board hereby expresses its intention to supersede the Town Law in accordance with Municipal Home Rule Law, Article 2, §10, et seq.

SECTION 7. AMENDMENTS TO CHAPTER 62

Chapter 62 of the Town Code of the Town of Philipstown, entitled “Building Construction and Fire Prevention,” is hereby amended as follows (added language is underlined):

1. §62-2, "Definitions," is hereby amended by adding the following definitions in the appropriate places alphabetically within the Section:

CONSERVATION BOARD: The officially appointed Conservation Board, as described in Section 239-y of the General Municipal Law and Chapter 10 of the Town Code of the Town of Philipstown.

NATURAL RESOURCES REVIEW OFFICER: A Town employee or consultant appointed to review development applications for compliance with Town environmental regulations, including but not limited to wetlands, steep slopes, and conservation analysis requirements of zoning. This term is synonymous with "Wetlands Inspector." This position may be held by an official with other duties, such as the Town Planner, or Town Engineer.

OPEN SPACE INDEX: The officially adopted Open Space Index adopted by the Town Board, consisting of a conservation open areas inventory and conservation open areas map.

2. §62-4F is hereby amended to read as follows:

F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and Town Code. The Code Enforcement Official shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and Town Code. If the proposed work is to be conducted on a property listed on the Open Space Index, the Code Enforcement Official shall refer the application to the Natural Resources Review Officer as provided in §62-19, Referral to Natural Resources Review Officer, and follow the procedures therein prior to issuing a building permit.

3. A new §62-19, entitled "Referral to Natural Resources Review Officer," is hereby added after §62-18, as follows:

§ 62-19 Referral to Natural Resources Review Officer

- A. Upon receipt of an application for a Building Permit, the Code Enforcement Official shall ascertain whether the property on which the proposed work will occur is listed on the Town's Open Space Index (OSI).
- B. In the event that the property is listed on the OSI, the Code Enforcement Official shall immediately forward copies of the application to the Conservation Board and the Natural Resources Review Officer.
- C. The Natural Resources Review Officer, after consultation with the Chair of the Conservation Board, shall review such application and submit a written report to the Code Enforcement Official within seven days of receiving the application. In the event that the Natural Resources Review Officer does not submit his/her

report within seven days, the Code Enforcement Official may issue the Building Permit without such report.

- D. The Natural Resources Review Officer's report shall evaluate the proposed work in terms of the Town's open space planning objectives, as expressed in the Philipstown Natural Resource and Open Space Protection Plan, to determine the effect of the proposed work on the Open Space Index. The report shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation. A copy of such report shall be filed with the Town Board and shall also be made available to the public in the office of the Natural Resources Review Officer.
- E. In the event that the issuance of the Building Permit does not follow the recommendations in the Natural Resources Review Officer's report, The Code Enforcement Official shall provide a written statement of the reasons for not following such recommendations, which shall be filed with the Town Board and shall also be made available to the public in the office of the Natural Resources Review Officer.

SECTION 8. AMENDMENTS TO CHAPTER 71

Section 71-3 of Chapter 71 of the Town Code is hereby amended as follows (added language is underlined and deleted language is struck out):

71-3. Professional review services; payments; application for special arrangements.

A. Escrow deposit ~~required~~ requirement.

- (1) At the time of submission of any application to any board, including but not limited to the Planning Board, Town Board, Conservation Board, and Zoning Board of Appeals, the applicant ~~shall~~ may be required to deposit funds with the Town—The amount of the deposit shall be established by resolution of the Town Board in its Fee Schedule. For Planning Board reviews, the amount shall be \$5,000; for Zoning Board reviews, \$1,000. The funds shall be used by the Town to pay the Town's consultants for all reasonable costs of planning, engineering, legal, architectural, accounting and/or other consultants deemed appropriate by the applicable Board. Proof of this deposit shall be submitted with the application to the applicable Board. The Board Secretary will ensure proof of this escrow fund prior to placing the application on the Board's agenda. This fund shall be monitored by the Board's secretary as to applicable debits and credits. ~~Either~~ The Board may increase or decrease the amount of escrow, if it is appropriate to the application.
- (2) Withdrawals shall be made from this fund to pay for the costs of professional review services. In the event that the escrow account is subsequently reduced by more than half, the applicant shall replenish the account to its original balance.

(3) For applications pending at the time of adoption of this provision, applicants shall be required to deposit funds in escrow and pay for such expenses incurred after the date of such adoption. The Board reviewing the application may increase or decrease the amount of the escrow if it is appropriate to the application.

B. Return of funds. In the event the amount held in escrow by the Town is more than the amount of the actual billing or invoicing, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after final action is taken on the application or if the application is withdrawn.

C. Failure to pay fees or replenish escrow account.

(1) No action or approval shall be taken or issued by the Town if any required escrow payment has not been made.

(2) In the event final approval has been granted and an outstanding balance for consulting fees remains unpaid, the Building Inspector shall not grant a building permit and/or certificate of occupancy until payment of approved outstanding consulting fees has been made in full.

D. Payment of funds required for complete application or action. An application for approval, or for any intermediate approval process, or for any action covered by this article ~~by the Planning Board or Zoning Board~~ shall not be deemed complete for any purpose until such time as the funds required by such Boards shall have been paid to the Town.

E. Application for special arrangements. Whenever any boards, departments or officers of the Town deem it necessary and advisable to have engineering or other technical or special advice in connection with the aforesaid matters for which specific provision is not otherwise made in law or by local law, ordinance or resolution, they or any of them shall apply to the Town Board.

F. An applicant shall have the right to appeal to the Town Board the amount of any required escrow deposit or the amount charged to an escrow account by a consultant under this Section.

SECTION 9. AMENDMENTS TO CHAPTER 85

Chapter 85 of the Town Code of the Town of Philipstown entitled "'Environmentally Sensitive Lands — Identification; criteria For Use, Protection and Management," is hereby amended to read as follows (added language is underlined and deleted language is struck out):

§ 85-1 Title.

This chapter shall be known as and may be cited as "Environmentally Sensitive Lands — Identification; criteria For Use, Protection and Management."

§ 85-2 Purpose.

The way in which currently undeveloped acreage in the Town of Philipstown is developed is of critical importance to the public interest. It is hereby declared to be the purpose of this chapter to identify, and to protect and provide for proper management of, environmentally sensitive lands in order to ensure the public health, safety and general welfare for present and future residents of the Town of Philipstown. Pursuant to such purpose, this chapter also establishes criteria regarding the manner in which undeveloped acreage is developed, so that land may be appropriately used while protecting and providing for proper management of environmentally sensitive lands.

§ 85-3 Definitions; word usage.

A. Except where specifically defined herein, all words in this chapter shall carry their customary meanings. Words used in the present tense include the future ~~anti~~ and the plural includes the singular.

B. As used in this chapter, the following terms shall have the meanings indicated:

BUILDABLE AREA

An area on a building lot which is free of environmentally sensitive lands and which is located so as to be usable for buildings in compliance with the building setback requirements specified in Zoning Law, Chapter 175, and which is in addition to land used or suitable for use for an on-site sewage disposal system in accordance with regulations established by the Putnam County Department of Health.

BUILDING LOT

A "lot" as defined in Chapter 175.

LAND DISTURBANCE

Site preparation, consisting of the removal of vegetation and/or the excavation, filling, grading or removal of earth, soil or rock, or retaining structures, whether by labor, machine or explosive. The condition of land disturbance is deemed to continue until the area of disturbance is returned to its original state or to a state complying with a permit for such disturbance granted in accordance with the Code of the Town of Philipstown or complying with standards for completion of a land disturbance in accordance with such Code.

DWELLING

A "dwelling" as defined in Chapter 175.

ENVIRONMENTALLY SENSITIVE LANDS

Consist of and are defined as the following:

- (1) SPECIAL FLOOD HAZARD AREAS — As defined in Chapter 90.
- (2) STEEP TERRAIN — ~~Consisting of Class I, II and III slopes~~ As defined in Chapter ~~147~~ 175.
- (3) STEEP TERRAIN WETLAND/WATERCOURSE TRANSITION AREAS — As defined in Chapter ~~147~~ 175.
- (4) WATERCOURSES/WATERCOURSE BUFFER ZONES — As defined in Chapter 93.
- (5) WETLANDS/WETLANDS BUFFER ZONES — Consisting of:

- (a) Lands that are regulated by the State of New York pursuant to the Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law); and/or
- (b) Controlled wetlands and wetlands buffer zones as defined in Chapter 93.

STREET/STREET LINE

As defined in Chapter 175.

§ 85-4 Criteria for residential building lots.

A. The following criteria are applicable to each lot created after the effective date of this chapter and intended for use or used for a dwelling:

(1) It shall contain a minimum buildable area of at least 6,000 contiguous square feet having a minimum dimension of 60 feet in any direction measured on a horizontal plane; and

(2) It shall have a usable motor-vehicle driveway, or location for such driveway, from the minimum buildable area to the boundary of the lot that is also the street line of the street constituting access to the lot, and no part of such driveway shall be on steep terrain consisting of ~~Class III~~ slopes with a topographic gradient of 35% or greater.

B. The criteria in § 85-4A above are also applicable whenever ~~the preparation of a~~ conventional subdivision plan is prepared ~~required~~ in order to establish a maximum dwelling unit or lot count for some other purpose, ~~such as in a conservation subdivision under provisions of § 278 of the Town Law.~~

§ 85-5 Criteria for land disturbance.

Land disturbance within special flood hazard areas is also subject to the criteria, standards and requirements of Chapter 90. Land disturbance within watercourses/watercourse buffer zones and wetlands/wetlands buffer zones is also subject to the criteria, standards and requirements of the State of New York Freshwater Wetlands Act and/or Chapter 93, as applicable. Land disturbance on steep terrain is also subject to criteria, standards and requirements of Chapter ~~147-~~175.

§ 85-6 Criteria for special flood hazard areas.

Criteria, standards and requirements for use, protection and management of special flood hazard areas are as set forth in Chapter 90.

§ 85-7 Criteria for steep terrain; steep terrain wetland/watercourse transition areas.

Criteria for use, protection and management of steep terrain ~~consisting of Class I, II and III slopes~~ and steep terrain wetland/watercourse transition areas are as set forth in Chapter ~~147.~~ 175, Section 175-36B.

§ 85-8 Criteria for watercourses and wetlands.

Criteria, standards and requirements for use, protection and management of watercourses/watercourse buffer zones and wetlands/wetlands buffer zones are set forth in the State of New York Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law) and/or as set forth in Chapter 93.

§ 85-9 (Reserved)

§ 85-10 Severability

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

SECTION 10. REPEAL OF CHAPTER 147

Chapter 147, entitled “Steep Terrain,” is hereby repealed.

SECTION 11. 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 12. REPEAL

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

SECTION 13. EFFECTIVE DATE

This Local Law shall take effect immediately after its adoption and filing in the office of the New York State Secretary of State.

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 5th day of September, 2013 at 6:40 p.m. in the evening of that day upon the question of the enactment of a **Local Law to amend Chapter 159 of the Code of the Town of Philipstown, entitled "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan and its re-designation of the Town's Conservation Advisory Council as a Conservation Board.**

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 and www.philipstown.com where it may be examined during the Town Office Hours.

DATED: August 21, 2013

By Order of the Town Board of the Town of Philipstown

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 Town of Philipstown

Local Law No. 2 of the year 2013

A local law to amend Chapter 159 of the Code of the Town of Philipstown, entitled, "Timber
(Insert Title)
Harvesting and Forest Management," in order to implement the Town's Natural
Resource and Open Space Plan and it's re-designation of the Town's Conservation
Advisory Council as a Conservation Board

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

County City Town Village
(Select one.)

of Town of Philipstown as follows:

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

Town of Philipstown

Local Law No. of the Year 2013

A **Local Law** to amend Chapter 159 of the Code of the Town of Philipstown, entitled “Timber Harvesting and Forest Management,” in order to implement the Town’s Natural Resource and Open Space Plan and its redesignation of the Town’s Conservation Advisory Council as a Conservation Board.

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

SECTION 1. TITLE

This local law shall be known as “A Law Amending Chapter 159 of the Town Code of the Town of Philipstown.”

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, §10 et seq. and the Consolidated Laws of the State of New York, Chapter 62, Article 16 (the “Town Law”).

SECTION 3. PURPOSE

This local law is intended to implement the Philipstown Comprehensive Plan, adopted March 9, 2006, by amending Chapter 159 to empower the Natural Resources Review Officer and Conservation Board to play a more significant role in administering the Town’s local law regulating timber harvesting and forest management and to make Chapter 159 consistent with the newly adopted Zoning Law, Chapter 175.

SECTION 4. REVISION OF CHAPTER 159

Chapter 159 of the Town Code of the Town of Philipstown, entitled “Timber Harvesting and Forest Management,” is hereby amended to read as follows (added language is underlined and deleted language is struck out):

§ 159-1 Title.

This chapter shall be known and cited as the "Timber Harvesting and Forest Management Law of the Town of Philipstown."

§ 159-2 Findings.

A. While it is known that trees and forests have commercial value and may be a source of income to the landowner, it has also been established that trees and forests stabilize the soil, especially on steep slopes; control water pollution by preventing soil erosion and flooding; control air pollution through the absorption of carbon dioxide and the provision of oxygen; yield advantageous microclimatic effects including cooling shade and fire breaks; provide recreation; offer a natural barrier to noise; provide a natural habitat for wildlife; and yield mulch, nuts, fruits and maple syrup.

B. Timber harvesting is not incompatible with maintenance of a forested landscape. Good forest management helps to maintain forests and is often necessary for the health of a forest.

C. However, indiscriminate, unregulated cutting, clearing or other removal of trees and forests may deprive the landowner, individual and the community of these benefits; have adverse impact on future growth of trees and forests; adversely affect soils and water resources and supplies and result in soil erosion and sedimentation; create a detrimental effect on neighboring property; and disrupt ecological systems in which trees and forests are an integral part.

§ 159-3 Policy and purpose.

It is hereby declared to be the policy of the Town of Philipstown and the purpose of this Timber Harvesting and Forest Management Law to conserve, manage, protect and make the best use of trees and forests which are an integral part of the natural resources and environment of the Town as well as its economy, by regulating the cutting and harvesting of trees and using professional management practices therefor and by improving and coordinating plans for tree cutting, harvesting, forest restoration and forest management, in order to enhance the health, safety and welfare of its people and their overall economic well-being.

§ 159-4 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context or unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms shall have the meanings indicated:

APPLICANT

The individual, corporation, copartnership or other entity which files an application under § 159-7 of this chapter.

AREA OF SPECIAL FLOOD HAZARD

This term shall have the same meaning as defined in Chapter 90 of the Code of the Town of Philipstown.

BASAL AREA PER ACRE

The total cross-sectional area of trees on one acre measured at diameter breast height (DBH) expressed in square feet.

BENCH

A relatively flat interruption of an otherwise relatively steep slope or hillside. Benches are typically longer than they are wide and follow the contour of the slope.

BOARD FOOT

A measure of lumber one foot by one foot by one inch as measured by the International 1/4 Log Rule. "MBF" equals 1,000 board feet.

BUILDING INSPECTOR

The Building Inspector for the Town of Philipstown.

CLEAR CUTTING

A method of cutting, removal or harvesting that removes 75% or more of the trees of six inches in diameter or greater at breast height (DBH) in either a stand of trees in an area of more than two acres, or in any area of more than two acres.

CODE ENFORCEMENT OFFICER

The Enforcement Officer appointed by the Philipstown Town Board.

CONSERVATION BOARD (CB) ~~ADVISORY COUNCIL (CAC)~~

The Town of Philipstown Conservation Board. ~~Advisory Council.~~

CONSULTANT FORESTER

A professional forester to assist the Wetlands Inspector or Natural Resources Review Officer in both the permit process and enforcement of the provisions of this chapter. (cf "professional forester" defined below.)

CORD

Four feet by four feet by eight feet or equivalent.

CUBIC FOOT

A unit of timber volume measuring 12 inches by 12 inches by 12 inches.

DIAMETER BREAST HEIGHT (DBH)

The diameter of a tree 4 1/2 feet in height from ground level at the base of a tree.

EXEMPT OPERATIONS

Tree cutting and timber harvesting operations specifically exempted by this chapter from the need to obtain a timber harvesting permit.

FOREST MANAGEMENT

A long-range plan for the forest cycle of regeneration, tending and harvesting to yield a sustainable forest.

HAUL OR TRUCK ROAD

Construction road utilized for moving cut trees from a point where they are loaded on a truck to an exit from the site.

INTERNATIONAL 1/4 LOG RULE

A professionally recognized and accepted methodology for estimating board foot volume in standing trees.

LANDING

Open or cleared areas used for loading logs onto trucks or any general purpose such as storing logs or servicing equipment.

LOT

The same meaning as defined in Chapter 175, the Zoning Law of the Town of Philipstown.

MAJOR TIMBER HARVESTING OPERATION

The cutting, removal or harvesting of timber or trees from an area of 10 acres or more in size on any lot, or from a contiguous area of 10 acres or more in size on adjacent lots.

MINOR TIMBER HARVESTING OPERATION

The cutting, removal or harvesting of timber or trees from an area of up to 10 acres in size on any lot, or from a contiguous area of up to 10 acres in size on adjacent lots.

NATURAL RESOURCES REVIEW OFFICER: A Town employee or consultant appointed to review development applications for compliance with Town environmental regulations, including but not limited to wetlands, steep slopes, and conservation analysis requirements of zoning. This term is synonymous with "Wetlands Inspector." This position may be held by an official with other duties, such as the, Town Planner or Town Engineer.

PROFESSIONAL FORESTER

One who has a minimum of either a bachelor of science degree in forestry or other closely related environmental field from a four-year college accredited by the Society of American Foresters, or an associates degree in such field, with two years' full-time experience in work closely associated with forestry management.

RIDGE

The topmost elevation of a steep slope which may either continue relatively flat on the same contour or drop off to a lower elevation on the back side.

SILT FENCE

Filter fabric attached to stakes one inch by two inches by two and one-half feet to collect siltation.

SKID TRAIL OR ROAD

Trail or rough road used to move a tree from the place where it was cut to a pile or landing where it is loaded onto a truck.

SLASH

Those portions of trees remaining on the ground following a timber harvest, including limbs, branches and other unmarketable portions of the tree.

STAND

A contiguous group of trees sufficiently uniform in species composition, age class and condition to be a homogenous and distinguishable unit.

STEEP SLOPES

Slopes with an angle of 25% or more.

STREAM

The same meaning as "watercourse."

SUGARBUSH

A stand consisting primarily of sugar maple (*acer saccharum*) trees annually tapped for the commercial production of maple syrup, maple sugar, maple candy or other typical maple products.

TIMBER HARVESTING

The cutting, removal or harvesting of any timber or trees from any property or lot in the Town of Philipstown, and includes the term "timber harvesting operation."

TOWN BOARD

The Town of Philipstown Town Board.

WATERBARS

Small humps or diversions for the purpose of erosion and sediment control which are built up across roads and/or landings which catch and then divert runoff into adjacent vegetated areas in a nonerosive manner.

WATERCOURSE

Includes the term "stream" and shall also have the same meaning as defined in Chapter 93 of the Code of the Town of Philipstown.

WETLANDS

The same meaning as defined in Chapter 93 of the Code of the Town of Philipstown.

WETLANDS INSPECTOR

The same meaning as defined in Chapter 93 of the Code of the Town of Philipstown. Also known as Natural Resources Review Officer.

§ 159-5 Timber harvesting; permit required.

A. All trees or timber cut, removed or harvested from any property or lot in the Town of Philipstown shall only be cut, removed or harvested as provided by this chapter, except for exempt operations as set forth in this chapter.

B. A timber harvesting permit shall be obtained from the Natural Resources Review Officer ~~Wetlands Inspector~~ to cut, remove or harvest timber or trees from any property or lot in the Town of Philipstown, except that such permit shall not be required for exempt operations as set forth in this chapter. Prior to granting such timber harvesting permit, approval of the Conservation Board shall be required for major timber harvesting operations.

§ 159-6 Exempt operations.

A timber harvesting permit is not required for the following operations:

A. The cutting, removal or harvesting of trees or timber from an area of 40,000 square feet ~~two acres~~ or less in size on any lot or from a contiguous area of two acres or less in size on adjacent lots.

B. The harvesting of evergreens specifically planted for Christmas trees or the thinning of sugarbush.

C. The cutting or removal of timber or trees reasonably necessary in connection with the bona fide construction or alteration of a building, other structure, outside storage area or off-street parking or loading area for which any required building permit has been issued and an application for certificate of occupancy has been approved.

D. A bona fide landscaping operation, provided that such operation also conforms to the requirements of Town Code § 175-331(5), ~~42A(5)~~

E. The cutting or removal of timber or trees in connection with a bona fide operation for which a special use permit has been issued pursuant to Town Code Chapter 175, Article ~~IX~~ XI.

F. The cutting or removal of timber or trees in connection with the construction of streets, drainage and other improvements and the changing of contours in an approved subdivision plat or in connection with an approved site plan in accordance with

construction plans and contour plans approved by the Philipstown Planning Board pursuant to Town Code Chapter 112 or Chapter 175.

G. The cutting or removal of timber or trees in connection with and within the area of a soil extraction operation authorized under Town Code Chapter 175, Sections 175-17 through 175-17.4. ~~Article X~~

H. The cutting, removal or harvesting on any property or lot of trees or timber in any twelve-month period of either 10,000 or less board feet of timber as measured by the International 1/4 Log Rule or 20 full cords or less, whichever is greater.

I. The normal maintenance of trees or property through the pruning or topping of trees or timber, or the cutting, removal or harvesting of trees or timber which are dead or diseased or are a hazard to public safety or health or property.

J. The cutting or removal of timber or trees in the case of a bona fide emergency to protect or preserve health, safety or welfare of persons or property as determined by the Natural Resources Review Officer ~~Wetlands Inspector~~ or other competent public safety or public health authority.

K. Any forestry use or timber harvesting operation for which a building permit has been issued or an application for certificate of occupancy has been approved prior to the adoption of this chapter.

§ 159-7 Application for major or minor timber harvesting permit

A. An applicant seeking a timber harvesting permit shall file an application for such permit with the Natural Resources Review Officer ~~Wetlands Inspector~~, together with the required fee. Where required, an application for a wetlands permit shall be included. The Town Board may adopt or amend forms and/or a fee schedule for use in connection with this chapter by resolution from time to time.

B. The application shall be accompanied by the number of copies required by the permitting authority and shall include:

(1) A written report of the proposed operation prepared by the applicant or his/her designated representative, which shall contain the following information:

(a) The purpose of the operation.

(b) A description of the proposed activity to be performed.

(c) The dates between which such activity will occur.

(d) The names, addresses and phone numbers of the owners of all property on which the timber harvesting operations are to be conducted and satisfactory proof of ownership.

(e) The name, address and phone number of the persons, company or corporation (contractor) who will be performing the cutting and harvesting operation.

(f) In the case of a major timber harvesting operation, the name, address and phone number of the professional forester, hired by the applicant, who is to be consulted in connection with the operation.

(g) The names and addresses of all adjacent property owners.

(h) The total land area involved in the operation.

(i) An estimate of the range, in inches of diameter, of the trees to be cut, measured 4 1/2 feet above the ground, and the range in diameter of the stand remaining.

(j) The average number of trees per acre to be cut.

(k) An estimate of the total volume of timber to be removed from the cutting area.

- (l) A detailed program for restoration (reclamation) of the property and the access driveways, roads and/or trails, which plan shall address the items set forth in § 159-10E.
- (m) The contract price or estimate for the job.
- (n) A certificate of insurance.
- (o) Said report shall be signed by the applicant, the contractor, if any, the property owner and, in the case of a major timber harvesting operation, by a professional forester hired by the applicant.
- (2) Any map, plat, plan or sketch, and attachments, that shows the following required information:
 - (a) A key map of the location and boundaries of the lot or lots where the timber harvesting or forest management operation is proposed and all lots and streets within 200 feet.
 - (b) All public and privately owned streets and roads within 200 feet of the area of the proposed timber harvesting or forest management operation.
 - (c) All structures within 200 feet of the area of operation.
 - (d) The proposed location and bounds of the areas within the lot or lots where cutting and harvesting will occur.
 - (e) All existing or intermittent streams, bodies of water, watercourses, wetlands and areas of special flood hazard located in or within 200 feet of the area of the operation and slopes of 25% or more.
 - (f) Access roads into the lot and proposed roads and skid trails into and within the area of operation.
 - (g) The location and size of proposed product loading areas and storage piles.
 - (h) The location of areas within the lot or lots where previous harvesting activity has occurred within the last 20 years.
- (3) Statement of trees to be cut:
 - (a) A statement that each tree to be cut, removed or harvested shall be designated with paint or other descriptive means at two points so as to be readily visible by the contractor or logger. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed.
 - (b) In the case of a major timber harvesting operation, a statement that such designation has been made by the professional forester hired by the applicant.

§ 159-8 Application review procedure.

A. Minor timber harvesting operation.

(1) Within 10 business days after an application for a minor timber harvesting operation is deemed complete, the Natural Resources Review Officer ~~Wetlands Inspector~~ shall approve the permit, deny the permit or approve the permit with modifications and/or additional conditions. The Natural Resources Review Officer ~~Wetlands Inspector~~ may consult with the town's Consultant Forester and/or the Conservation Board if he/she deems it necessary. If a permit is denied, the grounds for denial shall be set forth. Upon grant or denial of a permit, the Natural Resources Review Officer ~~Wetlands Inspector~~ shall notify the Conservation Board ~~Advisory Council~~ of the action. In the event of a denial of permit for a minor timber harvesting operation, an applicant may appeal as provided in Section 93-10 of the Wetlands Law.

(2) The ten-business-day time period in which the Natural Resources Review Officer ~~Wetlands Inspector~~ must take action may be extended by mutual consent of the applicant and the Natural Resources Review Officer ~~Wetlands Inspector~~.

B. Major timber harvesting operation.

(1) Within three business days after an application for a major timber harvesting operation is deemed complete, the Natural Resources Review Officer ~~Wetlands Inspector~~ shall refer same to the Philipstown Conservation Planning Board, which shall review the application according to its procedures and time line for major project wetlands permit plan approval under Section 93-9 of the Wetlands Law, ~~a site plan application~~.

(2) The Conservation Board shall issue a decision setting forth findings whether the standards and guidelines set forth in § 159-10 have been met and recommending ~~to that~~ the Natural Resources Review Officer ~~Wetlands Inspector~~ ~~to approve~~ issue the permit, deny the permit, or approve the permit with modifications and/or additional conditions.

(3) Upon receipt of said decision from the Planning Conservation Board, the Natural Resources Review Officer ~~Wetlands Inspector~~ shall promptly take action on the application for permit in accordance with said decision.

§ 159-9 Duration of permit.

A. Permits issued pursuant to this chapter shall expire 12 months from the date of issuance.

B. A minor timber harvesting permit may be extended by the Natural Resources Review Officer ~~Wetlands Inspector~~ for one additional period of 12 months. In making a determination on extension, the Natural Resources Review Officer ~~Wetlands Inspector~~ shall consult with the Conservation Board and shall make a complete review of all plans and ~~examine make an examination of~~ all work accomplished.

C. For major timber harvesting permits, the Planning Conservation Board may extend the permit for additional periods of one year when it determines the circumstances of the application so warrant, provided that the Conservation Board is given a 30-day period in which to comment on the proposed extension.

D. The Town Board may establish a fee for any such application for extension.

§ 159-10 Standards and guidelines.

All timber cutting, removal or harvesting operations requiring a timber harvesting permit shall be designed and conducted in accordance with the policy and purpose of this chapter and shall adhere to the following standards and guidelines:

A. General.

(1) Clear cutting, as defined in Section 159-4, is not permitted.

(2) No tree cutting, harvesting or removal, other than exempt operations, shall take place between the hours of 6:00 p.m. and 7:00 a.m., or on Sundays or legal holidays.

(3) All trees shall be felled so that no trees or debris shall fall on any adjoining property or on any roads.

(4) All stumps shall be kept as low as possible and in general, when measured on the uphill side, no higher than the diameter of the tree trunk.

(5) Landing or loading areas should be located, if possible, in the same vicinity as the operations. They shall be smoothed to remove all ruts and debris at the conclusion of the operation.

(6) There shall be no tree cutting, harvesting or removal on slopes over 25%, unless such property has been granted a real property tax exemption pursuant to Real Property Tax Law § 480 or 480-a.

(7) The Natural Resources Review Officer ~~Wetlands Inspector~~ or Code Enforcement Officer shall have the authority to issue a stop-work order for all or part of the cutting and harvesting activity if in his opinion conditions created by a spring thaw, adverse weather conditions or any other cause may make damage to public roads likely or may result in soil erosion or other damage beyond or outside of the boundaries of the area of the timber harvesting operation.

B. Stream crossings.

(1) Stream crossing shall be kept to a minimum and shall be designed and planned so that streams shall be crossed at the most direct route at a ninety-degree angle to the flow of the stream, and all crossings at heads of pools are to be avoided.

(2) Silt fences, ~~hay~~ straw bales, or the equivalent shall be installed and/or maintained across the roads at stream crossings when the road is not in use.

(3) Stream crossing sites shall be at locations with low, stable banks, a firm stream bottom and gentle slopes along the approaches. All temporary culverts, bridges or runways, etc., must be removed after use.

(4) There shall be no skidding in any stream channel, and all fallen trees, bushes and debris shall be promptly removed from any stream channel.

(5) In order to keep stream banks stable and to minimize stream temperature variations, no trees shall be cut within 100 feet of stream banks unless a permit has been issued pursuant to Town Code Chapter 93.

(6) There shall be no cleaning, draining of oils, gasoline, hydraulic fluids, antifreeze, etc., or any other maintenance of any machinery, vehicles, chainsaws, etc., and no refueling of any equipment with said or similar fluids within 100 feet of any water body or dry stream channel.

(7) Running water from skid trails and haul roads shall not be diverted directly into a stream or other water body but should be diverted into a well-vegetated area.

C. Road and skid trails.

(1) A driveway permit shall be obtained from the appropriate town, county or state agency for any new access road to the timber harvesting operation.

(2) Whenever practical, haul roads and skid trails shall be located on benches and ridges and off of steep slopes to minimize erosion. They must be kept out of wet and poorly drained areas and off the tops and toes of banks and slopes. Roads should be designed so that their construction causes a minimum, amount of soil removal and shall not exceed 14 feet in width. Any haul road or skid trail constructed within 100 feet of a town-controlled wetland or within 100 feet of mean high water of a watercourse, as defined in § 93-4 of the Philipstown Freshwater Wetlands and Watercourse Law, shall require a wetlands and watercourse permit.

(3) Whenever practical, haul roads and skid trails shall be kept back from streams, ponds, wetlands and other water bodies at least 100 feet on slopes of 25% or less and at least 150 feet from steeper slopes.

(4) Running water shall be diverted off haul roads and skid trails by waterbars placed at the following intervals:

Road Grade	Spacing (in feet)
2% to 5%	300 to 500
6% to 10%	200 to 300
11% to 15%	100 to 200
Over 15%	100

(5) No haul road or skid trail shall exceed a slope of 25% for a distance of more than 100 feet.

D. Landings and buffer zones.

(1) Whenever practical, landings shall be located so as to avoid erosion by keeping such landings out of low spots and poorly drained places. Whenever possible, landings shall be located on gently sloping ground that provides good drainage. Whenever possible, landings shall not be located in areas of special flood hazard and shall be set back at least 200 feet from streams, ponds, lakes, swampy areas and marshes.

(2) Whenever practical, landings shall be located at least 200 feet from all roads and adjacent property. Access roads to such landing areas should be designed to reduce visibility from the road whenever reasonably possible.

(3) The nature and dimension of buffers between the harvesting area and any public or private road or any adjacent property, if applicable, must be addressed in the applicant's forest management plan.

E. Reclamation. Upon completion or termination of the cutting and harvesting activity, or upon revocation of the timber harvesting permit, reclamation of the site shall be performed by the applicant as follows:

(1) All stream crossings, stream culverts, bridges and runways shall be treated according to the requirements of the Department of Environmental Conservation (DEC) and/or the Wetlands and Watercourse Law.

(2) Haul roads and skid trails shall be smoothed and sloped. Said haul roads and skid trails shall also be seeded with grass.

(3) Landings and loading areas shall be smoothed to remove all ruts and debris and shall be seeded with perennial grass.

(4) All trash and debris within the area covered by the permit, such as oil cans, food containers, cables, etc., shall be removed during and after the operation.

(5) All structures erected during the operation shall be removed upon completion, unless a certificate of occupancy is obtained for same.

(6) All hung-up or partly fallen trees shall be pulled down during the operation and at the termination of the operation. As slash constitutes a serious fire hazard, all slash must be chopped into a layer not more than four feet thick, in contact with the ground or piled and burned under controlled conditions. Quick decay or removal of slash is key to fire prevention and forest regeneration.

(7) On land that is not intended for immediate building or other development, native and/or noninvasive seed trees shall be left or planted for restoration of the forest, and small trees shall be retained on steep slopes.

(8) All reclamation efforts shall be subject to inspection and review by the Natural Resources Review Officer ~~Wetlands Inspector~~ and/or Code Enforcement Officer to assure compliance with this chapter.

(9) Upon completion of the operation, a statement shall be filed with the Natural Resources Review Officer ~~Wetlands Inspector~~ by the contractor, forester and property owner certifying that the operation was performed in accordance with the application and all the standards set forth herein.

F. Additional standards.

(1) The Natural Resources Review Officer ~~Wetlands Inspector~~, or the Planning Conservation Board, in the case of a major timber harvesting operation, may impose such other additional standards as may be warranted by specific circumstances.

(2) In the event that any other or stricter standards, measures or permits are required by any federal, state, county or Town governmental authority, agency or department having jurisdiction thereof (for example, the Freshwater Wetlands and Watercourse Law of the Town of Philipstown,

Editor's Note: See Ch. 93, Freshwater Wetlands and Watercourses.

New York Water Resources Law and New York fire laws) the same shall be complied with by the persons conducting such operation.

(3) The Natural Resources Review Officer ~~Wetlands Inspector~~, Planning Code Enforcement Officer or the Philipstown Superintendent of Highways shall have the right to restrict the weight of logging trucks and equipment in accordance with the capabilities or conditions of Town and private roads, bridges and culverts. The Natural Resources Review Officer ~~Wetlands Inspector~~, Planning Code Enforcement Officer or Highway Superintendent shall have the right to require the repair of roads, bridges and culverts damaged as a result of any operation.

(4) Applications for timber harvesting permits are subject to the State Environmental Quality Review Act.

§ 159-11 Performance bond and certificate of completion.

As a part of the permit procedure and to ensure compliance by the applicant with the conditions of the permit and all of the standards set forth in this chapter, a bond shall be posted with the Town of Philipstown in an amount to be determined by the Natural Resources Review Officer ~~Wetlands Inspector~~ or, in the case of major timber harvesting operations, by the Planning Conservation Board. Such amount shall be no less than 10% of the contract price. Said Bond shall remain in full force and effect throughout the operation and will be released once a certificate of completion has been issued by the Natural Resources Review Officer ~~Wetlands Inspector~~ or Code Enforcement Officer following a site inspection indicating that all of the provisions of this chapter and any additional permit conditions have been complied with. The bonding or surety company, or the security posted by the owner, is subject to the approval of the Town Board, as is the form, sufficiency and manner of execution of the bond. Such bonds may be but are not limited to surety bonds, cash bonds or irrevocable letters of credit.

§ 159-12 Enforcement.

A. Inspections; investigation of complaints.

(1) This chapter shall be enforced by the Natural Resources Review Officer ~~Wetlands Inspector~~ and/or Code Enforcement Officer, who shall inspect the progress of the work as needed. The Natural Resources Review Officer ~~Wetlands Inspector~~, Code Enforcement Officer and/or the town's consultant forester shall be authorized and have the right at any time in the performance of their duties to enter upon any property proposed to be harvested, or in the process of being harvested or reclaimed, and to make such inspections as are necessary to determine satisfactory compliance with the provisions of this chapter. Owners, agents or contractors on a property being harvested shall be responsible for allowing access to all parts of the premises within their control to the Natural Resources Review Officer ~~Wetlands Inspector~~, the Code Enforcement Officer and/or the town's consultant forester.

(2) It shall be the duty of the Natural Resources Review Officer ~~Wetlands Inspector~~ and/or Code Enforcement Officer to investigate all complaints made under this chapter and to take appropriate legal action on all violations of this chapter.

B. Stop-work orders; correction of violations.

(1) Upon determination by the Natural Resources Review Officer ~~Wetlands Inspector~~ and/or Code Enforcement Officer that there has been a violation of any provision of this chapter or violation of the conditions under which a permit has been granted, he/she shall serve the property owner and/or contractor with a written stop-work order to cease and desist immediately and directing that the violations therein specified be corrected within five working days after service of the order. The order shall also contain an outline of remedial action which, if taken, will effect compliance.

(2) Where violations cannot reasonably be corrected within five days and where an alleged violator has demonstrated good-faith efforts to comply, said time period may be extended by the Natural Resources Review Officer ~~Wetlands Inspector~~ and/or Code Enforcement Officer for up to a maximum of 30 days.

C. Failure to comply; revocation of permit.

(1) If, after the expiration of such period, said violations are not corrected, the Natural Resources Review Officer ~~Wetlands Inspector~~ and/or Code Enforcement Officer shall serve a written notice requiring the alleged violator to appear before the Town Board of the Town of Philipstown, at a time to be specified in such notice, for a hearing to determine whether or not such permit should be revoked.

(2) The Philipstown Town Board may, after such hearing, issue such order as it deems appropriate, including revoking such permit if it finds that the violations described in the stop-work order exist and have not been corrected, and may direct termination of timber harvesting activities and reclamation of the site. In addition, the Town Board may use the proceeds of the performance bond to achieve compliance with 159-10, Standards and guidelines, including reclamation of the site.

§ 159-13 Penalties for offenses.

Any violation of this chapter is hereby declared to be a violation, punishable by a fine not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment. Each day's continued violation shall constitute a separate additional violation.

§ 159-14 Severability.

If any part of or provision of this chapter or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of this chapter 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 chapter or the application thereof to other persons or circumstances.

SECTION 5. 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 6. REPEAL

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

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately after its adoption and 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. 2 of 2013 of the (County)(City)(Town)(Village) of Town of Philipsotwn was duly passed by the Town Board on September 5 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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

(Seal)

Date: _____

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 5th day of September, 2013 at 6:50 p.m. in the evening of that day upon the question of the enactment of a **Local Law to amend Chapter 93, "Freshwater Wetlands and Watercourses" of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board, and to bring Chapter 93 into consistency with other sections of the Town Code and the Comprehensive Plan.**

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 and www.philipstown.com where it may be examined during the Town Office Hours.

DATED: August 21, 2013

By Order of the Town Board of the Town of Philipstown

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 Town of Philipstown

Local Law No. 3 of the year 2013

A local law to amend Chapter 93, "Freshwater Wetlands and Watercourses," of the Code of the
(Insert Title)
Town of Philipstown in order to fully implements changes in Chapter 175, "Zoning," to
implement the re-designation of the Town's Conservation Advisory Council as
Conservation Board, and to bring Chapter 93 into consistency with other sections
of the Town Code and the Comprehensive Plan.

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

County City Town Village
(Select one.)

of Town of Philipstown as follows:

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

Town of Philipstown

Local Law No. of the Year 2013

A Local Law to amend Chapter 93, “Freshwater Wetlands and Watercourses” of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, “Zoning,” to implement the redesignation of the Town’s Conservation Advisory Council as a Conservation Board, and to bring Chapter 93 into consistency with other sections of the Town Code and the Comprehensive Plan.

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

SECTION 1. TITLE

This local law shall be known as “A Law Amending the Town Code of the Town of Philipstown to Revise Chapter 93.”

SECTION 2. AUTHORITY

This local law is enacted pursuant to the Municipal Home Rule Law, the Environmental Conservation Law, including but not limited to Articles 24 and 71 thereof, and the official compilation of Codes, Rules and Regulations of the State of New York, including but not limited to Title 6, Part 665 thereof (6 NYCRR 665), and any and all applicable laws, rules and regulations of the State of New York. This law establishes a wetlands regulatory system separate from, and in addition to, any applicable requirements under state or federal law. Nothing contained herein shall be deemed to conflict with any such laws, rules and regulations.

SECTION 3. PURPOSE AND FINDINGS

This local law is intended to more fully implement the Philipstown Comprehensive Plan, adopted March 9, 2006, by bringing the Town Code into consistency with it and with the recently enacted revision of the Town’s Zoning Law, Chapter 175 of the Town Code (Local Law # 1 of the Year 2011). This local law is also intended to implement the recommendation of the Town’s Comprehensive Plan to redesignate the Conservation Advisory Council as a Conservation Board, with enhanced powers as provided in Section 239-y of the General Municipal Law, including plan approval authority for certain wetland permit applications, and to ensure that Chapter 93 is consistent with other parts of the Town Code.

The Town Board finds that changes to Chapter 93 are necessary in order both to give fuller effect to the Comprehensive Plan and to avoid conflicts between existing chapters of the Town Code and the provisions of new Zoning Law.

SECTION 4. AMENDMENTS TO CHAPTER 93

Chapter 93, "Freshwater Wetlands and Watercourses" of the Code of the Town of Philipstown, is hereby amended to read as follows (added language is underlined and deleted language is struck out):

§ 93-1 Title.

This chapter shall be known as the "Freshwater Wetlands and Watercourse Law of the Town of Philipstown." It is a law regulating the dredging, filling, deposition or removal of materials, diversion or obstruction of water flow, placement of structures and other uses in wetlands and watercourses and in certain associated lands and waters located in the Town of Philipstown. It further sets forth permit requirements governing such actions.

§ 93-2 Findings.

A. The Town Board of the Town of Philipstown has determined that the public interest, health and safety and the economic and general welfare of the residents of the Town of Philipstown will be best served by:

- (1) The preservation and the proper maintenance and use of its wetlands and watercourses; and
- (2) The protection of these and adjacent land areas from encroachment, spoiling, pollution or elimination resulting from population growth attended by commercial development, housing, road construction and disregard for natural resources.

B. The wetlands and watercourses in Philipstown are valuable natural resources which function and benefit the entire Town and the surrounding region in one or more of the following ways:

- (1) Protecting subsurface water resources, watersheds and groundwater recharge systems.
- (2) Treating pollution through chemical and biological degradation and adsorption processes.
- (3) Providing drainage and flood control through ground absorption, natural storage and flood conveyance.
- (4) Controlling erosion and water turbidity by serving as sedimentation areas and filter basins, absorbing silt and organic matter.
- (5) Providing sources of nutrients in freshwater food cycles.
- (6) Serving as nursery grounds and sanctuaries for freshwater fish.
- (7) Providing a suitable living, breeding, nesting and feeding environment for many forms of wildlife, including wild fowl, shorebirds and rare species.
- (8) Providing suitable habitat for endangered flora.
- (9) Preserving open space and aesthetic values by providing open space in areas threatened with crowding from commercial and residential development.

3. Amendments to Wetlands, Chapter 93, August 2013

(10) Furthering education and scientific research by providing readily accessible outdoor biophysical laboratories, living classrooms and vast training and education resources.

C. Wetlands and watercourse protection is a matter of concern to the entire Town. The establishment of regulatory and conservation practices for these areas serves to protect the Town by ensuring review and regulation of any activity on wetlands and watercourses that might adversely affect the Town's residents' health, safety and welfare.

D. Wetlands and watercourses in Philipstown form an ecosystem that is not confined to any one property owner or neighborhood. Experience has demonstrated that effective wetlands and watercourses protection requires uniformity of approach to preservation and conservation efforts throughout the Town.

E. Interference with wetlands and watercourses can cause or aggravate flooding, erosion and diminution and pollution of water supply for drinking and waste treatment and may pose a threat to the health, safety and welfare of the people of Philipstown and the surrounding region.

F. This chapter is enacted pursuant to the Municipal Home Rule Law, the Environmental Conservation Law, including but not limited to Articles 24 and 71 thereof, and the official compilation of Codes, Rules and Regulations of the State of New York, including but not limited to Title 6, Part 665 thereof (6 NYCRR 665), and any and all applicable laws, rules and regulations of the State of New York. This law establishes a wetlands regulatory system separate from, and in addition to, any applicable requirements under state or federal law. Nothing contained herein shall be deemed to conflict with any such laws, rules and regulations.

§ 93-3 Intent.

A. It is the intent of the Town of Philipstown to control and regulate the use of wetlands and watercourses, as defined herein, within the Town to ensure that the benefits found to be provided by them will not be lost and to protect the important physical, ecological, social, educational, aesthetic, recreational and economic assets of the present and future residents of the Town so as to protect the public interest.

B. It is not the intent of this chapter to prevent property owners from the reasonable use of their land. It is the intent of this chapter to allow reasonable use of land consistent with responsible land management and to conserve and protect freshwater wetlands and watercourses to the extent reasonably practicable, consistent with this objective.

C. It is the intent of this chapter that consideration should be given to the functional significance of a wetland involved in any particular application or proceeding. Wetlands vary in their importance and value to the environment. The decisions of activities to be permitted under this chapter should consider and reflect the relative significance or importance of any particular wetland. It is intended that the methodology set forth in § 93-8, Criteria for approval, should be used in making these decisions.

3. Amendments to Wetlands, Chapter 93, August 2013

§ 93-4 Definitions.

As used in this chapter, the following terms shall have the meanings defined below:

APPLICANT-- A person who files an application for a permit under this chapter, who is either the owner of the land on which the proposed regulated activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity or the authorized agent of such person.

APPELLANT— A person who appeals a decision of the Conservation Board pursuant to Section 93-10.

CLEAR-CUTTING--A method of harvesting where 75% or more of the trees of six inches in diameter or greater at breast height (4 1/2 feet) on a controlled area on an applicant's land are to be removed.

CONSERVATION BOARD--The Conservation Board of the Town of Philipstown.

CONTROLLED AREA--A controlled wetland, a watercourse, a wetland and/or watercourses buffer zone or any combination thereof.

CONTROLLED WETLAND--A wetland, as defined in this § 93-4, which covers 1/4 of an acre or more, whether or not it appears on the map as defined in this § 93-4, or a smaller wetland of critical value or unique quality, as may be provided by amendment to this chapter.

COUNCIL—~~The Conservation Advisory Council of the Town of Philipstown.~~

DREDGING--Excavating or removing sediment, soil, mud, sand, shells, gravel or other aggregate, whether natural or artificial, except for small samples.

EROSION--The wearing away of land surface by action of wind, weathering, water, gravity or other natural force.

EXCLUDED ACTIVITY--Any activity listed in § 93-6.

FILLING--Depositing any soil, stones, sand, gravel, mud, rubbish, material, matter or fill of any kind.

FLOODPLAIN--That portion of a watercourse adjacent to the channel of the watercourse which is built of sediments deposited during the present regimen of the watercourse and is covered with water when the watercourse overflows its banks at flood stage, such as but not limited to those mapped by the Federal Emergency Management Agency (FEMA) located along Clove Creek, Foundry Brook, Canopus Creek and the Hudson River.

GRADING--The alteration of the slope of surface or subsurface conditions of land, lakes, ponds or watercourses by excavation or filling.

HYDRIC SOILS -- Soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part, and as further defined by the technical publication "Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989)," which manual shall be available for inspection in the office of the Town Clerk. Hydric soils listed in Philipstown include the following listed by numeric field symbols, names, symbol and hydrologic soil group:

3. Amendments to Wetlands, Chapter 93, August 2013

Numeric Field (nmf)	Name	Symbol (hydrologic soil group)
101	Carlisle	(Ce)D
102	Ipswich	(Ip)D
100	Fluvaquents	(Ff) flooded
311	Fluvaquents	(Ff) flooded
28	Fredon	(Fr)C
1251A	Leicester	(LcA)C
1251B	Leicester	(LcB)C
1252B	Leicester	(LcB)C
1011	Palms	(Pa)D
1101	Palms	(Pa)D
1012	Palms	(Pa)D
103	Aquents	(Pc) flooded
35	Raynham	(Ra)C
25	Sun	(Sh)D
27	Sun	(Sm)D
251A	Ridgebury	(Rd)C
251B	Ridgebury	(Rd)C
252B	Ridgebury	(Rg)C

HYDROPHYTIC VEGETATION -- Macrophytic plant life growing in water or on soils that are at least periodically anaerobic as a result of excessive water content, and as further defined by the technical publication "Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989)," which manual shall be available for inspection in the office of the Town Clerk. Examples of hydrophytic vegetation include the following:

A. Wetland trees, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other trees, including, among others, red maple (*Acer rubrum*), willows (*Salix* species), black spruce (*Picea mariana*), swamp white oak (*Quercus bicolor*), red ash (*Fraxinus pennsylvanica*), black ash (*Fraxinus nigra*), silver maple (*Acer saccharinum*), American elm (*Ulmus americana*) and larch (*Larix laricina*).

B. Wetland shrubs which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other shrubs, including, among others, alder (*Alnus* species), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), dogwoods (*Cornus* species) and leatherleaf (*Chamaedaphne calyculata*).

C. Emergent vegetation, including, among others, cattails (*Typha* species), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* species), arrow arum (*Peltandra virginica*), arrowheads (*Sagittaria* species), reed (*Phragmites communis*), wildrice (*Zizania aquatica*), burr-reeds (*Sparganium* species), purple

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loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*) and water plantain (*Alisma plantagoaquatica*).

D. Rooted, floating-leaved vegetation, including, among others, water lily (*Nymphaea odorata*), water shield (*Brasenia schreberi*) and spatterdock (*Nuphar* species).

E. Free-floating vegetation, including, among others, duckweed (*Lemna* species), big duckweed (*Spirodela polyrhiza*) and watermeal (*Wolffia* species).

F. Wet meadow vegetation which depends upon seasonal or permanent flooding or sufficiently water-logged soils to give it a competitive advantage over other open land vegetation, including, among others, sedges (*Carex* species), rushes (*Juncus* species), cattails (*Typha* species), rice cut-grass (*Leersia oryzoides*), reed canary grass (*Phalaris arundinacea*), swamp loosestrife (*Decodon verticillatus*) and spikerush (*Eleocharis* species).

G. Bog mat vegetation, including, among others, sphagnum mosses (*Sphagnum* species), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne calyculata*), pitcher plant (*Sarracenia purpurea*) and cranberries (*Vaccinium macrocarpon* and *Vaccinium oxycoccos*).

H. Submergent vegetation, including, among others, pondweeds (*Potamogeton* species), naiads (*Najas* species), bladderworts (*Utricularia* species), wild celery (*Vallisneria americana*), coontail (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* species), muskgrass (*Chara* species), stonewort (*Nitella* species), water weeds (*Elodea* species) and water smartweed (*Polygonum amphibium*).

MAJOR PROJECT — Any activity that does not qualify as a minor project or which requires other permits or approvals from either the Planning Board or the Town Board. Where multiple applications for a specific project are involved, if at least one activity constitutes a major project as defined herein, each proposed activity shall be treated as a major project, notwithstanding anything contained herein to the contrary.

MAP—The most recent update of the map, accompanying this chapter, on file in the office of the Town Clerk, entitled "Guide to Regulated Freshwater Wetlands and Watercourses, Town of Philipstown, Putnam County, New York," originally dated May 4, 1989, revised May 1, 1991, revised January 9, 2001, and all subsequent revisions, on which are indicated the approximate locations of watercourses and the boundaries of controlled wetlands. Said map is intended to be only a guide to the approximate location of wetlands and watercourses; their precise location is to be determined by field inspection in accordance with the specifications set forth in this chapter. However, any wetland which meets the definition of "controlled wetland" appearing in this § 93-4 is a controlled wetland, whether or not it appears on the map.

MINOR PROJECT: Any activity requiring a wetlands permit where the wetland Inspector has determined this activity is to be performed on an individual residential single-family building lot, where the use of mechanical earthmoving equipment may be permitted. It is provided, however, that such activities shall not take place within any portion of any wetlands, water bodies, or watercourses and also that such activities will not require the excavation of more than 15 cubic yards or disturb more than 1,000 square feet of any areas within 100 feet of said wetlands, water bodies, or watercourses.

3. Amendments to Wetlands, Chapter 93, August 2013

MITIGATION PLAN--The plan prepared by the applicant, pursuant to § 93-13, when the applicant has demonstrated that the losses or impacts to the wetland, watercourse, or wetland/watercourse buffer are necessary and unavoidable, as defined in § 93-12, and have been minimized to the maximum extent practicable.

NATURAL RESOURCES REVIEW OFFICER-- The Town employee or consultant appointed to review development applications for compliance with Town environmental regulations, including but not limited to wetlands, steep slopes, and conservation analysis requirements of zoning. This term is synonymous with "Wetlands Inspector." This position may be held by an official with other duties or titles, such as the Town Planner or Town Engineer.

PERMIT--The written approval issued by any Town board, agency, or official the permitting authority where required for conducting a regulated activity in a controlled area any activity regulated under the Philipstown Town Code.

PERSON --Any corporation, firm, partnership, association, trust, estate, one or more individuals or any unit of federal, state or local government or any agency or subdivision thereof, including any state department, bureau, commission, board or other agency, public authority or public benefit corporation.

PLAN REVIEW: Review by the Conservation Board of a major project wetlands permit application prior to the issuance of such wetlands permit by the Natural Resources Review Officer.

POLLUTION --The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or well-being or to property.

REGULATED ACTIVITY--Any activity listed in § 93-5 of this chapter.

STRUCTURE --A combination of materials to form a construction that is safe and stable, and includes, among other things, trailers, stadiums, platforms, radio towers, sheds, storage bins, billboards, display signs, docks, wharves, boathouses, underground lines and pipes and apparatus for transmission of electric power and standards and towers and lines for transmission of electrical power; it excludes 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; it includes anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on the ground, including but not limited to buildings, bridges, dams, tennis courts, swimming pools, paved surfaces and playing fields.

TOWN--The Town of Philipstown, Putnam County, New York.

WATERCOURSES--Rivers, streams, brooks, ponds, lakes, reservoirs and waterways, whether running constantly or intermittently, which are delineated on the current edition of the United States Department of Interior, Geological Survey, 7.5 Minute Series (Topographic) maps bearing the date 1981 (Peekskill Quadrangle), 1981 (West Point Quadrangle) and 1979 (Oscawana Lake Quadrangle), covering the Town of Philipstown; and any other streams, brooks and waterways which are contained within, flow through, or border on the Town of Philipstown, and any additional streams, brooks and waterways which are delineated on the map

3. Amendments to Wetlands, Chapter 93, August 2013

WETLAND HYDROLOGY--The sum total of wetness characteristics in areas that are inundated or have saturated soils for a sufficient duration to support hydrophytic vegetation.

WETLANDS

A. All areas that comprise hydric soils, as defined in this § 93-4, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation, as defined in this § 93-4; or lands and submerged lands containing remnants of any vegetation that is not aquatic or semi-aquatic that has died because of wet conditions over a sufficiently long period, provided that such conditions can be expected to persist indefinitely, barring human intervention.

B. For the purposes of this chapter, "wetlands" within 50 meters of each other and hydrologically connected are considered to be one "wetland."

C. Lands and waters substantially enclosed by hydrophytic vegetation, as defined in this § 93-4, the regulation of which is necessary to protect and preserve the hydrophytic vegetation; and

D. The waters overlying the areas set forth in Subsections A and B above and the lands underlying the waters set forth in Subsection C above.

WETLANDS INSPECTOR-- An individual appointed by the Town Board who shall serve at the pleasure of the Town Board to investigate, report on, and enforce compliance with the provisions of this chapter. This term is synonymous with "Natural Resources Review Officer."

WETLANDS OR WATERCOURSE BUFFER ZONE ("BUFFER")--A controlled area adjacent to a controlled wetland or watercourse or to a combination of controlled wetlands and watercourses. A "wetlands buffer zone" consists of the land adjacent to a controlled wetland, as defined in this § 93-4, that lies within 100 feet of the boundary of said controlled wetland. A "watercourse buffer zone" consists of the land adjacent to a watercourse, as defined in this § 93-4, that lies within 100 feet, measured horizontally, of the mean high water mark of said watercourse.

WETLANDS PERMIT--The written approval issued by Natural Resources Review Officer /Wetlands Inspector where required by this chapter for conducting a regulated activity in a controlled area.

§ 93-5 Regulated activities.

Activities regulated under this chapter are:

A. Dredging or excavation; grading; and removal of soil, mud, sand, gravel, silt, earth material and other aggregate, either directly or indirectly.

B. Dumping or deposition of soil, stones, sand, gravel, mud, rubbish, material, matter or fill of any kind, either directly or indirectly.

C. Construction or installation of any structure or facility, including but not limited to roads, buildings, driveways, parking facilities, swimming pools, tennis courts, bridges, pipes or conduits; installation of sewage disposal systems or sewer outfall; drilling of wells; placing of other obstructions; or driving of pilings.

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D. Alteration or diversion of any flow of watercourse or wetland. This includes but is not limited to docks, dams, pilings and bridges.

E. Use of chemicals, dyes, fertilizers, animal waste, herbicides, pesticides, deicing materials or similar materials.

F. Influent of high thermal content capable of causing harmful ecological effects unless water is properly treated in recycling, including but not limited to groundwater heat pumps for other than one-family dwellings.

G. Clear-cutting or other vegetation removal affecting surface water runoff.

H. Establishment of trails for such purposes as, but not limited to, walking, skiing, horseback riding, bicycling, motorcycling, snowmobiling and off-road vehicle travel.

I. Installation of service lines, cable conduits or utilities.

J. Introduction of any form of pollution, by means including, but not limited to, the installation of a septic system, running of a sewer or stormwater outfall, or discharge of sewage treatment or other solid waste into or so as to drain into a controlled area.

K. Installation of drainage or water supply pipes or wells.

L. Installation of dry wells, retention basins, filters, open swales or ponds.

M. Any other activity that may impair the natural functions of a wetland or watercourse as found in § 93-2.

§ 93-6 Excluded activities.

The following activities are excluded from regulation under this chapter.

A. The depositing or removal of the natural products of freshwater wetlands by recreational or commercial fishing, shellfishing, hunting or trapping.

B. Public health activities, orders and regulations of the Putnam County Department of Health or New York State Department of Health, provided that copies of all such orders or regulations affecting wetlands are filed with the Department of Environmental Conservation in advance and are for emergencies only.

C. Any activity for which, prior to the effective date of this chapter, the Planning Board has otherwise granted approval of a preliminary plat, conditional or otherwise, or the Building Inspector has granted a building permit, or, in the case of any activity not requiring action by the Planning Board or the Building Inspector, any otherwise necessary permit has been granted by the Town official or agency responsible for review of the activity.

D. Any routine road, highway, street or driveway maintenance, if the activity will not cause pollution or erosion of a watercourse or a controlled wetland, or interfere with natural drainage.

E. Normal grounds maintenance, gardening, selective trimming, pruning or bracing of vegetation, removal of dead or diseased vegetation, and decorative landscaping and planting, incidental removal of vegetation, addition of vegetation, but not including the use of fertilizers and pesticides within a controlled area.

F. Ordinary maintenance and repair of existing structures, facilities or trails, including but not limited to those set forth in § 93-5C and H., where the work does not entail the use of machinery within a controlled wetland or a watercourse.

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G. Mosquito control projects approved in writing by the New York State Department of Environmental Conservation.

H. The operation, maintenance and repair of dams, retaining walls, docks and water control structures that were in existence on the effective date of this chapter.

I. Emergency work which is immediately necessary to protect health and safety or prevent damage to property, provided that the ~~permitting authority~~ Natural Resources Review Officer is given written notice within 48 hours after commencement of such work and within 48 hours after completion of the work, and provided that such work is limited to alleviation of the emergency condition.

§ 93-7 Activities of minor significance.

The Natural Resources Review Officer or Conservation Board may, at ~~its~~ their discretion, waive any or all parts of § 93-9C, D, E and G F if ~~it determines~~ they determine that a proposed regulated activity is an activity of minor significance.

A. A proposed regulated activity may be designated an activity of minor significance if it is:

- (1) An activity that entails no building or other structure, no sewage system, no sewage disposal system or no well in a controlled area; or
- (2) ~~Installation of a driveway to a one family dwelling, where less than 15 cubic feet of material is to be removed or deposited in a controlled area, and installation does not involve disturbance to a controlled wetland or watercourse;~~
- (3) ~~Excavation, grading or depositing of less than 25 cubic yards of earth material in a controlled area but outside of a wetland or watercourse;~~
- (2) Removal of water-deposited silt or debris in order to restore the controlled area to the condition existing before the deposit, where the work does not involve use of any machinery within a controlled wetland or a watercourse.

B. Provided that said activity:

- (1) Does not require a site plan, subdivision plat, ~~map~~ or construction plans, grading plans and/or plot plans for grading and removal of earth;
- (2) Is not to be conducted on a floodplain; and
- (3) Will not result in a change or modification to a controlled area that will affect adjoining property, increase pollution or affect water flow upstream or downstream from the proposed activity.

§ 93-8 Criteria for approval.

A. The following are criteria applicable to the approval of wetlands permits for proposed regulated activities in controlled areas:

- (1) The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse as set forth in § 93-2B;
- (2) The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system;
- (3) The activity will not result in the degrading or pollution of waters;
- (4) The activity will not increase the potential for flooding;

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- (5) Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity;
- (6) No practicable alternative location is available on the subject parcel; and
- (7) No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area; or
- (8) The activity will alleviate or remove a hazard to the public health or safety.

B. In evaluating the criteria and the determination required in § 93-8A above; the Natural Resources Review Officer and ~~Council and the permitting authority~~ Conservation Board shall utilize the objective methodology for determining the functions of a wetland set out in the publication entitled "A Rapid Procedure for Assessing Wetland Functional Capacity," dated May 1998, by Magee and Hollands, a copy of which is on file in the office of the Town Clerk of the Town of Philipstown.

§ 93-9 Wetlands Permit procedure.

A. No person shall undertake, permit, conduct or cause to be undertaken, permitted or conducted a regulated activity in a controlled area without applying for and obtaining a wetlands permit therefor as provided in this chapter. All wetlands permits shall be, written, issued, and enforced by the Natural Resources Review Officer/ Wetlands Inspector. Applications for minor projects shall be reviewed only by the Natural Resources Review Officer/Wetlands Inspector. For major projects, the Natural Resources Review Officer shall transmit the application to the Conservation Board for plan review. Once the Conservation Board has approved a plan for a wetlands permit, with appropriate conditions as deemed necessary, the Natural Resources Review Officer shall issue the wetlands permit subject to the conditions adopted by the Conservation Board in its plan approval. Approval of a plan by the Conservation Board shall be by a majority vote of the members of Board present at a duly constituted meeting in which a quorum is in attendance. Any person may be encouraged to confer with the Conservation Advisory Council Conservation Board and/or Natural Resources Review Officer for advice as to whether or not an activity proposed to be undertaken, permitted or conducted is a regulated activity in a controlled area. The permitting authority may refer any application for any other permit or approval to the Council for advice as to whether or not such application involves a regulated activity in a controlled area.

B. Application. Any person proposing to conduct or cause to be conducted a regulated activity in a controlled area shall file an application for a wetlands permit with the Natural Resources Review Officer, in such form and with such information as the ~~Town~~ Conservation Board may from time to time prescribe. The application shall be accompanied by a fee as set by the Town Board, which fee may be amended from time to time by resolution of the Town Board. It is the intention of this chapter that any such application for a wetlands permit shall be filed at the same time as ~~the an~~ application for any other permit or approval ~~is sought from any town official, agency, or board in connection with the same activity or project. the permitting authority.~~ If an application for a wetlands permit has not been filed under this chapter and the board or official reviewing an permitting authority, in connection with consideration of the application for any other permit or approval, determines that such other application involves a regulated activity in a controlled area, then an application for a wetlands permit under this chapter

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shall promptly be filed with the Natural Resources Review Officer in order to ensure proper coordination of all related ~~that all applications may be coordinated and decided within their respective time limits as may be specified by law.~~

C. ~~The number of copies of the application to be submitted under § 93-9B shall be established by the Conservation Board as part of its rules of procedure and shall take into consideration the need to transmit the application to other agencies, officials, or boards with permitting jurisdiction over the same project. the greater of either eight, or eight plus a number equal to the number of copies required of any accompanying application to be submitted to the permitting authority.~~ Each copy of the above copies of the application shall include the following information:

- (1) A detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in § 93-8.
- (2) A map showing the controlled area affected, any wetland or watercourse therein and the location thereof and the location, extent and nature of the proposed activity, prepared by a licensed surveyor or engineer. If showing sufficient information, any map, plat or plan acceptable to the ~~permitting authority~~ Natural Resources Review Officer and required to be submitted for any other permit or approval in connection with any regulated activity may be used for the required map.
- (3) The names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice.
- (4) A completed short form environmental assessment form.
- (5) If a Major Project application affects the water retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, natural drainage system or wetland, it shall include a statement prepared by a professional engineer licensed in the State of New York stating the impact of the project on upstream and downstream areas, giving appropriate consideration to flood or drought levels of watercourses and amounts of rainfall.
- (6) Copies of all applicable county, state or federal permits or permit applications and permits that are required for such work, unless the granting of such permits or the submission of such permit applications is conditioned upon first obtaining a permit under this chapter.

D. Request for additional information. The ~~permitting authority~~ Conservation Board or Natural Resources Review Officer may identify additional information that may be needed in order to make a determination. Such information may include but not be limited to the following:

- (1) Complete plans for the proposed activity, which shall be certified by an engineer, architect, land surveyor or landscape architect licensed in the State of New York, drawn to a scale no less detailed than one inch equals 20 feet, and showing the following:
 - (a) The location of all controlled wetlands, watercourses and wetland and watercourse buffer zones as determined no earlier than 12 months prior to the date of filing the application. The boundaries of a wetland and the mean high water mark of a watercourse shall be determined by field investigation and as defined in § 93-4;

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- (b) A description of the vegetative cover of the controlled area, including dominant species;
- (c) A description of the on-site soil types;
- (d) The location of the construction area or the area proposed to be disturbed and its relation to property lines, roads, buildings, wetlands and watercourses within 250 feet of the proposed activity;
- (e) The exact locations, specifications and amount of all proposed draining, filling, grading, dredging and vegetation removal or displacement, and the procedures to be used to do the work;
- (f) The location of any wells and depths thereof, and any disposal system;
- (g) The existing and proposed contours at two-foot intervals in the proposed disturbed area and to a distance of 50 feet beyond, and elevations of the site and adjacent lands within 200 feet of the proposed activity;
- (h) Details of any temporary or permanent drainage system proposed both for the conduct of the work and after completion thereof; including locations of discharges, artificial inlets, or other human-made conveyances that would discharge into the controlled area, and measures proposed to control erosion both during and after work;
- (i) Where creation of a lake or pond is proposed, details of the construction of any dams, embankments, outlets or other water control devices, and analysis of the wetland hydrologic system, including seasonal water fluctuation, inflow/outflow calculations and subsurface soil, geology and groundwater conditions;
- (j) Where creation of a detention basin is proposed, with or without excavation, details of the construction of any dams, berms, embankments, outlets or other water control devices, and analysis of the wetland hydrologic system, including seasonal water fluctuation, inflow/outflow calculations and subsurface soil, geology and groundwater conditions;
- (k) Details of erosion and sediment control practices, including a diagram showing what and where erosion and sediment control practices will be implemented and a schedule for their installation and maintenance;
- (l) Functional analysis of the wetlands to be affected, showing existing wetlands formation and impacts to those functions from the proposed activity;
- (m) A completed long form environmental assessment form when required by the New York State Environmental Quality Review Act.

E. Transmittal of application.

In the case of a regulated activity within 500 feet of the Town line on a watercourse that crosses the Town line, or any regulated activity on a wetland that crosses the Town line, the ~~permitting authority~~ Natural Resources Review Officer shall, if the application is not one for an activity of minor significance, transmit a copy of the application to the Clerk of the relevant abutting municipality.

~~F. Upon receipt of a complete application, the permitting authority shall refer any application submitted to it pursuant to this chapter to the Conservation Advisory Council~~

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~~for review and report. The Council shall report back to the permitting authority within 21 days of the date of referral. The permitting authority shall continue to process and/or act on the application after such twenty-one day period, whether or not it receives a report from the Council. Failure to report within such period may be deemed by the permitting authority as indicating no objection to the application.~~

F. Public hearing. (1)

~~For Major Projects, a joint public hearing shall be held by the permitting authority Conservation Board and any other local board or agency with permit or approval jurisdiction over the same project, whenever a public hearing is required for the granting of the such other permit or approval required of such permitting authority pursuant to statute or the local laws and ordinances of the Town of Philipstown. Such joint public hearing shall be held at such time, under such circumstances and upon such notice as may be required for the granting of such other permit or approval.~~

~~(2)~~

~~Although it is the objective of this chapter that the Council should have at least 21 days from the date of referral to report to the permitting authority, where a shorter time period for the holding of the public hearing on an application for such other permit or approval is specified by statute, local laws or ordinances, then the Council shall report back to the permitting authority by the date of the required public hearing, even though this is less than 21 days from the date of referral. Failure to report within such shorter period shall be deemed by the permitting authority as indicating no objection to the application.~~

G. Approval or disapproval of wetlands permit.

(1) On major project applications for which no public hearing is required, the permitting authority Conservation Board shall make a determination to approve, approve with modifications or disapprove the issuance of such a wetlands permit within 30 days following receipt of a completed application therefor.

(2) On major project applications for which a public hearing is required, the permitting authority Conservation Board shall make a determination to approve, approve with modifications or disapprove the issuance of a wetlands such permit prior to or simultaneously with the determination by the permitting board of for the other permit or approval for which application was made.

(3) For minor project applications, the Natural Resources Review Officer shall issue or deny a wetlands permit within 15 days of receiving a complete application.

~~If the action of the permitting authority is contrary to the report of the Council, it shall set forth the reasons for its action in its decision.~~

(4) The permitting authority Conservation Board, or Natural Resources Review Officer in connection with its their determination to approve or approve with modifications the issuance of such a wetlands permit, may impose such conditions that as the permitting authority Conservation Board or Natural Resources Review Officer deems necessary to conform the activity to the criteria for

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approval in § 93-8 and to ~~maintain~~ fulfill the purposes of this chapter. In connection with such wetlands permit, the ~~permitting authority~~ Conservation Board or Natural Resources Review Officer may establish time periods within which the regulated activity, or phases thereof, shall be commenced and/or be completed. The ~~permitting authority~~ Conservation Board or Natural Resources Review Officer may extend such time periods and the permit for good cause demonstrated to the satisfaction of the ~~permitting authority~~ Conservation Board or Natural Resources Review Officer and when it is shown that the regulated activity is or will be conducted in accordance with the wetlands permit as originally issued and an extension fee has been paid as set by the Town Board in accordance with § 93-14B.

(5) The ~~permitting authority~~ Conservation Board or Natural Resources Review Officer may determine to approve or issue an amended wetlands permit, upon application made in the same manner as required for the original application.

(6) Copies of all determinations by the ~~permitting authority~~ Conservation Board or Natural Resources Review Officer shall be filed in the office of the Town Clerk and mailed to the applicant by certified mail, return receipt requested.

H. Extension of time. The applicant may, by mutual consent with the ~~permitting authority~~ Conservation Board or Natural Resources Review Officer, extend any of the time periods specified herein.

I. Transfer of Permits. Permits may be transferred to new legal owners of the affected property so long as the conditions and plans as approved remain unchanged. Notice of such transfer of permit must be filed with the Wetland Inspector within 30 days of the transfer.

§ 93-10 (Reserved) Appeal of Wetland Permit ~~Conservation Board~~ Decisions

Any person aggrieved by a decision of the Conservation Board or Natural Resources Review Officer under this chapter may appeal such decision to the Town Board as provided below.

- A. Such appeal shall be submitted to the Town Clerk within 14 days of the filing of the Conservation Board's or Natural Resources Review Officer's decision in the office of the Town Clerk, on forms approved by the Town Board and provided by the Town Clerk.
- B. The Town Board shall apply the same criteria in its review of an approval as the Conservation Board or Natural Resources Review Officer is required to apply by this chapter. However, the Town Board shall not require the submission of additional information unless the appellant alleges that insufficient information was available to the Conservation Board or Natural Resources Review Officer when the decision was made. The Town Board shall defer to the judgment of the

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- Wetlands Inspector or Natural Resources Review Officer with respect to matters of technical and scientific judgment. In the case of an appeal of the Natural Resources Review Officer's determination to issue or deny a wetlands permit for a minor project, the Conservation Board shall have an opportunity to review and comment on the appeal before or at the time of the Town Board's public hearing.
- C. The Town Board shall hold a public hearing on the appeal within 31 days of its submission to the Town Clerk. The Board shall publish notice of such hearing in the official newspaper at least five days prior to the date thereof. The cost of giving all notices shall be charged to the appellant.
 - D. The Town Board shall render its decision within 31 days of the public hearing and file such decision in the office of the Town Clerk immediately thereafter. The decision shall also be mailed to the appellant and the applicant (if different) by certified mail, return receipt requested.
 - E. Judicial review of the Town Board's decision shall be available as provided in Section 93-18D.

§ 93-11 Wetlands Inspector and Natural Resources Review Officer.

A. This chapter shall be enforced by the Wetlands Inspector and/or Natural Resources Review Officer, appointed by the Town Board, who shall serve at the pleasure of the Town Board. The Town Board may also designate a Deputy Wetlands Inspector who shall also serve at the pleasure of the Town Board. The Wetlands Inspector and/or Natural Resources Review Officer shall coordinate his activities with ~~and be under the supervision of the Building Inspector.~~ Neither the Wetlands Inspector, Natural Resources Review Officer, and the Deputy Wetlands Inspector may not be members of the Conservation Advisory Council Conservation Board.

B. Qualifications for Wetlands Inspector. The Wetlands Inspector, and any Deputy Wetlands Inspector, and any Natural Resources Review Officer performing the duties of the Wetlands Inspector must have training and experience adequate to:

- (1) Identify, locate and stake or flag wetlands and watercourses in the field, and verify the identification, location and mapping thereof done by others;
- (2) Consider the effects of specific proposals on the functions and benefits of the specific wetland(s) and watercourse(s) affected, as specified in § 93-2B and § 93-8A;
- (3) Determine whether the proposed use is consistent with applicable minimum land use regulations weighed against criteria for permit issuance set forth in § 93-8A;
- (4) Assess an applicant's proposals to enhance, mitigate or compensate for the functions and benefits of existing wetland(s) and watercourse(s);
- (5) Prepare a recommendation to grant, deny or condition a permit; and
- (6) Enter his/her findings and supporting rationale in the public record. ~~and~~
- (7) Issue or deny wetland permits as provided in § 93-9. ~~Act as the permitting authority when required under § 93-12.~~
- (8) Perform all administrative functions of the Conservation Board, including but not limited to acceptance and review of applications, coordinating technical

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review as necessary with other Town departments and consultants, monitoring compliance with wetlands permit conditions and mitigation plans, and inspecting projects to ensure compliance with the terms of wetland permits.

C. Suitable qualifications include either a bachelor's degree in wildlife management, fisheries management, forestry, ecology, hydrology or a closely related field; an associate degree in one of the above fields and two years' full-time experience in work closely associated with wetlands protection; or any other training and experience which assures a technical knowledge of wetlands and their functions and benefits sufficient to perform the tasks identified above.

D. Services. The Wetlands Inspector shall investigate, report on and enforce compliance with the provisions of this chapter and provide the services identified in § 93-11B, coordinating such enforcement activities and services with the responsibilities of the Town Board, ~~the Council and the permitting authority~~ Conservation Board, the Building Inspector, and all other Town officials and agencies with permitting jurisdiction. ~~The Wetlands Inspector shall also act as the permitting authority when required under § 93-12.~~

§ 93-12 ~~Permitting authority~~ Conservation Board Authority.

The Conservation Board shall have the authority to grant and deny approval of plans for major project wetland permits as provided in § 93-9 of this chapter and such other authority as may be provided in other chapters of the Town Code. ~~shall be exercised as provided herein. The permitting authority hereunder shall be as follows:~~

A.

~~The Zoning Board of Appeals shall be the permitting authority with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Philipstown, except as provided in § 93-12B and C.~~

B.

~~The Planning Board shall be the permitting authority with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Philipstown, including any application which also requires the issuance of any permit or approval by the Zoning Board of Appeals, except as provided in § 93-12C.~~

C.

~~The Town Board shall be the permitting authority with respect to any application which requires the issuance of any other permit or approval by it (other than approval of a bond, letter of credit or other security, and other than acceptance of documents related to actions by other agencies) pursuant to the local laws and ordinances of the Town of~~

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~~Philipstown, including any application which also requires the issuance of any permit or approval by the Planning Board or Zoning Board of Appeals.~~

~~D.~~

~~The Wetlands Inspector shall be the permitting authority with respect to all other regulated activities, and no public hearing shall be required.~~

§ 93-13 Required findings.

No major project wetlands permit shall be approved ~~issued~~ by the ~~permitting authority~~ Conservation Board pursuant to this chapter unless the ~~permitting authority~~ Conservation Board finds that the proposed regulated activity is consistent with the intent of this chapter as set forth in § 93-3.

A. Permit conditions. Any major project wetlands permit issued pursuant to this chapter shall be issued with conditions as deemed necessary by the ~~permitting authority~~ Conservation Board or Natural Resources Review Officer. The Conservation Board shall set forth in writing findings and reasons for all conditions attached to any major project permit. ~~very permit~~ Permits issued pursuant to this chapter shall be in written form and shall contain, at a minimum, the following conditions:

- (1) Work conducted under said permit shall be open to inspection by the ~~permitting authority~~ Natural Resources Review Officer, Code Enforcement Officer, or Conservation Board or its designated representative, at any time, including weekends and holidays;
- (2) The permit shall expire on a specified date that is one year from its issuance if work has not commenced.
- (3) The permit holder shall notify the ~~permitting authority~~ Natural Resources Review Officer of the date on which the work is to begin at least five days in advance of such date.
- (4) The permit shall be maintained and prominently displayed at the project site during the time that the activities authorized by the permit are being carried on. The ~~permitting authority~~ shall set forth in writing findings and reasons for all conditions attached to any permit.

B. Mitigation plan requirements.

(1) The ~~permitting authority~~ Conservation Board may require the applicant to prepare and implement a mitigation plan for major projects when the applicant has demonstrated that losses or significant impacts to a controlled wetland or wetland buffer are necessary and unavoidable. In determining whether and to what degree to impose such requirement, the ~~permitting authority~~ Conservation Board shall consider the following:

- (a) Whether there is no reasonable on-site alternative to the proposed activity, including but not limited to reduction in density, change in use, revision of road and layout, and related site planning considerations that would accomplish the applicant's objective; and

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(b) Whether there is a reasonable alternative to the proposed activity on another site available to the applicant that is not a controlled area.

(2) ~~Adequate~~ Mitigation for intrusion into wetlands shall be adequate to ensure that there will be no overall net loss of wetlands in terms of ecological characteristics and function, geographic location and setting and size. To ensure no net loss, mitigation measures must provide for replacement wetland at a ratio of at least 1.0 to 1.0.

(3) The ~~permitting authority~~ Conservation Board may require additional information if the plan does not provide sufficient detail to evaluate its effectiveness.

(4) On-site mitigation shall be the preferred approach. Off-site mitigation shall be permitted only when on-site alternatives are not possible; in these instances, emphasis shall be placed on mitigation within the same watershed as the original wetland.

(5) The ~~permitting authority~~ Conservation Board shall monitor or cause to have monitored projects, in accordance with the conditions set forth in the permit, to determine whether the elements of the mitigation plan have been met. The ~~permitting authority~~ Conservation Board may retain qualified professionals, at the expense of the applicant, to discharge its obligation hereunder. The time period for all monitoring activities shall be a minimum of three years. The requirements for monitoring shall be specified in the permit and/or mitigation plan. They may include, but not necessarily be limited to:

- (a) Field measurements to verify the size and location of the impacted wetland area and of the restored/replacement wetland area;
- (b) The date of completion of the work or restoration/replacement;
- (c) Field verification of the structural details, best management practices, mitigation measures, and vegetative, hydrologic and soils criteria specified in the permit and/or mitigation plan.

§ 93-14 General powers and duties.

In order to carry out the purposes and provisions of this chapter, the Conservation Board and the Town Board, the Council, the Wetlands Inspector and the permitting authority, as the case may be, shall have the following powers and duties, in addition to those specified above:

A. The ~~Conservation Town~~ Conservation Board shall have the power and duty to prepare forms designated in this chapter for the purpose of administration of this chapter and may amend the same from time to time. The ~~Council~~ Conservation Board shall hold regular meetings no less frequently than once per month and shall hold such additional meetings as shall be necessary for the timely processing of applications The Conservation Board may contract for professional and technical assistance and advice, not exceeding any budget appropriation that may be made therefor by the Town Board, and may, in addition, require escrow deposits pursuant to Section 71-3 of the Town Code for such professional and technical assistance.

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B. The Town Board shall have the power and duty to establish a schedule of fees hereunder and may amend the same from time to time by resolution. The Town Board shall also have the power to hear appeals pursuant to Section 93-10 above.

~~C. The permitting authority may contract for professional and technical assistance and advice, not exceeding any budget appropriation that may be made therefor by the Town Board.~~

§ 93-15 Effect on other provisions. No permit granted pursuant to this chapter shall remove any person's obligation to comply in all respects with the applicable provisions of any other federal, state or local law or regulation, including but not limited to the acquisition of any other required permit(s) or approval(s).

§ 93-16 Bonding requirements.

The ~~permitting authority~~ Conservation Board, ~~with or without the recommendation of the Council,~~ may determine that, prior to commencement of work under any major project permit issued pursuant to this chapter and as a condition thereof, the applicant should post a bond, cash or otherwise, or letter of credit, conditioned upon the faithful compliance with the terms of such permit and for the indemnification of the Town of Philipstown for restoration costs which may result from failure to so comply. If the ~~permitting authority~~ Conservation Board so determines, it shall make such recommendation to the Town Board. The Town Board shall fix the conditions and amount of such bond or letter of credit within its sole discretion. The same shall remain in effect until the ~~permitting authority~~ Conservation Board certifies that the work has been completed in compliance with the terms of the permit and the bond is released by the Town Board or a substitute bond or letter of credit is provided that is acceptable to the Town Board.

§ 93-17 Suspension or revocation of permit; stop-work orders.

A. The Wetlands Inspector/ Natural Resources Review Officer shall make such on-site inspections during the conduct of the permitted activity as are necessary to determine whether the activity is being carried on in conformity with the provisions of the permit.

B. The Wetlands Inspector and/or the ~~permitting authority~~ Conservation Board may, on written notice to the applicant, suspend or revoke a permit issued pursuant to this chapter where it finds that the applicant has not complied with any or all terms or conditions of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the application.

C. The ~~permitting authority~~ Conservation Board and/or the Wetlands Inspector shall set forth in writing, in the file kept regarding a permit application, the findings and reasons for revoking or suspending a permit pursuant to this section.

D. The Wetlands Inspector is authorized to issue a stop-work order if, in his judgment, a regulated activity, as defined in § 93-5 of this chapter, is not being carried out in compliance with this chapter. He shall withdraw such stop-work order when he determines that there is compliance with this chapter. The Wetlands Inspector is

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authorized to order, in writing, the remedying of any condition found to be in violation of this chapter.

E. All powers granted herein to the Wetlands Inspector are also granted to the Natural Resources Review Officer.

§ 93-18 Penalties for offenses; additional remedies.

A. Civil sanctions; cease-and-desist order. In addition, the Town Board shall have the power, after a hearing or opportunity to be heard upon due notice and with the rights to specification of the charges and representation by counsel at such hearing, to direct the violator to cease his or her violation of this chapter and to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible, within a reasonable time and under the supervision of the Wetlands Inspector and/or the ~~permitting authority~~ Conservation Board . Any such order of the Town Board shall be enforceable in an action brought by the Town in any court of competent jurisdiction.

B. Criminal sanctions.

(1) Criminal fine and imprisonment. Any person who violates any provision of this chapter or an order, permit, rule or regulation of the ~~permitting authority~~ Conservation Board regulating controlled areas pursuant to this chapter shall, in addition to any other civil sanctions, be guilty of a violation punishable by a fine of not more than \$1,000 or a term of imprisonment of not more than 15 days, or both.

(2) Restoration order. Instead of these punishments, any offender may be punishable by being ordered by the court to restore the affected controlled area to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Wetlands Inspector and/or the ~~permitting authority~~ Conservation Board .

(3) Continuing offense. For the purposes of criminal sanctions only, each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

C. Equitable relief. The Town Board shall have the right to seek equitable relief to restrain any violation or threatened violation of any provisions of this chapter in any court of competent jurisdiction.

D. Judicial review. Any decision or order of the Town Board made on an appeal from the ~~permitting authority~~ Conservation Board or Natural Resources Review Officer pursuant to or within the scope of this chapter may be reviewed at the request of any person aggrieved by such decision or order, in accordance with Article 78 of the New York Civil Practice Law and Rules, provided that such review is commenced within 30 days of the later of the filing of such Town Board decision or order in the office of the Town Clerk and the mailing of the same to the appellant and the applicant by certified mail, return receipt requested

(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. 3 of 2013 of the (County)(City)(Town)(Village) of Town of PHilipsotwn was duly passed by the Town Board on September 5 2013, 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 *(Elective Chief Executive Officer*)* 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

(Seal)

Date: _____

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 5th day of September, 2013 at 7:00 p.m. in the evening of that day upon the question of the enactment of a **Local Law to amend Chapter 112 of the Code of the Town of Philipstown, entitled "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of-way.**

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 and www.philipstown.com where it may be examined during the Town Office Hours.

DATED: August 21, 2013

By Order of the Town Board of the Town of Philipstown

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 Town of Philipstown

Local Law No. 4 of the year 2013

A local law to amend Chapter 112 of the Code of the Town of Philipstown, entitled "Land Development,
(Insert Title)
in order to require maintenance agreements for Open Development Area Subdivisions
accessed by shared rights-of-way.

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

County City Town Village
(Select one.)

of Town of Philipstown as follows:

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

Town of Philipstown

Local Law No. of the Year 2013

A **Local Law** to amend Chapter 112 of the Code of the Town of Philipstown, entitled “Land Development,” in order to require maintenance agreements for Open Development Area subdivisions accessed by shared rights-of-way.

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

SECTION 1. TITLE

This local law shall be known as “A Law Amending Chapter 112 of the Town Code of the Town of Philipstown with respect to Open Development Area subdivisions.”

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, §10 et seq. and the Consolidated Laws of the State of New York, Chapter 62, Article 16 (the “Town Law”).

SECTION 3. PURPOSE

This local law is intended to require maintenance agreements for Open Development Area subdivisions accessed by shared rights-of-way in order to solve a long-standing problem in the Town and provide a secure legal basis for a requirement that the Planning Board has attempted to institute in its discretion, as a matter of good practice.

SECTION 4. REVISION OF CHAPTER 112

Section 112-64 of Chapter 112 of the Town Code of the Town of Philipstown, entitled “Land Development,” is hereby amended by inserting a new subsection J after subsection I (renumbering existing subsection J as subsection K), as follows:

- J. Requirement of Recorded Right-of-Way Maintenance Agreement
- (1) Prior to granting final approval of a new open development area subdivision pursuant to these regulations, the Planning Board shall require the applicant to submit a right-of-way maintenance agreement that complies with the criteria in subsection (4) below.
 - (2) Final approval of the subdivision shall be conditioned upon recording the approved maintenance agreement in the County Clerk’s office, and the Planning Board chair shall not sign the plat until the applicant has shown proof of such recording and provided a suitable notation of such recording on the plat.

- (3) An applicant may substitute a recorded property owners association agreement for a recorded right-of-way maintenance agreement, provided that the Town Attorney finds that the property owners association documents provide assurances of maintenance of the right-of-way that meet the requirements in subsection (4). The property owners association agreement shall be recorded in the County Clerk's office prior to or simultaneously with final approval of the plat.
- (4) The right-of-way maintenance agreement or property owners' association (POA) agreement shall meet the following minimum requirements:
 - a. The signatories to the maintenance agreement or the POA agreement shall have adequate powers to charge the subdivision lot owners for their proportionate share of the maintenance costs of the private road.
 - b. The maintenance agreement or the POA agreement shall ensure that the road will be maintained and kept open to permit emergency vehicle access.
 - c. The maintenance agreement or POA agreement shall bind all lot owners in the subdivision and their successors in title.

SECTION 5. 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 6. REPEAL

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

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately after its adoption and 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. 4 of 2013 of the (County)(City)(Town)(Village) of Town of Philipsotwn was duly passed by the Town Board on September 5 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ above.

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

(Seal)

Date: _____

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 5th day of September, 2013 at 7:10 p.m. in the evening of that day upon the question of the enactment of a **Local Law to amend Chapter 175, "Zoning," of the Code of the Town of Philipstown in order to make clarifications and technical corrections.**

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 and www.philipstown.com where it may be examined during the Town Office Hours.

DATED: August 21, 2013

By Order of the Town Board of the Town of Philipstown

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 Town of Philipstown

Local Law No. 5 of the year 2013

A local law to amend Chapter 175, "Zoning," of the Code of the Town of Philipstown in order
(Insert Title)
to make clarifications and technical corrections.

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

County City Town Village
(Select one.)

of Town of Philipstown as follows:

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

Town of Philipstown

Local Law No. of the Year 2013

A **Local Law** to amend Chapter 175, “Zoning,” of the Code of the Town of Philipstown in order to make clarifications and technical corrections.

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

SECTION 1. TITLE

This local law shall be known as “A Law Amending the Town Code of the Town of Philipstown to make clarifications and technical corrections to Chapter 175.”

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, §10 et seq. and the Consolidated Laws of the State of New York, Chapter 62, Article 16 (the “Town Law”).

SECTION 3. PURPOSE AND FINDINGS

This local law is intended to make technical corrections, resolve ambiguities, and refine the provisions of the Town’s Zoning Law, Chapter 175 of the Town Code (Local Law # 1 of the Year 2011).

SECTION 4. AMENDMENTS TO CHAPTER 175

1. Section 175-10B of the Town Code of the Town of Philipstown, is hereby amended by adding the words “Minor Project” at the beginning of the first footnote on the Use Table so that the footnote reads as follows:

() Minor Project Site Plan review required when footprint area exceeds 3,000 square feet. Additions to dwellings where the total cumulative footprint will be greater than 3000 square feet shall require minor project site plan review if the footprint of the addition exceeds 1000 square feet.*

2. Section 175-10B of the Town Code of the Town of Philipstown, is hereby amended by deleting the word “subject” from the second footnote on the use table so that the footnote reads as follows:

(#) Permitted by right if operated in conjunction with the primary institutional use as defined in §175-74; otherwise a special permit is required. See §175-10J.

3. Section 175-11 of the Town Code of the Town of Philipstown, is hereby amended by adding a new subsection F after subsection E, to read as follows:

"F. Lot Size Calculation for Land in More than One Zoning District

For purposes of calculating and determining compliance with minimum lot size requirements on a lot or parcel that lies in more than one zoning district, the required minimum lot size shall be the minimum lot size for the zoning district which encompasses the largest portion of the lot. The remaining land on the lot, lying in one or more other districts, shall be counted toward the minimum lot size requirement as determined above. Land on a contiguous parcel in the same ownership may also be counted toward minimum lot size if so desired by the landowner."

4. Section 175-37E(3) of the Town Code of the Town of Philipstown, is hereby amended to read as follows:

3. Agricultural structures and practices shall not require site plan review or special permit approvals, except that agricultural structures with a footprint greater than 15,000 square feet shall require minor project site plan approval pursuant to §175-67.

5. The first sentence of Section 175-62E(4) of the Town Code of the Town of Philipstown, is hereby amended to read as follows:

"Upon receipt of application materials it deems to be complete, the Planning Board shall also refer to the Town's Conservation Board any application for a Major Project Special Permit or any application for a Minor Project Special Permit located within the OSO, WSO, SPO, or FPO Districts, or within a Ridgeline and Hillside Protection Area, together with any SEQR documents submitted with the application."

6. Section 175-65A(2) of the Town Code of the Town of Philipstown, is hereby amended to read as follows:

"2. The procedures for review of Site Plans for Major and Minor Projects (as defined in Article XII) are described in §§175-66 and 175-67. Agricultural structures with a footprint of over 15,000 square feet shall require Minor Project site plan approval. Agricultural structures with a footprint of 15,000 square feet or less are exempt from site plan approval requirements."

7. The fifth sentence of Section 175-67D of the Town Code of the Town of Philipstown, is hereby amended to read as follows:

"At the discretion of the Planning Board, a minor project site plan may be referred to the Conservation Board if it is located within the OSO, WSO, SPO, or FPO Districts, or within a Ridgeline and Hillside Protection Area."

8. Section 175-74B of the Town Code of the Town of Philipstown, is hereby amended by changing the definition of Lot/Parcel to read as follows:

"Lot/Parcel: An area of land with definite boundaries, all parts of which are owned by the same person(s) or entities, the boundaries of which were established by the filing of an approved subdivision plat or by the recording of a deed prior to the adoption of Subdivision Regulations of the Town of Philipstown on June 17, 1968. A lot may also exist if it was established by the recording of a deed after the adoption of Subdivision Regulations of the Town of Philipstown if the Subdivision Regulations then in effect did not require subdivision approval for the creation of the lot or parcel. The property owner shall have the burden of proving that the Subdivision Regulations in effect at the time the lot was created did not require subdivision approval for such lot."

9. Section 175-34F of the Town Code of the Town of Philipstown, is hereby amended to read as follows:

"F. Excavation, clearcutting, or grading of any area exceeding 2,000 square feet and/or filling with more than 100 cubic yards of material shall require a permit from the Natural Resources Review Officer, unless such excavation, grading, filling, or clearcutting is performed pursuant to an approved Site Plan, Special Permit, subdivision plat, Building Permit, or timber harvesting plan, or as a normal and customary activity conducted in conjunction with a farm operation (as defined in Article XII). The Natural Resources Review Officer shall not issue a permit for such activities unless the applicant has demonstrated that the activities will not alter the run-off characteristics of the property or otherwise adversely affect natural drainage or structural safety of buildings or lands, cause erosion or sedimentation, or create any noxious conditions or hazard to public health or safety. Any land disturbance involving more than 20,000 square feet of land that is not performed in connection with an approved building permit, special permit, or site plan, shall require plan approval from the Conservation Board using the procedures provided for in

Section 93-9 of the Town Code for wetlands permit plan review.”

SECTION 5. 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 6. REPEAL

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

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately after its adoption and 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. 5 of 2013 of the (County)(City)(Town)(Village) of Town of Philipsotwn was duly passed by the Town Board on September 5 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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

(Seal)

Date: _____

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 5th day of September, 2013 at 7:20 p.m. in the evening of that day upon the question of the enactment of a **Local Law to amend Chapter 175, "Zoning," of the Code of the Town of Philipstown in order to ensure that the practice known as hydraulic fracturing and its associated impacts are prohibited in the Town of Philipstown.**

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 and www.philipstown.com where it may be examined during the Town Office Hours.

DATED: August 21, 2013

By Order of the Town Board of the Town of Philipstown

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 Town of Philipstown

Local Law No. 6 of the year 2013

A local law to amend Chapter 175, "Zoning," of the Code of the Town of Philipstown in order to
(Insert Title)
ensure that the practice known as hydraulic fracturing and its associated impacts
are prohibited in the Town of Philipstown.

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

County City Town Village
(Select one.)

of Town of Philipstown as follows:

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

Town of Philipstown

Local Law No. of the Year 2013

A **Local Law** to amend Chapter 175, “Zoning,” of the Code of the Town of Philipstown in order to ensure that the practice known as hydraulic fracturing and its associated impacts are prohibited in the Town of Philipstown.

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

SECTION 1. TITLE

This local law shall be known as “A Law Amending the Town Code of the Town of Philipstown to prohibit hydraulic fracturing.”

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, §10 et seq. and the Consolidated Laws of the State of New York, Chapter 62, Article 16 (the “Town Law”).

SECTION 3. PURPOSE AND FINDINGS

This local law is intended to prohibit hydraulic fracturing and associated activities, including disposal and transport of products and wastes in connection with drilling for fossil fuel products. While hydraulic fracturing and directional gas drilling are not permitted in any zoning district in the Town, the Town Board desires to take further steps to ensure that hydraulic fracturing, directional gas drilling or any ancillary or related uses or activities do not take place within the Town. Serious health and environmental impacts caused by these uses could threaten the health of the residents in the Town, could require the use of massive amounts of water, or the transportation of massive amounts of water causing impact to Town highways and could cause other aesthetic, environmental and public health impacts, resulting in the degradation of the quality of life in the Town of Philipstown and the Town’s infrastructure. It is the purpose of this local law to prohibit hydraulic fracturing, directional gas drilling and related or ancillary uses in order to avoid such negative impact within the Town. The Town’s zoning law includes an aquifer overlay district, Section 175-16, that applies townwide and already affords substantial protection against these hazards. However, Section 175-16 does not specifically mention hydraulic fracturing and associated activities as prohibited uses. It is the intent of this local law to make it clear that such practices and activities are prohibited throughout the Town of Philipstown.

SECTION 4. AMENDMENT TO CHAPTER 175

The Town of Philipstown Zoning Law, Chapter 175 of the Town Code (Local Law # 1 of the Year 2011) is hereby amended by adding to the list of uses prohibited throughout the Town a new subsection 175-16E(1)(d) after subsection 175-16E(1)(c), as follows:

d. Exploration, vertical or directional drilling for natural gas, oil, or any other fossil fuel, and production or processing of any materials resulting from such drilling for fossil fuels, including liquid, gaseous, or solid products, byproducts, and wastes. This prohibition specifically covers high-volume hydraulic fracturing ("hydrofracking") for fossil fuel recovery, the storage or use of equipment, product, or materials used for or resulting directly from such hydrofracking, as well as the transport and disposal of such equipment, product, or materials. This prohibition does not apply to (i) materials used in connection with hydrofracking that occurs outside of the Town of Philipstown, (ii) fossil fuel products derived from hydrofracking conducted outside of the Town of Philipstown and brought into the Town from elsewhere; or (iii) the shipment of such materials or products through the Town.

SECTION 5. 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 6. REPEAL

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

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately after its adoption and 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. 6 of 2013 of the (County)(City)(Town)(Village) of Town of PHilipsotwn was duly passed by the Town Board on September 5 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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

(Seal)

Date: _____

BID OPENING
July 10, 2013

The Town Clerk's Office held a Bid Opening for Recreation Boiler Replacement on the above date at 2:00 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

The following bids were submitted.

Southeast Mechanical Corp. <i>NOTE: No Non-Collusion Form submitted with bid</i>	Boiler Installation	\$ 389,000.00
	#1 – Demo/Abate without tank removal	-0-
	#2 – Demo/Abate with tank removal	7,500.00
	#3 – Oil tank removal/replacement	63,700.00
UAP Inc.	Boiler Installation	\$ 363,000.00
	#1 – Demo/Abate without tank removal	40,000.00
	#2 – Demo/Abate with tank removal	55,000.00
	#3 – Oil tank removal/replacement	78,000.00
Clean Air Quality Service, Inc.	Boiler Installation	\$ 332,906.00
	#1 – Demo/Abate without tank removal	89,800.00
	#2 – Demo/Abate with tank removal	113,906.00
	#3 – Oil tank removal/replacement	99,609.00

At conclusion of opening of bids, John Mallon, President of UAP Incorporated, requested that his protest of the bid submitted by Southeast Mechanical Corporation be noted in the minutes due to the fact that no Non-Collusion Form was submitted with Southeast's bid proposal.

Bid opening concluded at 2:05 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk

BID OPENING
July 18, 2013

The Town Clerk's Office held a Bid Opening for Indian Brook Road Culvert Replacement on the above date at 11:00 a.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

The following bids were submitted.

	Proposal Amt.	Non-Collusive Form Attached
Catalyst Construction	\$360,240.00	Yes
Ben Cozzi, Inc.	\$263,000.00	Yes
Legacy Valve LLC	\$446,721.00	Yes
Precise Landscaping, Inc.	\$291,802.00	Yes
Ben Ciccone, Inc.	\$484,920.00	Yes
CMC Construction Group	\$272,912.00	Yes
Sun Up Enterprises	\$477,880.00	Yes
Con-Tech Construction	\$379,260.00	Yes
McNamee Construction Corp.	\$390,750.00	Yes

Bid opening concluded at 11:07 a.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk

Weekly Town Board Meeting
July 31, 2013

The Town Board of the Town of Philipstown 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
Nancy Montgomery	Councilwoman
David Merandy	Councilman

ABSENT:	Betty Budney	Councilwoman
	John Van Tassel	Councilman

AGENDA

1. Resolution authorizing Supervisor Shea to accept funds from the New York State Office of Parks, Recreation and Historic Preservation for the Hudson Highlands/Fjord Trail in an amount not to exceed \$700,000.00

RESOLUTION #99-2013

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Merandy:

RESOLVED, that Richard Shea, as Supervisor of the Town of Philipstown, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of (Title 9 of the Environmental Protection Act of 1993) in an amount not to exceed \$700,000.00, and enter into and execute a project agreement with the State for such financial assistance to this Town of Philipstown for the Hudson Highlands/Fjord Trail and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	ABSENT
Councilwoman Montgomery	AYE
Councilman Van Tassel	ABSENT
Councilman Merandy	AYE

Resolution unanimously passed.

2. Resolution authorizing Supervisor Shea to sign the grant application and commit to in-kind services not to exceed \$15,000.00 in support of the Hudson Highlands/Fjord Trail Project.

Weekly Town Board Meeting
July 31, 2013

RESOLUTION #100-2013

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

WHEREAS, the need for formalized parking and safe pedestrian access along the Route 9D corridor is well established; and

WHEREAS, the Town of Philipstown reaffirms recommendations made in the 2006 Comprehensive Plan for greater and safer pedestrian and bicyclist connections within and extending from the Town; and

WHEREAS, the goals of the Hudson Highlands/Fjord Trail are improved public health and safety, increased commerce and inter-municipal cooperation and expanded handicap access to the beauty of the Hudson ; and

WHEREAS, the Town Board of the Town of Philipstown recognizes and supports the above stated goals and objective; and

WHEREAS, once funding has been secured for the project that the New York State Environmental Quality Review Act will be followed and adhered to.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the grant for the Hudson Highlands/Fjord Trail; and

BE IT FURTHER RESOLVED, that the Town of Philipstown hereby commits to in-kind services and/or cash not to exceed \$15,000.00 in support of the Hudson Highlands/Fjord Trail Project.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Merandy to close the Weekly Meeting at 7:55 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Monthly Town Board Meeting
August 1, 2013

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
	Nancy Montgomery	Councilwoman
	David Merandy	Councilman

ABSENT:	Betty Budney	Councilwoman
	John Van Tassel	Councilman

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

REVIEW OF MINUTES

The Minutes of the Weekly Town Board Meeting of June 19, 2013, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Weekly Town Board Meeting of June 19, 2013, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of July 11, 2013, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Monthly Town Board Meeting of July 11, 2013, are hereby approved as presented.

Supervisor Shea extended the Board's condolences to the entire Van Tassel family. Councilman Van Tassel's father, a long-time member of the community who was well respected, recently passed. Supervisor Shea also mentioned the passing of Mrs. Edward (Shirley) Engelbride. Supervisor Shea stated, "Our condolences go out to both families." Councilwoman Montgomery noted that both Mr. Van Tassel and Mrs. Engelbride were founding members of the North Highland Fire Dept. and was thankful for their contributions.

COMMITTEE REPORTS

CB – Councilwoman Montgomery reported that the Conservation Board did not meet in July, but the Wetland Inspector did do a site visit to Cybercon on Route, and notes on that site visit are on file in Town Hall.

RECREATION – Councilman Van Tassel was not in attendance, but Councilwoman Montgomery did have something to report on senior recreation. Recreation Supervisor Sticle did, at Supervisor Shea's request, establish an exercise class at Chestnut Ridge. There will be three classes starting in September. She hopes that the Town Board can still work with the County and talk about how the Town may be able to partner with them since this expense was not factored into the budget.

RECYCLING – NO REPORT - Councilwoman Budney was not in attendance. Supervisor Shea said that our prayers are with Betty and her family at this time also.

PLANNING BOARD - Councilman Merandy reported that he did not attend this month's meeting, but that Mike Leonard did provide a report. He thanked Gillian for making the space at the library better for them. He then read the report noting that there were two Public Hearings and four other items on the agenda. The next meeting will be held on September 19, 2013.

ZONING – Councilman Van Tassel was not in attendance.

HIGHWAY – Councilwoman Budney was not in attendance. Supervisor Shea said that he saw a lot of grading going on at Old Albany Post Road and Canopus Hollow and he is going to talk to the Highway Superintendent about getting a car counter there. He feels that there is a lot of traffic (trucks, tractor trailers) and high speeds.

BUILDING & LAND ACQUISITION – Supervisor Shea stated that this would be discussed later in the meeting.

COUNTY LEGISLATOR REPORT - Legislator Scuccimarra said she thought that it was important for her to come to the monthly meetings to talk about things going on in the County and be available for any questions the Town may have for her and for the County. With regard to the seniors, the ramp, new door and patio are finally in. She spoke with Pat Sheehy today, who will also be replacing tables and chairs. Legislator Scuccimarra said that she will speak with Pat Sheehy and the County Executive about helping with the exercise program. She said that they are also working on trying to improve the quality of the food at the nutrition center. Councilwoman Budney had a question about the electronics-recycling contract and she can report that there's still no contract because the attorney who was handling it had left. A contract should be signed soon and should have no affect on the Town.

Legislator Scuccimarra reported that she had spoke about a drug take-back program a few months ago. It was a great success on the other side of the County and they have been working with the Health Department to hold one here at the VFW in October. She would also like to see lock boxes in different areas in Philipstown where people can come in and drop off medications. Legislator Scuccimarra reported that he Sheriff has some issues with this that need to be worked out.

Legislator Scuccimarra stated that she did a site visit with Highway Superintendent Chirico to Snake Hill and added that cement was being poured this week. The progress seems to be moving along. She has a conference call scheduled with Congressman Maloney next week to see if there is any federal funding available for the project at Manitou Station Road. She added that, in talking with Superintendent Chirico, he feels that there is a cheaper way to go.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF AUGUST 1, 2013**

GENERAL & PART-TOWN FUNDS

Recreation Fees	39,889.52
Justice Court Misc.	60.00
Palisades Climb Refund	142.89
Building Fees (7/13)	14,161.00
Bank Interest	131.14

HIGHWAY FUND

Put. Co. Gas	3,487.38
Gen. Fund Gas	1,106.23
Put. Co. Gas	2,923.87
Bank Int.	242.55
Expressway Auto	71.25

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	3.04
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	700.00
Bank Interest	16.92

AGENDA

1. Resolution rejecting all bids for the Indian Brook Road Culvert Replacement Project. (Roll Call Vote)

Supervisor Shea said that this is a little disappointing because this has been an up hill battle. It is the opinion of both he and Superintendent Chirico that, due to the closure of Snake Hill Road, lane closures on Route 9D, and concern of residents over the traffic on Avery Road, the Garrison Volunteer Ambulance Corp. communicated that the existing road closures have caused delays in response time of emergency vehicles; (reading directly from the resolutions) "and WHEREAS, the upcoming closure of Indian Brook Road near Route 9 will further impact emergency services and their response times; NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby rejects all the bids submitted by the following bidders."

RESOLUTION #101-2013

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

WHEREAS, on July 18, 2013, at 11:00 a.m. the Town Clerk's Office opened the bids for the Indian Brook Road Culvert Replacement Project; and

WHEREAS, due to the closure of Snake Hill Road, lane closures on Route 9D and concern to residents over the traffic on Avery Road, the Garrison Volunteer Ambulance Corp. communicated that the existing road closures have caused delays in response time of emergency vehicles; and

WHEREAS, the upcoming closure of Indian Brook Road near Route 9 will further impact emergency services and their response times;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby rejects all the bids submitted by the following bidders:

Catalyst Construction
Ben Cozzi, Inc.
Legacy Valve, LLC
Precise Landscaping, Inc.
Ben Ciccone, Inc.
CMC Construction Group
Sun Up Enterprises
Con-Tech Construction
McNarnme Construction Corp.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	ABSENT
Councilwoman Montgomery	AYE
Councilman Van Tassel	ABSENT
Councilman Merandy	AYE

Resolution unanimously passed.

2. Resolution authorizing Supervisor Shea to sign the proposal from Karen Parks regarding the plans for the renovations of the “Dahlia” house.

Supervisor Shea said that this is something that should be put aside until the entire Board is here. In deference to the other Board members also, this is a little more complicated than ?? vote.

RESOLUTION #102-2013

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

RESOLVED, that the Town Board tables this item until the entire Town Board is available.

3. Resolution supporting Senator Gibson’s Resolution dated May 10, 2013 calling for a Constitutional ban on new un-funded mandates from Albany. (Roll Call Vote)

Supervisor Shea stated that one of the prime examples of un-funded mandates is MS-4 that came down from the state. This was a good idea to protect wetlands and to talk about Stormwater, but there was no funding whatsoever. It put a huge burden on the Town. We spent, over the course of five years, hundreds of thousands of dollars and a lot of hours of volunteer time mapping. Good ideas need to come with commensurate funding from the state. We don’t mind sharing in that cost, but we cannot bear the entire burden of everybody’s great ideas unless there is going to be some partnering. For that reason he supports this resolution.

Councilwoman Montgomery said some mandates are necessary. Mandates sometimes protect citizens but they have created a huge burden on municipalities. The provision in this bill to insist that the state provide those monies for those mandates that get passed is a good idea.

RESOLUTION #103-2013

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

Monthly Town Board Meeting
August 1, 2013

WHEREAS, Senator Terry Gibson introduced a bill to establish a constitutional ban on new un-funded mandates, Bill #S5126; and

WHEREAS, the proposed bill would change the way Albany conducts its business and reforming mandates are critical to improving Albany's budgeting and legislative process while easing the fiscal strains on local and county governments;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Philipstown hereby supports and calls upon the State of New York to pass the proposed bill #S5126 introduced by Senator Terry Gibson; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to send a certified copy of this Resolution to the Office of New York State Senator Gibson.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	ABSENT
Councilwoman Montgomery	AYE
Councilman Van Tassel	ABSENT
Councilman Merandy	AYE

Resolution unanimously passed.

4. Resolution authorizing Supervisor Shea to sign the acknowledgement of the Village of Cold Spring's Planning Board to assume lead agency for the coordinated review of the Butterfield Redevelopment Project.

RESOLUTION #104-2013

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the acknowledgement of the Village of Cold Spring's Planning Board to assume lead agency for the coordinated review of the Butterfield Redevelopment Project.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	ABSENT
Councilwoman Montgomery	AYE
Councilman Van Tassel	ABSENT
Councilman Merandy	AYE

Resolution unanimously passed.

Monthly Town Board Meeting
August 1, 2013

5. Resolution accepting the 2012 Philipstown Volunteer Ambulance Corps LOSAP Point Listing.

RESOLUTION #105-2013

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to sign the 2012 Sponsor Approval Form for the Service Award Program lists of all 2012 active volunteer ambulance workers of the Philipstown Volunteer Ambulance Corps.

6. Resolution rescinding Resolution #145-2012 waiving the building permit fees for those affected by Hurricane Sandy.

Town Clerk Merando said this went into effect October 29, 2012 and was good for six month. As of July there was one resident outstanding, but they did make the deadline.

RESOLUTION #106-2013

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

RESOLVED, that the Town Board hereby rescinds Resolution #145-2012 which waived the building permit fees for those affected by Hurricane Sandy.

7. Resolution to re-appoint Brian Kenney to a 6-year term as the Town's Assessor and authorize Town Clerk Merando to notify the New York State Department of Taxation and Finance as required. (Term to expire 9/30/2019).

RESOLUTION #107-2013

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

RESOLVED, that as per New York State Real Property Tax Law §310, the Town Board hereby re-appoints Brian Kenney to serve as the Town's Assessor for a six-year term which expires September 30, 2019.

8. Resolution accepting the resignation of Vincent Cestone as Chairman of the Zoning Board of Appeals, effective July 16, 2013.

RESOLUTION #108-2013

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

RESOLVED, that the Town Board hereby accepts the resignation of Vincent Cestone as the Chairman of the Philipstown Zoning Board of Appeals effective July 16, 2013.

Monthly Town Board Meeting
August 1, 2013

9. Code Enforcement Monthly Report.

Town Clerk Merando read the report, which is on file in the Town Clerks office. Supervisor Shea congratulated Code Enforcement Officer, Kevin Donohue, on his taking another exam.

10. Schedule Workshops/Meetings.

August 7, 2013 – Weekly Workshop to discuss Dahlia House

Supervisor Shea said that it behooves the Town to come up with a plan/scenario and assist the village for a senior center because a local resident has offered a generous donation of \$500,000 for this and he would hate to see the Town miss out on that kind of opportunity.

September 5, 2013 - Public Hearings on Local Laws

6:30 pm – Misc. Zoning Amendments

6:40 pm – Timber Harvesting, Chapter 159

6:50 pm – Wetlands, Chapter 93

7:00 pm – Open Development Areas, Chapter 112

7:10 pm – Zoning – Technical Amendments

7:20 pm – Hydrofracking

RESOLUTION #109-2013

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for a series of Public Hearings on Local Laws on September 5, 2013 at 6:30pm, as listed above..

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

AUDIENCE

Nat Prentice asked if any thought had been given to updating the Comprehensive Plan. He would be willing to volunteer. Supervisor Shea replied, “yes” we are supposed to and if he (Nat) wants to sit down and to discuss how we want to do that and who would get involved they can talk about it and set the stage to keep it a living document.

Mary Finger stated that she would like to make an addendum to the Comprehensive Plan. She said that It is a requirement in the Comp Plan that it needs to be updated every five years. Supervisor Shea said that it is an opportunity to specifically update alternative energy and get more defined parameters on how to proceed.

Monthly Town Board Meeting
August 1, 2013

Liz Armstrong had a quick question on the flooding problems along Upland Drive and Old Albany Post Road. She heard from some residents that the Town owned some of the parcels there. Supervisor Shea said that the town does own a number of parcels up there. They are in REM and we cannot develop or sell them. They will not be developed and are used as a buffer because of flooding and steep slopes up there.

VACANCIES

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

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the General Vouchers in the amount of \$68,096.86 approved as set forth in Abstract 7A& 8

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$41,618.83 are hereby approved as set forth in Abstracts 7A& 8

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVPD Vouchers in the amount of \$808.05 are hereby approved as set forth in Abstract 7A & 8.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$4,595.98 are hereby approved as set forth in Abstracts 7A & 8.

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

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk

Weekly Town Board
August 7, 2013

The Town Board of the Town of Philipstown 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
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman
Betty Budney	Councilwoman

AGENDA

1. Resolution awarding the bid for the Boiler Replacement Project at the Claudio Marzollo Community Center.

Supervisor Shea thanked Councilman Merandy for all the time he spent working towards the boiler replacement project coming to this point. He also thanked Town Clerk Merando for her work on the grant and her efforts to try and consolidate the grant to lower the overall costs to the Town.

Supervisor Shea noted that the Town Board took extra time to make a decision, because, "we really wanted to vet this when the numbers came in, as they were higher than first anticipated. This job has to be completed, we can't run the recreation center without a new boiler and we can't go another year." Supervisor Shea stated that the board consulted with other people and also called references. He went on to say, that there is a low bidder, and the board feels that they are a qualified bidder, therefore, the Town Board was going to award the bid to UAP, Inc., in the amount of \$536,000.00. Clear Air came in at \$636,221.00.

Councilman Merandy commented that, sometimes when you review things more closely, things turn out for the better. He noted that abatement won't start until summer camp has concluded, so that portion of the of the work won't be as big of a concern. Following calls for references, there were glowing remarks about the low bidder.

Councilman Van Tassel's concern was getting the project completed in a timely manner. He suggested that a clause stating that if the heat wasn't on by October 20th, that the contractor would provide temporary heat.

RESOLUTION #110-2013

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

Weekly Town Board
August 7, 2013

RESOLVED, that the Town Board hereby awards the bid for the Boiler Replacement Project at the Claudio Marzollo Community Center to UAP, Inc., of 400 Route 22, Brewster, New York, in an amount not to exceed \$536,000.00 as submitted by bidder.

Town Clerk Merando suggested that the Town Board schedule a Special Meeting in order to begin the procedure for floating a bond. Town Clerk Merando added that a bond resolution needed to be adopted and that there is a time requirement for posting of said resolution.

RESOLUTION #111-2013

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

RESOLVED, that the Town Board hereby schedules a Special Meeting for Monday, August 12, 2013, at 9:00 a.m., to consider the Bond Resolution for the funding of the Boiler Replacement Project at the Claudio Marzollo Community Center.

There was a brief discussion with regard to the new exercise classes that will be held at the Chestnut Ridge Complex for seniors.

Councilman Merandy commented on the ice skating rink that is proposed at the town park and questioned the potential costs that may be incurred. The Town Board responded saying that, at this point, the rink is only being proposed for a weeklong Winter Festival and even that depends on the weather conditions.

There being no further business to discuss, Councilwoman Budney, seconded by Councilman Merandy and unanimously carried that the Weekly Town Board Meeting be closed at 7:50 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Special Town Board Meeting
August 12, 2013

The Town Board of the Town of Philipstown held a Special 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
David Merandy	Councilman
Betty Budney	Councilwoman
John Van Tassel	Councilman

ABSENT: Nancy Montgomery Councilwoman

AGENDA

1. Resolution authorizing, subject to permissive referendum, the replacement of the boiler at St. Mary's in and for the Town of Philipstown, at a maximum estimated cost of \$550,000.

a) SEQRA Resolution

RESOLUTION

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

WHEREAS, the Town of Philipstown advertised for bidders for the Boiler Replacement at "St. Mary's" (Claudio Marzollo Community Center) which includes boiler replacement, oil tank removal/replacement and demo/abatement and has awarded the same to UAP, Inc., 400 Route 22, Brewster, New York 10509;

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.

b) Bond Resolution

RESOLUTION

The following Resolution was offered by Councilman Merandy, who moved its adoption, seconded by Councilman Van Tassel, to wit:

BOND RESOLUTION DATED AUGUST 12, 2013.

Special Town Board Meeting
August 12, 2013

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE REPLACEMENT OF THE BOILER AT ST. MARY'S, IN AND FOR THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$550,000, AND AUTHORIZING THE ISSUANCE OF \$550,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all condition precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act as a Type II Action, have been performed; and

WHEREAS, it is now desired to authorize such capital project and its financing;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Philipstown, Putnam County, New York, as follows;

Section 1. The replacement of the boiler at St. Mary's, in and for the Town of Philipstown, Putnam County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$550,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$550,000 bonds of said Town, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Philipstown, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year unless paid from other revenues. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such

Special Town Board Meeting
August 12, 2013

manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dated, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause proved for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper(s) of said Town for such purpose, together with a notice of the Town Clerk insubstantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM

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

ROLL CALL VOTE

Special Town Board Meeting
August 12, 2013

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	ABSENT
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilwoman Budney to close the Special Meeting at 9:05 a.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

BID OPENING
August 20, 2013

The Town Clerk's Office held a Bid Opening for Indian Brook Road Bank Stabilization (Albanese), on the above date at 11:00 a.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

The following bids were submitted.

	Proposal Amt.	Non-Collusive Form Attached
Ben Cozzi, Inc.	\$338,000.00	No
Ben Ciccone, Inc.	\$245,270.00	Yes
Sun Up Enterprises	\$358,665.00	Yes
Con-Tech Construction	\$211,960.00	Yes

Bid opening concluded at 11:03 a.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk

Special Meeting
August 21, 2013

The Town Board of the Town of Philipstown held a Special Meeting on the above date at 7:40 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
Dominic Cordisco	Town Attorney

RESOLUTION #

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

RESOLVED, that the Town Board entered into Executive Session to discuss Attorney/Client matters.

Councilman Merandy made a motion, seconded by Councilman VanTassel and unanimously carried to close the Executive Session at 8:20 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Weekly Town Board
August 21, 2013

The Town Board of the Town of Philipstown held their Weekly Meeting on the above date at 8:20 p.m, at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

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

Following the Executive Session of this date, the Town Board held a workshop to discuss the following:

There was some discussion with regard to the Dahlia House and Councilman Merandy has drafted some drawings of the existing facility and the possible layout if renovations are completed. He pointed out that the main door would be in the back of the building, which would eliminate handicap ramps. It was noted that the bathroom would remain the same size, as it would be handicap accessible. The Town Board also expressed their desire to replace the boiler. Councilman Merandy will refine the drawings and present them to the board again.

Discussion then turned to the possible renovations to the Town Hall, which included the installation of an elevator. Councilman Van Tassel reported on this matter. Councilman Merandy will compile some additional drawings of renovations for the Town Hall.

The matter of records and their disposal was discussed. The Town Board agreed to close the Town Hall for one day so all departments could prepare records for shredding. Town Clerk Merando will coordinate having the commercial shredder on site and work with the various departments in this endeavor.

Councilman Van Tassel announced that he has compiled a flyer with regard to emergency preparedness, which he would like to distribute town wide. He will meet again with the Emergency Preparedness Committee and Putnam County Emergency Services for further review prior to public release. There was a brief discussion with regard to Hazard Mitigation and talks with the County.

Councilman Merandy suggested that the Town digitize all the documents in the Town Hall. Discussion continued regarding the Building Department files and the maps. The Town Board decided to ask Tina Landolfi to begin the work needed on the Building Department files and agreed to an additional four hours per week for that task.

Weekly Town Board
August 21, 2013

Councilman Merandy stated that a meeting is needed to discuss the boiler project with both Jim Boorum and UAP. A meeting will be scheduled as soon as possible.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney to close the Weekly Meeting at 8:53 p.m.

Respectfully submitted by,

Tina M. Merando, Town Clerk

TOWN OF PHILIPSTOWN APPOINTED POSITION LIST (8/2013)

<u>TERM EXPIRES</u>	<u>ZONING BOARD OF APPEALS (5Year Term)</u>	
March 31, 2015	Vincent Cestone, 44 Aqueduct Rd., Garrison	737-0111(unlisted)
March 31, 2018	Paula Clair, 162 Gallows Hill Rd., Garrison	739-2141
March 31, 2015	William Flaherty, 18 JoAnn Place, Cold Spring	265-2988
March 31, 2016	Leonard Lim, 11 Horton Rd., Cold Spring	265-3554
March 31, 2017	Robert Dee, 5 Old Albany Post Rd., Garrison	424-6034
	Tina Landolfi, Secretary	519-9489
	<u>PLANNING BOARD (4 Year Term)</u>	
March 31, 2017	Michael Leonard, Chairman, 16 Valley Lane, Garrison	739-8977
March 31, 2014	Anthony Merante, 18 Yesterday Drive, Cold Spring	809-5024
March 31, 2015	Kim Conner, P.O. Box 60, Cold Spring	265-4840
March 31, 2015	Kerry Meehan, 1892 Rt. 9, Garrison	424-3204
March 31, 2014	Neal Zuckerman, 663 Old Albany Post Road, Garrison	424-6057
March 31, 2017	Mary Finger, 3 Horsemens Trail, Cold Spring	265-2665
March 31, 2016	Pat Sexton, 16 Corey Lane, Cold Spring	265-9361
	Ann Gallagher, Secretary	265-3424
	<u>BOARD OF ASSESSMENT REVIEW(5 Year Term)</u>	
September 30, 2015	Jamie Adams, Chairman, 36 Manitou Woods Rd., Garrison	424-8310
September 30, 2015	Gordon Casement, 65 Moffett Road, Cold Spring	809-5072
September 30, 2013	Michael Leonard, 16 Valley Lane, Garrison	739-8977
September 30, 2017	Kathy Tomann, 287 Main Street, Nelsonville, NY	265-9369
September 30, 2014	Anne Nichter, 519 N. Fishkill Road N, Cold Spring	265-2619
	<u>RECREATION COMMISSION (7 Year Term)</u>	
September 1, 2013	William Mazzuca, Chairman, 22 Parrott St., Cold Spring	265-9393
September 1, 2014	Al Zgolinski,, 23 Market Street, Cold Spring	265-3694
September 1, 2018	Claudio Marzollo, Lane Gate Rd., Cold Spring	265-3937
September 1, 2015	Stephanie Hawkins, 15 Academy St., Cold Spring	265-3180
September 1, 2018	Philippe Cotennec, 223 Route 301, Cold Spring	265-2172
September 1, 2019	John Maasik, 2792 Route 9, PO Box 69, Cold Spring	926-7187
September 1, 2013	Joel Conybear, 81 Perk's Blvd., Cold Spring	265-2897
	<u>CONSERVATION BOARD (2 Year Term)</u>	
March 3, 2014	Eric Lind (Interim Chairman), PO Box 174, Cold Spring	265-2601
March 3, 2014	Andrew Galler, 170 Old Albany Post Rd, Garrison	739-0108
March 3, 2014	Robert Repetto, 9 Old Albany Post Rd., Garrison	(845) 737-5113
March 3, 2015	Lew Kingsley, 16 Reservoir Lane, Cold Spring	265-3721
March 3, 2014	Mark Galezo, P.O. Box 186, Garrison	424-3595
March 3, 2015	Michael Leonard, 16 Valley Lane, Garrison	739-8977
March 3, 2015	M. J. Martin, 398 Indian Brook Road, Garrison	424-6068
Wetlands Inspector	David Klotzle, 6 Skytop Dr., Croton	(914) 736-7132
	Tina Landolfi, Secretary	519-9489
	<u>CONTINENTAL VILLAGE WATER DISTRICT (1 Year Term)</u>	
Employees	Answering Service 1-845-737-2442	
January 1, 2014	Ralph Bassignani, 12 Howland Rd., Garrison (Superintendent) Cell# 914-980-2493 Home# 737-8290	
January 1, 2014	Diane Barton, 65 Aqueduct Rd., Garrison (Collector)	(845)-739-5728
January 1, 2014	Steve LeClaire	
January 1, 2014	Ed Barticcioetto A.W.T.P.O	
January 1, 2014	Ken Gonsalves A.W.T.P.O	
January 1, 2014	Stan Houghton A.W.T.P.O	
	<u>ADVISORY COMMITTEE (1 Year Term)</u>	
January 1, 2014	Michael Phelan, 10 Evans Knoll, Garrison	737-0341
January 1, 2014	(Position Vacant)	
January 1, 2014	(Position Vacant)	
January 1, 2014	(Position Vacant)	
	<u>CONTINENTAL VILLAGE PARK DISTRICT (1Year Term)</u>	
Superintendent	Michael Phelan, 10 Evans Knoll, Garrison	737-0341
	<u>ADVISORY COMMITTEE</u>	
January 1, 2014	(Position Vacant)	
January 1, 2014	(Position Vacant)	
January 1, 2014	Frederick Romer, 157 Gallows Hill Rd., Garrison	734-4070
January 1, 2014	Ken Gonsalves, 4 Evans Terrace, Garrison	737-9239
January 1, 2014	(Position Vacant)	
January 1, 2014	Tony Galfano, 467 Sprout Brook Rd, Garrison	736-4198

RESOLUTION #

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

RESOLVED, that the Town Board hereby re-appoints Michael Leonard as a member of the Board of Assessment Review for a five-year term expiring on September 30, 2018.

cc: T.C.

August 11, 2013

Richard Shea, Town Supervisor
Philipstown Town Board
238 Main Street
Cold Spring, NY 10516

Re: Recreation Commission

Dear Richard and Town Board Members:

It is with great regret that I am submitting my resignation from the Recreation Commission. It has been an honor and privilege to serve the Town in this capacity.

Unfortunately, work has kept me from making a number of the last meetings of the Commission. It does not look like things will improve in the near future. I do not want to tie up the seat which should be made available to another Town resident who can contribute more than I. As a result I submit this letter of resignation with great regret.

Thank you for the opportunity to serve the Town.

Sincerely,



Al Zgolinski

Cc: John Maasik, Chairman, Recreation Commission
Amber Stickle, Director, Recreation Department

Rec'd
8/20/13
GA

RESOLUTION #

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

RESOLVED, that the Town Board hereby accepts the resignation of Al Zgolinski as a member of the Recreation Commission effective August 11, 2013; and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to send a letter of appreciation on behalf of the Town Board for his years of dedicated service.

RESOLUTION #

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

RESOLVED, that the Town Board hereby re-appoints William Mazzuca as member of the Recreation Commission for a seven-year term expiring on September 1, 2020.

RESOLUTION #

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

RESOLVED, that the Town Board hereby re-appoints Joel Conybear as a member of the Recreation Commission for a seven-year term expiring on September 1, 2020.



TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

RICHARD SHEA, SUPERVISOR

(845) 265-3329

TINA M. MERANDO
TOWN CLERK AND TAX COLLECTOR

BETTY BUDNEY, COUNCILWOMAN
JOHN VAN TASSEL, COUNCILMAN
NANCY MONTGOMERY, COUNCILWOMAN
DAVID MERANDY, COUNCILMAN

August 13, 2013

Mr. Richard deKoster, Executive Director
Constitution Island Association
209 Henry St.
Beacon, New York 12508

RE: Constitution Island Education Center (U-443)

Dear Mr. deKoster:

A visit to Constitution Island is a unique Hudson Valley experience for our local residents and visitors to our region. An Education Center in the Village of Cold Spring would be a huge benefit to tourism and to our local residents as well.

The Town Board of Philipstown is in strong support of the Grant for Constitution Island Association's Education Center to be located in the Village of Cold Spring. Activities on Main Street that encourage and improve the tourist experience are truly welcome. The Association brings history, drama and nineteenth century life to the modern American tourist.

Very truly yours,

Richard Shea
Supervisor

received
8/19/13 (JW)

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign a letter of support for the Constitution Island Education Center that will housed on Main Street in the Village of Cold Spring.

PERMIT

PERMIT is hereby granted exempting the following Public Place from the application of Local Law #1-1983, A Local Law Regulating Alcohol in Public Places, for the period specified below:

PERMIT ISSUED TO: Continental Village Volunteer Fire Dept. Inc.

IN ACCORDANCE WITH THE APPLICATION DATED:
August 14, 2013

ADDRESS AND TELEPHONE OF APPLICANT:
845-739-1020

SPECIFIC AREA COVERED BY PERMIT (Location and Size)
200' x 200' area behind CV Park distr. club house
Bordered by Highland Drive & Spy Pond Road

AREA TO BE USED AND DESIGNATED TO PUBLIC IS AS FOLLOWS:
Area behind CVPD club house bordered by Highland Drive & Spy Pond Road

DATES AND HOURS COVERED BY PERMIT:
Friday, September 13, 2013 thru Sunday, September 15, 2013 from 12:00 noon

TOWN OF PHILIPSTOWN

BY: Murva Crawley
DATE: August 16, 2013

Notice:

This is a limited Permit. Any use of alcohol in violation of Local Law #1-83, "A Local Law regulating alcohol in Public Places", not specifically covered by this permit, may subject the applicant and/or any other persons found to be in violation of said Local Law, to prosecution and punishment as provided therein.

APPLICATION FOR PERMIT EXEMPTING A DESIGNATED PUBLIC PLACE FROM LOCAL LAW REGULATING ALCOHOL IN PUBLIC PLACES

1. Name of person, firm, corporation, association or organization applying for permit:

CONTINENTAL VILLAGE VOL. FIRE DEPT. INC.

2. Address of Applicant:

12 SPY POND RD. GARRISON, NY 10524

3. Telephone number of Applicant: 845-739-1020

4. Specific description of area to be covered by permit (insert street, park or facility with specific boundaries):

AREA BEHIND C.V. PARK DIST. CLUB HOUSE $\frac{1}{2}$ C.V. F.D. BORDERED BY HIGHLAND DRIVE $\frac{1}{2}$ SPY POND RD.

5. Approximate size of area to be covered by permit:

200' BY 200'

6. Specify how area to be covered by permit is to be designated to the public (fences, signs, ribbons, etc.)

TRAFFIC CONES $\frac{1}{2}$ YELLOW SCENE TAPE

7. Dates and hours during which permit is to be in effect (May not be valid before 12 noon and after 2:00 a.m. and may not be issued for more than three consecutive days:)

12 NOON FRI 9/13/13 THROUGH 12 NOON SUN. 9/15/13

8. Is Applicant owner of area to be cover by permit? YES () NO (If applicant is not owner, owner must also sign application)

Owner, (if not applicant)

Signature of Applicant

Title

Title

Name of Owner, Firm, Etc.

Name of Person, Firm, Etc.

Date

Date

x Christian [Signature]

x Vice-President

C.V. PARK DISTRICT

x Continental Village F D

8-14-13

THIS APPLICATION IS HEREBY:

Approved – Separate Permit Issued Herewith.

() Denied – The reason for denial is:

() Granting the permit may result in an undue interference with the flow of vehicle traffic.

() Granting the permit may result in a hazard to the public health, safety or welfare.

DATE: 8/16/13

TOWN OF PHILIPSTOWN

BY: Christina Crowley
Town Official

RESOLUTION #

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

RESOLVED, that the Town Board hereby approves the application for the Continental Village Volunteer Fire Department to use the Continental Village Clubhouse for an event on September 13th through September 15th and exempts them from Local Law #1 with regard to the regulation of alcohol in Public Places.

NOTICE TO BIDDERS

TOWN OF PHILIPSTOWN HIGHWAY DEPARTMENT

Sealed proposals will be received by the undersigned Town Clerk of the Town of Philipstown at her office in the Town Hall, 238 Main Street, Cold Spring, New York 10516 until 2:00 pm on September 18, 2013, when the same will be publicly opened and read aloud for the sale to the Town of Philipstown of:

NEW CAB – CHASIS 4 WHEEL DRIVE, DUAL REAR WHEEL TRUCK

Meeting the specifications of the Town of Philipstown Highway Department. Copies of the specifications may be obtained from the office of said Town Clerk at the above address. The right is reserved to reject any and all bids. All purchase contracts awarded pursuant to this notice shall be subject to the provisions of Section 103-A, 103-B and 103-D of the General Municipal Law.

DATED: SEPTEMBER 11, 2013

TINA MERANDO
TOWN CLERK
TOWN OF PHILIPSTOWN

NOTICE TO BIDDERS

TOWN OF PHILIPSTOWN HIGHWAY DEPARTMENT

Sealed proposals will be received by the undersigned Town Clerk of the Town of Philipstown at her office in the Town Hall, 238 Main Street, Cold Spring, New York 10516 until 2:00 pm on September 18, 2013, when the same will be publicly opened and read aloud for the sale to the Town of Philipstown of:

NEW DUMP BODY, PLOW AND SANDER

Meeting the specifications of the Town of Philipstown Highway Department. Copies of the specifications may be obtained from the office of said Town Clerk at the above address. The right is reserved to reject any and all bids. All purchase contracts awarded pursuant to this notice shall be subject to the provisions of Section 103-A, 103-B and 103-D of the General Municipal Law.

DATED: SEPTEMBER 11, 2013

TINA MERANDO
TOWN CLERK
TOWN OF PHILIPSTOWN

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the following items:

- New Dump Body, with plow and sander
- New Cab-Chasis 4 wheel drive, dual rear wheel