

**ZONING BOARD OF APPEALS**  
**238 Main Street, Cold Spring, New York 10516**

***MEETING AGENDA***

**July 8, 2013**  
**7:30 p.m.**

**1.) Approval Of June10, 2013 Minutes**

**Review Of Completeness**

- 2.) Gleick, James            Special Use Permit   SP-13-1            TM#82.-1-42.1**  
**200 Long And Winding Rd.**  
**Wind Energy Conversion System**

**PUBLIC HEARING**

- 3.) Gleick, James                            SP-13-1                            TM# 82.-1-42.1**  
**200 Long and Winding Rd.**

**Special Use Permit # SP-13-1 for a Residential Sized Wind Energy Conversion System .**  
**LOCATION: 200 Long and Winding Rd, Garrison, NY that is designated in the RR**  
**Zoning District. TM# 82.-1-42.1 This Public Hearing will only take place if the Zoning**  
**Board of Appeals has voted that the submitted application is complete.**

**4.) NEW/ OLD BUSINESS**

**\* ITEMS MAY NO BE TAKEN IN ORDER AS LISTED**

# ZONING BOARD OF APPEALS

JUNE 10 , 2013

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## MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, June 10, 2013 at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:50 p.m.

<b>PRESENT:</b> Vincent Cestone	- Chairman
Robert Dee	- Member
Paula Clair	- Member
Bill Flaherty	- Member
Lenny Lim	- Member
Adam Rodd	- ZBA Council
Tina Andress- Landolfi	- Secretary

**BEFORE THE MEETING WAS OFFICIALLY OPENED THE ZBA MEMBERS AND THEIR ATTORNEY ADAM RODD HELD A MEETING DOWNSTAIRS.**

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**PLEDGE OF ALLEGIANCE WAS SAID.**

**Vincent Cestone** - The minutes of May 13, 2013, are there any changes or corrections? I make a motion to accept them as submitted. Do I have a second?

**Robert Dee**- I second

**Vincent Cestone**- All those in favor?

**ALL MEMBERS WERE IN FAVOR. MINUTES WERE APPROVED.**

**Vincent Cestone**- Going on to the new application. Review for completeness, before we start that just for any citizens that are here. You remember from last time, that the previous application was in error, and we had decided that we would change it in place to a special use permit, but the applicant has decided they did not want to do that, so they have submitted a new application. This application is new, and they had a pre application meeting at the end of last month to get the requirements. I was not in attendance of that, but a package has been submitted, and there is a new application number. It is a special use permit for a wind turbine. As far as completeness, Adam do you want to?

**Adam Rodd**- My understanding is that we are still awaiting word from the Town Engineer as to the adequacy of the site plan presented in the packet. I believe there is an open question as to whether this is a sufficient engineered site plan. We do not yet have a report in that regard from our retained engineer, so my suggestion would be this matter be put over to the next meeting. We would ask the engineer to formally report to the board. Then we can take comments at that time.

**Vincent Cestone**- That meeting will be July 8th. That will be the last meeting until September. What we will do is. Can we advertise it in the

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paper for a public hearing on the 8th on the condition that we get the report, and not proceed if the report is not here.

**Adam Rodd-** You can notice it for a public hearing with the anticipation of getting the report at that time. (Inaudible)

**Vincent Cestone-** Does the board have any issue with that?

**MEMBERS DID NOT HAVE ANY ISSUES**

**Vincent Cestone-** So that is what we will do. On our July 8th meeting, we will review it for completeness a second time. If it is complete, and we have the information we need we can proceed into the public hearing. If it is not complete at that time, we can also postpone it to our next meeting. We have that flexibility. Going on to item 3 the previous application, I have a letter in my hand where the applicant has withdrawn his application . Appeal number 883 is now closed. If there is any New or Old Business and you would like to speak, you are more than welcome to. If you have any business with this board they can speak to us now.

**NO ONE SPOKE**

**Vincent Cestone-** If there is none, I make a motion to adjourn.

**A MEMBER SECOND THE MOTION. ALL MEMBERS WERE IN FAVOR.  
MEETING WAS CLOSED AT 8:00 pm**

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**NOTE:** These minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation, and approval thereupon.

**DATE APPROVED:** \_\_\_\_\_

Respectfully Yours,  
Tina Andress- Landolfi, ZBA Secretary



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**Memorandum**

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**To:** Town of Philipstown Zoning Board of Appeals  
**From:** Susan Jainchill, AICP/ Ronald J. Gainer, PE  
**Date:** July 1, 2013  
**Re:** Gleick Special Permit Application Completeness Review

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As requested, the AKRF and Ronald J. Gainer, PE offices (AKRF/Gainer) have collaborated to review the Special Use Permit Application for a wind energy conversion system that exceeds 40 feet in height on the Gleick property at 200 Long and Winding Road. The Application for this project dated June 10 2013 was prepared for the Applicant by Doug Passeri of Hudson Valley Wind Energy, Llc. Based upon our review, we offer the following comments and recommendations for the Board's consideration:

**BACKGROUND**

AKRF/Gainer have analyzed the materials submitted by the Applicant. The documentation provided was compared to the Town Code Article IX which outlines the procedures and requirements applicable to special permit applications. As discussed during the May 23, 2013 Preapplication Meeting, the proposed wind energy conversion system is considered a 'major project' under the Code. Since this is a major project the code calls for a 'more detailed and rigorous review procedure'. As such a site plan is required as part of the special permit application (Section 175-61 A(2)). Section 175-65-B outlines the required information and format required for the submitted site plan. It also states that a major site plan must be prepared by a licensed engineer, architect, surveyor or landscape architect.

**COMMENTS**

Based upon our review of the materials submitted, the requirement that the application be 'accompanied by plans and descriptive information to clearly portray the intentions of the applicant' has not been fulfilled. Although the information received as part of the Special Permit Application is extensive and comprehensive, the format of the information submitted is not 'clearly portrayed' as called for in the Code.

**RECOMMENDATIONS ON DETERMINATION OF COMPLETENESS**

AKRF/Gainer would recommend that, if requested, the ZBA consider waiving a number of the requirements outlined in Section 175-65-B as allowed for in Section 175-65-C. If the Applicant is able to provide a *suitable* site plan we would recommend that the ZBA consider waiving the requirement that the site plan be prepared by licensed professional.

AKRF/Gainer would recommend that the following are the items be required, and be depicted graphically, drawn to scale, on a single 24" x 36" drawing sheet.

- Location Map
- Existing Conditions- including existing topography (based on publically available USGS information), utilities, rock outcroppings, and location of exiting trees and/ or edge of forested area.
- Proposed project information including any proposed changes to topography, removal of vegetation, etc.
- Utility information should be shown on the site plan.
- Land use district boundaries should be shown.

Once an acceptable site plan is submitted the Application can be considered ‘complete’ and the SEQRA process would begin with a declaration of lead agency, referrals made to involved an interested agencies including Putnam County, and scheduling of the public hearing.