

**CONSERVATION BOARD**  
**Via Zoom**  
**November 10th, 2020 7:30 PM**

**MEETING AGENDA**

**1) Approval of Minutes**

**October**

**Correspondent:**

3622 Route 9 LLC (Referral Planning Board)

**2) Old Business (all old business pending):**

**Riverview Industries, 3012 Route 9, Cold Spring TM#27.20-1-12.1**

Applicant is seeking major site plan approval for a parking area for commercial truck parking and storage. The applicant owns and operates a commercial truck repair and auto body business on two parcels located across Route 9 and this is an extension of that use. A wetland permit will be required for disturbance in the 100-foot local wetland buffer. A floodplain Development Permit will be required for disturbance in the 100-year floodplain.

**Chloe Swansen & Edward Murphy, 720 Route 301, Cold Spring, New York (Site Visit)**

**WL-329 TM# 39.-2-5**

(Applicant is seeking excavation and erection of a 1,200 SF single- family house. The proposed development will retain a similar foot-print to the previous structure and consist of two bedrooms, 2 bathrooms and a garage. The existing driveway, septic fields and well for portable water will be retained and incorporated into the new dwelling.)

**Terry Young, 342 Avery Road, Garrison (Site Visit) TM# 49.-4-8**

(Applicant is seeking a proposed pool and surrounding decking within 100' of stream buffer)

**3) New Business:**

**Desmond-Fish Public Library, 472 NY-403, Garrison, NY (Site Visit)**

**TM#71.6-1-12&71.6-1-13**

(Applicant is seeking to install a ground mounted solar ribbon array integrated with the landscape's natural topography. We would also like to create a Discovery Path to provide community members welcome and ADA-accessible outdoor walkways and opportunities to learn about habitats that occur naturally on the library's property as well as solar energy and design.)

**4) Stormwater:**

**5) Other Discussion:**

**\*\*\*NOTE: All items may not be called. Items may not always be called in order \*\*\***

**Town of Philipstown Planning Board**

238 Main Street  
P.O. Box 155  
Cold Spring, New York 10516

October 21, 2020

Mark Galezo, Chairman  
Town of Philipstown Conservation Board  
PO Box 155  
Philipstown, NY 10516

RE: 3622 Route 9 Site Plan  
NYS Route 9

Dear Mr. Galezo:

Please find enclosed a copy of the Site Plan Application, Full Environmental Assessment Form (EAF)-Part 1 and Site Plan drawings submitted to our Board by 3622 Route 9 LLC (hereinafter referred to as the "Applicant").

The property involved in this application lies along the east side of NYS Route 9, south of E. Mountain Road North and immediately north of Nicola's Restaurant. The subject lot contains an existing building previously utilized for contractor offices and storage, and a separate garage/shed. The applicant proposes to remove the existing buildings, associated drives and storage areas, and proposes to construct two buildings (15,400 SF and 10,500 SF), new outdoor storage enclosures and associated parking. The buildings would house contractor office space and storage.

The property also falls within the Clove Creek Aquifer (CCA) Subdistrict of the Town-wide Aquifer Overlay District (AQO). Pursuant to Section 175-16E of the Zoning Code, the uses proposed are permitted. However, the applicant will also require a "Special Use" permit to allow storage of salt, fertilizers, pesticide, or herbicides in the Overlay District. These overlay regulations require that salt storage be covered, which is proposed.

Due to the planned storage of salt, as well as other materials typical of a "Contractor's Yard", this referral is being made. It would be helpful to our Board if you would provide any comments on the project, and/or identify other issues which warrant evaluation during the environmental review process, within the next thirty (30) days.

Very truly yours,



Neal Zuckerman  
Chairman

NZ:rjg  
Enclosures

cc: Kelly McIntyre, Planning Board Secretary  
Ronald J. Gainer, PE, PLLC



October 1, 2020

Town of Philipstown Planning Board  
34 Kemble Avenue  
Cold Spring, NY  
10516

RE: 3622 Route 9, Cold Spring, NY  
Tax Map No. 17.-1-44

Dear Chairman Zuckerman and Members of the Board:

Please find enclosed thirteen (13) copies of the following drawings and documents in support of an application for Special Use and Site Plan Approval for the above referenced project:

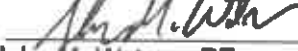
- Site Plan Drawing Set (6 sheets), dated October 1, 2020.
- Special Use & Site Plan Application, dated October 1, 2020.
- Statement of Use, revised October 1, 2020.
- Memorandum from Ron Gainer, PE, dated May 27, 2020.
- Email correspondence from Greg Wunner, Town Code Enforcement Officer, confirming the interpretation of the proposed use as Service Business, dated August 26, 2020.
- Full Environmental Assessment Form (EAF), dated October 1, 2020.
- Property Deed.
- Letter of "No Violations" from Code Enforcement Officer, Greg Wunner, dated September 25, 2020.
- Check No. 1520 in the amount of \$3,020, combining the Application (\$2,220), EAF (\$300), Public Hearing (\$250), and Final or Conditional Approval Fees (\$250).
- Check No. 1521 in the amount of \$5,000 for escrow.

The applicant seeks Site Plan Approval to remove an existing approximately 2,000 square foot structure and 325 square foot accessory structure, and to construct two new buildings (15,400sf & 10,500sf) to house contractor offices and storage. Associated with this Site Plan is a proposed Special Use, which would allow a potential tenant to store salt, fertilizers, pesticide, and herbicides in the Clove Creek Aquifer Overlay district. As the site is contemplated to accommodate contractors, proper storage of some of these items may be desired by potential tenants. See the attached Statement of Use for more detailed information on the proposed use.

We look forward to discussing the project with the Board at the October 15 meeting. Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:   
John M. Watson, PE  
Senior Principal Engineer

JMW/adf

Enclosures

cc: Larry Downey, via email  
Ron Gainer, PE (Mail w/ Enclosures)

Insite File No. 18156.100

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3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717  
[www.insite-eng.com](http://www.insite-eng.com)

Z:\E\18156100 Downey-Philipstown\Correspondence\2020\100120pb.doc

**Town of Philipstown**  
238 Main Street  
Cold Spring New York 10516

**PLANNING BOARD**

**SITE PLAN APPLICATION PACKAGE**

**MAJOR PROJECT**

**Project Name:** 3622 Route 9 LLC  
\_\_\_\_\_

**Date:** October 1, 2020  
\_\_\_\_\_



# Town of Philipstown

Planning Board  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

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

## Application for Planning Board Special Use & Site Plan Approval

Date: 10/1/20

TM# 17.-1-44

Project Name: 3622 Route 9 LLC

Street Address: 3622 Route 9, Cold Spring, NY 10516

Fee Amount: \_\_\_\_\_ Received: \_\_\_\_\_

Bond Amount: \_\_\_\_\_ Received: \_\_\_\_\_

### Applicant:

Name 3622 Route 9 LLC

Address 108 Hudson Pointe Drive  
Poughkeepsie, NY 12601

Telephone \_\_\_\_\_

### Design Professional:

Name Insite Engineering, Surveying & Landscape Architecture, P.C.

Address 3 Garrett Place  
Carmel, NY 10512

Telephone 845-225-9690

### Tenant:

Name TBD

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

### Surveyor:

Name Insite Engineering, Surveying & Landscape Architecture, P.C.

Address 3 Garrett Place  
Carmel, NY 10512

Telephone 845-225-9690

### Property Owner (if more than two, supply separate page):

Name 3622 Route 9 LLC

Address 108 Hudson Pointe Drive  
Poughkeepsie, NY 12601

Telephone 845-452-3200

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_

**Project Name:** 3622 Route 9 LLC

**Project Description:** The applicant seeks to demolish the existing building and erect (2) new buildings (10,500 sf & 15,400 sf) to house contractor offices and storage (service business).

**ZONING INFORMATION**

**175-7 Zoning District:** HC

**175-10 Proposed Use:** Service business

**Proposed Accessory Use(s):** Storage for salt (hoop house)  
Storage of fertilizers, pesticides, & herbicides

<b>175-7 Overlay Districts on the property:</b>	<u>Yes or No</u>
175-13 Floodplain Overlay District – NFIP Map ----- (FPO)	No
175-18.1 Mobile Home Overlay District ----- (MHO)	No
175-14 Cold Spring Reservoir Water Shed Overlay ----- (WSO)	No
175-15 Scenic Protection Overlay ----- (SPO)	No
175-16 Aquifer Overlay District ----- (AQO)	Yes
175-18 Open Space Conservation Overlay District ----- (OSO)	No
175-35 Within 100 foot buffer of Wetlands or Watercourse -----	No
175-36 Steep Terrain -----	No
175-36 Ridge Line Protection -----	No
175-37 Protection Agricultural -----	No

Project Name: 3622 Route 9 LLC

**175-11 Density and Dimensional Regulations**

Zoning District _____	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback	35'		87'±		
Measured from the travel way Town Road					
Measured from the travel way County/State					
Minimum side yard setback	15'		19'±		
Minimum side yard setback (2)					
Minimum side yard setback (3)					
Minimum rear yard setback	35'		36'±		
Maximum impervious surface coverage	60%		59.4%		
Maximum height	40'		<40'		
Maximum footprint non-residential structures	40,000		25,900 sf		

**SUBMISSION:**

**13 copies with one electronic file in .pdf format** of the following:

1. Pre-Application meeting decision and comments
2. Application
3. Proof of Ownership
4. Site Plan
5. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
6. An agricultural data statement as defined in §175-74, if required by §175-37C.
7. The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.
8. FEE: \$3,020\*      Received: \_\_\_\_\_
9. Escrow: \$5,000      Received: \_\_\_\_\_

\* See cover letter for breakdown of fees.



**ARTICLE IX SPECIAL PERMITS AND SITE PLAN REVIEW**  
**§175-60 PURPOSE AND APPLICABILITY**

**A.** It is the policy of the Town of Philipstown to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural and historic character of the Town. Many uses are therefore permitted only upon issuance of a Special Permit by the Planning Board, in order to ensure that these uses are appropriate to their surroundings and consistent with the purposes of this Chapter. Some uses are allowed by right, subject only to Site Plan approval (see Use Table in §175-10). Communication towers, soil mines, and certain solar and wind energy facilities (see §175-30E(2)) require a Special Permit issued by the Zoning Board of Appeals. Adult entertainment uses and uses not listed on the Use Table (if not prohibited by §175-10C) require a Special Permit issued by the Town Board. In reviewing Special Permit applications, the Town Board and Zoning Board of Appeals shall follow the procedures and standards established for the Planning Board in this Article IX.

**B.** Accessory uses or structures used in connection with a Special Permit or Site Plan use shall be subject to the same approval requirements as the principal structure or use. Accessory structures used in connection with an institutional use in the IC district are governed by the provisions in §175-10J.

**C. Minor and Major Projects**

In order to tailor the scope of a project review to the scale of a project, applications are divided into two categories, major and minor. In recognition of their lesser impact, minor projects involve simpler application materials, a more streamlined review process, and less detailed findings requirements, while major projects undergo a more detailed and rigorous review procedure because of their greater impact. The classification of major and minor only applies to projects that require site plan or special permit review. This classification system does not apply to development allowed by right without review by the Planning Board, Zoning Board of Appeals, or Town Board.

**1. A Minor Project is a Special Permit or Site Plan application for a project that does not exceed any of the following thresholds (over a five-year period):**

- a. Construction of four multi-family dwelling units or a lodging facility with six bedrooms.
- b. Construction of facilities or structures for a non-residential use covering 3,000 square feet of building footprint.
- c. Alteration of existing structures or expansion of such structures by 1,000 square feet.
- d. Conversion of existing structures totaling 5,000 square feet to another use.
- e. Alteration and active use of 10,000 square feet of land, with or without structures.
- f. Construction of a structure that is 50 feet in height above average grade level (provided that it otherwise complies with this Chapter or is the subject of an area variance).

**2. A Major Project is a Special Permit or Site Plan application exceeding any of the Minor Project thresholds.**

**D.** In reviewing any project subject to special permit or site plan approval, the reviewing board should consider —Putnam County Pathways: A Greenway Planning Program Linking Putnam's Open Space, Historic, Cultural and Economic Resources,|| as amended from time to time, as a statement of land use policies, principles and guides.

**§175-66 PROCEDURE FOR MAJOR PROJECT SITE PLAN APPROVAL**

**A. Applicability**

This §175-66 applies to Major Project Site Plan approval applications where no Special Permit is required. See §175-67 for Minor Project Site Plan applications.

**B. Pre-application Meetings**

Before filing an application, a preliminary conference with the Zoning Administrative Officer and one Planning Board member designated by the Planning Board Chair is required to discuss the nature of the proposed use and to classify it as a Major or Minor Project. If the Zoning Administrative Officer classifies the project as a Major Project, a preliminary conference with the Planning Board is required to discuss the nature of the proposed use and to determine the information that will need to be submitted in the Site Plan.

**C. Submission**

All Major Project Site Plans shall be submitted, with multiple 13 copies with one electronic file in .pdf format as required by the Planning Board, to the Zoning Administrative Officer, who shall distribute them to the Planning Board and such other municipal boards, officials, and consultants as the Planning Board deems appropriate. The Planning Board's consultant or a designated Town employee shall make the initial determination as to whether or not the application is complete for the purpose of accepting it for review. In addition to the Site Plan drawings, the applicant shall submit:

1. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
2. An agricultural data statement as defined in §175-74, if required by §175-37C.
3. The Site Plan application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.

**D. Application for Area Variance**

Where a proposed Site Plan contains one or more features which do not comply with the dimensional regulations of this Chapter, application may be made to the Zoning Board of Appeals for an area variance pursuant to §175-59F without a decision or determination by the Zoning Administrative Officer.

**E. SEQRA Compliance**

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

**F. Public Hearing and Decision**

1. The Planning Board shall hold a public hearing on the Site Plan and shall follow the provisions on notice, agricultural data statements, county review, Conservation Board review, and time limits for Special Permits in §§175-62E through G.
2. Criteria for decisions on Site Plans shall be limited to those listed in §175-65D. In granting Site Plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this Chapter. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §175-20, specifying location, character, and number of vehicle access points, requiring landscaping and/or screening, requiring clustering of

...and uses (ii) order to preserve environmental resources and minimize the burden on public services and facilities, and/or requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.

3. A copy of the decision shall be immediately filed in the Town Clerk's office and mailed to the applicant. resolution of either approval or approval with modifications and/or conditions shall include authorization to the Planning Board Chairman to stamp and sign the Site Plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.

4. If the Planning Board's resolution includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.

## §175-65 SITE PLAN REVIEW AND APPROVAL

### **A. Applicability**

1. Site Plan approval by the Planning Board shall be required for all permitted uses listed on the Use Table as requiring Site Plan approval only. Site Plan review shall be included as an integral part of the Special Permit approval process and no separate Site Plan approval shall be required for uses requiring a Special Permit.
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 10,000 square feet or less are exempt from site plan approval requirements.
3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Land Development Law (Chapter 112 of the Town Code) as well as the provisions of this Chapter.

### **B. Required Information for Site Plan**

An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Minor Project Site Plans shall contain the information required by §175-67C and other information listed below if the Planning Board deems such information necessary to conduct an informed review. Major Project Site Plans shall be prepared by a licensed professional engineer, architect, surveyor, or landscape architect, and shall include the following (unless waived):

### SITE PLAN CHECK LIST

1. A location map drawn at the scale of 2,000 feet to the inch or larger (or other convenient scale acceptable to the Planning Board) that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. A vicinity map shall also be submitted that shows all properties, subdivisions, streets, and easements within 500 feet of the property. Such maps may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.
2. An existing conditions map, showing existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.
3. A Site Plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the Site Plan and continuation sheets.
4. Name of the project, boundaries, date, north arrow, and scale of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, and/or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner.
5. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.

\_\_\_\_\_ of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

7. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

8. The location, height, size, materials, and design of all proposed signs in compliance with §175-39. In lieu of specific sign proposals in connection with the site plan submission, the applicant may submit and the Planning Board may approve a general sign plan and program for the premises, specifying intended locations, sizes, areas, message, design, and illumination.

9. The location of all present and proposed utility systems including:

- a. Sewage or septic system;
- b. Water supply system;
- c. Telephone, cable, and electrical systems; and
- d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

10. Erosion and sedimentation control plan required by §175-32 to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

11. Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.

12. A landscape, planting, and grading plan showing proposed changes to existing features.

13. Land Use District boundaries within 200 feet of the site's perimeter shall be drawn and identified on the Site Plan, as well as any Overlay Districts that apply to the property.

14. Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas to satisfy the requirements of §175-40N.

15. For new construction or alterations to any structure, a table containing the following information shall be included:

- a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;
- b. Estimated maximum number of current and future employees;
- c. Maximum seating capacity, where applicable; and
- d. Number of parking spaces existing and required for the intended use.

\_\_\_\_\_ 16. Elevations at a scale of one-quarter inch equals one foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.

17. Where appropriate, the Planning Board may request soil logs, percolation test results, and storm run-off calculations.

18. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

19. Part One of a long-form Environmental Assessment Form or Draft Environmental Impact Statement.

N/A 20. Where appropriate, a cultural resource survey of resources with historic or archaeological significance.

21. A letter from the Zoning Administrative Officer stating either that there are no outstanding zoning violations on the property or that the requested site plan approval is needed in order to correct a violation.

     22. Other information that may be deemed necessary by the Planning Board.

- a) \_\_\_\_\_  
\_\_\_\_\_
- b) \_\_\_\_\_  
\_\_\_\_\_
- c) \_\_\_\_\_  
\_\_\_\_\_

### c. Waivers

The Planning Board may waive or allow deferred submission of any of the information required in Subsection B above, as it deems appropriate to the application. Such waivers shall be discussed in the course of pre-application conferences. The Planning Board shall issue a written statement of waivers for all major projects. This statement shall be filed in the permanent record of the property.

- a) Building plans and elevations to be provided in a future submission.  
\_\_\_\_\_
- b) \_\_\_\_\_  
\_\_\_\_\_
- c) \_\_\_\_\_  
\_\_\_\_\_
- d) \_\_\_\_\_  
\_\_\_\_\_
- e) \_\_\_\_\_  
\_\_\_\_\_

In reviewing Site Plans, the Planning Board shall ensure that the application complies with all applicable provisions of this Chapter, including the environmental performance standards in §175-40. The Planning Board shall also consider apply the criteria set forth below. The Planning Board may also refer for non-binding guidance to the three-volume set of illustrated design guidelines published by the New York Planning Federation in 1994, entitled *Hamlet Design Guidelines, Building Form Guidelines, and Rural Design Guidelines*. The Planning Board may also refer to the —Design Handbook|| adopted by the Philipstown Planning Board as advisory guidelines for the Route 9 Corridor as well as any other design guidelines that it adopts from time to time as non-binding advisory material. In applying the criteria contained in this subsection and the reference documents above, the Planning Board shall take into consideration the location, character, and context of proposed development and adapt these criteria to the setting (e.g. rural, hamlet, institutional, suburban, industrial) as appropriate.

### 1. Layout and Design

- ✓ a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, and other pertinent natural features. The Planning Board may require that an applicant prepare a conservation analysis as described in §175-20A of this Chapter.
- ✓ b. All structures in the plan shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses. Structures shall, where practical, be laid out in the pattern of a traditional hamlet.
- ✓ c. Except for retail and service businesses that require visibility, the visual impact of structures from public roads shall be minimized through the use of vegetative screening, topography, and colors that blend with the natural surroundings. Structures that are visible from public roads shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, proportion, texture, color, and placement. Building components such as windows, roof lines and pitch, doors, eaves, and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows and steeply pitched roofs are encouraged but will not be required. Rooftop and ground level mechanical equipment shall be screened from public view using materials harmonious with the building, or shall be located where they are not visible from any public ways or other adjacent properties.
- ✓ d. Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
- ✓ e. The Planning Board shall encourage the creation of landscaped parks or squares easily accessible by pedestrians.
- ✓ f. Trademarked architecture which identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of the Town or the Building Form Guidelines.
- ✓ g. Impacts on historic and cultural resources shall be minimized.
- ✓ h. Newly installed utility service systems and service modifications necessitated by exterior alterations shall be installed underground. When feasible, existing aboveground utility service systems shall be placed underground.
- ✓ i. Buildings shall have a finished exterior on all sides.

✓ j. Metal buildings that are principal buildings (larger than a small storage building in an unobtrusive location) shall be of color consistent with earth tones; shall have sufficient fenestration and trim to break continuums of metal wall areas; and shall have brick, stone, wood trim or composite materials providing a similar appearance, and features combined with the basic metal enclosure. A complete package of elevations shall accompany any proposal for a metal building.

**2. Landscaping and screening. Landscaping shall be provided and permanently maintained as follows:**

✓ a. All areas of the lot not covered by buildings and other structures, outside storage and approved paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain, if not disturbed by filling, grading or excavation.

✓ b. In the HC and OC districts, a strip of land not less than 20 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 20 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

N/A c. In the M district, a strip of land not less than 30 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 30 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

✓ d. Off-street parking and loading areas shall be provided with landscaped planting islands within or border landscaping adjacent to such area in such a manner as to enhance the appearance of the area. Any parking area accommodating 20 or more cars shall be provided with not less than one tree for each 20 cars or fraction thereof, which trees shall be not less than three inches diameter at breast height and 10 feet in height.

✓ e. Landscaping, including grading, provided in the area required for a building setback from the street line or center line of U.S. Route 9 shall be of a type, size and height as to avoid obstruction of minimum sight lines along the highway as well as from access driveways onto the highway, whether located on the lot or any other lot, as specified by the State Department of Transportation.

✓ f. All landscaping materials shall be of a type and/or species suitable for the location of the lot in the Town and suitable for the soil conditions on the lot and shall be planted and maintained in accordance with good landscaping practice. Landscaping shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides, and fertilizers.

✓ g. All landscaping, including growing materials, that are specified on an approved landscape plan for a site shall be well maintained to carry out the intent of the landscape plan. Failure to maintain healthy landscaping associated with a site plan approval will be a violation of said approval.

✓ h. Trees, shrubs and other plant materials which die or are otherwise not in a condition to fulfill the approved landscape plan shall be replaced in the next planting season by similar plant material.

✓ i. Fences and walls used for landscaping and screening shall be made of natural materials such as wood, stone or brick or otherwise effectively landscaped.

✓ j. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.



✓ k. Existing native tree stock eight or more inches in diameter at breast height shall be protected and preserved to the extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedge rows, wetlands, and woodlots shall be encouraged and included as a design element in the development of the site.

✓ l. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall and two-inch caliper shall be planted and maintained at 20- to 40-foot intervals along roads at a setback distance acceptable to the Highway Superintendent.

### 3. Parking, Circulation, and Loading

✓ a. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.

N/A b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.

✓ c. Off-street parking and loading standards in §175-38 shall be satisfied.

✓ d. Access from and egress to public highways shall be approved by the appropriate highway department, including Town, County, and State.

✓ e. All buildings shall be accessible by emergency vehicles.

✓ f. Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.

N/A g. Bicycle parking spaces and racks shall be provided in an area that does not conflict with vehicular traffic. Designated van/car pool parking, and other facilities for alternatives to single occupancy vehicle use shall be provided wherever possible.

N/A h. In developments where links to schools, churches, shopping areas, trails, greenbelts, and other public facilities are feasible, or where a trail connection is recommended in the Comprehensive Plan or in a Town Open Space Plan, a trail corridor shall be reserved on the approved Site Plan for this purpose.

#### N/A 4. Reservation of Parkland

For any Site Plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law, §274-a(6).

### 5. Outside Storage

Any areas for outside storage (including temporary storage of waste materials; storage and display of merchandise, supplies, machinery and other materials; and outside manufacture, processing or assembling of goods; but excluding areas for parking of registered motor vehicles in daily use) shall be shown on the site plan and located and screened as follows:

✓ a. In the HC and OC districts, outside storage areas shall not extend into the area required for a building setback from a street line or from the center line of U.S. Route 9, as determined under § 175-30(J), or from a residential district boundary line. Outside storage shall be enclosed (except for necessary access drives) by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other adjacent lot or any street. In no case shall the height of outside

storage exceed the height of the approved screening. Screening shall be of a density as to be at least 75% effective in screening such view, at the time of occupancy, except that when evergreens are used, such height and density shall be achieved within five years after establishment of the outside storage area.

b. Outside storage on properties in the HC or OC districts shall not exceed 20% of the lot area located in such district.

N/A c. In the M District, outside storage areas shall not extend into the area required for a building setback from a property line, or a residence district boundary line, and shall not exceed 15% of the lot area located in the industrial M District.

#### 6. Miscellaneous Standards

a. Buildings and other facilities shall be designed, located, and operated to avoid causing excessive noise on a frequent or continuous basis.

b. Drainage of the site shall recharge ground water to the extent practicable. The peak rate of surface water flowing off-site shall not increase above pre-development conditions and shall not adversely affect drainage on adjacent properties or public roads.

c. Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.

d. No materials shall be placed below the finished grade of a site other than utilities, sand, gravel, rocks, and soil that are uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted under this Subsection (e), except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.

e. Structures shall be located, constructed, and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate, and shall include fencing, walls, and natural buffers, such as berms and landscape planting with trees and large shrubs.

f. Lighting shall comply with the standards in §175-40L.

#### §175-68 IMPLEMENTATION, REVISION, AND ENFORCEMENT OF APPROVED SITE PLANS

A. Within 6 months after receiving approval of a Site Plan, with or without modifications, the applicant shall submit multiple copies of the Site Plan, as determined by the Planning Board, for stamping and signing. The Site Plan submitted for stamping shall conform strictly to the Site Plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:

1. Record of application for and approval status of all necessary permits from Federal, State, and County officials.
2. Detailed sizing and final material specification of all required improvements.
3. An estimated project construction schedule. If a performance guarantee pursuant to Subsection B is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
4. Proof of payment of the Planning Board's reasonable review costs.

approved Site Plan to the Zoning Administrative Officer and the applicant. The Zoning Administrative Officer may then issue a Building Permit. A Certificate of Occupancy may only be issued if the project conforms to all applicable requirements of the Site Plan Approval.

**B. Performance Guarantee**

No Certificate of Occupancy shall be issued until all improvements shown on the Site Plan are installed, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in §277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Planning Board, Town Attorney, Zoning Administrative Officer, other local officials, and its consultants.

**C. As-Built Plans and Inspection of Improvements**

No Certificate of Occupancy shall be granted until the applicant has filed a set of as-built plans with the Zoning Administrative Officer, indicating any deviations from the approved Site Plan. The Zoning Administrative Officer shall be responsible for ensuring compliance with the site plan approval and for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a Certificate of Occupancy upon a finding that the project as built complies in all material respects with the Site Plan. The Zoning Administrative Officer shall also have the authority to inspect soil mines for compliance with conditions authorized by §175-17.2D throughout the life of the mine. Costs of any required inspections may be charged to the applicant as provided in section §71-3 of the Town Code.



### Statement of Use

3622 U.S. Route 9, Town of Philipstown, New York  
Tax Map # 17.-1-44

October 1, 2020

The subject property contains 4.5± acres located in the Highway Commercial (HC) Zoning District, on U.S. Route 9, in the Town of Philipstown. The subject lot contains a one primary building which has generally been used for contractor offices and storage, and an accessory building to its south. There are currently three access points to the site along its frontage with US-Rt 9, with gravel drives and lawn consuming the front of the property. The rear of the property is currently largely gravel and lawn area used for tenant storage and parking. There is a well and septic system on site. There is a layer of brush, and a thin layer of mostly deciduous trees around the periphery of the property.

The applicant is proposing to remove the existing building, associated drives, and storage areas, in order to construct two buildings (15,400 SF and 10,500 SF), new outdoor storage enclosures, and associated parking. The buildings would house contractor office space and storage. The applicant seeks to maintain the property's current use as Service Business, which is permitted by right in the HC zone. No area variances are required. See the bulk requirements table on sheet SP-1, dated October 1, 2020.

It is anticipated that the buildings will house between 5 and 8 tenant spaces. The applicant proposes to install a well and single septic system to service both buildings. All utilities will be engineered and sized to accommodate the anticipated daily usage of approximately 600 gallons per day. It is anticipated that the average employee count for each unit will be 2-3 employees per tenant, with a total of 10-24 total employees. It is anticipated that the proposed use as contractor offices and storage could generate one in, and one out trip per employee, plus an average of 2-3 additional in and out trip per tenant, per weekday for deliveries, etc. Weekend trips are anticipated to be minimal.

The property also falls within the Clove Creek Aquifer (CCA) Subdistrict of the Town-wide Aquifer Overlay District (AQO). Pursuant to Section 175-16E of the Town of Philipstown Code, no uses prohibited within the AQO or CCA are being proposed. The applicant is seeking a Special Use approval for storage of salt, fertilizers, pesticide, or herbicides in the Overlay District. As the site is contemplated to accommodate contractors, proper storage of some of these items may be desired by potential tenants. Covered storage would be required for salt, which would be accommodated by the potential future hoop house indicated in the plan. Storage of all such materials would meet all local, and state requirements.

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: 3622 Route 9 LLC		
Project Location (describe, and attach a general location map): 3622 Route 9, Cold Spring, NY 10516		
Brief Description of Proposed Action (include purpose or need): The applicant seeks Site Plan Approval to remove an existing approximately 2,000 square foot structure and 325 square foot accessory structure, and to construct two new buildings (15,400sf & 10,500sf) to house contractor offices and storage.		
Name of Applicant/Sponsor: 3622 Route 9 LLC	Telephone: 845-452-3200	E-Mail:
Address: 108 Hudson Pointe Drive		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
Project Contact (if not same as sponsor, give name and title/role): John M. Watson, P.E., Insite Engineering, Surveying & Landscape Architecture, P.C.	Telephone: 845-225-9690	E-Mail: jwatson@insite-eng.com
Address: 3 Garrett Place		
City/PO: Carmel	State: NY	Zip Code: 10512
Property Owner (if not same as sponsor): Same As Applicant	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval Approval of Special Use Permit	10/1/20
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PCDOH Well & Septic	1/1/21+-
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT Driveway Permit NYS DEC Coverage under GP-0-20-001	1/1/21+- 3/1/21+-
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

Clove Creek Aquifer Overlay

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

**C.3. Zoning**

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
HC (Highway Commercial), CCA (Clove Creek Aquifer Overlay)
- b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No
- c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site?

**C.4. Existing community services.**

- a. In what school district is the project site located? Haldane School District
- b. What police or other public protection forces serve the project site?  
Cold Spring Police Department and Fishkill Police Department
- c. Which fire protection and emergency medical services serve the project site?  
North Highlands Fire Department
- d. What parks serve the project site?  
Hudson Highlands State Park, Mt. Beacon, and Fannestock State Park

**D. Project Details**

**D.1. Proposed and Potential Development**

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commerical - Contractor offices and storage
- b. a. Total acreage of the site of the proposed action? 4.55 acres  
b. Total acreage to be physically disturbed? 3.59 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.55 acres
- c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 125 Units: 66,000 s.f.±
- d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed?  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_
- e. Will the proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: 8 months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses?  
 If Yes, show numbers of units proposed.  Yes  No

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion				
of all phases				

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures 2  
 ii. Dimensions (in feet) of largest proposed structure: 30' height; 70' width; and 220' length  
 iii. Approximate extent of building space to be heated or cooled: 25,900 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_



Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_

- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 600 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
Well \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ 5 gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 600 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary Wastewater \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- ~~DO~~ existing sewer lines serve the project site?  Yes  No
  - Will a line extension within an existing district be necessary to serve the project?  Yes  No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No
- If Yes:
- Applicant/sponsor for new district: \_\_\_\_\_
  - Date application submitted or anticipated: \_\_\_\_\_
  - What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

SSTS

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

- If Yes:
- i. How much impervious surface will the project create in relation to total size of project parcel?
- 117612.0 Square feet or 2.70 acres (impervious surface)
- 196686.8 Square feet or 4.55 acres (parcel size)
- ii. Describe types of new point sources. Rooftops, asphalt, and gravel

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
- Onsite swales and stormwater basins
- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
  - Will stormwater runoff flow to adjacent properties?  Yes  No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

- If Yes, identify:
- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) \_\_\_\_\_
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) \_\_\_\_\_
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) \_\_\_\_\_

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

- If Yes:
- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

- ii. In addition to emissions as calculated in the application, the project will generate:
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

ii. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 10-24 dump trucks and trailers

iii. Parking spaces: Existing \_\_\_\_\_ Not Defined \_\_\_\_\_ Proposed 36 Net increase/decrease 36

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 Typical contractor and storage buildings

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 Grid/Central Hudson

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	8 am - 5 pm	• Monday - Friday:	8 am - 5 pm
• Saturday:	8 am - 5 pm	• Saturday:	8 am - 5 pm
• Sunday:	None	• Sunday:	8 am - 5 pm
• Holidays:	None	• Holidays:	8 am - 5 pm

iii. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
Typical construction noise during weekdays and some Saturdays

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: Some trees will be removed.

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Full cutoff site lighting run during regular operations and on motion sensors after hours.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ 20 tons per \_\_\_\_\_ Day during demo (unit of time)  
 • Operation: \_\_\_\_\_ 1 tons per \_\_\_\_\_ Month (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: Recycling where possible.  
 • Operation: Recycling where possible.

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: Qualified and licensed waste management service.  
 • Operation: Qualified and licensed waste management service.

Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

- If Yes:
- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
  - ii. Anticipated rate of disposal/processing:
    - \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
    - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
  - iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

- If Yes:
- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
  - ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
  - iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
  - iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_
  - v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 No hazardous waste to be produced on site.

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

- a. Existing land uses.
- i. Check all uses that occur on, adjoining and near the project site.
- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)
- Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_
- ii. If mix of uses, generally describe: \_\_\_\_\_  
 Highway commercial which adjoins residential.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.45	2.70	+2.25
• Forested	2.45	0.76	-1.69
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other			
Describe: Lawn	1.62	0.98	-0.64
Stormwater Management	0	0.08	+0.08

... the project site presently used by members of the community for public recreation?  Yes  No

*i. If Yes: explain:* \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No

If Yes,

*i. Identify Facilities:*  
Preferred care at Home of North Westchester and Putnam.

---

e. Does the project site contain an existing dam?  Yes  No

If Yes:

*i. Dimensions of the dam and impoundment:*

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

*ii. Dam's existing hazard classification:* \_\_\_\_\_

*iii. Provide date and summarize results of last inspection:* \_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No

If Yes:

*i. Has the facility been formally closed?*  Yes  No

- If yes, cite sources/documentation: \_\_\_\_\_

*ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:* \_\_\_\_\_

*iii. Describe any development constraints due to the prior solid waste activities:* \_\_\_\_\_

---

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No

If Yes:

*i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:* \_\_\_\_\_

---

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No

If Yes:

*i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:*  Yes  No

- Yes - Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_
- Yes - Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_
- Neither database

*ii. If site has been subject of RCRA corrective activities, describe control measures:* \_\_\_\_\_

*iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s):*  Yes  No

*iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):* \_\_\_\_\_

- Is the project site subject to an institutional control limiting property uses?  Yes  No
- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6' feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

ChB Charlton Fine Sandy Loam	25 %
RhB Riverhead Loam	75 %
	%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ >6' feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	100 % of site
<input type="checkbox"/> Moderately Well Drained:	_____ % of site
<input type="checkbox"/> Poorly Drained:	_____ % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	90 % of site
<input checked="" type="checkbox"/> 10-15%:	5 % of site
<input checked="" type="checkbox"/> 15% or greater:	5 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

**h. Surface water features.**

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC)	WP-17 on neighboring lot to the west	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:

i. Name of aquifer: Principal Aquifer, Primary Aquifer

... Identify the predominant wildlife species that occupy or use the project site:  
Squirrels \_\_\_\_\_  
Deer \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
If Yes:

i. Describe the habitat/community (composition, function, and basis for designation):  
Oak-Tulip Tree Forest

ii. Source(s) of description or evaluation: \_\_\_\_\_

iii. Extent of community/habitat:  
• Currently: \_\_\_\_\_ 2768.0 acres  
• Following completion of project as proposed: \_\_\_\_\_ acres  
• Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
If Yes:

i. Species and listing (endangered or threatened):  
Northern Long-eared Bat, Timber Rattlesnake

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
If Yes:

i. Species and listing: \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
i. If Yes: acreage(s) on project site: \_\_\_\_\_  
ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
If Yes:  
i. Nature of the natural landmark:  Biological Community  Geological Feature  
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
If Yes:  
i. CEA name: \_\_\_\_\_  
ii. Basis for designation: \_\_\_\_\_  
iii. Designating agency and date: \_\_\_\_\_



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No  
 If Yes:  
 i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District  
 ii. Name: \_\_\_\_\_  
 iii. Brief description of attributes on which listing is based: \_\_\_\_\_

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No  
 If Yes:  
 i. Describe possible resource(s): \_\_\_\_\_  
 ii. Basis for identification: \_\_\_\_\_

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No  
 If Yes:  
 i. Identify resource: Taconic State Parkway, Bear Mountain - Beacon Highway (Route 9D), Newburgh Beacon Bridge  
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): NYS Scenic Byways  
 iii. Distance between project and resource: <5 miles miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No  
 If Yes:  
 i. Identify the name of the river and its designation: \_\_\_\_\_  
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

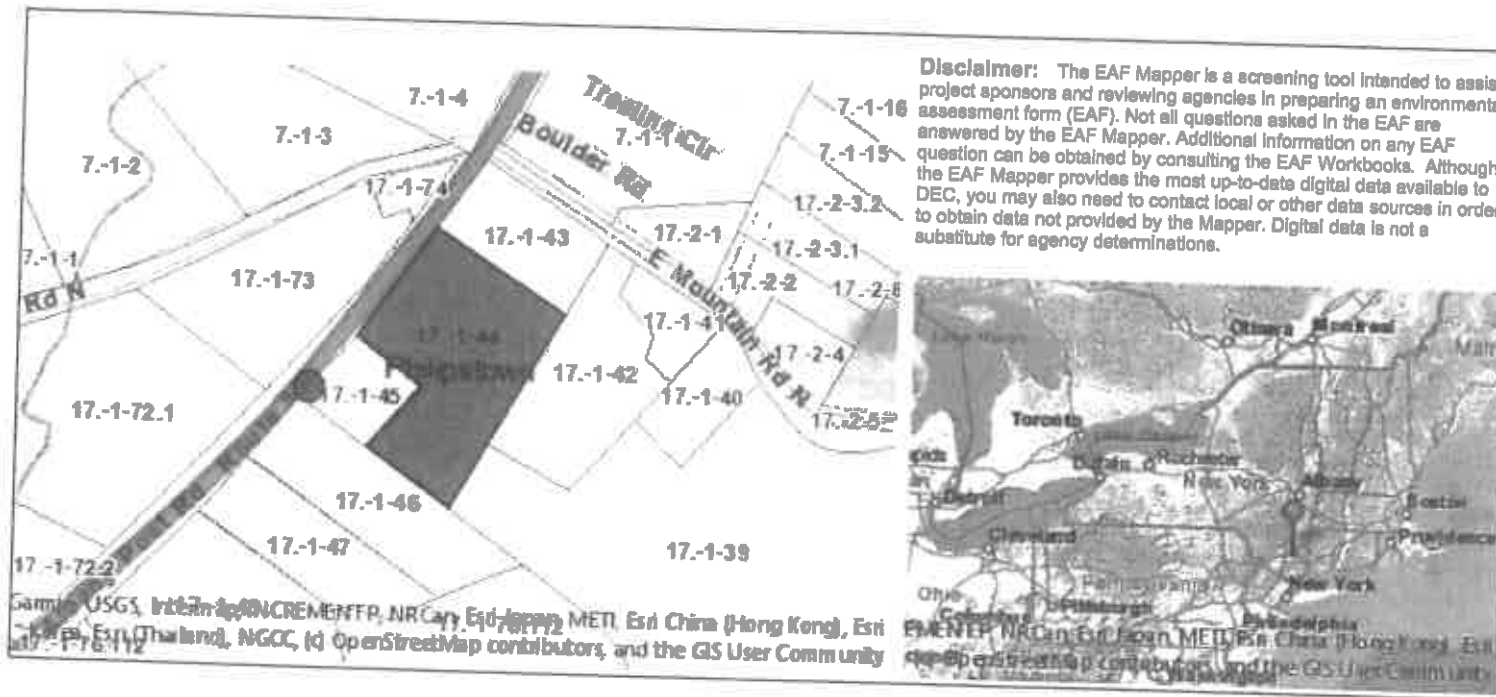
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name John M. Watson, P.E. Date 10/1/2020  
Insite Engineering, Surveying & Landscape Architecture, P.C.

Signature  Title Senior Principal Engineer



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Oak-Tulip Tree Forest

E.2.n.1 [Natural Communities - Acres]	2768.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Timber Rattlesnake
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



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 PUTNAM COUNTY CLERK  
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RESERVE FOR RECORDING INFORMATION



**PUTNAM COUNTY RECORDING PAGE**  
 PAGE 1 OF RECORDED DOCUMENT

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 Cynthia T. Grubiak, Paralegal  
 1025 Westchester Avenue, Ste. 305  
 White Plains, Ny 10604

**GRANTOR/MORTGAGOR**  
 Lawrence M. Downey  
 To  
 3622 Route 9, Llc

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THIS DOCUMENT WAS EXAMINED PURSUANT TO §315 REAL PROPERTY LAW

*Dennis J. Sant*

DENNIS J. SANT  
 PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 5<sup>th</sup> day of May, in the year 2010.

BETWEEN

LAWRENCE M. DOWNEY, having a mailing address at P.O. Box 115, Cold Spring, New York, 10516,  
party of the first part, and

3622 ROUTE 9, LLC, a New York Limited Liability Company, having a mailing address at c/o Alan Feldstein, 627  
South Main Street, New City, New York 10956,  
party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars (\$10.00) paid by the party of the second part,  
does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second  
part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being  
in the

**SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF**

BEING the same premises conveyed to the party of the first part by deed dated September 13, 2001 and recorded in the  
Office of the Putnam County Clerk on November 5, 2001 in Liber 1568, Page 245.

BEING the same premises known as 3622 Route 9, Philipstown, New York 10516.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads  
abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and  
rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the  
party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said  
premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will  
receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied  
first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the  
improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it  
read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

  
LAWRENCE M. DOWNEY

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of WESTCHESTER, ss:

On the 5<sup>th</sup> day of May in the year 2010, before me, the undersigned, personally appeared **LAWRENCE M. DOWNEY**

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Signature

**SUSAN H. ACCETTA**  
Notary Public, State of New York  
No. 02AC5047917  
Qualified in Westchester County 13  
Commission Expires August 14, 2014

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:  
On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in \_\_\_\_\_

(If the place of residence is in a city, include the street and street number if any, thereof, that he/she/they know(s))

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2010, before me, the undersigned, personally appeared \_\_\_\_\_

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Signature

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE**

\*State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
\*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me \_\_\_\_\_ the undersigned personally appeared \_\_\_\_\_

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in \_\_\_\_\_ the \_\_\_\_\_

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

**Bargain and Sale Deed With Covenants**

Title No.

**LAWRENCE M. DOWNEY**  
TO  
**3622 ROUTE 9, LLC**

SECTION: 17

BLOCK: 1

LOT: 44

COUNTY OR TOWN: Putnam County  
STREET ADDRESS: 3622 Route 9  
Philipsstown, NY 10516

RETURN BY MAIL TO:

**STERN KEISER & PANKEN, LLP**  
ATT: CYNTHIA GRUBIAK, PARALEGAL  
1025 WESTCHESTER AVENUE, SUITE 305  
WHITE PLAINS, NY 10604

1

SCHEDULE A

ALL that certain parcel of land, situate in the Town of Philipstown, County of Putnam and State of New York, that is known and designated as Parcel 2 on that certain "Subdivision Plat Prepared for Empire Swift Homes, Inc." dated May 30, 1988 and prepared by BADEY & WATSON, Surveying & Engineering, P. C., which map was filed October 5, 1989 as Map No. 2441, that is bounded and described as follows:

**BEGINNING** at a point on the southeasterly line of U.S. Route 9 where the said southeasterly line is intersected by the line dividing Parcel 1 from Parcel 2 on the said map, which point is distant S. 37-46-29 W. 236.37 feet as measured along the said southeasterly line of U.S. Route 9 from the point formed by the intersection of the said southeasterly line of U.S. Route 9 with the southwesterly line of East Mountain Road North, all as shown on the said filed map, said point being the northerly most corner of the herein described premises; thence from said point of beginning along the said division line between Parcel 1 and Parcel 2 as shown on the said map S. 59-10-43 W. 390.78 feet to a point in the line of lands formerly of O'Connor and now or formerly of Frisenda; thence southwesterly along the said Frisenda lands and along lands now or formerly of Bengis S. 29-17-23 W. 565.25 feet to a point in the center of a stone wall marking the northwesterly line of lands now or formerly of Forman; thence along the said stone wall and along the said northwesterly line of lands now or formerly of Forman the following courses: N. 57-41-07 W. 65.54 feet; N. 56-11-54 W. 149.95 feet; and N. 57-33-20 W. 48.42 feet to a point at the line of lands formerly of Roder and now or formerly of Jan Realty; thence along the said Jan Realty lands N. 37-46-29 E. 209.17 feet and N. 57-33-20 W. 209.17 feet to another point on the aforementioned southeasterly line of U.S. Route 9; thence northwesterly along the southeasterly line of U.S. Route 9 N. 37-46-29 E. 343.14 feet to the point or place of **BEGINNING**.

**TOGETHER** with an easement over that portion of the lands heretofore conveyed to John and Zeolla that is shown on the said map as 50 foot easement for common drive that is bounded and described as follows:

**BEGINNING** at a point on the southeasterly line of U.S. Route 9 where it is intersected by the line dividing Parcel 1 from Parcel 2 on the said map, which point is distant S. 37-46-29 W. 236.37 feet as measured along the said southeasterly line of U.S. Route 9 from a point formed by the intersection of the said southeasterly line of U.S. Route 9 with the southwesterly line of East Mountain Road North; thence from the said point of beginning northwesterly along the said southeasterly line of U.S. Route 9 and running through Parcel 1 as shown on the said map first turning about and then on a curve to the left, the tangent of which bears S. 37-46-29 W., the central angle of which is 96-57-12, the radius of which is 25.00 feet for 42.30 feet and then S. 59-10-43 E. 68.72 feet and S. 30-49-17 W. 25.00 feet to a point on the division line between Parcel 1 and Parcel 2 as shown on the said map and on the northwesterly line of the hereinabove described premises; thence northwesterly along the said division line N. 59-10-43 W. 100.00 feet to the southeasterly line of U.S. Route 9 at the point or place of **BEGINNING**.

**SUBJECT** to an easement over that portion of Parcel 2 on the said map designated as 50 foot easement for common driveway, which easement is bounded and described as follows:

**BEGINNING** at a point on the southeasterly line of U.S. Route 9, which point is the northeasterly most corner of the herein described premises at which point the said southeasterly line of U.S. Route 9 is intersected by the line dividing Parcel 1 from Parcel 2 on the said map, which point is distant S. 37-46-29 W. 236.37 feet as measured along the said southeasterly line of U.S. Route 9 from the point formed by the intersection of the said southeasterly line of U.S. Route 9 with the southwesterly line of East Mountain Road North; thence from the said point of beginning along the said division line between Parcel 1 and Parcel 2 as shown on the said map S. 59-10-43 E. 100.00 feet to a point; thence through the said Parcel 2 and through the parcel herein described the following: S. 30-49-17 W. 25.00 feet and N. 59-10-43 W. 80.91 feet and then on a curve to the left, the central angle of which is 83-02-48, the radius of which is 25.00 feet for 36.24 feet to another point on the aforementioned southeasterly line of U.S. Route 9; thence northwesterly along the said southeasterly line of U.S. Route 9 N. 37-46-29 E. 47.32 feet to the point or place of **BEGINNING**.