

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

**PLANNING BOARD**

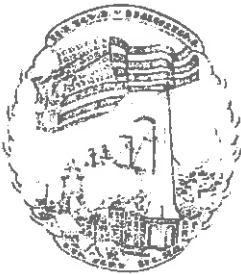
**SITE PLAN APPLICATION PACKAGE**

**MAJOR PROJECT**

**Project Name:** DESMOND FISH PUBLIC LIBRARY  
DISCOVERY PATH

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**Date:** \_\_\_\_\_



# 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:** \_\_\_\_\_ **TM#** \_\_\_\_\_

**Project Name:** Desmond Fish Public Library - Discovery Path

**Street Address:** 472 NY - 403

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

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

**Applicant:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

**Tenant:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

**Design Professional:**

Name \_\_\_\_\_

Address 33 Whitney Avenue, Suite 2A  
New Haven CT, 06511

Telephone 203 821 2087

**Surveyor:**

Name The Chazen Companies

Address 21 Fox Street  
Poughkeepsie, NY 12601

Telephone \_\_\_\_\_

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

Name Desmond Fish Public Library

Address 472 NY - 403  
Garrison, NY 10524

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

TM# \_\_\_\_\_

Project Name: Desmond Fish Public Library

Project Description: Accessible walking path and reading garden. Solar panels for on-site use.

**ZONING INFORMATION**

175-7 Zoning District: Rural Conservation (RC)

175-10 Proposed Use: Library (Institutional Use or Educational/Charitable/Religious)

Proposed Accessory Use(s): Solar energy systems producing electricity for on-site use

**175-7 Overlay Districts on the property:**

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

TM# \_\_\_\_\_

Project Name: Desmond Fish Public Library

**175-11 Density and Dimensional Regulations**

Zoning District <u>RC</u>	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way <u>Town Road</u>					
Measured from the travel way <u>County/State</u>	60 FT	270 FT	80 FT	YES	
Minimum side yard setback	30 FT	130 FT	115 FT	YES	
Minimum side yard setback (2)	30 FT	730 FT	245 FT	YES	
Minimum side yard setback (3)					
Minimum rear yard setback	NA				
Maximum impervious surface coverage	10%	1.2%	1.7%	YES	
Maximum height	40 FT	36 FT	36 FT	YES	
Maximum footprint non-residential structures	6,000 SF	6,000+/- SF	NA	Existing	

**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: \_\_\_\_\_ Received: \_\_\_\_\_
9. Escrow: \_\_\_\_\_ Received: \_\_\_\_\_

## Town of Philipstown Town Code Chapter 175

### 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

structures and uses in 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**

Included - 1:1,000 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.

Included 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.

Included 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.

Included 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.

Included 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.



Included 6. The location 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.

Existing to remain 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.

Existing to remain 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.

Existing to remain 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.

ask 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.

Included 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.

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

Included 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.

Existing to remain 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.

NA 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.

NA 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.

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

Existing soil will be used as new fill 18. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

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

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

ask 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) \_\_\_\_\_  
\_\_\_\_\_
- b) \_\_\_\_\_  
\_\_\_\_\_
- c) \_\_\_\_\_  
\_\_\_\_\_
- d) \_\_\_\_\_  
\_\_\_\_\_
- e) \_\_\_\_\_  
\_\_\_\_\_

## D. Criteria

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.

\_\_\_\_\_ 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.

\_\_\_\_\_ 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.

\_\_\_\_\_ 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.

\_\_\_\_\_ 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.

### **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.

\_\_\_\_\_ 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.

5. Upon stamping and signing the Site Plan, the Planning Board shall forward copies of the 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.

## MEMORANDUM

To: Katherine Jacobs (*Pirie Associates*)

From: David MacDougall (*Chazen*)

cc: Amy Bombardieri (*Chazen*), Barbara Beall (*Chazen*)

Date: August 23, 2019

Re: Desmond Fish Wetland and Endangered/Threatened Species Assessment

Job #: 81933.00

The purpose of this memo is to provide an assessment of aquatic resources and Endangered, Threatened and Rare Species at the approximately 11.48-acre "Project Area".

### THE SITE

The Desmond-Fish Library properties, at 472 Route 403 (Tax Map ID 71.6-1-13 and 71.6-1-12) are located off Route 403 in the Town of Philipstown, Putnam County, NY. The properties are approximately 5± and 6.48 acres respectively. The properties consist of the library building, forest, mowed lawn with trees, wetland, and a stream. The properties were investigated on July 16<sup>th</sup>, 2019 by a Chazen environmental scientist for the presence of wetlands and streams. An ecological assessment was also completed to determine if the property contained habitat for resident or transient populations of endangered, threatened, or rare species.

### SUMMARY OF POTENTIAL RESTRICTIONS

- There are no NYS Department of Environmental Conservation (NYSDEC) streams mapped within the Project Area. A NYSDEC Stream, Item Number 862-50, Standard B, regulated, is mapped to the south of the Project Area. See Figure 1 at the end of the memo.
- There are no NYSDEC wetlands mapped within or adjacent to the Project Area. See Figure 1.
- There are no US Fish and Wildlife Service National Wetland Inventory mapped wetlands and/or riverine resources within the Project Area.
- One wetland and one stream were observed within the Project Area.
  - Wetland A – a palustrine emergent wetland (PEM) is located in the northwestern portion of the Project Area.
  - Intermittent Stream 1 (SINT 1) – An intermittent channel is located in the southwestern portion of the Project Area. This stream flows from northeast to southwest originating at a culvert and exiting via culvert at Route 403.
- There are NYSDEC mapped occurrence records for endangered/threatened species. See Figure 3.
- The' and/or significant natural communities within the Project Area. See Figure 3.



- According to the USFWS online iPaC system, the Project Area is located within the range of Northern long-eared bat and Indiana bat.
  - The site contains habitat for bats; winter tree clearing (November 1 to March 31) would be adequate mitigation to address impacts to bats.
- According to the NYSOPRHP online CRIS system, there are cultural resources mapped within the Project Area.

#### **AQUATIC RESOURCES – DESKTOP MAPPING**

**New York State Department of Environmental Conservation (NYSDEC):** There are no NYSDEC mapped streams within the Project Area. One stream is mapped outside of the Project Area. See Figure 1.

- A Class B, Standard B regulated stream (862-50) is located south of the Project Area.

No NYSDEC mapped wetlands are within or adjacent to the Project Area. See Figure 1.

**US Army Corps of Engineers (Corps):** There no wetlands/streams shown within the Project Area by the National Wetland Inventory mapping, prepared by the US Fish and Wildlife Service (USFWS). See Figure 2. There are mapped NWI wetlands found outside of the Project Area and/or within the vicinity of the Project Area. The National Wetland Inventory Map is not a regulatory map under Section 404 of the Clean Water Act but is used by wetland scientists to identify potential areas of wetlands on a property. The property is within the Hudson River watershed, which empties into the Hudson River. The Corps regulates, under Section 404 of the Clean Water Act, any waters or wetlands with a significant nexus to traditionally navigable waters. Generally, streams or wetlands that flow off a site are likely to have such a nexus. Specifically, the Corps regulates the discharge of dredged or fill material into such waters. The Corps does not regulate a buffer around these aquatic resources. Aquatic resources are defined in the field by delineation under the federal Clean Water Act regulatory program.

**Town of Philipstown Regulations.** Philipstown regulates “controlled wetlands and watercourses” and regulates a 100-foot buffer around these resources. A controlled wetland is any wetland larger than ¼ acre. Wetlands are defined using the 1989 ACOE delineation manual. A watercourse includes perennial and intermittent streams. The Town of Philipstown requires a permit to conduct most activities within the wetland or watercourse and their adjacent area.

**FEMA Floodplains:** The Project Area is not within a mapped FEMA Floodplain. See Figure 5. The nearest floodplain is located approximately 0.3 miles west of the Project Area.

#### **ECOLOGICAL RESOURCES – MAPPING**

**New York State Department of Environmental Conservation (NYSDEC):** The DEC Environmental Resource (ERM) Mapper indicates there are endangered and/or threatened species occurrences and/or significant natural communities within the project vicinity. See Figure 3.

**US Fish & Wildlife Service (USFWS):** The USFWS online iPaC system indicates the project site is located within the range of the Indiana Bat (*Myotis sodalis*) (Federal/State Endangered) and of northern long-

ered bat (*Myotis septentrionalis*) (Federal/State Threatened). An official species list was obtained and is provided as an attachment at the end of this memo.

#### **CULTURAL RESOURCES - MAPPING**

**New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP):** The OPRHP Cultural Resource (CRIS) Mapper indicates multiple cultural resources mapped within the vicinity of the Project Area. See Figure 6.

#### **WETLANDS – SITE INSPECTION**

There were one wetland and one stream observed within the 11.48-acre Project Area. An “Aquatic Resource Delineation” map illustrating the wetland and stream boundaries is attached to this memo.

- Wetland A is a palustrine emergent wetland (PEM) located along the northwestern extent of the Project Area (see Photos 7-8). This wetland contained mineral soils and surface soil cracks. Vegetation dominants included wool grass and sedges.
- Intermittent Stream 1 (SINT 1) as mentioned above, was an intermittent channel located within the southwestern extent of the Project Area. This intermittent channel flows southwest originating at a culvert and flowing into a culvert by the road. Channel substrate was composed of sand and small cobbles. The ordinary high-water mark was at approximately 2-feet and top of bank at approximately 3-feet. Water depth was approximately 3 inches and water flows were mild. Channel width was approximately 3-feet across. See Photos 3-4.

A Photolog of these aquatic resources is attached in this memo.

#### **ECOLOGICAL ASSESSMENT – SITE INSPECTION**

The Project Area is composed of mowed lawn with trees, forest, wetland, and a stream. The forest located in the western and eastern portions of the site contained oak, maple, basswood, and shagbark hickory. Trees containing suitable features for summer roosting bats were observed within the Project Area. The lawn contained several grass species, clover, and plantain. As mentioned, the wetland on site was palustrine emergent (PEM) primarily composed of wool grass and sedges.

**Bats:** The habitat of concern for northern long-eared bats and Indiana bats are trees used for summer daytime roosting by females and their young, and such suitable roost trees contain features that can shelter the bats, such as exfoliating bark, cracks, crevices, cavities, and or deep furrows. Both species utilize trees greater than or equal to 3” diameter at breast height (dbh) for summer roosting. Trees fitting both size criteria and these characteristics were identified on site. Any habitat containing trees larger than 3” dbh would be considered suitable habitat for northern long-eared bat and Indiana bat. Several bat roost boxes are also present within the central western field.

## PROPOSED ACTIVITY AND AUTHORIZATION

**NYSDEC Regulations:** There are no NYSDEC regulated streams or wetlands within the Project Area.

A NYSDEC Section 401 Water Quality Certificate is required from the NYSDEC if any federal wetland impacts are proposed for permitting under Section 404 of the Clean Water Act.

**Corps of Engineers:** The Corps regulates the discharge of dredged or fill materials into Waters of the United States under Section 404 of the Clean Water Act. In order for an aquatic resource to be determined a "Water of the United States," it should have a significant nexus to a traditionally navigable water of the United States. Under the 2015 definition of Waters of the United States, wetlands within 100 feet of a tributary water, or within a FEMA Floodplain and not more than 1,500 feet from a tributary water have regulation established "per se" or by the law. If a wetland is more than 100 feet from a tributary water but less than 4,000 feet from that water, a Significant Nexus determination is needed for the Corps to determine that this wetland is not regulated. On this site, the Corps would likely find:

- Wetland A is likely regulated by law because it flows into a drainage inlet at its southern end, which appeared to continue underground and discharge into the start of intermittent channel (SINT-1) (see Photo 4 where a drainage pipe outlets into the SINT 1). This intermittent stream channel flowed southwestwardly and likely connects to NYSDEC Stream 862-50 off-site.
- Intermittent Stream 1 (SINT 1) would likely be regulated by law, as it flows off-site and likely connects into a NYSDEC Stream as mentioned above.

**Other Associated Regulations:** Use of federal wetland permits triggers other reviews by the Corps including compliance with the federal Endangered Species Act, Cultural Resources, and Section 401 of the Clean Water Act – Water Quality Certification (WQC) from the NYSDEC. The NYSDEC has reviewed the Nationwide Permits to determine if their use will have an adverse impact on water quality; in some cases, a blanket (i.e., pre-authorized) Section 401 WQC has been issued, and in other cases an individual WQC is required; in general impacts must be less than 0.25 acre and other conditions, such as culverts with aquatic resource connectivity, must be met to qualify for a blanket WQC. The involvement of the NYSDEC also requires SEQRA review.

**USFWS - Endangered Species:** If there are federal permits or federal USDA loans required, then consultation with the USFWS is required under Section 7 of the Endangered Species Act. The USFWS identifies this site as being in the range of the northern long-eared bat and Indiana bat. There is allowance for incidental take of the northern long eared bat but not Indiana bats. The site contains potential roost tree habitat for bats. The Applicant can agree to winter clearing (November 1 to March 31) to avoid impacts to these species of bat or perform acoustical or mist netting studies to determine presence/absence.

- If there are no federal permits or federal loans, then consultation is still required with the USFWS under Section 10.

**NYSDEC:** There are endangered and/or threatened species occurrences and/or significant natural communities mapped by the NYSDEC within the project vicinity. A review of the NYSDEC EAF mapper shows these occurrences to be Atlantic sturgeon (*Acipenser oxyrinchus*) a NYS Endangered species, short nosed sturgeon (*Acipenser brevirostrum*) a NYS Endangered species, and northern long-eared bat (*Myotis septentrionalis*) a NYS Threatened species.

**Sturgeon**

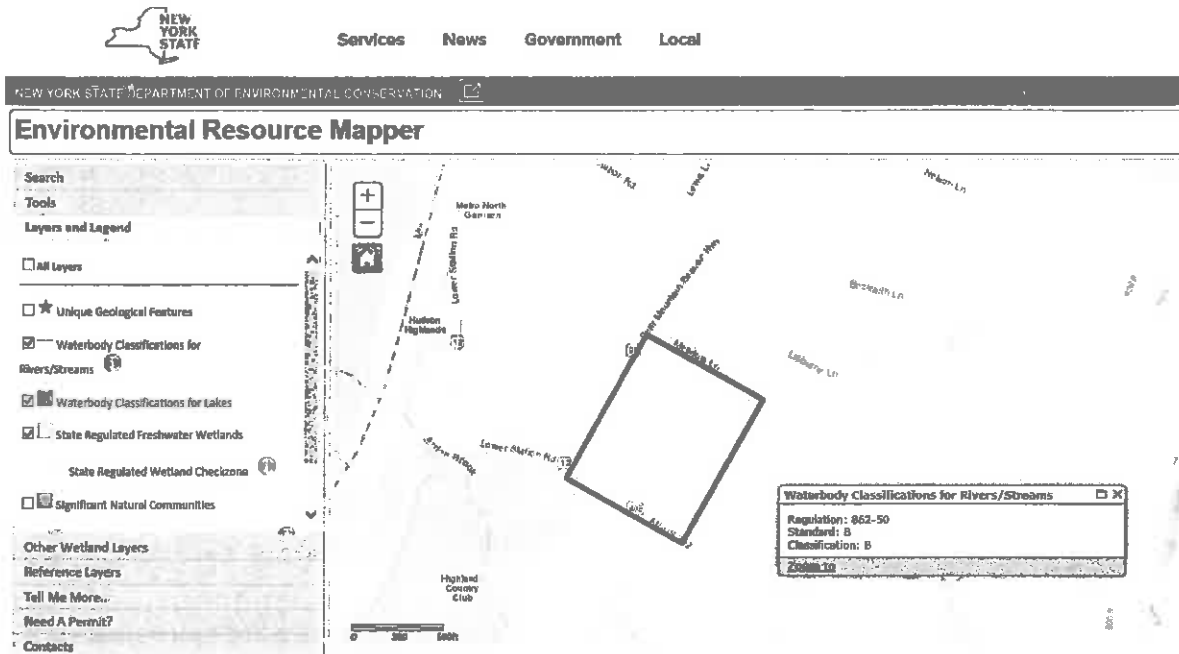
The sturgeon are listed due to the site's proximity to the Hudson River, located 0.30 miles to the west. No impacts will occur to the sturgeon species from the project. The project will have no direct or indirect impacts on the Hudson River.

**Bats**

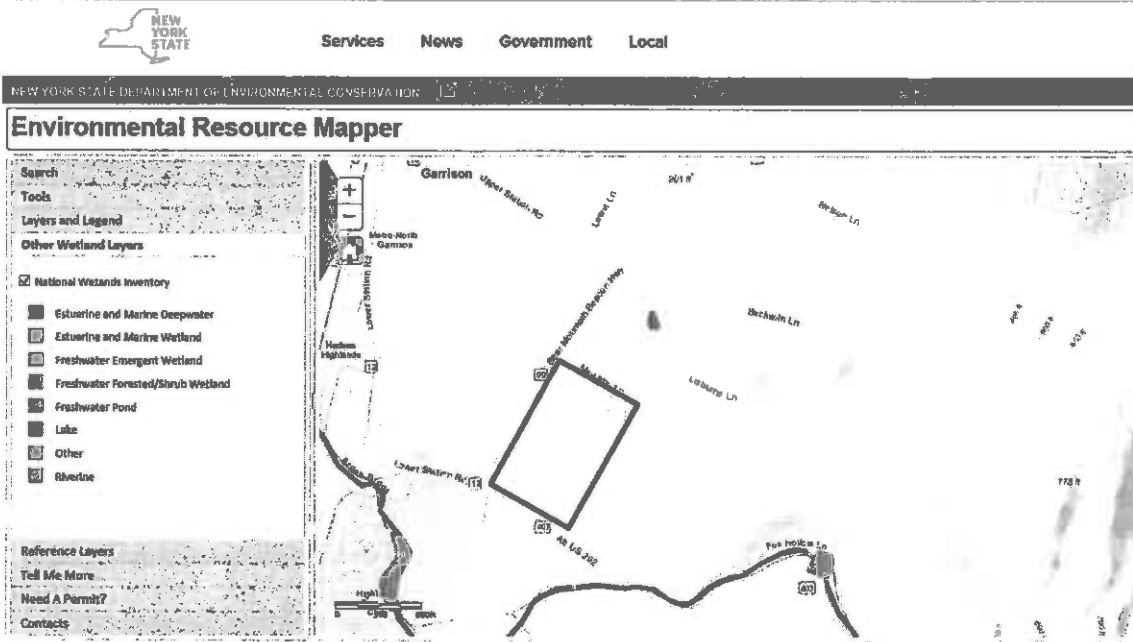
The site is approximately 6 miles from a known hibernacula and so winter tree clearing (November 1 to March 31) would be adequate mitigation to address impacts to bats.

**Town of Philipstown Regulations.** Philipstown regulates "controlled wetlands and watercourses" and regulates a 100-foot buffer around these resources. The wetland system (Wetland A) appears to be large enough to be a controlled wetland. The watercourse (SINT-1) is also regulated, both would receive a town buffer of 100 feet. The Town of Philipstown requires a permit to conduct most activities within or adjacent to controlled wetlands or watercourses.

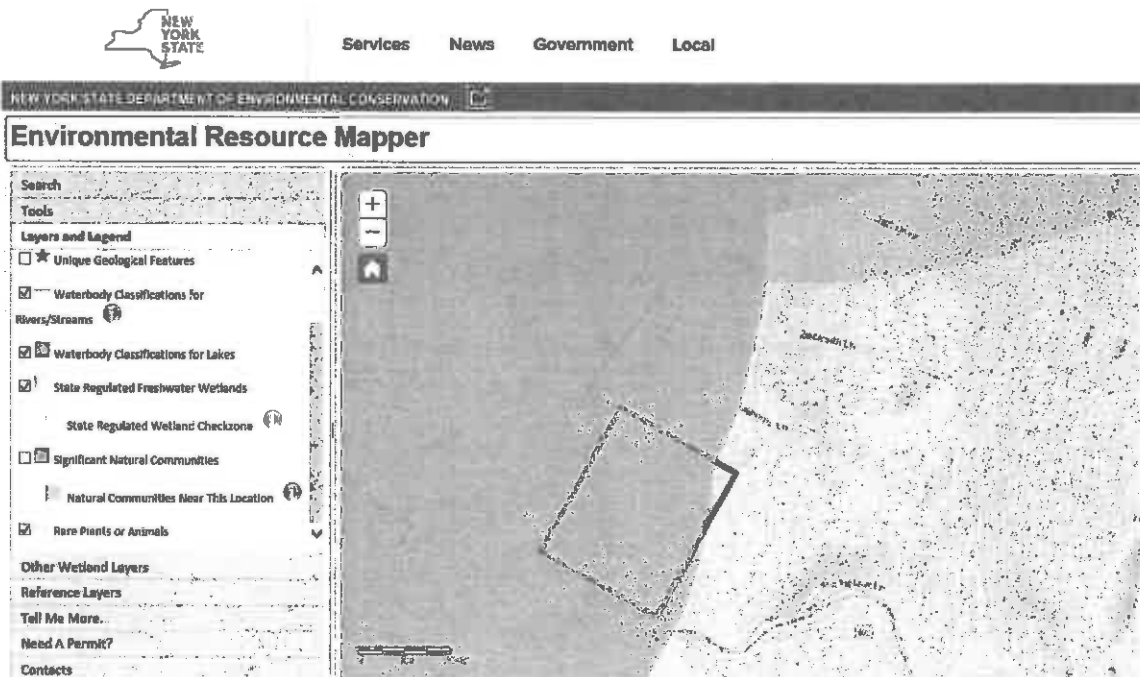
**Figure 1: NYSDEC ERM Mapper indicating a Class B, Standard B regulated stream located southeast of the Project Limits. There are no NYSDEC Wetlands within the vicinity of the Project.**



**Figure 2: USFWS NWI wetlands within the project vicinity.**



**Figure 3: NYSDEC ERM Mapper indicating occurrence records for endangered and threatened species and/or significant natural communities within the project vicinity.**



**Figure 4: NYSDEC ERM Mapper indicating that the site lies within a “Vicinity Check Zone” for the tidal Hudson River, a significant natural community.**



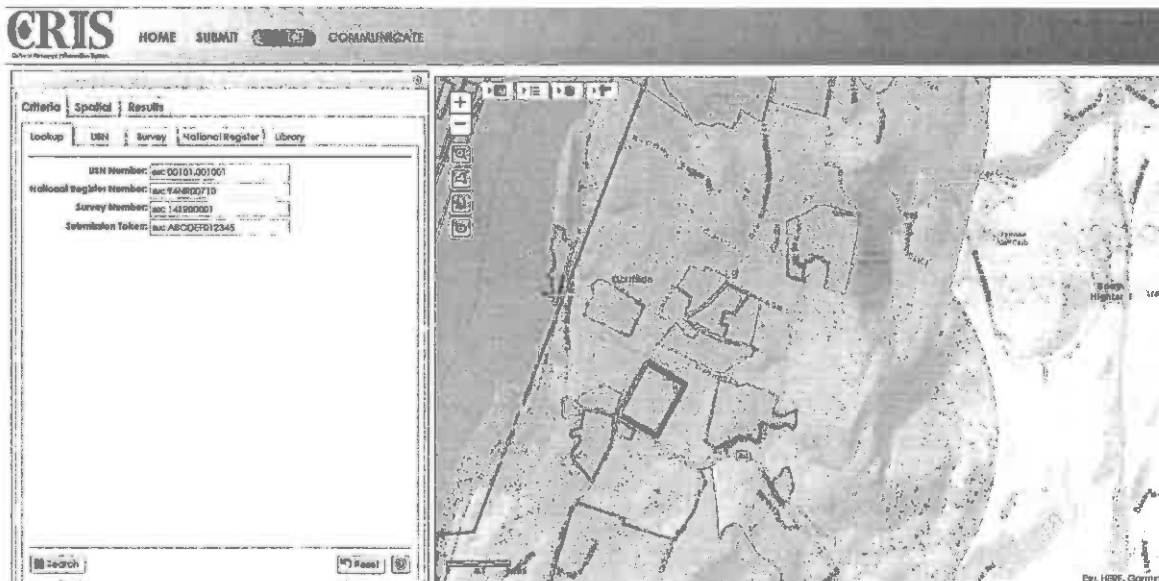
**Figure 5: USGS Stream Stats map displaying the tributaries within the project vicinity.**



**Figure 6: FIRM Flood Plain Map indicating the Project Area is not within a floodplain.**



**Figure 7: NYSOPRHP CRIS Mapper indicating multiple cultural resources mapped within the vicinity of the Project Area (outlined in red).**







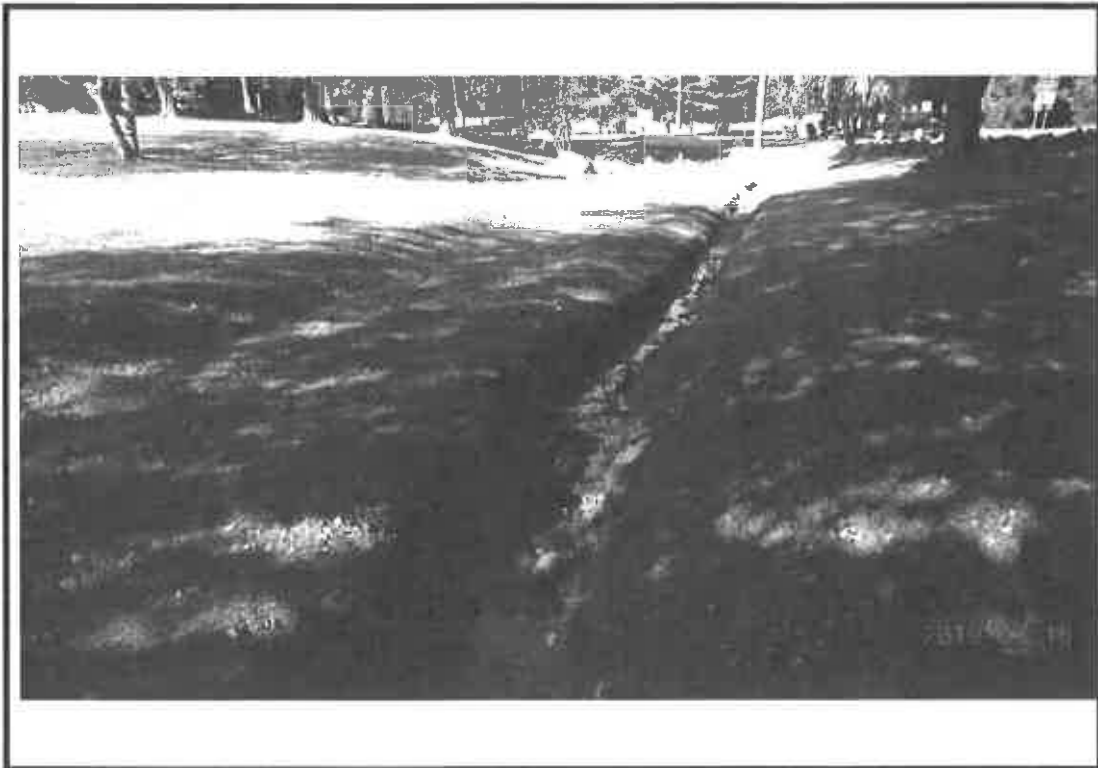
**Photo #1**

**Description:** View north from the parking lot of a mowed lawn area.



**Photo #2**

**Description:** View south from the parking lot with the library on the left side.



**Photo #3**

**Description:** View southwest of an intermittent stream SINT-1.



**Photo #4**

**Description:** View northeast of SINT-1 where it originates at a culvert on-site.



**Photo #5**

**Description:** View west of a small forest stand on the western edge of the property.



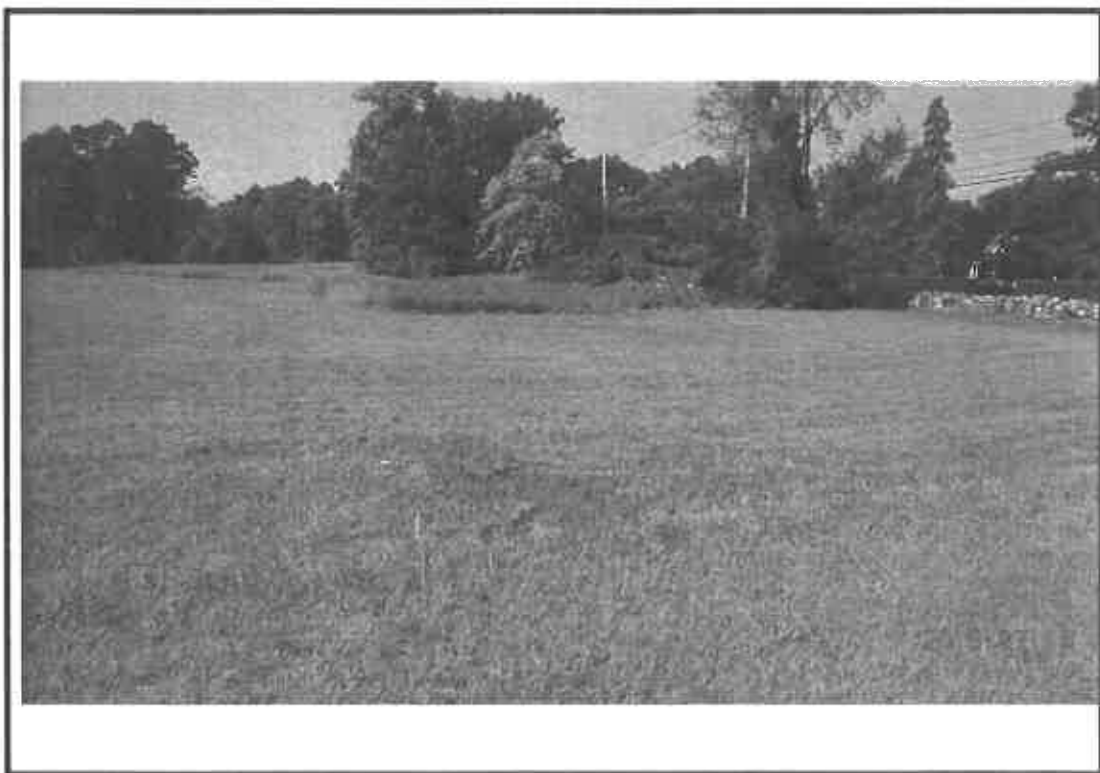
**Photo #6**

**Description:** View north of bat boxes observed in the west central field.



**Photo #7**

**Description:** View northwest of the southern portion of Wetland A.



**Photo #8**

**Description:** View south from the north end of the northern portion of Wetland A.



**Photo #9**

**Description:** View east near the northwest corner of the Project Area.



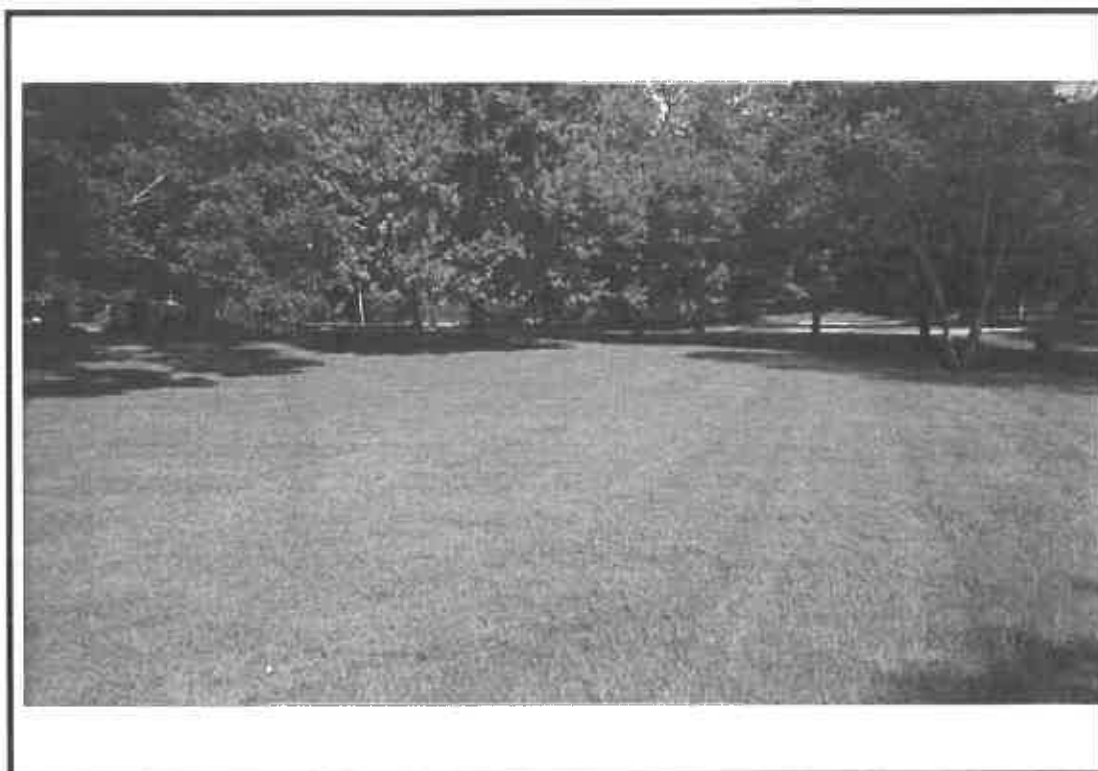
**Photo #10**

**Description:** View north near the east central portion of the Project Area.



**Photo #11**

**Description:** View north near the southeast corner of the Project Area.



**Photo #12**

**Description:** View northwest near the southeast corner of the Project Area.

THIS INDENTURE made as of the 5<sup>th</sup> day of January, 1979 between William H. OSBORN, JR., residing at Linden Lane, Glen Head, New York, Grantor, and ALICE AND HAMILTON FISH LIBRARY, a New York not-for-profit corporation, having an office c/o White & Case, 280 Park Avenue, New York, New York, Grantee.

WITNESSETH, that Grantor, by way of gift and for no consideration, does hereby remise, release and quitclaim unto Grantee, the heirs or successors and assigns of Grantee, forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements therein erected, situate, lying and being in the Town of Phillipstown, County of Putnam and State of New York, more particularly bounded and described as set forth in Exhibit A attached hereto.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to NYS Route 9D 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.

EXCEPTING and reserving to Grantor, his heirs, executors, administrators, successors and assigns a permanent non-exclusive easement, to be used in common with Grantee, its successors and assigns, over, across, through and under premises described on Exhibit B hereto ("Reserved Premises"), being a portion of the premises being conveyed hereunder, for (i) vehicular and pedestrian ingress and egress between NYS Route 9D and other lands of Grantor described in deed to William H. Osborn dated March 3, 1953 recorded in Putnam County Clerk's Office in Liber 424 of Deeds, page 422 on April 1, 1953, which deed includes premises conveyed pursuant hereto, and (ii) installation and use of public and private utilities for the benefit of the hereinabove described other lands of Grantor.

THE Reserved Premises shall be kept open and unobstructed at all times. Either party may make improvements to the Reserved Premises in connection with its use thereof for the purposes expressly provided in the immediately preceding paragraph, provided such party shall cause said improvements to be in compliance with law, effected in a good and workmanlike manner, and fully paid for. However, neither party shall have any duty to improve or maintain any portion of the Reserved Premises or to reimburse the other for the cost of any such improvements or maintenance, except that a party shall be responsible for any required maintenance, repair, replacement or improvement necessitated by the willful, intentional or negligent acts of such party, its agents, employees, contractors or invitees. Both parties shall be entitled to use the Reserved Premises and any improvements thereto.

THE parties contemplate that the Reserved Premises may be conveyed and dedicated to the appropriate public authority for use as a public road, and the parties accordingly agree that no use shall be made of the Reserved Premises that will be inconsistent with such future conveyance and dedication.

EXCEPT as hereinabove provided, Grantee may use the Reserved Premises for any purposes not inconsistent with the rights thereto retained by Grantor.

IN consideration for the conveyance hereunder, upon the written request of a beneficiary of the easement reserved hereinabove and the written consent thereto of the appropriate public authority, without receipt of any consideration therefor, Grantee, its heirs, successors and assigns, covenants and agrees that it shall execute, acknowledge and deliver such instruments as are necessary to convey and dedicate fee title to the Reserved Premises to such public authority, provided no such instrument imposes any affirmative obligation upon Grantee, its heirs, successors and assigns,

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

IN WITNESS WHEREOF, Grantor and Grantee have duly executed this deed as of the day and year first above written.

In Presence Of:

Jane Di Pasquale

William H. Osborn, Jr.  
William H. Osborn, Jr.

Attest:

- Clinton Dominick -  
Treasurer

ALICE AND HAMILTON FISH LIBRARY

By: C. Sims Parr  
Secretary

STATE OF NEW YORK )  
                          : SS.:  
COUNTY OF NEW YORK )

On the 5<sup>th</sup> day of January, 1979, before me personally came WILLIAM H. OSBORN, JR., to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.



Urania Kopmar  
Notary Public

URANIA KOPMAR  
Notary Public, State of New York  
No. 31-7335970  
Qualified in New York County  
Commission Expires March 30, 1980



STATE OF NEW YORK )  
                          : SS.:  
COUNTY OF NEW YORK )

On the 15<sup>th</sup> day of January, 1979, before me personally came C. Sims Farr, to me known, who, being by me sworn, did depose and say that he resides at No. 179 East 79th Street, New York, N. Y.; that he is the Secretary of Alice and Hamilton Fish Library

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

*Albert M. Peck*

ALBERT M. PECK  
Notary Public State of New York  
No. 24-3045151  
Duchied in Kings County  
Certificate Filed in New York County  
Commission Expires March 30, 1979

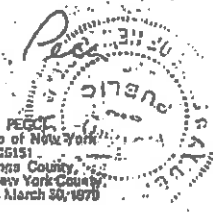


EXHIBIT A

All that certain parcel of land situate in the Town of Phillipstown, County of Putnam, and State of New York, more particularly bounded and described as follows:

Beginning at a point on the southeasterly side of New York State Route 9D where it is intersected by the line dividing the herein described premises on the northeast from the lands now or formerly of Clarence G. Michalis on the southwest, the said point of beginning occupying coordinate position

North 501983.40  
East 606960.74

on the New York State Plane Coordinate System, East Zone (NYSPCS, EZ) and being the northerly most corner that appears on that certain "Survey of Property Prepared for Clarence G. Michalis...", which was filed in the Putnam County Clerk's Office on March 24, 1977 as Map No. 1577.

Thence from said point of beginning northeasterly along the southeasterly side of New York State Route 9D the following courses and distances:

North 28°-49'-59" East	13.71 feet;
North 33°-59'-53" East	188.69 feet;
North 37°-12'-09" East	38.92 feet; and
North 34°-38'-14" East	371.73 feet

to a point at the southwesterly boundary of an existing 50 foot Right-of-Way, which point occupies coordinate position

North 502488.70  
East 607307.68

on the aforesaid NYSPCS, EZ; thence southeasterly along the same

South 60°-14'-50" East 369.32 feet

to a point; thence along other lands of William H. Osborn, Jr.

South 20°-15'-00" West 654.97 feet

to a point in the line of lands now or formerly of Michalis, aforesaid; thence along the same

North 56°-26'-25" West 529.07 feet

to the southeasterly side of the aforesaid New York State Route 9D and the point or place of beginning.

EXHIBIT B

All that portion of the lands herein conveyed and described on Exhibit A hereinbefore, bounded and described as follows:

Beginning at a point on the southeasterly side of New York State Route 9D, which occupies coordinate position

North 502488.70  
East 607307.68

on the New York State Plane Coordinate System, East Zone; thence southeasterly along the southwesterly boundary of another 50 foot Right-of-Way

South 60°-14'-50" East 369.32 feet

to a point; thence along other lands of William H. Osborn, Jr.

South 20°-15'-00" West 50.70 feet

to a point thence through the lands herein conveyed

North 60°-14'-50" West 336.06 feet

and on a tangent curve to the left, the central angle of which is 85°-06'-56", the radius of which is 50.00 feet, for 74.27 feet to a point on the easterly side of the aforesaid New York State Route 9D; thence northeasterly along the same

North 34°-38'-14" East 96.09 feet

to the point or place of beginning.

Recorded in the Clerk's Office of  
the County of Putnam on the  
02 day of February 1979  
at 1 hours and 07 minutes A.M.  
in Book No. 758 of Deeds  
on page 478 and compared.

*[Handwritten Signature]*

Clerk

RECEIVED  
REAL ESTATE  
FEB 2 1979  
TRANSFERS DIV  
PUTNAM  
COUNTY

WILLIAM H. OSBORN, JR.  
to  
ALICE AND HALILTON FISH  
LIBRARY  
*19.00*  
*T. 12th*  
*Exempt*

DEED

Real Estate Tax  
Mailing Address:

William H. Osborn, Jr.  
Kinden Lane  
Glen Head, N.Y. 11545

Tax Map No. 51

Block No. 1

Lot No. 60

LIBER 758 PAGE 483

Record and Return To  
WHITE CASE  
280 PARK AVENUE  
NEW YORK, N.Y. 10017  
ATTENTION VERA WESTCOTT

**Town of Phillipstown**  
**Building Department**

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# Inspection Checklist

**Date:** Monday, November 9, 2020

**Type:** Footings

**Status:** OPEN

**Result:**

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2. Will NOT substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.
3. Will NOT result in the degradation or pollution of waters.
4. Will NOT increase the potential for flooding.
5. The construction method proposed limits the amount of site disturbance to sufficiently control pollution, erosion, siltation, and sedimentation during and after construction activities.
6. It is educationally desirable to bring people into the wetland area to observe the ecosystem, no alternative location on the site is practicable.
7. No additional technical improvements or safeguards can reasonably be added to further reduce the impact of the activity.
8. There are currently no hazards to the public health or safety posed by the emerging wetland. The proposed activities will make possible interaction with the wetland by people of all physical abilities since the entire path system will be ADA accessible.

**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: Discovery Path and Solar Array Installation		
Project Location (describe, and attach a general location map): Grounds of the Alice Curtis Desmond and Hamilton Fish Library - 472 Route 403 Garrison, NY 10524		
Brief Description of Proposed Action (include purpose or need): In order to give our community members better access to the library grounds, demonstrate sustainable best practices and innovation, and offset the library's energy needs, we would like 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 welcoming 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.		
Name of Applicant/Sponsor: Jen McCreery, Library Director - Alice Curtis Desmond and Hamilton Fish Library		Telephone: 845-424-3020
		E-Mail: director@desmondfishlibrary.org
Address: 472 Route 403		
City/PO: Garrison	State: NY	Zip Code: 10524
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Philipstown Planning Board	September 2020
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Philipstown Wetlands Agency	September 2020
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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 Division of Library Development - Library Construction Aid Grant	August/October 2018 - Solar Grant August/October 2020 - Walking Paths
h. Federal agencies <input type="checkbox"/> Yes <input checked="" 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**

<b>C.1. Planning and zoning actions.</b>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?

The project site is in the Rural Conservation District, the Scenic Protection Overlay District, and the Regional Aquifer Overlay District. The Library is an existing community/institutional use permitted by special permit. SPO District: 250 FT of the ROW

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? Garrison Union Free School District

b. What police or other public protection forces serve the project site?  
Putnam County Sheriff

c. Which fire protection and emergency medical services serve the project site?  
Garrison Volunteer Fire Company and Garrison Volunteer Ambulance Corps

d. What parks serve the project site?  
N/A

**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)? Recreational and energy generating

b. a. Total acreage of the site of the proposed action? 2.75 acres  
b. Total acreage to be physically disturbed? .84 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 12 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)? % \_\_\_\_\_ Units: \_\_\_\_\_

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: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) 04 month 2021 year
- Anticipated completion date of final phase 06 month 2022 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

We have a grant related deadline for the installation of the ground mounted solar ribbon array of June 2021 so that installation will take priority with the Discovery walking paths and corresponding plantings to follow.

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

	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 \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ 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): There are no NYSDEC and no US Fish and Wildlife Service National Wetland Inventory wetlands mapped within the project area however a palustrine emergent wetland (PEM) is located in the northwestern portion of the project area. An intermittent stream 1 is also located on the library property but not within the area affected by this project.

ii. 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:  
 A boardwalk bridge supported by helical piles is proposed to help the walking path traverse and highlight the narrowest portion of the wetland. The solar ribbon, supported by helical piles, will also run in a single line of panels through the same portion of the wetland.

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: \_\_\_\_\_

Any areas of meadow disturbed will be reseeded following construction, a pollinator garden with native plants is also planned as part of this project.

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: \_\_\_\_\_ 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: \_\_\_\_\_

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

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

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 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): \_\_\_\_\_

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):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• 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 Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. 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): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

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: \_\_\_\_\_

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

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.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ M,W,F 10-5 &amp; T, R 1-8</li> <li>• Saturday: _____ 10-4</li> <li>• Sunday: _____ 1-5</li> <li>• Holidays: _____ Closed</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ M,W,F 10-5 &amp; T, R 1-8</li> <li>• Saturday: _____ 10-4</li> <li>• Sunday: _____ 1-5</li> <li>• Holidays: _____ Closed</li> </ul>
--	---

m. 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:

\_\_\_\_\_

\_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No

Describe: \_\_\_\_\_

---

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:

\_\_\_\_\_

\_\_\_\_\_

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:

\_\_\_\_\_

\_\_\_\_\_

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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: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. 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: \_\_\_\_\_

**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: \_\_\_\_\_

---

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	.61	.63	+ .02
• Forested	1.2	1.2	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	6.99	6.88	- .11
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)	.01	.01	0
• Wetlands (freshwater or tidal)	.63	.63	0
• Non-vegetated (bare rock, earth or fill)	.19	.28	.09
• Other Describe: <u>Landscape/Lawn Area</u>	Approx 3.0	Approx 3.0	0



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: Visitors often use the library grounds for informal recreation - picnics, playing on the lawn, etc.

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:  
Public Library serving everyone in the community

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?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. 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? \_\_\_\_\_ >6.56 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: Charlton-Chatfield Complex \_\_\_\_\_ 100 %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ >6.56 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 50 % of site  
 10-15%: \_\_\_\_\_ 50 % of site  
 15% or greater: \_\_\_\_\_ % 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

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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 intermittent stream Classification SINT 1
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name palustrine emergent wetland (PEM) Approximate Size .83 acres
- Wetland No. (if regulated by DEC) N/A

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: \_\_\_\_\_

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

birds _____	racoons _____	_____
squirrels _____	groundhogs _____	_____
rabbts _____	foxes _____	_____

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): \_\_\_\_\_

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

iii. Extent of community/habitat:

- Currently: \_\_\_\_\_ 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): \_\_\_\_\_

Identified as habitat for Northern Long Eared Bat (endangered and threatened) and Indiana Bat (endangered)

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Hudson Highlands Scenic Area of Statewide Significance - HH-20 Garrison Four Corners</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ 0 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: <u>Hudson River Estuary</u>	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 Jennifer McCreery Date 8.17.2020

Signature *Jennifer McCreery* Title Library Director

**TOWN OF PHILIPSTOWN  
CODE ADMINISTRATOR**

**238 MAIN STREET  
P.O. BOX 185  
COLD SPRING, NY 10516**

**Greg Wunner, Code Enforcement Officer  
(845) 265-5202  
(845) 265-3929  
(845) 265-2687 FAX**

DATE: 9-25-20

TO: REMOND - FISH  
PUBLIC LIBRARY  
972 RT 403

REF: WALKING PATH  
AND SOLAR PROTECT  
TAX MAP# 71.6-1-13

**IN RESPONSE TO YOUR REQUEST FOR "NO VIOLATION LETTER" ON ABOVE MENTIONED  
PROPERTY PLEASE BE ADVISED THAT AFTER REVIEWING PROPERTY RECORDS THERE  
WERE NO VIOLATION NOTED.**

**SINCERELY**

  
**GREG WUNNER  
ZONING ADMINISTRATOR**

08 May 2020

33 Whitney Avenue  
Suite 2a  
New Haven, CT 06510  
203.821.2087  
PIRIEASSOCIATES.COM

Ronald J. Gainer  
Ronald J. Gainer PE, PLLC  
P.O.Box 417  
Pawling, NY 12564

LAURA PIRIE, AIA

PAUL S. BUTKUS, ASLA  
BRADY STONE, AIA

RE: Desmond-Fish Public Library Master Plan  
Pre-Application Conference

Dear Ron:

Jen McCreery asked us to respond directly to you regarding the questions about the Master Plan for the DFPL site. The Master Plan is currently a vision document illustrating the Library's long-term goals for making the site more accessible to the patrons of the Library. As such, some of the items shown on the site plan are only diagrammatically indicated so specific quantities for things like amount of disturbance etc. cannot be determined.

Three elements of the Master Plan are seeking to move forward at this time, and they are the Walking Path, the Reading Garden, and the Solar Array Ribbon. Pre-application-level information for these elements is included in the previously submitted documents and is highlighted below.

We hope the following responses to your questions will address the major concerns raised and allow the pre-application process to continue.

#### 1) Project Sequence

The Master Plan contemplates three phases of implementation occurring as the Library is able to raise funds. They are immediate, near term and long term.

- a. **Immediate Term – Walking Path and Reading Garden**
  - i. Compacted stone dust path and associated grading to maintain a 5% maximum slope for accessibility, and meadow and pollinator plantings along it.
  - ii. Reconfigured Reading Garden behind the Library in the location of the existing lavender beds. Includes a low stacked stone retaining wall to accommodate the maximum of 5% grade Walking Path, benches, and new plant materials.

- b. **Near Term – Solar Array Ribbon**
  - i. The Library has received grant funding to incorporate solar power generation on site.
  - ii. The proposed layout of the panels forms a sinuous ribbon along the Walking Path.
- c. **Long Term –** These items do not have a current source of funding and are included to show what is possible on the site to address future goals and programs.
  - i. **Book Storage Barn –** With additional solar generation capacity on roof.
  - ii. **Landscaped Amphitheater** on hillside
  - iii. **Reconfigured front entry landscape**
  - iv. **Relocation of existing overflow parking** to right side of the existing building.

**2) Duration**

- a. The timeframe for the construction phases of the project have not been reviewed with contractors since construction documents have not been finalized. It is estimated however that the Immediate term construction timeframe should only take a few months.
- b. The Near-Term improvement construction duration for installing the Solar Ribbon similarly have not been vetted. The panels will be fabricated offsite so the installation of the supports should go quickly. The supports are easily and quickly drilled into the ground.

**3) Estimates of Overall Site Disturbance**

- a. The amount of disturbance for the Walking Path is noted on the drawings by area but is quite minimal.
- b. The layout of the Walking Path mainly follows the existing contours to minimize the amount of adjacent grading required to establish an accessible walking slope not exceeding 5%.
- c. The largest areas of disturbance will be at the Reading Garden where we are adding the low retaining wall at the bottom of the slope to create the 5% path and re-contouring the area to adjust for the new planting bed configuration.
- d. The end of the Walking Path near the north side of the parking lot will require some fill to raise the elevation of the path to connect it to the hillside. Some additional grading along the hillside Walking Path will be needed to create the 5% grades.
- e. Soil removed for the installation of the stone dust and base material for the path will be used as fill on site for the Walking Path.

- f. A trench will be required for the installation of the power conduit between the Solar Array Ribbon and the Library building. The trench is shown on the plans coming from the western end of the array to the northern side of the building. A short trench within the wetland setback zone will also be required at the break in the array which is needed for access to the northern portion of the site.

**4) Existing Utilization of the Site**

- a. The Master Plan improvements are intended to improve the experience for current users of the Library and are not intended to draw in large numbers of additional visitors on a daily basis.
- b. As such, we do not anticipate that there will be any negative impacts upon traffic, water, or sewer usage that would require interventions beyond the footprint of the site.

Please feel free to contact me with any additional questions that may come up related to the project.

Sincerely,  
Pirie Associates Architects



Paul S. Butkus, ASLA  
Associate

[paul@pirieassociates.com](mailto:paul@pirieassociates.com)  
c: 203-379-7277





**RONALD J. GAINER, P.E., PLLC**  
31 Baldwin Road, Patterson, NY 12563  
Mailing Address: PO BOX 417, Pawling, NY 12564

office 845-878-6507

cell 845-527-1432

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TO: Town of Philipstown Planning Board      DATE: May 21, 2020

FROM: Ronald J. Gainer, PE      SUBJ: Desmond Fish Library; Pre-Application Discussion

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Section 175-66B of Town Code specifies that a pre-application conference be held concerning projects which will require "Site Plan" or "Special Use Permit" approvals from the Planning Board. However, given that the precautions currently being taken during the coronavirus pandemic have caused Town Hall to be closed and so preclude a face-to-face meeting, it has been decided that applicants review their development proposal with the Town Engineer's office in order to meet the intent of these regulations, so that the Planning Board may obtain background information on such projects prior the filing of any formal applications to advance the project.

As a result, both Jen McCreery (Library Director) and Paul Butkus of Pirie Associates have recently been in contact with my office to discuss the range of improvements under consideration at the Desmond Fish Library. During these communications, the enclosed technical information (see attached, encompassing a "Statement of Use" and "Concept Plan" drawings for the site) was provided concerning the Library's plans for the property.

From these discussions, the following summary was developed on the proposal and relevant Code considerations.

***Purpose of Application:***

The property lies at 472 Route 403 in Garrison, at the northeast corner of Route 403 and Route 9D. The property encompasses a 6,000±sf library structure, access driveway and customer parking. The building was constructed in 1980. The overall tract includes tax parcels 71.6-1-13 (library site) & 12 (vacant).

With Pirie Associates' assistance, the Library has developed a Master Plan, which they describe as a vision document to illustrate the Library's long-term goals for making the site more accessible to the Library's patrons. In total, the following improvements are planned (and illustrated on the enclosed concept plans):

- Walking path around perimeter of site
- Reading Garden just outside rear of Library
- Provision of solar panels for on-site power generation
- Annex building
- Amphitheater on hillside to north of library
- Reconfigured front entry landscape
- Relocation of existing overflow parking to right side of the existing building

Recognizing that these, in total, encompass the Library's overall vision for the site, these improvements have been organized into three separate phases of implementation, which would occur based upon the Library's success at fundraising. They are "immediate", "near term" and "long term", described in more detail below:

a. ***Immediate Term***

- Walking Path - This would consist of a compacted stone dust path and associated grading to maintain a 5% maximum slope for accessibility, with meadow and plantings along it.
- Reading Garden - A reconfigured Reading Garden would be constructed behind the Library in the location of the existing lavender beds. This would include a low stacked stone retaining wall with path, benches, and new plant materials.

**RE: Desmond Fish Library, Garrison NY**

b. Near Term

- Solar Array Ribbon - The Library has received grant funding to incorporate solar power generation on site. The proposed layout of the panels extend along the proposed Walking Path.

c. Long Term

These items do not have a current source of funding; they are included to illustrate what is possible on the site to address future goals and programs

- Book Storage Barn/Annex – With additional solar generation capacity on roof.
- Landscaped Amphitheater on hillside
- Reconfigured front entry landscaping
- Relocation of existing overflow parking to right (south) side of the existing building.

As described by the Architect, the Master Plan improvements are intended to improve the experience for current users of the Library and are not intended to draw in any larger numbers of additional visitors on a daily basis. As such, they are not expected to have any negative impacts upon area traffic levels, or increases in on-site water demands or wastewater generation.

With respect to the solar panels, they are envisioned to be low to the ground and generally adjacent to the proposed walking path. While it would appear that they could easily be accessible to users of the path, currently no fencing or security is shown around them.

Concerning the planned size of the “Barn/Annex” structure, which could possibly involve a structure sufficiently large to trigger “Site Plan” review, the Architect indicates that this improvement has not yet been designed, as this element has not currently been funded and so any consideration as to its size is very preliminary. The Master Plan” concept sketches have merely accommodated a place for it on the overall site. However, as laid out it is preliminarily shown as a 30' x 40' structure. This structure may only involve a roof over an open porch area. One factor in determining its size, beyond the issue of funding, is providing enough roof area to increase the on-site solar generation for the Library's needs since roof-mounted panels would be provided.

Three elements of the Master Plan the Library is seeking to move forward at this time involve only the “Immediate” and “Near Term” projects, representing the Walking Path, the Reading Garden, and the Solar Array Ribbon.

Lastly, it is noted that there is an existing low-lying area (labeled as a “ditch” on the site survey) in the field to the north of the library, which would be deemed a “wetland” under Chapter 93 (“Freshwater Wetlands & Watercourses”) if  $\geq 1/4$  acre in size. There is also a small watercourse in the front yard area of the tract, which outlets into drainage facilities at the Route 9D/Route 403 intersection. Sections of the proposed walking paths and solar arrays will traverse these areas.

**Zoning District Information:**

The property is located in the Rural Conservation (“RC”) Zoning District.

**Sensitive Environmental Areas/Overlay Districts:**

This property falls within:



RE: Desmond Fish Library, Garrison NY

- Scenic Protection Overlay District ("SPO"; covering both the Route 9D and Route 403 property frontages, and which extend 250 feet into the site)
- Lies within Regional Aquifer Overlay District

*Site Plan Review Required:*

Under the Zoning Code's "Use Table", the library would fall under either "Institutional Use" or "Educational/Charitable/Religious" categories, both of which are permitted in the RC zoning district. Such uses are subject to the specific requirements specified in §175-10 ("Allowable Uses"). These include the following criteria of interest:

- Under §175-10(G)(3a), if any structures which are proposed (i.e.; the barn/annex) is less than 1,000 sf, it may be allowed by the Zoning Administrative Officer without any new Special Use Permit or Site Plan if the project complies with all the listed criteria therein.
- With respect to the solar array planned for the site, it is noted that per §175-10D(6) of the Zoning Code "solar energy systems producing electricity and/or heat primarily for on-site use are considered customary accessory uses to all principal uses", and thus would not require any Site Plan review by the Planning Board and only involve permitting through the Town Building Department.

Therefore, if the Barn/Annex were reduced in size to <1,000sf, it would conceivably become exempt from "Site Plan" review by the Planning Board. Additionally, the provision of solar arrays on the site (either along the walking path or on the barn/annex roof) likewise would not require such review. Further, as the scope of the remaining work to be performed initially (walking path & reading garden) does not involve any new structures, one might consider that these, too, would not trigger any "Site Plan" review.

However, one last possible Code impact involves the Town's SPO regulations (§175-15) which also apply to portions of the site. The provisions of this section (under paragraph "D"), in part, specifies that they "...Within the SPO District...Site plan approval shall also be required for any land disturbance of more than 10,000 square feet within any one-year period or more than 20,000 square feet in total over any time period, in any location that is visible from a publicly accessible place (as defined in § 175-74) when there are no leaves on the trees." Given that the overall extent of improvements planned by the Library will, in total, clearly exceed 20,000 sf of disturbance, and that the entire site is visible from both property frontages (which represent "publicly accessible places"), this Code provision mandates that Site Plan approval first be approved by the Planning Board before Building Permits can be granted for any portion of the intended work.

It is also noted that segmenting an applicant's overall plan of development into separate discrete elements is contrary to the intent of the NYS SEQRA regulations (NYCRR Part 617).

In conclusion, to comply with the requirements of the Town's SPO regulations, "Site Plan" review by the Town Planning Board is mandatory.

Further, a "wetlands/watercourse" permit under Chapter 93 will be required from the Town Conservation Board for the walking path and solar array crossings proposed, since these areas appear to exceed the ¼-acre threshold. Therefore, prior to the grant of any Site Plan approval, the following would also be required:

- Validation of the wetlands limits by the Town Natural Resource Review Officer (Max Garfinkle), so as to establish whether the area exceeds the 1/4-acre threshold which would mandate a permit.



**RE: Desmond Fish Library, Garrison NY**

Finally, the Building Department advises that no Site Plan for the property currently exists in Town records. Therefore, a "Site Plan" application and associated fees will be required, and follow the usual Planning Board procedures.

***"Major/Minor" Classification:***

Per the provisions of Section 175-60C(1) of the Town Code, the proposed activity would clearly exceed the following threshold criteria:

- Alteration and active use of 10,000 square feet of land, with or without structures.

Therefore, the project would therefore represent a "Major" project. It is noted that a public hearing for "Major" projects is mandatory.

**Waivers:** No waivers were identified by the applicant.

***Site Development issues:***

The Site Plan drawings should accurately identify all watercourse & wetlands areas of the site which will be regulated by the Town Conservation Board, which must grant a permit for the crossing planned within these areas.

The Plans should also specify the amount of impervious coverage, as well as any overall site disturbance planned, to confirm what SWPPP requirements will apply.

**Site Plan Fees:** As described above, the following "Site Plan" fees would appear to apply (unless relief is obtained from the Town Board):

"Site Plan, major"	-	\$1,000 + \$20/parking space + escrow
Full Environmental Assessment Form	-	\$300
"No Violations" letter from Town CEO	-	\$175
Public Hearing fee	-	\$250 (mandatory for "major" projects)
Final or Conditional Final Approval fee	-	\$250
Escrow	-	\$5,000 (un-used monies returned to applicant)
Conservation Board process	-	fee to be established by CB upon receipt of application

It should be noted that the application fees and escrow deposit should be posted with separate checks. Further, the fee for the "No Violations" letter is paid directly to the Town Building Department.

***Expected Referrals:***

- Town Conservation Board

It is believed that the foregoing summarizes Town Code provisions which will apply to the Desmond Fish Library improvements planned.

c: Greg Wunner, Code Enforcement Officer  
Stephen Gaba, Esq.  
Max Garfinkle, NRRO  
Applicant (c/o Pirie Associates)





June 4, 2020

Ronald J. Gainer, P.E., PLLC  
PO BOX 417  
Pawling, NY 12564

Dear Mr. Gainer and the Philipstown Planning Board,

Many thanks for your helpful comments and clear directions regarding the Desmond-Fish Public Library's master site plan pre-application.

I wanted to be sure to clarify that we have secured partial funding for the walking path and solar elements of our project only. Given the current economic climate, we are not pursuing the other "phase 3" elements of our plan, including an annex building, amphitheater, revised front lawn, and parking for the foreseeable future and, most likely, not in the next ten years.

We would appreciate it if the Planning Board would consider our application only for the walking path and solar installation, as both pieces of our master site plan have grant and donor funding and corresponding deadlines for completion. We are happy to pursue the necessary environmental permitting and public hearing process for both as directed.

Please let me know if I can help answer any questions. Thank you for your time and consideration.

Sincerely,

*Jen McCreery*

Jen McCreery

--

Jen McCreery  
Library Director  
Desmond-Fish Public Library  
845-424-3020  
<http://desmondfishlibrary.org>

