# MEETING AGENDA TOWN OF PHILIPSTOWN PLANNING BOARD

Via Zoom November 19, 2020 7:30 PM

Pledge of Allegiance

**Roll Call** 

**Approval of October Minutes** 

Return of Cash Performance Bond: Vamco Realty of Peekskill, 3090-3094 Route 9, Cold Spring TM#27.16-1-16

Old Business, Part I

Roland Heitmann & Jeanne-Marie Fleming, Angel Hill Road, Garrison (Site Visit October 4th) TM#71.-3-15

(Applicant seeks approval of a site which, new construction of a single-family residence to be served by an on-site subsurface sewage treatment system and private individual well.)

Magazzino Italian Art Foundation, 2700 Route 9, Cold Spring (Site Visits on March 8th, 2020 and July 5th, 2020) TM#38.-3-24.1 The Action is to approve:

- 1 . A lot line adjustment such that the current configuration of applicant's property increases from 9.393 acres to 14.615 acres, while CF Diversified decreases a corresponding amount of land 63.516 acres to 58.294 acres

  And
- 2. Site plan and special use permit that will allow the expansion of existing museum and art foundation facility by constructing a new building, parking and related facilities on a recently acquired parcel to the south of the existing facility and the relocation of a planned employee residential structure and related facilities on a parcel to be acquired to the north of the existing facility. Approval of the northerly property addition is the subject of a subdivision application being processed simultaneously with this Site Plan and Special Use application

Andrew Kepler, 176 Moog Road, Garrison, New York (Site Visit September 13th) TM#49.-3-48

(Applicants seek approval of a site, which includes the enlargement of an existing deck, construction of a 3-season room and a formal court yard on their 21.8-acre property at 176 Moog Road, Garrison, New York)

#### **Notice of Public Hearing**

# Joseph Pell Lombardi, 19 Fieldstone Ridge, Cold Spring NY TM#16.11-1-9,5,7 ( Public Hearing)

(Applicant seeking subdivision approval to adjust the line dividing lands of Leach from lands of Lombardi)

#### **Board discussion**

#### CRS International Warehouse/Office, 2761 Route 9 TM# 38.-3-64

(The applicant is seeking Site Plan approval for the construction of a 20,340 sf "warehouse/office" structure, in order to expand the applicant's current apparel wholesale/distribution business currently located at 3027 Route 9 (at Jaycox Road). The property involved in the application concerns the former MHCP self-storage site along the west side of NYS Route 9, between Lane Gate Road and NYS Route 301, which was never developed.)

#### Old Business, Part II

# Christopher Flagg & Heidi Snyder, 699 Old Albany Post Rd, Garrison, NY TM#61.- 3-6 (Site Visit Nov, 15th)

(Applicant is seeking barn-like addition consists of a Family Room, Bedroom with bath, Garden tool storage and greenhouse connected to an existing 4-bedroom house via a covered pergola. The addition totals 1,762 Square Feet on two levels.)

# 3622 Route 9 LLC, Cold Spring, New York (Site Visit Nov 15th)

(Applicant seeks Site Plan Approval to remove an existing approximately 2,000 square foot structure and 325 square foot accessory structure, and to construct two new buildings (15,400 SF & 10,500 SF) to house contractor offices and storage)

TM#17,-1-44

### William & Laura Cumming, 71 South Mountain Pass Spur, Garrison, New York TM#82.-1-52,53

(The applicant is seeking section 175-11B (Dimensional Requirements) as a subdivision Lot 1: Area from 10 acres to 4.296 acres, a variance of 5.704 acres. As to subdivision Lot 2: Lot frontage from 300 feet to approximately 165.0 feet.

#### Riverview Industries, 3012 Route 9, Cold Spring

TM#27.20-1-12.1

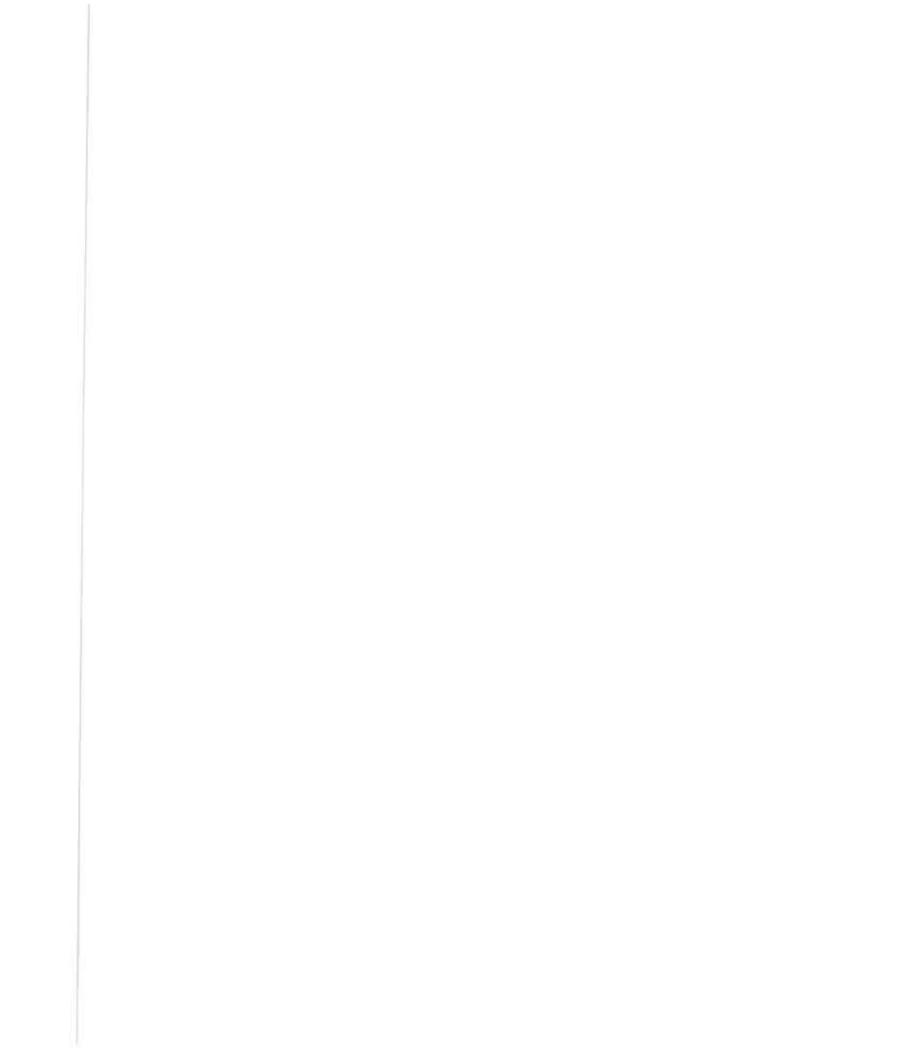
Applicant is seeking major site plan approval for a parking area for commercial truck parking and storage. The applicant owns and operates a commercial truck repair and auto body business on two parcels located across Route 9 and this is an extension of that use. A wetland permit will be required for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

#### **New Business**

# Alice Curtis Desmond & Hamilton Fish Library, 472 Route 403, Garrison, NY TM# 71.6-1-12&71.6-1-13

(Applicant seeks 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.)

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



# PHILIPSTOWN PLANNING BOARD MEETING MINUTES October 15th, 2020

The Philipstown Planning Board held its regular monthly meeting on Thursday, October 15th, 2020 Via Zoom

Present:

Neal Zuckerman- Chair

Kim Conner
Dennis Gagnon
Neal Tomann
Peter Lewis
Laura O'Connell
Heidi Wendel

Ronald J. Gainer, PE, Town Engineer

Stephen Gaba, Counsel

Absent:

Chair Neal Zuckerman opened the meeting at 7:30 p.m. with the Pledge of Allegiance.

Roll call was taken by Mrs. MacIntyre.

#### A. Minutes

The minutes of the October Regular meeting were reviewed. The Board then approved the minutes.

#### B. Correspondence

#### Chundu/Moth, Sky Line Drive, Cold Spring, New York

TM#16.-1-23.13

Chairman Neal Zuckerman asked Steve Gaba if there were any objections of return of escrow?

Steve Gaba stated that there are no objections and that the escrow can be returned.

Chairman Neal Zuckerman asked for a motion to return escrow.

Peter Lewis made the motion, and Dennis Gagnon seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: aye Neal Zuckerman: Aye

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Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

#### Roland Heitmann & Jeanne-Marie Fleming, Angel Hill Road, Garrison TM#71.-3-15

Chairman Neal Zuckerman recused himself because he has some personal business with the applicant related to a building he owns. Kim Conner will proceed as Acting Chair with the application.

Kim Conner stated that the board performed a site visit, and the board is ready to discuss the project.

Ron Gainer stated that the Board performed a site visit on October 4<sup>th</sup>. Ron Gainer presented the Board a technical memorandum dated October 13<sup>th</sup> summarizing the site inspection comments offered. After it was reviewed and accepted by the Board, it was then forwarded to the applicant's design engineer. Ron Gainer stated that there are a few issues that the Board should be aware of. There are two Conservation Easements over portions of the property, one held by Scenic Hudson and one held by Open Space Institute. It lies along a designated ridgeline, so there are issues with that overlay district that have to be satisfied. The applicant is aware of the issues and are addressing them in the application.

Glenn Watson stated that they appeared before the Conservation Board on October 13th, and they are issuing a letter stating that they are satisfied with the application.

Roland Heitmann stated that he met Max Garfinkle on the site. They went through the site plan and Max Garfinkle stated that everything looked good.

Ron Gainer stated that the Conservation Board has responded through a letter issued by Max Garfinkle, and which has been distributed to the Planning Board. We are aware that the Conservation Board has no issues with the Planning Board continuing with the application.

Roland Heitmann stated that, in terms of the easements, he has been in contact with both Open Space and Scenic Hudson. Open Spaces have already responded with a letter, which he has forwarded to Jason Snyder at Badey & Watson. They reviewed the site plan and stated that they had no concerns but Ron Gainer just reminded me of the other conservation easement on the property. That is all documented in my proposal in terms of the color and reflective surfaces. Scenic Hudson has not issued a letter in time for this meeting, which concerns the corner of the property where we are doing nothing and have no intentions to disturb. They said they will be issuing a letter shortly, which I will forward to the Board.

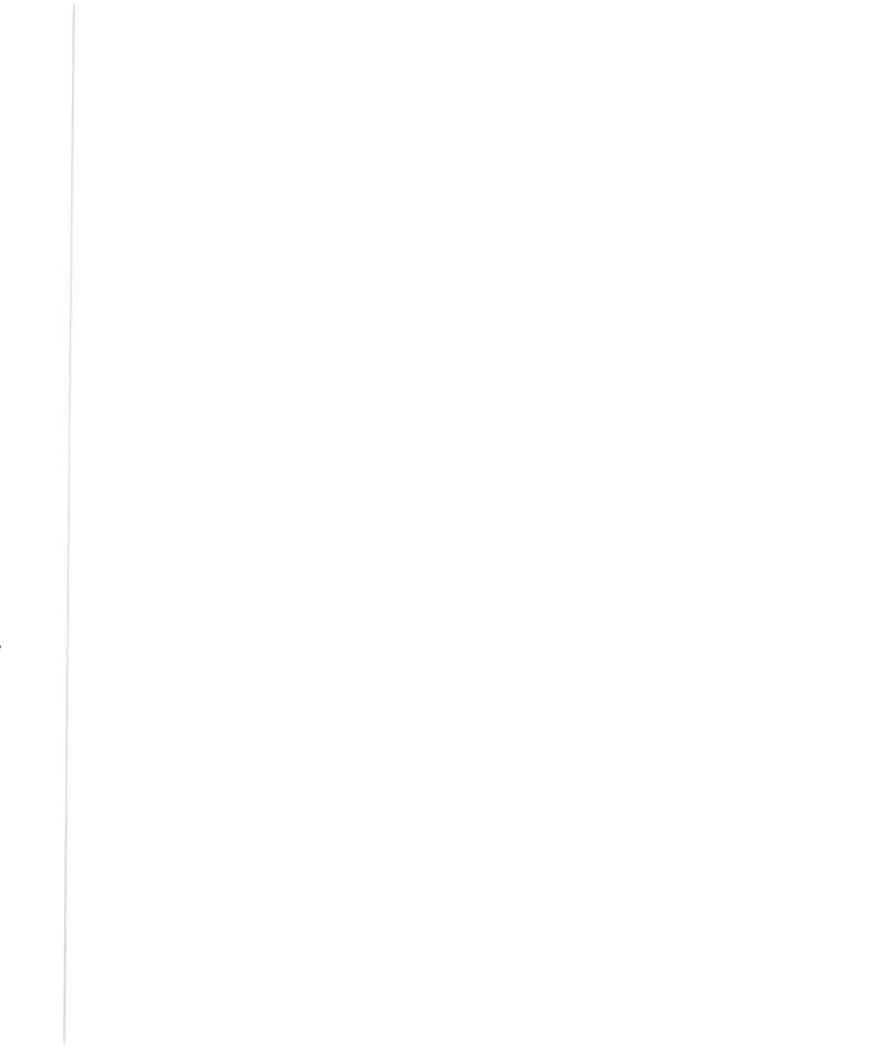
Kim Conner asked if anyone from the Board had any questions or comments?

Heidi Wendel asked if any of the easements abut the area where there is going to be a new driveway?

Roland Heitmann stated that the Scenic Hudson easement is nowhere near the driveway, and the Open Space easement covers the entire property.

Kim Conner asked if there are any restrictions in the easement as to where you can build? Roland Heitmann stated that there are no restrictions where they can build or restrictions to my site plan.

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Ron Gainer stated that if the applicant or Board have no further questions at this time, the engineer should respond to the comments raised on the memorandum, for the Boards review, and then the project can subsequently move forward.

Kim Conner stated that the other question the Board had was about the maintenance agreement for the road.

Ron Gainer stated that he did receive a copy of the roadway maintenance agreement from the design engineer after I prepared the site inspection memorandum, but that document should be filed with the entire board.

Glenn Watson stated that he would get them to the Board Secretary.

Ron Gainer stated that the referrals have gone out to Putnam County Planning and Garrison Volunteer Fire Department. Because the site contains steep slopes, a special permit is required and that will require a public hearing.

Kim Conner stated that she thought she read that they didn't need to do that because it was such a small area.

Steve Gaba stated that he believes with a special permit you need a public hearing.

Ron Gainer stated that the question is whether they are disturbing regulated slopes.

Kim Conner stated that in the documents that that is no longer needed.

Roland Heitmann stated that he thought this was all resolved at the last meeting. We are not disturbing any steep slopes.

Ron Gainer stated that if that is the case, the public hearing would be discretionary.

Heidi Wendel stated that there was a steep slope that she observed along the driveway and wanted to know if anyone else noticed it.

Kim Conner read from the memo of Ron Gainer. The board should consider whether a bond would be appropriate to cover possible damage to and restoration of the shared private roadway from the site's development, which could be released upon visual inspection of the roadway's condition at the project's completion. Kim stated that the board has concerns that the heavy equipment going up and down the road could make things worse.

Roland Heitmann stated that he has had conversations with the neighbors, and Heitmann Builders will be taking over road maintenance for the entire road. If there is any damage resulting from the construction, we will take care of it. We do not plan on taking any materials off site, and plan on using everything on site so we won't be trucking in and out.

Ron Gainer stated that he just looked at the Site Plan drawings concerning the issue of the special permit, and a revised slope analysis plan was submitted after the September meeting. The steep slopes denoted has been revised per Code, so the only steep slopes being traversed relate to the driveway construction itself and that is a permitted disturbance, so no special permit required.

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Kim Conner stated that the next thing that the Board has to discuss whether to have a public hearing. Kim Conner asked the Board if anyone has any comments about having a Public Hearing on the application.

Heidi Wendel stated that she feels they should have a public Hearing.

Kim Conner asked if anyone else has a comment. Kim Conner asked if anyone wanted to make a motion for a public hearing

Heidi Wendel stated she would make a motion

Kim Conner asked for a second? No other Board members made a second motion.

Kim Conner stated that we will not have a public hearing. Kim Conner stated that the Board wants to see all the documentation and then the Board will approve the application.

Ron Gainer asked if the Board wants a resolution drawn up for the next meeting to have it ready when all requested information is presented?

Kim Conner asked if the anyone wanted to make a motion to have the resolution drawn up for the next meeting?

Dennis Gagnon made the motion, and Neal Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: aye Neal Zuckerman: Aye

Kim Conner: Any opposed? Abstentions? Being none, motion passes.

#### Tony & Kim Ricci, 3315 Route 9, Cold Spring, New York

TM#16.20-1-8

Ron Gainer stated that the applicant had made a site plan submittal for the September meeting, but the information submitted was not clear on the building's placement on the site and setbacks, so the Board requested additional survey information. Procedural issues also remain to be accomplished and, in the interim, the applicant did file an accurate site plan. Ron Gainer stated that he has submitted a technical memorandum that summarizes the issues that remain. There was a question raised at the September meeting as to whether two residential structures could exist on the same lot within the HC Zone. Ron Gainer stated that he will leave that question to Steve Gaba to respond to and, after that is resolved, the Board can consider whether they want to make necessary referrals and whether a site visit is warranted.

Steve Gaba stated that at the September meeting they discussed they have a legal non-conforming lot, at least to side-yard. They are increasing the degree of the non-conformity of their building by putting on a second use in it, in this case a residential dwelling over a first-floor commercial building. They will need a referral to the ZBA before they can proceed before this

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TM#38.-3-24.1

board. They have a trailer on the property which constitutes a dwelling unit. Under the Town Code you can have a two-family dwelling within the HC district, subject to a special Use permit from the Planning Board. Steve Gaba stated that he doesn't see having a second-floor apartment over a commercial as the same thing as an accessary dwelling. You can have two houses on a single lot as long as you meet setbacks and bulk requirements, but they do not meet either. They also need to go to the ZBA for having two dwellings on a single lot. Steve Gaba stated that the Planning Board should wait to do any referrals on the application until they get the necessary variances from the ZBA.

Chairman Neal Zuckerman asked for a motion to refer the applicant to the ZBA.

Kim Conner made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

#### Magazzino Italian Art Foundation, 2700 Route 9, Cold Spring

Glenn Watson said that Magazzino is intending to buy a piece of property from Cyberchron. Glenn Watson showed on a map what portion of the property is owned now by Cyberchron and what will be sold off to Magazzino. Glenn Watson showed a map of the whole Magazzino property as it will appear when they purchase the property from Cyberchron. Everything on the map to the west of the green line is wetland, and you can see on the plans nothing is being proposed in that area. There is an area of the existing building that is in the wetland buffer, but was there before Magazzino acquired it. The proposal is to build a new building, construct a new access in and out from Vineyard Road as well as use the existing entry. We expect that traffic will flow into the main lot of Magazzino which is already there, and the overflow will go to the south though a new driveway into a lower parking lot to access the new building. We have added elements of the drainage stormwater pollution prevention plan. We have done some testing out there which will be adequate. We have not finished our plan for the stormwater management. We are calling for some additional parking on the upper part of the property where there will be a pathway to the existing parking lot. There will be some sidewalks coming from the new building and cross in front of the parking lot so there will be some pedestrian traffic between the new and the old building. The new septic area is a combined septic area. The area is to the north of the parking lot and the east of the main parking lot, and will collect sewage from the new building and from the three-bedroom residential structure we are proposing in the northeast corner of the property. There is an area just south of the new parking lot that houses four pygmy donkeys.

Miguel Quismondo iterated the plans for the site again.

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Ron Gainer stated that the project has been in front of the board for an extended period of time. There is one zoning issue that the board has previously raised and it was referred to the Planning Board's Attorney in terms of whether the animals being kept on the property is permitted. Ron Gainer stated that a SEQRA declaration remains to be accomplished.

Steve Gaba stated that he looked into keeping animals on the property and it would be permitted accessory use with the museum use. We have crafted an amendment under the Town Code in regards to "museums". Under the Town Code multiple uses are allowed on a property as long as it meets the bulk requirements of the code. Under the code, agricultural uses are permitted in pretty much every zone. If keeping the donkeys is viewed as a separate agriculture use, and because they meet all the bulk requirements, it would be permitted under the code. As long as the keeping of animals is part of their application, they are fine. Steve Gaba stated that he would make the applicant aware of Code §175-37, which imposes disclosure requirements in regard to the extent of any agricultural use on a property which includes or is by a residential use. They may need to add some notes to the application in regards to §175-37.

Chairman Neal Zuckerman asked if anyone on the Board had any questions or comments. The Board did not, so the Chair asked if anyone from the public had any questions or comments.

Nat Prentice wanted to speak in favor of the Magazzino application and how they are community oriented.

Chairman Neal Zuckerman asked for a motion to close the public hearing.

Kim Conner made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Ron Gainer stated that there are still technical issues that need to be resolved. Ron Gainer stated that he will work with Glenn Watson to get open issues addressed. The next step is to consider a SEQRA declaration, and then eventually to consider a site plan approval and subdivision approval.

Steve Gaba stated that he thinks a negative declaration would be appropriate for this project. Steve Gaba stated that Ron Gainer should prepare it for a vote at the November meeting.

Chairman Neal Zuckerman asked for a motion to have Ron Gainer prepare a Negative Declaration for the November meeting

Peter Lewis made the motion, and Kim Conner seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye

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Peter Lewis: Aye Laura O'Conneli: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion for preparation of an approval resolution for the November meeting

Kim Conner made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

#### CRS International Warehouse/Office, 2761 Route 9, Cold Spring TM#38.-3-64

John Canning spoke in regards to the traffic study for the applicants. John Canning stated that Ron Gainer had raised some questions regarding the traffic study. We have added some information to the study and sent it back to the board. Revisions address the following:

- 1) We have modified sheet 10 of 11 in Glenn Watson packet to show which bushes on the east side of route 9 south of the driveway that are being removed and the twin trunk tree on the west side being removed. There is a trapezoid that's about 10 feet deep that runs along the east side of the road and the west side of the road, north and south of the driveway that the applicant is required to maintain.
- 2) One of the other questions was whether the data that we had previous collected was sort of a once-off thing. The speed seemed low so we went back and we did a new traffic studies. We found that the speed in the Southbound direction was identical, which was 49 MPH at the 85<sup>th</sup> percentile. The Northbound direction it increased from 52 to 54 MPH. We revised table three of the report and included it in our new memorandum, so it increased the required sight distance traveling Northbound from 575 to 600 which is in the revised table three. It went from 455 to 480 for the stopping site distance. The two distances are less than the 710 feet that will be provided.
- 3) We were also asked if we are familiar with the way drivers drove on that section of the road, and having this driveway close to the intersection of First Street and the homes in the Trailer Park across the street. We did go out and observe the total number of vehicles that entered and exited during the busiest hour, and when you consider that the proposed application is going to generate approximately 20 trips, you can see that there's really not a lot of interaction between them both.

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John Canning provided a table of the sight distances and time delays of the trucks going in and out of the driveway.

- 4) There was a question of the sight distance because we had two shrub obstructions, so we went out and measured the current sight distance and it is 540 feet, which is not terrible and it will be improved with the vegetative clearing.
- 5) The last question was what would the sight distance be for the 90<sup>th</sup> and then the 95<sup>th</sup> percentile speeds. The 90<sub>th</sub> percentile would be 510 feet; the 480 feet would increase to 510 feet in the northbound direction and the 95<sup>th</sup> percentile would increase to 525 feet where 710 feet will be provided. In the southbound direction the 85<sup>th</sup> percentile will increase from 425 feet to 465 feet for the 90<sup>th</sup> percentile, and then 95<sup>th</sup> percentile will increase to 480 feet, where 840 feet will be provided in the southbound direction. Glenn Watson's firm has been coordinating with DOT to make sure the driveway meets their standards.

Chairman Neal Zuckerman asked if any Board members had any questions or comments.

Heidi Wendel asked if the observation was only one hour.

John Canning stated that yes, that is correct.

Heidi Wendel asked if it is typical to only observe for one hour when major safety issues have been raised?

John Canning stated that traffic safety is sort of a random thing, so we go out and spend some time in the field to get a sense of the intersection. It is reasonably low volume and well designed and we saw people driving in and out of First Street, and don't feel there is a problem at that location.

Ron Gainer stated that the Board has accomplished all the necessary referrals with respect to SEQRA. The Board has gone through a coordinated review. None of the agencies have raised any objectives, so the Board can now acknowledge that they are lead agency and can make a declaration of significance when the Board believes they have sufficient information to arrive at a decision. There are technical issues that he has raised in his new memorandum.

Chairman Neal Zuckerman stated that he had some questions for Mr. Gainer. You stated a special permit is required for the steep slope situation. Does that require any additional work, public involvement, etc. since that has not been something we have been talking about to date?

Ron Gainer stated that the ordinance requires a special permit to be granted whenever such disturbances are planned.

Chairman Neal Zuckerman stated that Ron mentioned under procedural matters, the Board must find that the project - "and will not adversely affect neighboring properties".

Ron Gainer stated that, based on the comments that we have heard related to the landscaping being proposed and raised a few times during the public hearings to date, the applicant has enhanced the landscaping in the rear and on the sides of the site. The applicant has attempted

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to respond to these comments, and that is one final matter that I will review in more detail before the next meeting.

Steve Gaba went over why the Board kept the public hearing open, which was due to some concerns regarding the traffic study and other technical issues. He directed the Board to make sure they focus on them before closing out the public hearing.

Chairman Neal Zuckerman asked if anyone from the public would like to speak on the application?

Nancy Berner stated that in the beginning of the presentation they discussed the problem that I'm most concerned about, which is these huge trucks that don't make the turn perfectly and back up the traffic at the intersection of 301 and Route 9. I live just west of Route 301 and I experience that all the time. I have already gotten to see what happens at Jaycox and Route 9 at their existing site. I understand that the traffic study looked at a lot of issues but, did it look at that particular issue?

Chairman Neal Zuckerman stated that in the first few public hearings, we did spend a lot of time talking about the size of the trucks, as well as the turning radius. Chairman Neal Zuckerman asked John Canning, the traffic study engineer, if he wanted to address Nancy Berner's question?

John Canning stated that they have worked with DOT, and we have designed the driveway to its maximum width that they will allow. It is 30 feet wide and it has 33-foot curb returns on the radii, which is much greater than many driveways along Route 9. We did a templet analysis for the largest vehicles that would visit the site. We did analysis of the trucks going in from the north and the south, and leaving going north and south, and we determined that they will be able to do so.

Kim Conner asked when the DOT permit gets issued?

Ron Gainer stated that it usually becomes a condition of approval. Ron Gainer asked John Canning to inform the Board of the status of any submittals you have made to DOT, and whether any comments have been received from that agency?

John Canning stated that DOT will not issue a permit until you have local approval but, they will review the material and let you know if you are on the right track. Jason Snyder in Glenn Watson's office is handling that, so I don't know how far they are in that process.

Neal Tomann asked Steve Gaba what happens if the Board approves the application and it just doesn't work with respect to the Traffic issue?

Steve Gaba stated that if you grant them site plan approval and they have vested rights under it because they make some improvements and reliance on the site plan, you don't have any remedy by later saying that the Board wants to "reopen the site plan because what we had approved doesn't work".

Chairman Neal Zuckerman asked for a motion to close the public hearing

Kim Conner made the motion, and Neal Toman seconded the motion. The vote was as follows:

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Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman stated that the Board needs to discuss site lines, the size of the trucks. I think with the size of this project it deserves a fulsome conversation as a Board. I think that the Board should have a conversation about the issues at the November meeting. Chairman Neal Zuckerman would like Steve Gaba and Ron Gainer to put together the main issues that the Board has been debating and have them ready for a discussion with the Board.

#### Andrew Kepler, 176 Moog Road, Garrison, New York

TM#49.-3-48

Glenn Watson sated that the property is about 17 acres on the top of Moog Road. Glenn Watson stated that most of the landscaping follows the driveway to the left and when it gets closer to the house it widens out to the left to provide a front lawn and continues to the back. It is the white part on the map between the steep slopes. The original plans called for some plantings on either side of the steep slope areas, they have been removed from this plan. The new plan addresses the specific questioned raised when you and Ron Gainer came for the site visit where we are intercepting and making some crossings of the driveway to catch the storm water and relieve it. Glenn Watson stated that they were in front of the Conservation Board on this plan and they have no concerns regarding the plan.

David Eaton stated that the concerns Ron Gainer had with the planting within slopes 20 percent and steeper so, to address that I moved any trees, shrubs with in that swipe analysis and put them in lesser slopes. The other major comments were about the drainage going down the driveway that the engineers have addressed. It's a landscape improvement plan that you can see with native mixed evergreen and deciduous plantings alongside the drive to provide evergreen coverage through the winter months and also help mitigate views of neighboring properties. We have improved the entrance to the house and the courtyard to the rear. There is an existing gravel parking lot there, so we are proposing trees and a decorative water feature. In the front of the house there is an existing wood deck and in place of that wood deck we are proposing a stone deck and an expansion of the pool room.

Ron Gainer stated that major concerns of the Board with a steep slopes disturbance as evidenced on both of these plans have now been resolved. They have addressed the drainage issue that the Board had. They have addressed the erosion that was visible at the site walk along the driveway.

Steve Gaba stated that the plans are pretty straight forward and the Board is ready to hear any Board or public comments.

Kim Conner asked if Katrina Shindledecker could tell the Board about the Conservation Easement.

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Katrinia Shindledecker stated that the Conservation Easement allows one house, accessory structures and gardens. We had previous plans that we were able to review and didn't see anything that was a significant concern. We have not been able to review the new plans in their entirety. The easements allow for gardens. When I was listening to the Conservation Board meeting this week, they had a similar question regarding chipping or blasting for the water feature. They made it clear they will be going up and not down and staying away from steep slopes on the property. If you have seen the driveway it is an erosion nightmare so we are happy they are making sure the silt and the sediment washing off the driveway will no longer be doing so.

Chairman Neal Zuckerman asked if there was any more questions or comments from the Board or public. There were none.

Chairman Neal Zuckerman asked for a motion to close the public hearing

Neal Tomann made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Ron Gainer stated that with the public hearing closed there is just the SEQRA declaration and then an approval resolution to act on.

Chairman Neal Zuckerman asked for a motion to direct Ron Gainer to prepare the SEQRA and approval declarations.

Peter Lewis made the motion, and Neal Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

#### Joseph Pell Lombardi, 19 Fieldstone Ridge, Cold Spring, New York TM#16.11-1-9,7,5

Glenn Watson appeared on behalf of the applicant. There are two small pieces of parcel one owned by Joseph Pell Lombardi and one owned by his neighbor Mr. Leach. Glenn Watson showed phots of the two properties as to how they are today and what they will look like after

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the property has been divided. The panels show Mr. Leach's property to be conveyed from Mr. Leach to Mr. Lombardi to make his lot less non-conforming. Mr. Leach's property will remain conforming. It is just a lot line adjustment, no intention to build anything more and there is no interference with any septic or wells. Glenn Watson stated that in Ron Gainer's memorandum he stated we were near some State land and so would require a public hearing. Glenn Watson stated he was not sure what State lands that would be and he would like to know.

Ron Gainer stated that the public hearing is not driven by proximity to any NYS lands, rather the subdivision ordinance mandates that a public hearing be held. Ron Gainer stated that the Board has a technical memorandum from his office. This application was in front of the Board back in February and was moved forward to the point of scheduling a public hearing and then was withdrawn. If you go to the end of my memorandum, we can just summarize what was done previously and we can quickly move this along. The project qualifies as a minor subdivision and at this meeting you should qualify it a such. As to SEQRA and the current DEC regulations, lot line adjustments represent a "Type II" action, which doesn't require any further review. The Board has to make referral to the Putnam County Department of Planning. They responded to the earlier application, so that should be a simple matter. There are a few minor issues on the plat that has been submitted in terms of required data that is not shown but, again since there are no improvements proposed in the original application you previously waived the requirement for certain technical data. I think it appropriate for the Board to consider that waiver again.

Chairman Neal Zuckerman for a motion to declare this a minor project.

Kim Conner made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion to declare this a "Type II" action.

Neal Tomann made the motion, and Dennis Gagnon seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

October 15, 2020 Meeting

Chairman Neal Zuckerman asked for a motion to refer to the Putnam County Planning Board.

Neal Tomann made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion to waive minor site data including rock outcrops, on-site soils, tree's ≥8 inches DBH, on the location of wells and septic's and within 200 feet.

Kim Conner made the motion, and Dennis Gagnon seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman requested a motion to have a public hearing in November.

Neal Tomann made the motion, and Kim Conner seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

#### Christopher Flagg & Heidi Snyder, 699 Old Albany Post Rd, Garrison, NY TM#61.-3-6

Chairman Neal Zuckerman stated that he will recuse himself as he is the neighbor of the applicant. Neal Tomann will take over for the Chair.

Dennis Spence is representing the applicant of the project. David Spence has stated that the applicants bought the property in 2011 and use it as a weekend home. Currently it is a small

October 15, 2020 Meeting

three bedroom with one bath. They want to extend it to a family room, fourth bedroom with its own bath, a small cold frame greenhouse and storage space to replace their original garden shed. We decided to respect the original home's footprint and porches and dormers in the form of a traditional barn structure and connect it with a covered pergola. The house sits close to the road, so the house's footprint extends over the front yard setbacks, creating a non-conforming situation. The lot is undersized for this Zone and therefore does not conform to the current ordinances. They are currently in front of the Zoning Board and have been referred to the Planning Board. David Spence stated that they have submitted the plans to the Hudson Highland land Trust and have received a conceptual approval. We have to submit final paint colors and materials and then we will get their final approval.

Neal Tomann asked David Spence to give a little background on the easement.

David Spence stated that there was an easement from the Hudson Highland Trust that was created along Old Albany Post Road as a view corridor. It created some limitations on any additions to the home. When we submitted the drawings, they have found that it was in compliance with their easement restrictions.

Ron Gainer stated that the Board has a technical memorandum from his office. This is the initial presentation from the applicant. There are a variety of issues the Zoning Board is currently addressing. This project should be deemed a minor project. A short EAF form has been provided. The referrals that may be appropriate concern the number of bedrooms on the property. You should get confirmation from the Putnam County Department of Health that the on-site utilities are sufficient to service additional occupancy proposed for the property.

Kim Conner stated that her concern is if the septic is adequate for any addition. Kim Conner stated that is a comment for the ZBA.

Neal Tomann stated that he has an issue with the plans as it looks like a separate building rather then an addition.

Ron Gainer stated that moving forward the Board will have standard technical issues to address, but my only current concern, which is in the memorandum and what Kim Conner has touched on, is the additional bedroom and the adequacy of the existing system in place to service the premises.

Neal Tomann asked for a motion to refer this to the Putnam County Department of Health.

Kim Conner made the motion, and Dennis Gagnon seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Neal Tomann: Any opposed? Abstentions? Being none, motion passes.

October 15, 2020 Meeting

Neal Tomann asked for a motion to make a referral to the Garrison Fire Department.

Peter Lewis made the motion, and Dennis Gagnon second the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Neal Tomann: Any opposed? Abstentions? Being none, motion passes.

Neal Tomann asked for a motion to declare this a Type II action pursuant to SEQRA.

Kim Conner made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Neal Tomann: Any opposed? Abstentions? Being none, motion passes.

Neal Toman asked for a motion for a site visit on November 15th, 2020 at 9:30 a.m.

Kim Conner made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Neal Tomann: Any opposed? Abstentions? Being none, motion passes.

Steve Gaba asked the Board if they wanted to send a letter to the ZBA before the site visit or after the site visit regarding their request for comments?

Kim Conner made a motion to have Steve Gaba write a letter to the ZBA letting them know the Planning Board will respond to their request for comment after they have their site visit.

Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye

October 15, 2020 Meeting

Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Neal Tomann: Any opposed? Abstentions? Being none, motion passes.

David Spence asked if the comments from the Planning Board have any relevance to those two specific issues that the Zoning Board is using as their metric to view the property?

Steve Gaba stated that the Zoning Board is not asking the Planning Board to tell the Zoning Board how to process an application for a variance or a special permit. They are asking the Planning board if they have any concerns. The Planning Board will do their site visit and send their concerns and comments to the Zoning Board

#### 3622 Route 9 LLC, Cold Spring, New York

TM#17.-1-44

Adam Thyberg represented the applicant. The property is 4½ acres currently and holds one primary structure and an accessory structure, which has been used over the years as a contractor and office space. There are three current access points to the site which we would reduce to two. The existing structures would be removed, for the purpose of constructing two new buildings. the service business use would remain as existing, providing for contractor office space and storage. The Site plan proposes construction of one 15,400 SF building and one 10,500 SF building. The site would also provide outdoor storage with Town requirements. The plan will meet all bulk regulations. A new well and septic will be shared between the two buildings. Currently, stormwater is contemplated to be managed through a combination of infiltration and surface practices and soil testing is being scheduled. The site does sit within the Clove Creek aquifer overlay area so, the applicant is seeking a special use related to materials storage on-site. This will include salt that would be covered within the potential hoop house. In addition to that the potential storage of fertilizer, pesticides and herbicides is planned on site.

Ron Gainer stated that the Board has a technical memorandum from his office. They are proposing a contractor yard with major improvements. We have had conversations with the applicants a few months ago relative to the compliance of the use with the underlying Zoning. It is in a HC Zone and we directed him to go to the Code Enforcement officer for a determination. The CEO more recently acknowledged that it met the definition of a service business and indicated the applicant was permitted to move forward. It qualifies as a major project. As to SEQRA, it is an unlisted action. There is going to have to be referrals to Putnam County Planning, New York State DOT for the improvements planned to the site access, and Putnam County Department of Health for the well and septic system. You will also want to make referral to the Conservation Board seeing it's a contractor's yard, concerning the materials to be stored.

Steve Gaba stated that he doesn't believe that the approvals to be granted by DOT, DOH or the Putnam County Planning Board referrals constitute an action under SEQRA by an agency so, I don't think that we have to declare ourselves lead agency. You can send out the notice of intent to the other agencies to make sure but, again I don't think that is necessary.

October 15, 2020 Meeting

Chairman Neal Zuckerman asked for a motion to declare this a major project.

Neal Tomann made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion to be lead agency for SEQRA. Ron Gainer asked whether the Board was seeking to accomplish a coordinated SEQRA review, which would then mean the referral would be a Notice of Intent to become Lead Agency. Neal Zuckerman agreed.

Kim Conner made the motion, and Neal Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion for a referral to the Conservation Board.

Peter Lewis made the motion, and Neal Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion for a referral to the Putnam County Planning Board.

Laura O'Connell made the motion, and Heidi Wendel seconded the motion. The vote was as follows:

October 15, 2020 Meeting

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion for a referral to DOT.

Kim Conner made the motion, and Neal Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman asked for a motion for a courtesy referral to the North Highland Fire Department

Heidi Wendel made the motion, and Kim Conner seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes

Chairman Neal Zuckerman asked for a motion on a site visit on November 15th at 10:30 a.m.

Kim Conner made the motion, and Peter Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

October 15, 2020 Meeting

Chairman Neal Zuckerman: Any opposed? Abstentions? Being none, motion passes.

Chairman Neal Zuckerman moved to close the meeting Peter Lewis seconded the motion. The vote was as followed:

Kim Conner: Aye Dennis Gagnon: Aye Peter Lewis: Aye Laura O'Connell: Aye Neal Tomann: Aye Heidi Wendel: Aye Neal Zuckerman: Aye

The motion passed unanimously and the meeting adjourned at 10:00pm.

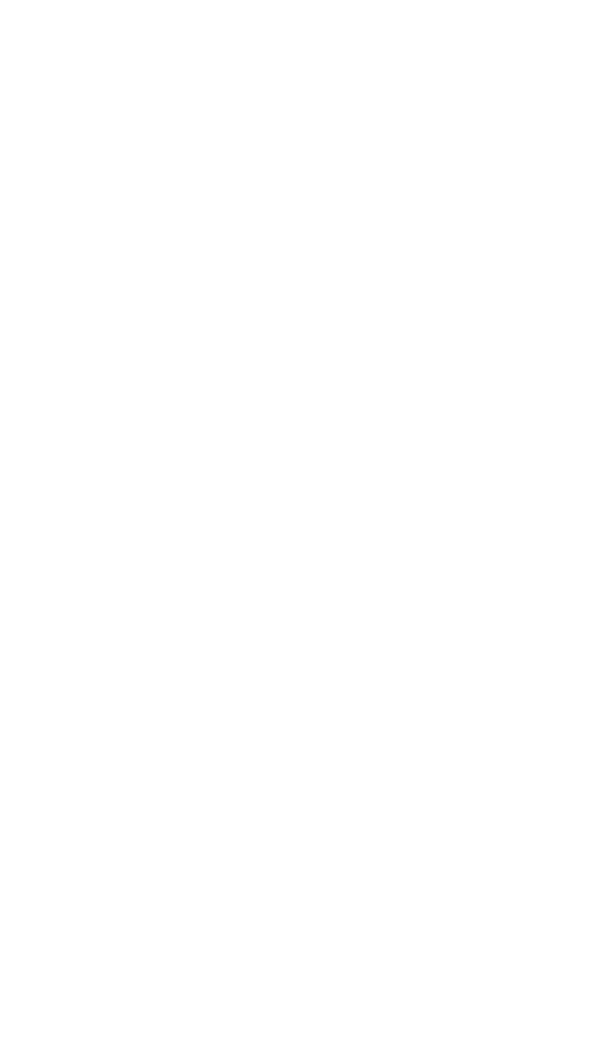
Date approved \_\_\_\_\_

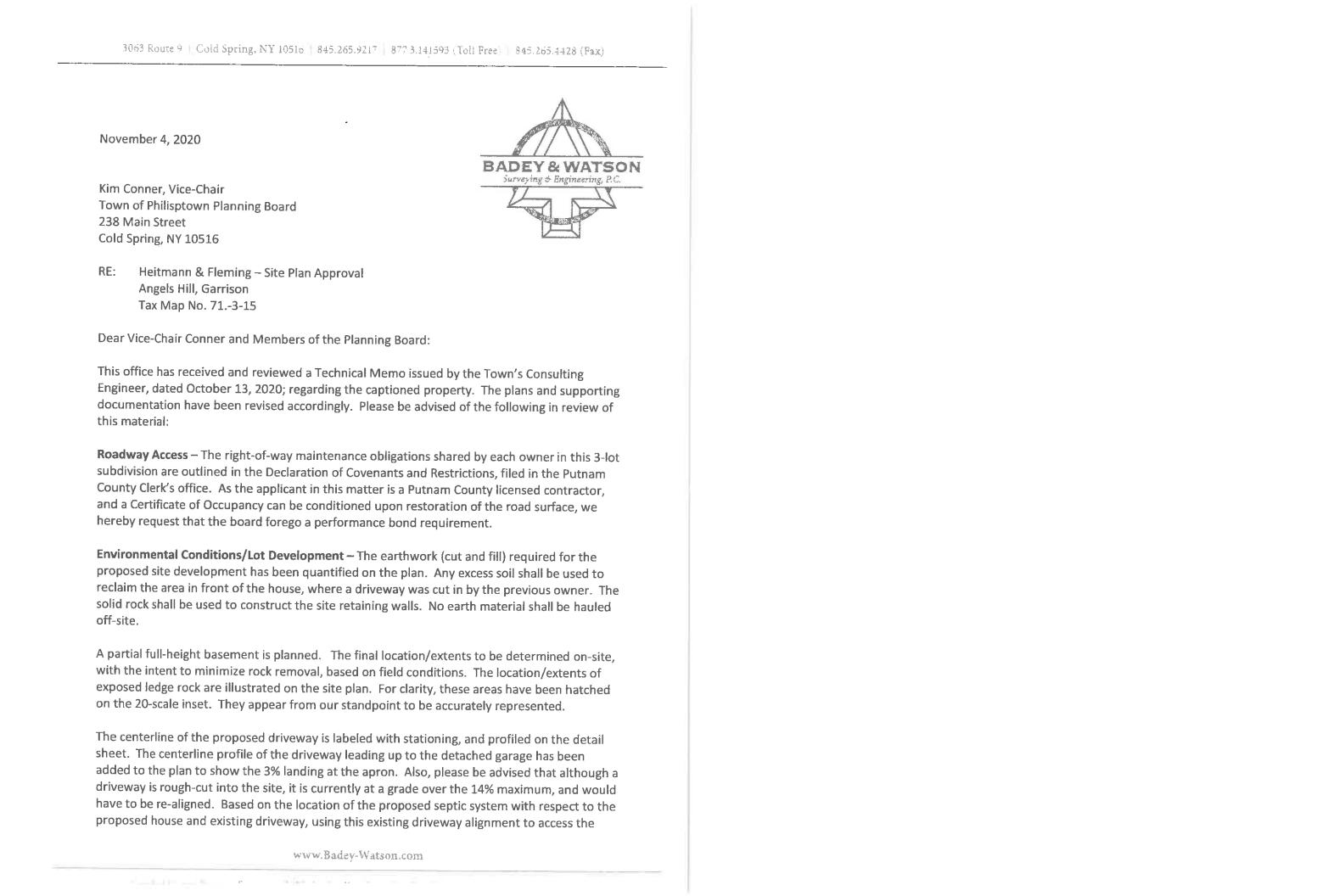
Respectfully submitted by,

Kelly MacIntyre

\*These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval there upon.

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first-floor level is not a viable option. The proposed driveway re-alignment/switchback offers the best option of flatter driveway grades, access to both the house and detached garage, and low visual impact.

The temporary soil stockpiles and construction staging areas are not proposed on regulated steep terrain areas.

**Referrals** – A separate submission set was provided to the Town's Consulting Engineer for distribution to the Town Conservation Board and the Garrison Volunteer Fire Company. The applicant has met on-site with the Natural Resource Review Officer, and it is understood that his review memo was sent directly to the Board. We have not received correspondence, or heard of any comments, from the fire department.

**Town Overlay Districts** – Similar to the Town's scenic ridgeline and hillside protection regulations, the two existing conservation easements over the property seek to maintain the scenic beauty and rural character of the Town as viewed from the Hudson River Valley, Appalachian Trail, Denning Hill and various other publicly accessible scenic overlooks.

The easements limit the use, number of structures, location of structures, and their exterior appearance. The holders of these easements have both issued letters indicating that they have reviewed the site plans, and have found the proposed development to be in conformance with the purpose and restrictions therein. In the same light, we trust that the Board will find the site plan conforming to similar standards as outlined in the steep terrain and ridgeline protection regulations.

The plan set prepared by the applicant's architect clearly demonstrate the proposed building height, and compliance with the "hillside protection" area height restrictions. Regarding the "steep terrain" section of the ordinance, all proposed structures and associated disturbance has been proposed on slopes less than 20%. The proposed limit of disturbance and tree clearing is illustrated on the plan. The small amount of additional tree cutting required for site development will not significantly impact views from publicly accessible places as described previously. The trees which must be cleared for construction of the septic system are very small, and cannot be replanted based on required separation distances. There is no plan to revegetate any of the cleared areas. Only the trees which must be cut, will be cut. The surrounding landscape is heavily wooded, and there is no significant density of trees that could be planted which would enhance screening as viewed from north, south, or east.

The proposed architectural plans and elevations previously mentioned identify the exterior building materials/colors; these are common residential building materials, and there is no potential glare associated with them. Please note that Open Space will be inspecting the site following construction to ensure compliance with their easement, including the use of non-reflective exterior surfaces.

November 4, 2020 Town of Philipstown Planning Board Page 2 of 3 U:\81-155B\WO\_25352\RH04NV20BP.dotx



**Stormwater Management** – The proposed plans outline the total area of soil disturbance, and total impervious area created as a result of this development. The limit of disturbance line is illustrated on the plan, which also represents the limit of tree clearing. The proposed area of soil disturbance is less than 1 acre; there is no Town or State stormwater pollution prevention plan requirement. The impervious area associated with a construction activity does not necessitate nor negate the need for preparing a SWPPP. A stone-lined swale and level-spreader has been proposed at the now-existing driveway culvert; the culvert was installed to repair damage to the road shoulder that occurred during one of the last rain storms.

Limits of Disturbance – A conservation easement restricting further site development and tree cutting/clearing already exists over the entire property; a copy of that easement has been included herewith. The owner/applicant does not wish to add restrictions on the use of the property beyond what is already regulated under the Town Code, the two Conservation Easements, and the Declaration of Covenants and Restrictions.

**Erosion & Sediment Controls** – The site plan proposes temporary and permanent erosion and sediment controls. The only area with soil suitable for subsurface infiltration is reserved for the septic system.

**Conservation Easements** – Please find enclosed herewith the 2 conservation easements that encumber this property. Also, included are letters from the holders of these easements, Scenic Hudson and Open Space, confirming their review of the site plan and endorsing the proposed development.

We trust that all comments with regard to the most recent memo have been addressed. Thank you in advance for your continued review and consideration.

Yours truly,

**BADEY & WATSON,** 

Surveying and Engineering, P.C.

Jason R. Snyder

Project Engineer

enclosures

jrs

CC:

Roland Heitmann (email) Susan Rodriguez (email)

November 4, 2020 Town of Philipstown Planning Board Page 3 of 3 U:\81-155B\WO\_25352\RH04NV20BP.dotx





#### VIA EMAIL ONLY

October 13, 2020

Roland Heitmann Jeanne-Marie Fleming 7 Garrison Landing, Apt. B Garrison, NY 10524

Re: Notice of proposed structure on Lot 71.-3-15 of Angels Hill

Dear Roland and Jeanne-Marie:

Thank you for your email dated October 5, 2020, with the site plan prepared for submission to the Town of Philipstown Planning Board. As you are aware, a conservation easement dated May 27, 2004 and held by the Open Space Institute encumbers much of your property. The purpose of this conservation easement is to conserve the scenic, open and natural character of the property while providing for its development. As such, the easement limits the number of structures on the easement property to one (1) residence, accessory structures and one (1) guest house or caretaker cottage, and also requires that the structures be sited and designed in a manner that minimizes impacts to the viewshed of the Hudson River Valley. After reviewing the plan documents, we have concluded that the proposed construction is in line with the purpose and restrictions set forth by the conservation easement. As a reminder, Section 3.6 states that all roofing and exterior surfaces (except for glass) shall be non-reflective. Please keep this in mind as you select colors and materials for roofing and siding.

Please do not hesitate to reach back out if you need further clarification or guidance as you build your new home. Upon completion, please contact me directly to schedule a time for OSI staff to document the new construction and update our records.

Best, regards,

Wilfred Nieves

Senior Land Steward

Cc: Jeff LeJava, Vice President and Associate General Counsel

OPEN SPACE INSTITUTE LAND TRUST, INC 1350 BROADWAY SUITE 201  $^{\odot}$  NEW YORK, NY 10018  $^{\odot}$  T 212 290-8200  $^{\odot}$ 212 244-3441  $^{\odot}$  OSINY.ORG



Scenic Hudson, Inc.
One Civic Center Plaza
Suite 200
Poughkeepsie, NY
12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
ScenicHudson.org

October 16, 2020

Town of Phillipstown Planning Board 2 Cedar Street Cold Spring, NY 10516

Re: Review of site plan for tax parcel 71.-3-15 in relation to 'Kulleseid' conservation easement held by The Scenic Hudson Land Trust, Inc.

To whom it may concern,

This letter is to provide notice that Scenic Hudson has reviewed the site plan and architectural plan for the proposed single family residence on tax parcel ID 71.-3-15 in Phillipstown, currently owned by Roland Heitmann and Jeanne-Marie Fleming. The Scenic Hudson Land Trust, Inc. holds a perpetual conservation easement executed on December 30, 1986 and recorded in the Putnam County Clerk's Office on February 25, 1987 at Liber 940 Page 54 over the northeast corner of tax parcel 71.-3-15, as well as over portions of three adjacent parcels.

I have reviewed the plans for the property provided to me by Mr. Heitmann and have determined that no elements of the proposed single-family residence or associated improvements fall within the boundaries of the conservation easement held by The Scenic Hudson Land Trust on the property.

Should you have additional questions or require additional information related to the conservation easement please feel free to contact me at <a href="mailto:sturner@scenichudson.org">sturner@scenichudson.org</a> or (845) 473-4440 ext. 269.

Sincerely,

Sarah Turner

Conservation Easement Manager

# TOWN OF PHILIPSTOWN CODE ADMINISTRATOR

238 MAIN STREET P.O. BOX 155 COLD SPRING, NY 10516

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

DATE: 9-2-2020

TO: BAPEY & WATSON
3003 PT 9
COLD SPRING

TAXMAD TO

guun

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



- 5. No signs of any kind shall be displayed to the public view on any residential lot except one professional sign, if appropriate, of not more that ONE foot square and one sign of not more than FIVE square feet advertising the residential lot and/or dwelling for sale.
- on any residential lot except dogs, cats or other domesticated household pets provided further that such pets are not vicious, offensive, annoying or dangerous, or kept, bred or maintained for commercial purposes. All such dogs, cats or other domesticated household pets shall be kept within the confines of their owner's residential lot unless they are properly leashed and shall be kept within the owner's dwelling or garage during No animals, livestock or poultry of any kind shall be raised, bred or kept
- concealed from public view. No incinerators or other equipment for the disposal of such material shall be permitted. 7. No residential lot shall be used or maintained as a dumping ground. Rubbish, trash, garbage or other waste shall be kept in adequate sanitary containers
- or for the proper grading and landscaping for such construction.

  9. No owner or occupant of any residential lot shall hinder, dam, divert or 8. No gravel, sand, rock, soil, minerals or trees shall be removed from any residential lot except for construction on the ground of the structures permitted hereunder
- on a "residential lot" obstruct the flow of any brook, drainage easement, stream or other natural water course
- the Hudson River including permitting the topping of trees so long as it does not interfere Each of the three (3) lot owners shall cooperate to maintain the views of
- jurisdiction thereof with the reasonable enjoyment of their own lot. No cutting of trees shall be permitted without seventy-two (72) hours notice to all lot owners and consent of same.

  11. All residential lots and the buildings, structures, driveways, and sanitary facilities thereon or hereafter erected thereon and the use of the same shall conform to and be subject to the appropriate building code, zoning laws and ordinances, public health laws and other requirements and recommendations of any governmental body having
- installed elsewhere on any lot shall be installed underground ground within this right of way to the point of intersection between the right of way and the dividing line between Lots 1 and 2 as shown on the subdivision map. All utilities All utilities installed to service the lots herein may be installed above
- shall not prohibit the construction of detached structures incidental to the dwelling house. porch, deck, patio and other structure(s) incidental to the dwelling house. containing a central heating system and having no less than twenty-five hundred square feet of enclosed centrally heated habitable space exclusive of a cellar, basement, garage, dwelling, building or structure shall be erected, placed or maintained upon any said residential lot other than one private dwelling house suitable for year-round occupancy Each residential lot shall be used for residential purposes only and no This provision
- (a) No structure, building or dwelling shall be erected or placed on any residential lot until the construction plans and specifications and a plot plan showing the location of the proposed improvements have been approved by the Declarant as to the compatibility of materials, their finish and color, harmony of external design with

(Name, Address, & Zip)

Salvatore Cuccia P.D.Box 359 Cross River by 10518

TYPE OR PRINT IN BLACK INK ONLY

GRANTOR/MORTGAGOR

Salvatore C. Cuccia

# DO NOT WRITE BELOW THIS LINE

MORTGAGE TAX  MIX AMOUNT  TOTAL TAX  SERIAL NUMBER  AFFIDAVIT FILED ( )  16283	CONSIDERATION \$ CONSIDERATION	RECORDING FEES RCD FEE /8.00 STAT CHG 5.00 REC MGMT 5.00 CROSS REF 00 CERT/COPY ,00 TOTAL 28.00	INSTRUMENT TYPE: DEED MORTGAGE
MORTGAGE/DEED TAX DISTRICTS: TOWN OF CARMEL TOWN OF KENT TOWN OF PHILIPSTOWN TOWN OF PUTNAM VALLEY TOWN OF SOUTHEAST UNAPPORTIONED  MORTGAGE TYPES: A COMMERCIAL/VACANT LAND B 1 - 2 FAMILY C UNDER \$10,000 D CREDIT UNION/PERSONAL MTG E 3 - 6 UNITS N EXEMPT	PUTNAM COUNTY CLERK'S OFFICE RECORDED ON OCT 14 1888 LIBER 488 PKGPETS AND EXAMINED.  JOSEPH L. PELOSO, JR.  PUTNAM COUNTY CLERK	ANTIS ENTIL SOLT IL SO	SAT ASMT OTHER DECLARATION

# DECLARATION OF COVENANTS AND RESTRICTIONS

DECLARATION made by SALVATORE CUCCIA residing at P. O. Box 374, Mohegan Lake, New York hereinafter referred to as the "Declarant"; the Declarant is the

County of Putnam and State of New York, shown on that certain "Subdivision Plat prepared for Salvatore C. Cuccia..." which was filed in the Putnam County Clerk's office owner in fee simple of the following described property:

WHEREAS ALL that certain parcel of land situate in the Town of Philipstown, prepared for Salvatore C. Cuccia..." on May 27, 1988 as Map No. 2311.

restrictions; and has for such purposes, determined to impose on said premises certain covenants and WHEREAS the Declarant desires to restrict the use and enjoyment of said land

WHEREAS the Declarant also desires to create easements in favor of all of the owners of lots shown on the aforesaid revised subdivision plat to use the areas designated thereon as Right of Way and to limit and restrict the use thereof as hereinafter provided.

on portions hereinafter mentioned of such premises and the use and enjoyment of the area NOW, THEREFORE, the Declarant does hereby declare: (a) that the premises shown on the aforesaid subdivision plat shall be held and conveyed subject to the covenants and restrictions hereinafter set forth; and (b) that casements are hereby created

- affected by said easements are limited and restricted all as hereinafter set forth.

  1. All of the numbered lots shown on such subdivision Map shall be known and hereinafter referred to as "residential lots" and none of such residential lots shall be subdivided.
- be used by no more than one family and no dwelling or structure erected, placed or maintained thereon shall be used for a hotel, boarding or lodging home or apartment house or for any purpose except as a private dwelling for one family and uses incidental "Residential lots" shall be used for residential purposes only; each lot shall
- 3. No trucks and other commercial vehicles, equipment, machinery, trailers, mobile home, campers, motorcycles, motor bikes, snowmobiles or trail bikes shall be permitted to be parked, stored or maintained overnight on any residential lot except in an and/or unlicensed trucks, other commercial vehicles, equipment, machinery, trailers, mobile homes, campers, motorcycles, motor bikes, snowmobiles, trailbikes and automobiles shall not be permitted to be parked, stored or repaired on any part of a the preceding sentence shall not be parked overnight on Right of Way. Unregistered enclosed garage. Automobiles and the vehicles, equipment and machinery referred to in residential lot except if garaged and shall not be permitted to be parked, stored, repaired or operated on Right of Way. Snowmobiles, motorcycles, motorbikes and trailbikes shall not be operated in such a manner as to cause annoyance to residential lot owners.
- A. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, outbuilding or similar adaptation for the temporary habitation of any character shall be erected, placed, used or maintained upon any residential lot.

- existing or contemplated improvements and as to location with respect to topography and the improvements' elevation. Declarant's approval shall not be unreasonably withheld.

  (b) The Declarant's approval or disapproval as required in this covenant shall be in writing. In the event the Declarant fails, in writing, to approve or disapprove within 30 days after all of the necessary and required plans, specifications and plot diagram have been submitted to him, approval will have been deemed obtained and the related above covenant shall be deemed to have been fully complied with.
- 14. A building, dwelling or other structure erected or placed on any residential lot shall be completed and a certificate of occupancy obtained within 18 months after the start of actual construction.
- heirs, successors and assigns the right and privilege, but not the obligation, to transfer to the Town of Philipstown, County of Putnam, State of New York, all right, title and interest in the feel of the Right of Way for dedication by said Declarant, his heirs, successors or assigns of Right of Way to the Town of Philipstown as a Town Road.

  16. The Declarant reserves for himself, his heirs, successors and assigns and It is understood and agreed that the Declarant reserves for himself, his
- for the benefit of other property now owned or after acquired by him or them a permanent
- perpetual easement and a right of way for ingress, egress and regress, drainage, utilities and any other purpose consistent with land development and use within, on, above or under the areas designated on said revised subdivision plat as Right of Way.

  The Declarant reserves the right for himself, his heirs, successors and assigns, and for the benefit of other property now owned or after acquired by him or them, the right to grant permanent perpetual easements and rights of way within, or above or under the areas designated on said revised Subdivision Plat as "Right of Way" for the purposes of ingress, egress, regress, drainage, utilities and any other purpose consistent with land development and use.
- obligation upon the Declarant, his successors, assigns or heirs to restrict in any manner any other property now or after acquired by the Declarant other than the three lots shown on the revised Subdivision Plat above referred to That nothing herein contained shall be construed, nor shall there be any
- are hereby granted a permanent perpetual easement and right of way for ingress, egress and regress within the area designated on said revised Subdivision Plat as "Right of Way" in its entirety subject to the restrictions and limitations specifically set forth within this 19 Each of the owners of residential lots, their heirs, successors and assigns
- obligation then continues in perpetuity and shall run with the land. Failure to pay the maintenance charges within 30 days of the billing date shall permit the other lot owners to file a lien against the property of those who are delinquent. Matters concerning the maintenance of "Right of Way" area shall be determined by a simple majority of residential lot owners in good standing. Each residential lot entitles its owner or owners to one vote only and the person whose name first appears on the deed shall be entitled to succeeding year's maintenance on January 1 of the succeeding year. The maintenance shall be a joint or shared obligation of the 3 lot owners. Any owner who takes title to a lot on or before December 31 of any year becomes responsible for his one-third share of the (a) The maintenance of "Right of Way" as shown on Map #2311(A)

for or receive certificates of occupancy for their dwellings shall be responsible for their proportionate share of the succeeding year's maintenance obligation. 1999 at his sole cost and expense, or until 1 (one) certificate of occupancy is issued, whichever is sooner. After January 1, 1999, and until a certificate of occupancy has been the vote. A lot owner is in good standing only if he has paid his prior and current maintenance charges. The Declarant will maintain the right of way herein until January 1, issued for each dwelling on each of the three residential lots, the owners who are eligible

- their proportionate share of each year's snowplowing expense. As each lot is sold by Declarant the purchaser becomes liable for one-third the cost of snowplowing. When the owners will contribute one third of the total cost to the snowplowing expense. The Declarant is not responsible for any snowplowing expense unless he retains one of the for 50% each of the snowplowing expense. When the third lot is sold each of the three owners will contribute one third of the total cost to the snowplowing expense. The lot owner will not be responsible for plowing the "right of way" beyond the northern boundary line of his lot. When the second lot is sold the two owners will be responsible first lot is sold the purchaser is responsible for 100% of the snowplowing, however, the lots and constructs a residence on same. Each of the three residential lot owners shall be responsible for As each lot is sold by
- responsible for damage to or change in the condition of the "Right of Way" during construction. The individual lot owner shall, within sixty (60) days after the issuance of a certificate of occupancy, repair and restore the "Right of Way" to its pre-construction (C) Each lot owner who constructs a residence on his lot shall be
- <u>e</u> No lot owner shall pave any portion of the "Right of Way" without
- the written consent of all of the lot owners.

  21. All utility lines servicing the property shall be installed underground except that overhead wires will be permitted along the "Right of Way" from the intersection with Route 9 to a point at the boundary line between lots 1 and 2 on the filed map. Each lot owner shall grant such easements as may be necessary for the installation and maintenance of utility service.
- or contract relating to the sale, lease occupation or use of such residential lot and dwelling 22. Each residential lot owner and the successors, assigns and heirs of such residential lot owner shall hereafter insert in every deed of conveyance, lease, mortgage the following clause:

"Subject to certain covenants, restrictions and agreements as imposed by a certain Declaration by Salvatore Cuccia dated Oct. 6, 1999 and recorded in the Putnam County Clerk's Office at Carmel, New York, and to any modifications thereof as may be

covenants and restrictions herein may be enforced by the Declarant, his heirs, successors or assigns, or other residential lot owners, all of whom have the right to use for and obtain an injunction or other court order, prohibitive or mandatory, to prevent the breach of or to compel compliance with the covenants and restrictions above set forth and the failure of the Declarant, his assigns, successors or heirs to enforce any of the covenants and shall attach to and "run with the land" and shall bind and inure to the respective lot owners, their successors, assigns, heirs, distributees, or estate representatives. The Each and every one of the covenants and restrictions in this Declaration

so as to any subsequent violation. The violation of these restrictions shall not affect nor render invalid the lien of any mortgage made in good faith or for value. restrictions herein set forth shall in no event be deemed to be a waiver of the right to do

- restrictions herein, the defendant(s) shall pay the reasonable attorney's fees of the plaintiff(s) provided that it is determined by a court of competent jurisdiction that the defendant(s) has, in fact, violated the said covenants and restrictions. Nothing herein shall the attorney's fees. preclude the court from awarding money or other damages to the plaintiff(s) in addition to If litigation is required to enforce a violation of the covenants and
- Declarant under the provisions of this declaration shall be deemed to have been properly sent when delivered personally or when mailed certified, return-receipt postpaid to the last known address of the person who appears as the residential lot owner on the records of the Putnam County Clerk's Office at Carmel, New York, at the time of such mailing.

  26. Invalidation of any of the provisions of this Declaration by judgment or court order shall in no way affect any other provision of this Declaration, all of which shall remain in full force and effect. Any notice required to be sent to any residential lot owner or to the
- Anything herein to the contrary notwithstanding, it is not intended to and
- this Declaration, shall not be deemed to affect or impair any existing covenant, restriction or agreement of record affecting real property within the revised Subdivision Plat.

  28. Whenever the word "Declarant" is used, it shall mean Salvatore Cuccia,
- his heirs, successors or assigns.

  29. The covenants and restrictions herein shall all "run with the land" and be
- binding upon future grantees, assignees and owners by whatever named called of the
- lots designated on Map #2311.

  30. All of the lots herein are further subject to the terms of a Conservation Easement dated December 30, 1986 between Lars I. Kulleseid as Grantor and Open Space Institute as Grantee recorded February 25, 1987, in the Office of the Putnam County Clerk, Division of Land Records, at Liber 940 Page 77.

SALVATORE CUCCIA

instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument. State of New York, County of Putnam
On the 6th day of October, 1999 before me the undersigned, personally appeared Salvatore Cuccia personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within

Po Box 359 7055 Kiver NY 10518

**⊘**n

Notary Public

Show

JASET GRANUZZO

OTAKY PUBLIC, FTATE OF NEW YORK

OUALIHED IN WESTCHESTER COUNTY

COMMISSION EXPRES OCT. 31, 2000

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THIS CONSERVATION EASEMENT AGREEMENT is made and lentered intRothis Junday of 1986, between LARS I. KULLESEID, Old Albany Post Road, Garrison, New York, hereinafter called the "Grantor", and SCENIC HUDSON, INC., a New York not-for-profit corporation with its principal office at 9 Vassar Street, Poughkeepsie, New York, hereinafter called the "Grantee".

# WITNESSETH:

GRANTOR is the owner in fee of real property (the "property") consisting of approximately \$5.\ acres in the Town of Philipstown, Putnam County, New York, more particularly described in Schedule A attached hereto;

The Property is located within the viewshed of the Hudson River in the Hudson Highlands, an area long noted for its scenic beauty, is adjacent to the Appalachian Trail and is near parklands owned by the State of New York;

GRANTEE is a New York not-for-profit corporation within the meaning of Article 49, Title 3, of the Environmental Conservation Law of the State of New York (the "Conservation Law"); and

The parties desire to conserve the entering into a Conservation Easement Agreement the provisions of Article 49, Title 3, of the Law. pursuant to Conservation

NOW, THEREFORE, in consideration of foregoing, the mutual covenants contained herein, and (\$10.) pollars and other good and valuable consideration I to the Grantor, the parties agree as follows: the Ten paid

1. Grant of Easement. Grant of Easement conservation easement Easement") over the Property which Property. Grantor grants to Grantee ant (the "Conservation the ich shall encumber the

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Grantee, for its benefit and the benefit of the public, the right to view the Property in its scenic, wooded state, from the Hudson River and the Appalachian Trail, as that state exists on the date of this grant or in the future through natural evolutionary processes (except as otherwise provided herein) and uses otherwise consistent with the rights reserved herein by Grantor. The present state of the Property is herein by the aerial photograph furnished to the Grantee on evidenced by the aerial photograph furnished to the Grantee on the date of execution of this Conservation Easement.

Use Appalachian Trail Spur. Grantor grants to Grantee or its designee the right to make and maintain one "spur" trail connecting a viewing point in the property with the connecting a viewing point in the property with the connecting a viewing point in the property with the connecting a rail. The spur shall be of a similar character Appalachian Trail. The spur and viewing point shall to the Appalachian Trail. The spur and viewing point shall be located as indicated on the map attached hereto as Schedule be located as indicated on the map attached hereto as Schedule be located as indicated on the map attached hereto as Schedule be grantor grants to Grantee, its successors and assigns, and the roperty and, while it is owned by Grantor, contiguous the property and, while it is owned by Grantor, contiguous the property and, while it is owned by Grantor, contiguous the three-year period shall be directly from the Appalachian that there-year period shall be directly from the Appalachian trail that such access shall be directly from the Appalachian access and assigns and to the spur and viewing point, provided to the Property to use the spur and viewing point and only and shall be directly from the Appalachian Trail that such access shall be directly from the Appalachian Trail that such access shall be directly from the Appalachian Trail that such access shall be directly from the Appalachian Trail that such access shall be directly from the Appalachian Trail that such access shall be directly from the Appalachian Access a corridor of ten feet on either side of the spur. Access a corridor of ten feet on either side of the spur. Access including, without limitation, trail bikes and snowmobiles.

2. Reserved Rights. Grantor reserves for himself, and his successors in interest, all rights, with respect to the Property, including, without limitation, the right of exclusive use, possession and enjoyment of the property and the right to sell, transfer, lease, mortgage or otherwise encumber the Property, as owner, subject to the restrictions and covenants set forth in this Conservation Easement. Nothing herein shall be construed as a grant to the general public of any right to enter upon any part of the Property except as is specifically set forth hereinabove.

3. Restrictions Applicable to the Property. following restrictions apply to the Property:

3.1 Use. No commercial, industrial or institutional use OI the Property shall be permitted, except trail use as set forth hereinabove, and no change of any kind to the present state of the Property shall be caused by the Grantor that is inconsistent with the provisions of this Conservation Easement.

3.2 <u>Sale or Transfer.</u> This Conservation Easement shall not restrict or affect the rights of any owner of the property to subdivide, sell, lease, transfer, convey, mortgage or otherwise encumber the Property. Nothing contained herein shall restrict an owner of the Property in imposing further restrictions upon conveyance or otherwise.

3.3 Structures. No permanent or temporary structure may be erected or maintained on the Property.

3.4 No Mobile Homes. Mobile homes or house trailers are prohibited.

3.5 Chemicals. No pesticide, herbicide or other chemical treatment for land, vegetation or animals shall be used unless its use is necessary, safe for humans and will not contaminate any source of drinking water.

3.6 <u>Dumping and Storage</u>. No dumping or storing of ashes, sawdust, non-composted organic waste, sewage or garbage, scrap material, sediment discharge, oil and its byproducts, leached compounds, toxic fumes or any other unsightly or offensive materials shall be allowed.

3.7 Timber. No cutting or removing of trees or alteration of the natural habitat, terrain or soil cover shall alteration of the natural habitat, terrain or soil cover shall be permitted, except to create the spur trail, to remove trees which are fallen, dead, diseased or dangerous, or to preserve views from the spur and other view points of the property located on a ridge line.

subsurface 3.8 mining Mining. No quarry, gravel pit, or drilling shall be permitted. 01

driveway 3.9 shall be Roadways and Driveways. No constructed on the Property. 0

## Additional Covenants:

this Conservation Easement in law or equity pursuant to the provisions of Article 49, Title 3, of the Conservation Law against any or all owners of the Property. If there is a against any or all owners of the Property. If there is a violation of any of the provisions of this Conservation violation, who shall promptly cure the violation by (a) violation, who shall promptly cure the violation by (a) condition before the violation, or (b) restoring the Property to the condition before the violation, or (c) both, as the case may be. If the violation continues, Grantor or Grantee shall have the right, but not the obligation, to cure it by direct action and the owner shall reimburse Grantor or Grantee for all assement and to cure the violation. Failure to enforce any restriction or covenant herein contained shall in no event be deemed a waiver of a right to do so thereafter as to the same violation or breach, or as to one occurring prior to or subsequent thereto. A third party enforcement right is hereby granted to Open Space Institute, Inc., 122 East 42nd Street, New York, New York.

4.2 Amendment. This Conservation Easement may be amended upon the written consent of Grantee. Any such amendment shall be consistent with the basic purpose of this Conservation Easement and shall comply with Article 49, Title 3, of the Conservation Law.

further acts and execute and deliver any documents, including amendments to this Conservation Easement which may be reasonably necessary to carry out the provisions of this Conservation Easement or which are necessary to qualify this instrument as a conservation easement under Article 49, Title 3, of the Conservation Law or any regulations promulgated

pursuant thereto.

gubsequent conveyance by Conservation Easement. Any transfer, lease or mortgage of the Property, shall be subject transfer, lease or mortgage of the Property, shall be subject to this Conservation Easement, and any deed or other instrument evidencing or effecting such conveyance shall contain language substantially as follows: "This [conveyance, lease, mortgage, easement, etc.] is subject to a Conservation lease, mortgage, easement, etc.] is subject to a Conservation Easement which runs with the land and which was granted to Scenic Hudson, Inc., dated , 1986, and recorded , 1986, in the office of the Clerk of Putnam County at Liber of Deeds at Page ." The failure to include such Language shall not affect the validity or applicability of this Conservation Easement to such property.

4.5 Assignment. This Conservation Easement may be assigned by the Grantee, provided, however, that an assignment may be made only to a not-for-profit corporation or otherwise as provided in Article 49, Title 3, of the Conservation Law.

4.6 Taxes and Assessments. Each owner of the Property or subdivided portion shall pay all taxes and assessments lawfully assessed against the Property or portion owned by such owner, who shall provide receipted tax bills to the Grantee upon request.

4.7 Severability. Invalidation of any provision of this Conservation Easement, by court judgment, order, statute, or otherwise, shall not affect any other provisions, which shall be and remain in force and effect.

4.8 Binding Effect. The provisions of this Conservation Easement shall run with the land and shall be binding on each owner and any party entitled to possession or use of the Property while such party is the owner or entitled to possession or use thereof. As used in this Section 4.8, to possession or use thereof. As used in this section 4.8, the term owner shall include the owner of any beneficial the term owner shall include the owner of any beneficial

5. Qualified Conservation Contribution Covenants:

5.1 Continuity. Grantee agrees the Conservation Easement only to an assignee which agrees to continue to carry out the conservation purposes of this Conservation Easement. This Conservation Easement may this Conservation Easement may conservation as a qualified only be assigned to an assignee which is a qualified organization as defined in Section 170(h) of the Code and the regulations thereunder. Any assignee other than a

regulations thereunder. Any design able to enforce this governmental unit must be an entity able to enforce the Conservation Easement, having purposes similar to those of the Grantee which encompass those of this Conservation Easement.

5.2 Notice. Grantor agrees to give Grantee written notice before exercising any reserved right, the exercise of which may have an adverse impact on the conservation interests of this Conservation Easement.

5.3 Inspection. The Grantee and its duly authorized representatives shall have the right to enter the property at reasonable times, in a reasonable manner and, when practicable, after giving notice, to inspect for compliance with the terms of this Conservation Easement.

contained in this Conservation Easement are extinguished by eminent domain taking or otherwise, Grantor and Grantee agree to divide the proceeds in proportions equal to the fair market to divide their interests in the property on the date of execution of this Conservation Easement, unless the laws of execution of this Conservation Easement, unless the laws of proceeds without regard to the terms of this Conservation proceeds without regard to the agree that the value of the Easement. Grantor and Grantee agree that the value of the Grantee's interest on the date of execution of this Conservation to the fair conservation Easement shall equal the amount by which the fair execution of this Conservation Easement is reduced by the execution of this Conservation Easement. Grantee restrictions imposed by this Conservation Easement. Grantee restrictions imposed by this Conservation Easement in a manner agrees to devote its share of the proceeds in a manner agrees to devote its share of the proceeds in the this conservation Easement in the conservation Easement in the conservation Easement in the conservation Easement in the conservation

instrument as of the day and

SCENIC HUDSON, INC.

a New York not-for-profit
corporation
By

-7-

COUNTY OF LEW YULK SS.

Public A.

NEAL A. BROWN
Notary Public, State of New York
No. 4615150
Qualified in Westchester County (7)
Commission Expires March 30, 18.5

STATE OF NEW YORK 55:

COUNTY OF Manke

on the day of the hown, who, before me personally camed with to me known, who, being by me duly sworn, did depose and say that he resides at 122 and the foregoing instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Notary Public

GERALD E. ROSS

Notary Public., State of New York

No. 31-4505697

Qualified in New York County

Commission Expires March 30, 1987

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File 81-155 W.O. 3767 December 30, G.J.W. 30 1986

# Description of Property prepared for Lars Kulleseid (Overall Conservation Easem

Easement)

All that certain parcel of land situate in the Town of Philipstown, County of Putnam and State of New York which is a Philipstown of those lands conveyed by William Prior to Lars portion of these lands conveyed by a deed dated December 18, 1985 and recorded in the Putnam County Clerk's Liber 877 of Deeds at Page 51 on December Putnam County Clerk's Liber 877 of Deeds at Page 51 on December 23, 1985 that is bounded and described as follows:

Beginning at a point on the easterlymost corner of the premises so conveyed by William Prior to Lars Kulleseid which point is formed by the intersection of the southerly line of lands now or formerly of J. McKeen Cattell with the line dividing the lands of Kulleseid on the west from lands now or formerly of the United States of America on the east and which point is distant the States of America on the southeasterlymost corner of Lot No. 3 following courses from the southeasterlymost corner of Lot No. 3 as shown on that certain map entitled "...Daniel J. Donovan...," which was filed in the Putnam County Clerk's Office as Map No. 1648, first

#### Z 18-08-41 Ħ 302.50 feet

e the measured along the said easterly line of Lot No. 3 and following courses as measured along the said southerly the lands now or formerly of James McKeen Cattell then line

ozz 81-14-16 83-53-41 83-27-17 គ្រង 314.86 219.47 315.33 feet and

Thence from said westerly the said point of line of the said beginning southwesterly United States of America along lands the

### S 31-49-48 W 2043.10 feet

to a point. Thence following courses: through the said Kulleseid lands

21-00-00 13-06-12 12-07-50 31-12-29 36-50-26 ២២២២៩៩ 191.79 236.42 189.20 202.90 256.02 240.36 4444 to to to to to drilled hole drilled hole drilled hole drilled hole drilled hole

ZZZZZZ



## TO a spike in the root of a birch tree N 30-08-00 E 237.59 feet to a drilled hole N 44-56-13 E 177.86 feet and

to a hole drilled in a rock in the center of a stone wall. Thence still through the said Kulleseid lands and along the center of the said stone wall the following courses:

ZZZZZZZZZZZ 76-20-00 62-50-00 65-00-00 68-15-00 74-00-00 73-40-00 71-00-00 71-00-00 44.74 42.62 15.00 20.00 105.00 32.00 60.00 83.00 110.00 51.00 

the point place OH beginning

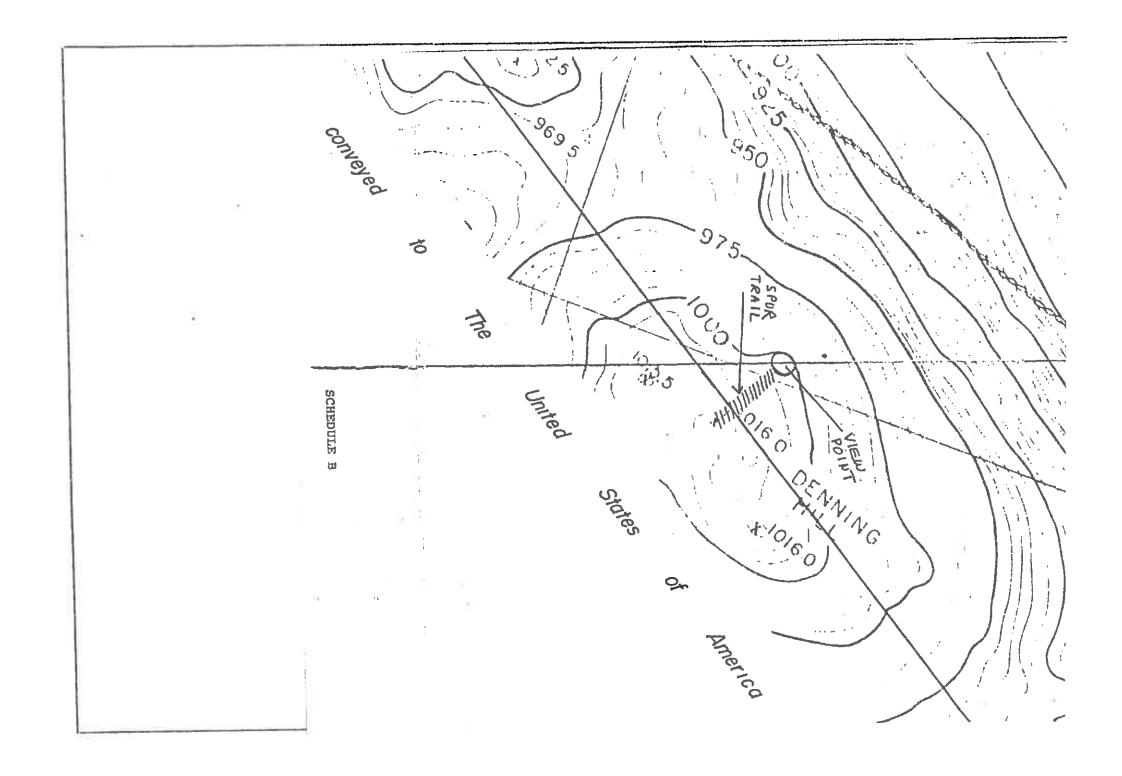
and

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Prepared by,

BADEY & WATSON, Land Surveyors U.S. Route 9 Cold Spring, New 1 (914) 265-9217 York 10516

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REAL ESTATE

FEB 2 5 1987

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COUNTRY regg

PLEASE RECORD AND RETURN TO:

Judith M. LaBelle, Esq. Berle, Kass & Case 45 Rockefeller Plaza New York, New York 10111

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE INS. CO. OF NEW YORK TITLE NO.: 201- P. 0373

plo Sec: 53

POT: 34-1

Town: Philipotour

PUTNAM COUNTY CLERK'S OFFICE
RECEIVED ON THE ASDAY OF FARL 19.87
AT H. S. M. D.M. RECORDED IN
BOOK NO. 946, OF SAMINED
AT PAGE C. S. LAND EXAMINED OLENA T

41.00 4.782

PUTNAM CGUNTY CLERK'S OFFICE FEB 25 11 52 PM 187

## CONSERVATION EASEMENT

entered into this 30 day of 22 law , 1986, between LARS I. KULLESEID, Old Albany Post Road, Garrison, New York, hereinafter called the "Grantor", and Open Space Institute, INC., a New York not-for-profit corporation with its principal office at 122 East 42nd Street, New York, New York, hereinafter called the "Grantee".

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### WITNESSETH:

GRANTOR is the owner in fee of real property (the "Property") consisting of approximately 40,3 acres in the Town of Philipstown, Putnam County, New York, more particularly described in Schedule A attached hereto;

The Property is located within the viewshed of the Hudson River in the Hudson Highlands, an area long noted for its scenic beauty, is adjacent to the Appalachian Trail and is near parklands owned by the State of New York;

GRANTEE is a New York not-for-profit corporation within the meaning of Article 49, Title 3, of the Environmental Conservation Law of the State of New York (the "Conservation Law"); and

The parties desire to provide for limited development of the Property consistent with minimizing the visual impact of such development by entering into a Conservation Easement Agreement pursuant to the provisions of Article 49, Title 3, of the Conservation Law.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and Ten (\$10.) Dollars and other good and valuable consideration paid to the Grantor, the parties agree as follows:

1. Grant of Easement. Grantor grants to Grantee a perpetual conservation easement (the "Conservation Easement") over the Property which shall encumber the Property.

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Easement is to conserve the scenic, open and natural character of the Property while providing for its development.

- 1.2 Implementation. This Conservation Easement shall be implemented by limiting and restricting the development, management and use of the Property in accordance with the provisions of this Conservation Easement.
- 2. Reserved Rights. Grantor reserves for himself, and his successors in interest, all rights, with respect to the property or any part thereof, including, without limitation, the right of exclusive use, possession and enjoyment of the Property or any part thereof and the right to sell, transfer, lease, mortgage or otherwise encumber the Property or any part thereof, as owner, subject to the Property or any part thereof, as owner, subject to the Easement. Nothing herein shall be construed as a grant to the general public of any right to enter upon any part of the Property or any lot except as is specifically set forth herein.
- 3. Restrictions Applicable to the Property. The following restrictions apply to the Property:
- 3.1 Subdivision and Development. Subdivision of the Property shall include not more than eight (8) residential lots. If the Grantor subdivides the property, the Grantor shall, in the deed of conveyance, apportion to the land conveyed the number of residential lots that the subdivided portion can have.
- tutional use of the Property or any part thereof shall be permitted, except that the following shall be allowed: (a) agriculture and forestry uses in accordance with sound conservation practices, and (b) professional, business or artistic use, provided, however, that such use is not visible or audible outside a residence or accessory structure and that any traffic attributable to such use is not in excess of that associated with normal residential use.

3.3 Sale or Transfer. This Conservation Easement shall not restrict or affect the rights of any owner of the Property or any part thereof to sell, lease, transfer, convey, mortgage or otherwise encumber the Property or part thereof.

Nothing contained herein property or part thereof in conveyance or otherwise. shall restrict an owner or imposing further restrictions upon tne

dential dwelling, together with appropriate accessory structures (i.e. garage, shed), plus a guest house or caretaker cottage, may be constructed on each residential lotto be aesthetically compatible with the surroundings, and, to the extent it is visible from the Hudson River, shall be finished and maintained so that, insofar as practicable, it blends in with the natural landscape of the Property.

3.5 No Mobile Homes. trailers are prohibited. Mobile homes On house

### 3.6 Exterior Appearance.

- (a) All roofing and exterior shall be non-reflective. surfaces (except
- (b) No signs shall be permitted except those of professional quality and not more than three (3) square feet in size which: (i) indicate, by one sign, the name of the owner; (ii) mark a roadway; or (iii) are customarily used for posting.
- (c) Any antenna, satellite disk, outdoor fixture, swimming pool or tennis court shall be as unobtrusive as possible and shall be constructed and landscaped so as to be aesthetically compatible with the surroundings, and, to the extent it is visible from the Hudson River, shall be finished and maintained so that, insofar as practicable, it blends in with the natural landscape of the property.
- 3.7 Chemicals. No pesticide, herbicide or other chemical treatment for land, vegetation or animals shall be used unless its use is necessary, safe for humans and will not contaminate any source of drinking water.
- 3.8 <u>Dumping</u> and <u>Storage</u>. No dumping or storing of ashes, sawdust, non-composted organic waste, sewage or garbage, scrap material, sediment discharge, oil and its byproducts, leached compounds, toxic fumes or any other unsightly or offensive materials shall be allowed.

Hudson River, no cutting or removing of trees or other natural landscaping shall be permitted, except: (i) to remove those trees which are fallen, dead, diseased or dangerous; (ii) to provide for the construction of structures, improvements, roadways and driveways allowed under this Conservation Easement; (iii) to create and maintain views of the Hudson River from any residence; (iv) to maintain trails, roads and existing open spaces; and, subject to the approval of Grantee, (v) to create new open spaces and views.

3.10 Mining. No quarry, gravel pit, surface or subsurface mining or drilling shall be permitted.

3.11 Roadways and Driveways. New roadways and driveways may be constructed for ingress and egress to and from permitted structures.

## . Additional Covenants:

4.1 Enforcement. Grantor and Grantee may enforce this Conservation Easement in law or equity pursuant to the provisions of Article 49, Title 3, of the Conservation Law against any or all owners of the Property. If there is a violation of any of the provisions of this Conservation Easement, Grantor or Grantee shall notify the party in violation, who shall promptly cure the violation by (a) ceasing the violation or (b) restoring the Property to the condition before the violation, or (c) both, as the case may be. If the violation continues, Grantor or Grantee shall have the right, but not the obligation, to cure it by direct action and the owner shall reimburse Grantor or Grantee for all expenses reasonably incurred to enforce the Conservation Easement and to cure the violation. Failure to enforce any restriction or covenant herein contained shall in no event be deemed a waiver of a right to do so thereafter as to the same violation or breach, or as to one occurring prior to or subsequent thereto.

4.2 Amendment. This Conservation Easement may be amended upon the written consent of Grantee. Any such amendment shall be consistent with the basic purpose of this Conservation Easement and shall comply with Article 49, Title 3, of the Conservation Law.

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further acts and execute and deliver any documents, including amendments to this Conservation Easement which may be reasonably necessary to carry out the provisions of this Conservation Easement or which are necessary to qualify this instrument as a conservation easement under Article 49, Title 3, of the Conservation Law or any regulations promulgated pursuant thereto.

subsequent conveyance by Conservation Easement. Any transfer, lease or mortgage of the Property or any lot, shall transfer to this Conservation Easement, and any deed or be subject to this Conservation Easement, and any deed or other instrument evidencing or effecting such conveyance shall other instrument evidencing or effecting such conveyance shall other language, easement, etc.) is subject to a Conservation lease, mortgage, easement, etc.) is subject to a Conservation Easement which runs with the land and which was granted to Easement which runs with the land and which was granted to pen Space Institute, Inc., dated

Open Space Institute, Inc., dated

Liber of Deeds at Page .\* The failure to include such language shall not affect the validity or applicability of this Conservation Easement to such property.

4.5 Assignment. This Conservation Easement may be assigned by the Grantee, provided, however, that an assignment may be made only to a not-for-profit corporation or otherwise as provided in Article 49, Title 3, of the Conservation Law.

4.6 Taxes and Assessments. Each owner of the Property or any part thereof shall pay all taxes and assessments lawfully assessed against the Property or part thereof owned by such owner, who shall provide receipted tax bills to the Grantee upon request.

4.7 Severability. Invalidation of any provision of this Conservation Easement, by court judgment, order, statute, or otherwise, shall not affect any other provisions, which shall be and remain in force and effect.

4.8 Binding Effect. The provisions of this conservation Easement shall run with the land and shall be binding on each owner and any party entitled to possession or use of the Property while such party is the owner or entitled to possession or use thereof. As used in this Section 4.8, the term owner shall include the owner of any beneficial equity interest in the Property.

assign this Conservation Easement only to an assignee which agrees to continue to carry out the conservation purposes of this Conservation Easement. This Conservation Easement may only be assigned to an assignee which is a qualified organization as defined in Section 170(h) of the Code and the regulations thereunder. Any assignee other than a governmental unit must be an entity able to enforce this Conservation Easement, having purposes similar to those of the Grantee which encompass those of this Conservation Easement.

5.2 Notice. Grantor agrees to give Grantee written notice before exercising any reserved right, the exercise of which may have an adverse impact on the conservation interests of this Conservation Easement.

5.3 Inspection. The Grantee and its duly authorized representatives shall have the right to enter the Property at reasonable times, in a reasonable manner and, when practicable, after giving notice, to inspect for compliance with the terms of this Conservation Easement.

contained in this Conservation Easement are extinguished by eminent domain taking or otherwise, Grantor and Grantee agree to divide the proceeds in proportions equal to the fair market value of their interests in the Property on the date of execution of this Conservation Easement, unless the laws of New York provide that the Grantor is entitled to the entire proceeds without regard to the terms of this Conservation Easement. Grantor and Grantee agree that the value of the Grantee's interest on the date of execution of this Conservation Easement by which the fair market value of the Property immediately prior to the execution of this Conservation Easement is reduced by the restrictions imposed by this Conservation Easement. Grantee agrees to devote its share of the proceeds in a manner consistent with the conservation purposes inherent in this

instrument as of the day and

open space institute, inc.
a new york not-for-profit
corporation ... here
by fall ... here
Un. h...

COUNTY OF HEW YORK

Notary Public Prop

NEAL A. BROWN
Notary Public, State of New York
No. 4815159
Outsilied in Westchester County C.
Commission Expires Merch 30, 19.6

STATE OF NEW YORK | SS.:

On the 25th day of November, 1986, before me personally came Katharine Larsen, to me known, who, being by me duly sworn, did depose and say that she resides at 439 East 51st Street, New York, New York; that she is the Vice-President of OPEN SPACE INSTITUTE, INC.; the corporation described in and which executed the foregoing instrument; and that she signed her name thereto by order of the board of directors of said corporation.

Notary Public Manua

MANY PALONELL MANY PARTY PARTY

8

### SCHEDULE

All that certain parcel of land situate in the Town of Philipstown, County of Putnam and State of New York, which was philipstown, County of Putnam and State of New York, which was conveyed by William Prior to Lars Kulleseld by a deed dated conveyed by William Prior to Lars Kulleseld by a deed dated December 18, 1985 and recorded in the Putnam County Clerk's December 18, 1985, excepting Liber 877 of Deeds at Page 51 on December 23, 1985, excepting therefrom the land bounded and described as follows:

Beginning at a point on the easterlymost corner of the premises so conveyed by William Prior to Lars Kulleseid which point is formed by the intersection of the southerly line of lands now or formerly of J. McKeen Cattell with the line dividing the lands of Kulleseid on the west from lands now or formerly of the United States of America on the east and which point is distant the following courses from the southeasterlymost corner of Lot No. 3 shown on that certain map entitled "...Daniel J. Donovan...," which was filed in the Putnam County Clerk's Office as Map No. 1648, first

## N 18-08-41 E 302.50 feet

the of measured along the said easterly line of Lot No. 3 and following courses as measured along the said southerly the lands now or formerly of James McKeen Cattell then line

のスス 81-14-16 E 83-53-41 E 83-27-17 E 314.85 feet 219.47 feet 315.33 feet. and

Thence is said west from sterly the said point of beginning southwesterly line of the said United States of America along lands the

### S 31-49-48 W 2043.10 feet

to a point. Thence following courses: through the said Kulleseid the

ZZZZZZ 21-00-00 13-06-12 12-07-50 31-12-29 19-38-26 136-50-26 គេគគគ≥≤ 1191.79 1236.42 1189.20 202.90 256.02 240.36 44444 9 9 9 9 9 9 drilled hole drilled hole cross cut drilled hole drilled hole

## 22 30-08-00 44-56-13 E 237.59 feet to a drilled hole and E 177.86 feet

to a hole drilled in a rock in the center of a stone wall. Thence still through the said Kulleseid lands and along the center of the said stone wall the following courses:

N 76-20-00 E 44.74 feet
N 62-50-00 E 42.62 feet
S 83-30-00 E 15.00 feet
N 65-30-00 E 20.00 feet
N 74-00-00 E 32.00 feet
N 74-00-00 E 60.00 feet
N 73-40-00 E 83.00 feet
N 71-00-00 E 51.00 feet
N 75-30-00 E 51.00 feet

the point 0 place

PLEASE RECORD AND RETURN TO:

Neal A. Brown, Esq. Greenfield Eisenberg Stein & Senior 99 Park Avenue - 10th Floor New York, New York 10016

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE INS. CO. OF NEW YORK TITLE NO.: 201-6-6373

Plosec: 53

Lot: 34.1

Town: Philipstown

PUTNAM COUNTY CLERK'S OFFICE
RECEIVED ON THE 2.5.DAY OF E. 2.4.19.87
AT H. 5.5. M. 12.7.2.M. RECORDED IN
BOOK No. 9.4.0. OF D.e.e.d.
AT PAGE DEC. AND EXAMINED

tought 4 A A

Exercise 1.18x 1.18x

IRANSFER TAX CI RECEIVED REAL ESTATE

PUTNAM COUNTY CLERK'S OFFICE



#### **VIA EMAIL ONLY**

October 13, 2020

Roland Heitmann Jeanne-Marie Fleming 7 Garrison Landing, Apt. B Garrison, NY 10524

Re: Notice of proposed structure on Lot 71.-3-15 of Angels Hill

Dear Roland and Jeanne-Marie:

Thank you for your email dated October 5, 2020, with the site plan prepared for submission to the Town of Philipstown Planning Board. As you are aware, a conservation easement dated May 27, 2004 and held by the Open Space Institute encumbers much of your property. The purpose of this conservation easement is to conserve the scenic, open and natural character of the property while providing for its development. As such, the easement limits the number of structures on the easement property to one (1) residence, accessory structures and one (1) guest house or caretaker cottage, and also requires that the structures be sited and designed in a manner that minimizes impacts to the viewshed of the Hudson River Valley. After reviewing the plan documents, we have concluded that the proposed construction is in line with the purpose and restrictions set forth by the conservation easement. As a reminder, Section 3.6 states that all roofing and exterior surfaces (except for glass) shall be non-reflective. Please keep this in mind as you select colors and materials for roofing and siding.

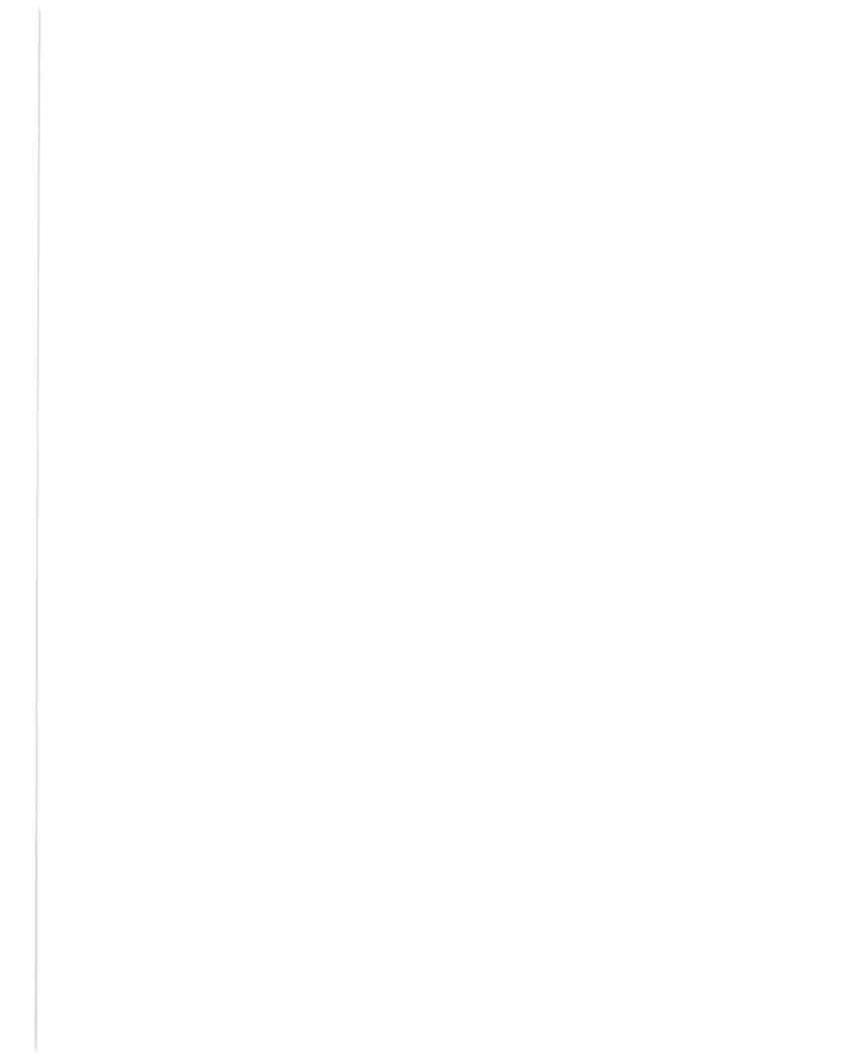
Please do not hesitate to reach back out if you need further clarification or guidance as you build your new home. Upon completion, please contact me directly to schedule a time for OSI staff to document the new construction and update our records.

Best, regards,

Wilfred Nieves Senior Land Steward

Cc: Jeff LeJava, Vice President and Associate General Counsel

OPEN SPACE INSTITUTE LAND TRUST, INC 1350 BROADWAY SUITE 201 NEW YORK, NY 10018 - T 212 290-8200 F 212 244-3441 NOSINY.ORG



41+1

#### CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT AGREEMENT is made and entered into this John day of John 1986, between LARS I. KULLESEID, Old Albany Post Road, Garrison, New York, hereinafter called the "Grantor", and SCENIC HUDSON, INC., a New York not-for-profit corporation with its principal office at 9 Vassar Street, Poughkeepsie, New York, hereinafter called the "Grantee".

#### WITNESSETH:

GRANTOR is the owner in fee of real property (the "Property") consisting of approximately 15.1 acres in the Town of Philipstown, Putnam County, New York, more particularly described in Schedule A attached hereto;

The Property is located within the viewshed of the Hudson River in the Hudson Highlands, an area long noted for its scenic beauty, is adjacent to the Appalachian Trail and is near parklands owned by the State of New York;

GRANTEE is a New York not-for-profit corporation within the meaning of Article 49, Title 3, of the Environmental Conservation Law of the State of New York (the "Conservation Law"); and

The parties desire to conserve the Property by entering into a Conservation Easement Agreement pursuant to the provisions of Article 49, Title 3, of the Conservation Law.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and Ten (\$10.) Dollars and other good and valuable consideration paid to the Grantor, the parties agree as follows:

l. Grant of Easement. Grantor grants to Grantee a perpetual conservation easement (the "Conservation Easement") over the Property which shall encumber the Property.

1

0940 0055 1.1 Grant of Easement of View. Grantor grants to Grantee, for its benefit and the benefit of the public, the right to view the Property in its scenic, wooded state, from the Hudson River and the Appalachian Trail, as that state exists on the date of this grant or in the future through natural evolutionary processes (except as otherwise provided herein) and uses otherwise consistent with the rights reserved herein by Grantor. The present state of the Property is evidenced by the aerial photograph furnished to the Grantee on the date of execution of this Conservation Easement. 1.2 Grant of Easement to Construct, Maintain and Use Appalachian Trail Spur. Grantor grants to Grantee or its designee the right to make and maintain one "spur" trail connecting a viewing point in the Property with the Appalachian Trail. The spur shall be of a similar character to the Appalachian Trail. The spur and viewing point shall be located as indicated on the map attached hereto as Schedule B. Grantor grants to Grantee, its successors and assigns, and its or their agents, the right during the three years beginning with the date of this Conservation Easement to cross the Property and, while it is owned by Grantor, contiguous land to make the spur. Access for maintenance subsequent to the three-year period shall be directly from the Appalachian Trail only. Grantor further grants to Grantee, its successors and assigns and to the public the right of pedestrian access to the Property to use the spur and viewing point, provided that such access shall be directly from the Appalachian Trail only and shall be restricted to the spur and viewing point and a corridor of ten feet on either side of the spur. Access shall not be by use of motorized vehicles of any kind, including, without limitation, trail bikes and snowmobiles. 2. Reserved Rights. Grantor reserves for himself, and his successors in interest, all rights, with respect to the Property, including, without limitation, the right of exclusive use, possession and enjoyment of the Property and the right to sell, transfer, lease, mortgage or otherwise encumber the Property, as owner, subject to the restrictions and covenants set forth in this Conservation Easement. Nothing herein shall be construed as a grant to the general public of any right to enter upon any part of the Property except as is specifically set forth hereinabove. -2-

#### 0940 0056

- 3. Restrictions Applicable to the Property. The following restrictions apply to the Property:
- 3.1 Use. No commercial, industrial or institutional use of the Property shall be permitted, except trail use as set forth hereinabove, and no change of any kind to the present state of the Property shall be caused by the Grantor that is inconsistent with the provisions of this Conservation Easement.
- 3.2 <u>Sale or Transfer.</u> This Conservation Easement shall not restrict or affect the rights of any owner of the Property to subdivide, sell, lease, transfer, convey, mortgage or otherwise encumber the Property. Nothing contained herein shall restrict an owner of the Property in imposing further restrictions upon conveyance or otherwise.
- 3.3 Structures. No permanent or temporary structure may be erected or maintained on the Property.
- 3.4 No Mobile Homes. Mobile homes or house trailers are prohibited.
- 3.5 <u>Chemicals</u>. No pesticide, herbicide or other chemical treatment for land, vegetation or animals shall be used unless its use is necessary, safe for humans and will not contaminate any source of drinking water.
- 3.6 <u>Dumping and Storage</u>. No dumping or storing of ashes, sawdust, non-composted organic waste, sewage or garbage, scrap material, sediment discharge, oil and its byproducts, leached compounds, toxic fumes or any other unsightly or offensive materials shall be allowed.
- 3.7 Timber. No cutting or removing of trees or alteration of the natural habitat, terrain or soil cover shall be permitted, except to create the spur trail, to remove trees which are fallen, dead, diseased or dangerous, or to preserve views from the spur and other view points of the Property located on a ridge line.

-3-

- 3.8 Mining. No quarry, gravel pit, surface or subsurface mining or drilling shall be permitted.
- 3.9 Roadways and Driveways. No new roadway or driveway shall be constructed on the Property.

#### 4. Additional Covenants:

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- 4.1 Enforcement. Grantor and Grantee may enforce this Conservation Easement in law or equity pursuant to the provisions of Article 49, Title 3, of the Conservation Law against any or all owners of the Property. If there is a violation of any of the provisions of this Conservation Easement, Grantor or Grantee shall notify the party in violation, who shall promptly cure the violation by (a) ceasing the violation or (b) restoring the Property to the condition before the violation, or (c) both, as the case may be. If the violation continues, Grantor or Grantee shall have the right, but not the obligation, to cure it by direct action and the owner shall reimburse Grantor or Grantee for all expenses reasonably incurred to enforce the Conservation Easement and to cure the violation. Failure to enforce any restriction or covenant herein contained shall in no event be deemed a waiver of a right to do so thereafter as to the same violation or breach, or as to one occurring prior to or subsequent thereto. A third party enforcement right is hereby granted to Open Space Institute, Inc., 122 East 42nd Street, New York, New York.
- 4.2 Amendment. This Conservation Easement may be amended upon the written consent of Grantee. Any such amendment shall be consistent with the basic purpose of this Conservation Easement and shall comply with Article 49, Title 3, of the Conservation Law.
- 4.3 Purther Acts. Each party shall perform any further acts and execute and deliver any documents, including amendments to this Conservation Easement which may be reasonably necessary to carry out the provisions of this Conservation Easement or which are necessary to qualify this instrument as a conservation easement under Article 49, Title 3, of the Conservation Law or any regulations promulgated

#### 0940 0058

pursuant thereto.

- 4.4 Encumbrance by Conservation Easement. Any subsequent conveyance including, without limitation, the transfer, lease or mortgage of the Property, shall be subject to this Conservation Easement, and any deed or other instrument evidencing or effecting such conveyance shall contain language substantially as follows: "This [conveyance, contain language substantially as follows: "This [conveyance, lease, mortgage, easement, etc.] is subject to a Conservation Easement which runs with the land and which was granted to Scenic Hudson, Inc., dated , 1986, and recorded , 1986, in the office of the Clerk of Putnam County at Liber of Deeds at Page ." The failure to include such language shall not affect the validity or applicability of this Conservation Easement to such property.
- 4.5 Assignment. This Conservation Easement may be assigned by the Grantee, provided, however, that an assignment may be made only to a not-for-profit corporation or otherwise as provided in Article 49, Title 3, of the Conservation Law.
- 4.6 Taxes and Assessments. Each owner of the Property or subdivided portion shall pay all taxes and assessments lawfully assessed against the Property or portion owned by such owner, who shall provide receipted tax bills to the Grantee upon request.
- 4.7 Severability. Invalidation of any provision of this Conservation Easement, by court judgment, order, statute, or otherwise, shall not affect any other provisions, which shall be and remain in force and effect.
- 4.8 Binding Effect. The provisions of this Conservation Easement shall run with the land and shall be binding on each owner and any party entitled to possession or use of the Property while such party is the owner or entitled to possession or use thereof. As used in this Section 4.8, the term owner shall include the owner of any beneficial equity interest in the Property.
  - 5. Qualified Conservation Contribution Covenants:

-5-

5.1 Continuity. Grantee agrees that it will assign this Conservation Easement only to an assignee which agrees to continue to carry out the conservation purposes of this Conservation Easement. This Conservation Easement may only be assigned to an assignee which is a qualified organization as defined in Section 170(h) of the Code and the regulations thereunder. Any assignee other than a

governmental unit must be an entity able to enforce this Conservation Easement, having purposes similar to those of the Grantee which encompass those of this Conservation Easement.

- Grantor agrees to give Grantee written notice before exercising any reserved right, the 5.2 Notice. exercise of which may have an adverse impact on the conservation interests of this Conservation Easement.
- The Grantee and its duly authorized representatives shall have the right to enter the 5.3 Inspection. Property at reasonable times, in a reasonable manner and, when practicable, after giving notice, to inspect for compliance with the terms of this Conservation Easement.
- 5.4 Extinguishment. If and when the restrictions contained in this Conservation Easement are extinguished by eminent domain taking or otherwise, Grantor and Grantee agree execution of this Conservation Easement, unless the laws of proceeds without regard to the terms of this Conservation Easement. Grantor and Grantee agree that the value of the Grantee's interest on the date of execution of this Conservation Easement shall equal the amount by which the fair consistent with the conservation purposes inherent in this Conservation Easement.

to divide the proceeds in proportions equal to the fair market value of their interests in the Property on the date of New York provide that the Grantor is entitled to the entire market value of the Property immediately prior to the execution of this Conservation Easement is reduced by the restrictions imposed by this Conservation Easement. Grantee agrees to devote its share of the proceeds in a manner -60940 0060

IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first above written,

scenic Hudson, INC.
a New York not-for-profit
corporation
By

-7-

STATE OF NEW YORK ) COUNTY OF FEL. YORK 55.1

On the 31 day of Dicember, 1986, before me personally came Lars I. Kulleseid, to me known and known to me to be the individual described in and who executed the foregoing instrument and duly acknowledged to me that he executed the same.

NEAL A. BROWN
Notary Public, State of New York
No. 4615150
Qualified in Westchester County Commission Expires March 36, 18.

STATE OF NEW YORK ) COUNTY OF HENE

On the day of the land, 1986, before me personally cames with to me known, who, being by me duly sworn, did depose and say that he resides at 122 and the land of scenic HUDSON, INC., the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Notary Public

GERALD E. ROSS Notary Public, State of New York No. 31-450:5697 Qualified in New York County Commission Expires March 30, 1987

Schedeck A

1940 UUDZ File: L3K30DC6.DES

Page: 1



File 81-155 W.O. 3767 December 30, 1986 G.J.W.

Description of Property
prepared for
Lars Kulleseid
(Overall Conservation Easement)

All that certain parcel of land situate in the Town of Philipstown, County of Putnam and State of New York which is a portion of those lands conveyed by William Prior to Lars Kulleseid by a deed dated December 18, 1985 and recorded in the Putnam County Clerk's Liber 877 of Deeds at Page 51 on December 23, 1985 that is bounded and described as follows:

Beginning at a point on the easterlymost corner of the premises so conveyed by William Prior to Lars Kulleseid which point is formed by the intersection of the southerly line of lands now or formerly of J. McKeen Cattell with the line dividing the lands formerly of J. McKeen Cattell with the line dividing the lands of Kulleseid on the west from lands now or formerly of the United States of America on the east and which point is distant the following courses from the southeasterlymost corner of Lot No. 3 as shown on that certain map entitled "...Daniel J. Donovan...," which was filed in the Putnam County Clerk's Office as Map No. 1648, first

#### N 18-08-41 E 302.50 feet

as measured along the said easterly line of Lot No. 3 and then the following courses as measured along the said southerly line of the lands now or formerly of James McKeen Cattell

N 81-14-16 E 314.86 feet N 83-53-41 E 219.47 feet and S 83-27-17 E 315.33 feet.

Thence from the said point of beginning southwesterly along the said westerly line of the said United States of America lands

#### S 31-49-48 W 2043.10 feet

to a point. Thence through the said Kulleseid lands the following courses:

N 21-00-00 W 191.79 feet to a cross cut N 13-06-12 W 236.42 feet to a drilled hole N 12-07-50 E 189.20 feet to a drilled hole N 31-12-29 E 202.90 feet to a cross cut N 19-38-26 E 256.02 feet to a drilled hole N 36-50-26 E 240.36 feet

#### 0940 0063

#### File: L3K30DC6.DES

Page: 2



to a spike in the root of a birch tree N 30-08-00 E 237.59 feet to a drilled hole and N 44-56-13 E 177.86 feet

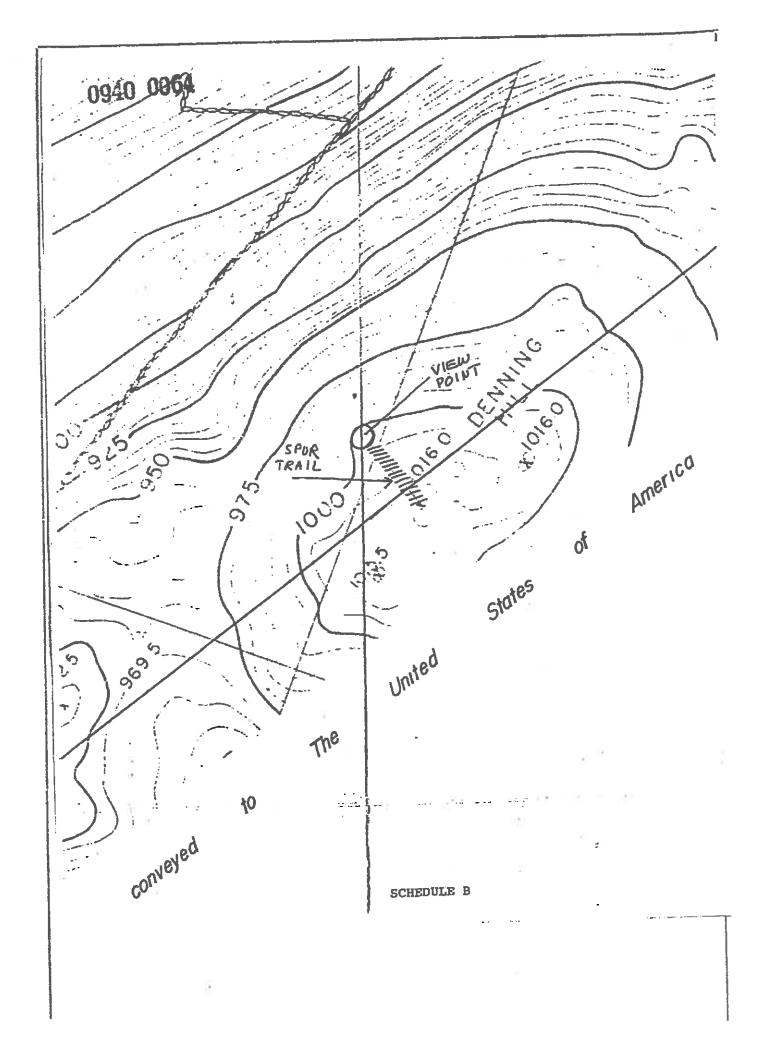
to a hole drilled in a rock in the center of a stone wall. Thence still through the said Kulleseid lands and along the center of the said stone wall the following courses:

N 76-20-00 E 44.74 feet N 62-50-00 E 42.62 feet S 83-30-00 E 15.00 feet N 65-00-00 E 20.00 feet N 68-15-00 E 105.00 feet N 65-30-00 E 32.00 feet N 74-00-00 E 60.00 feet N 70-30-00 E 83.00 feet N 73-40-00 E 110.00 feet N 71-00-00 E 51.00 feet and N 65-30-00 E 54.00 feet

to the point or place of beginning.

Prepared by,

BADEY & WATSON, Land Surveyors U.S. Route 9 Cold Spring, New York 10516 (914) 265-9217



0940 0065

RECEIVED REAL ESTATE FEB 25 1987

2634

TRANSFER TAX PUTNAM COUNTY

PLEASE RECORD AND RETURN TO:

Judith M. LaBelle, Esq. Berle, Kass & Case 45 Rockefeller Plaza New York, New York 10111

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE INS.
CO. OF NEW YORK
TITLE NO.: 201- P. 4373 1879

plo Sec: 53 BIK: 1

Lot: 34.1 Town: Philipotour

PUTNAM COUNTY CLERK'S OFFICE
RECEIVED ON THE 25 DAY OF F2 & 1987
AT 1 H 52 M PM M. RECORDED IN
BOOK No. 940, OF Deed
AT PAGE 55 TAND EXAMINED

41.00 7.784 ExerceT

FEB 25 | 52 PH '87 CLERK'S OFFICE

#### CONSERVATION EASEMENT

entered into this 30 day of 1986, between LARS I. KULLESEID, Old Albany Post Road, Garrison, New York, hereinafter called the "Grantor", and OPEN SPACE INSTITUTE, INC., a New York not-for-profit corporation with its principal office at 122 East 42nd Street, New York, New York, hereinafter called the "Grantee".

#### WITNESSETH:

GRANTOR is the owner in fee of real property (the "Property") consisting of approximately 48.3 acres in the Town of Philipstown, Putnam County, New York, more particularly described in Schedule A attached hereto;

The Property is located within the viewshed of the Hudson River in the Hudson Highlands, an area long noted for its scenic beauty, is adjacent to the Appalachian Trail and is near parklands owned by the State of New York;

GRANTEE is a New York not-for-profit corporation within the meaning of Article 49, Title 3, of the Environmental Conservation Law of the State of New York (the "Conservation Law"); and

The parties desire to provide for limited development of the Property consistent with minimizing the visual impact of such development by entering into a Conservation Easement Agreement pursuant to the provisions of Article 49, Title 3, of the Conservation Law.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and Ten (\$10.) Dollars and other good and valuable consideration paid to the Grantor, the parties agree as follows:

a perpetual conservation easement (the "Conservation Easement") over the Property which shall encumber the Property.

1

- 1.1 Purpose. The purpose of this Conservation Easement is to conserve the scenic, open and natural character of the Property while providing for its development.
- 1.2 Implementation. This Conservation Easement shall be implemented by limiting and restricting the development, management and use of the Property in accordance with the provisions of this Conservation Easement.
- himself, and his successors in interest, all rights, with respect to the Property or any part thereof, including, without limitation, the right of exclusive use, possession and enjoyment of the Property or any part thereof and the right to sell, transfer, lease, mortgage or otherwise encumber the Property or any part thereof, as owner, subject to the restrictions and covenants set forth in this Conservation Easement. Nothing herein shall be construed as a grant to the general public of any right to enter upon any part of the Property or any lot except as is specifically set forth herein.
- 3. Restrictions Applicable to the Property. The following restrictions apply to the Property:
- 3.1 Subdivision and Development. Subdivision of the Property shall include not more than eight (8) residential lots. If the Grantor subdivides the property, the Grantor shall, in the deed of conveyance, apportion to the land conveyed the number of residential lots that the subdivided portion can have.
- 3.2 Use. No commercial, industrial or institutional use of the Property or any part thereof shall be permitted, except that the following shall be allowed: (a) agriculture and forestry uses in accordance with sound conservation practices, and (b) professional, business or artistic use, provided, however, that such use is not visible or audible outside a residence or accessory structure and that any traffic attributable to such use is not in excess of that associated with normal residential use.
- 3.3 Sale or Transfer. This Conservation Easement shall not restrict or affect the rights of any owner of the Property or any part thereof to sell, lease, transfer, convey, mortgage or otherwise encumber the Property or part thereof.

# 0940 0068

Nothing contained herein shall restrict an owner of the Property or part thereof in imposing further restrictions upon conveyance or otherwise.

- dential dwelling, together with appropriate accessory structures (i.e. garage, shed), plus a guest house or caretaker cottage, may be constructed on each residential lot. Any structure shall be sited, constructed and landscaped so as to be aesthetically compatible with the surroundings, and, to the extent it is visible from the Hudson River, shall be finished and maintained so that, insofar as practicable, it blends in with the natural landscape of the Property.
- 3.5 No Mobile Homes. Mobile homes or house trailers are prohibited.

#### 3.6 Exterior Appearance.

- (a) All roofing and exterior surfaces (except for glass) shall be non-reflective.
- (b) No signs shall be permitted except those of professional quality and not more than three (3) square feet in size which: (i) indicate, by one sign, the name of the owner; (ii) mark a roadway; or (iii) are customarily used for posting.
- (c) Any antenna, satellite disk, outdoor fixture, swimming pool or tennis court shall be as unobtrusive as possible and shall be constructed and landscaped so as to be aesthetically compatible with the surroundings, and, to the extent it is visible from the Hudson River, shall be finished and maintained so that, insofar as practicable, it blends in with the natural landscape of the Property.
- 3.7 Chemicals. No pesticide, herbicide or other chemical treatment for land, vegetation or animals shall be used unless its use is necessary, safe for humans and will not contaminate any source of drinking water.
- 3.8 Dumping and Storage. No dumping or storing of ashes, sawdust, non-composted organic waste, sewage or garbage, scrap material, sediment discharge, oil and its byproducts, leached compounds, toxic fumes or any other unsightly or offensive materials shall be allowed.

3

3.9 Timber. To the extent visible from the Hudson River, no cutting or removing of trees or other natural landscaping shall be permitted, except: (i) to remove those trees which are fallen, dead, diseased or dangerous; (ii) to provide for the construction of structures, improvements, roadways and driveways allowed under this Conservation Easement; (iii) to create and maintain views of the Hudson River from any residence; (iv) to maintain trails, roads and existing open spaces; and, subject to the approval of Grantee, (v) to create new open spaces and views.

3.10 Mining. No quarry, gravel pit, surface or subsurface mining or drilling shall be permitted.

3.11 Roadways and Driveways. New roadways and driveways may be constructed for ingress and egress to and from permitted structures.

- violation, who shall promptly cure the violation by (a) condition before the violation, or (c) both, as the case may subsequent thereto.
- 3. of the Conservation Law.

4. Additional Covenants: 4.1 Enforcement. Grantor and Grantee may enforce this Conservation Easement in law or equity pursuant to the provisions of Article 49, Title 3, of the Conservation Law against any or all owners of the Property. If there is a violation of any of the provisions of this Conservation Easement, Grantor or Grantee shall notify the party in ceasing the violation or (b) restoring the Property to the be. If the violation continues, Grantor or Grantee shall have the right, but not the obligation, to cure it by direct action and the owner shall reimburse Grantor or Grantee for all expenses reasonably incurred to enforce the Conservation Easement and to cure the violation. Failure to enforce any restriction or covenant herein contained shall in no event be deemed a waiver of a right to do so thereafter as to the same violation or breach, or as to one occurring prior to or 4.2 Amendment. This Conservation Easement may be amended upon the written consent of Grantee. Any such amendment shall be consistent with the basic purpose of this Conservation Easement and shall comply with Article 49, Title

- further acts and execute and deliver any documents, including amendments to this Conservation Easement which may be reasonably necessary to carry out the provisions of this Conservation Easement or which are necessary to qualify this instrument as a conservation easement under Article 49, Title 3, of the Conservation Law or any regulations promulgated pursuant thereto.
- 4.4 Encumbrance by Conservation Easement. Any subsequent conveyance including, without limitation, the transfer, lease or mortgage of the Property or any lot, shall be subject to this Conservation Easement, and any deed or other instrument evidencing or effecting such conveyance shall contain language substantially as follows: "This [conveyance, lease, mortgage, easement, etc.] is subject to a Conservation Easement which runs with the land and which was granted to Open Space Institute, Inc., dated , 1986, and recorded , 1986, in the office of the Clerk of Putnam County at Liber of Deeds at Page ." The failure to include such language shall not affect the validity or applicability of this Conservation Easement to such property.
- 4.5 Assignment. This Conservation Easement may be assigned by the Grantee, provided, however, that an assignment may be made only to a not-for-profit corporation or otherwise as provided in Article 49, Title 3, of the Conservation Law.
- 4.6 Taxes and Assessments. Each owner of the Property or any part thereof shall pay all taxes and assessments lawfully assessed against the Property or part thereof owned by such owner, who shall provide receipted tax bills to the Grantee upon request.
- 4.7 Severability. Invalidation of any provision of this Conservation Easement, by court judgment, order, statute, or otherwise, shall not affect any other provisions, which shall be and remain in force and effect.
- 4.8 Binding Effect. The provisions of this Conservation Easement shall run with the land and shall be binding on each owner and any party entitled to possession or use of the Property while such party is the owner or entitled to possession or use thereof. As used in this Section 4.8, the term owner shall include the owner of any beneficial equity interest in the Property.

### Qualified Conservation Contribution Covenants:

- 5.1 Continuity. Grantee agrees that it will assign this Conservation Easement only to an assignee which agrees to continue to carry out the conservation purposes of this Conservation Easement. This Conservation Easement may only be assigned to an assignee which is a qualified organization as defined in Section 170(h) of the Code and the regulations thereunder. Any assignee other than a governmental unit must be an entity able to enforce this Conservation Easement, having purposes similar to those of the Grantee which encompass those of this Conservation Easement.
- Grantor agrees to give Grantee 5.2 Notice. written notice before exercising any reserved right, the exercise of which may have an adverse impact on the conservation interests of this Conservation Easement.
- The Grantee and its duly 5.3 Inspection. authorized representatives shall have the right to enter the Property at reasonable times, in a reasonable manner and, when practicable, after giving notice, to inspect for compliance with the terms of this Conservation Easement.
- 5.4 Extinguishment. If and when the restrictions contained in this Conservation Easement are extinguished by eminent domain taking or otherwise, Grantor and Grantee agree to divide the proceeds in proportions equal to the fair market value of their interests in the Property on the date of execution of this Conservation Easement, unless the laws of New York provide that the Grantor is entitled to the entire proceeds without regard to the terms of this Conservation Easement. Grantor and Grantee agree that the value of the Grantee's interest on the date of execution of this Conservation Easement shall equal the amount by which the fair market value of the Property immediately prior to the execution of this Conservation Easement is reduced by the restrictions imposed by this Conservation Easement. Grantee agrees to devote its share of the proceeds in a manner consistent with the conservation purposes inherent in this Conservation Easement.

IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first above written.

open space institute, inc.
a new York not-for-profit
corporation
By Kallin W. Lewy

Use. Resilve

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STATE OF NEW YORK )

COUNTY OF PEW YORK

On the 30 1 day of December, 1986, before me personally came Lars I. Kulleseid, to me known and known to me to be the individual described in and who executed the foregoing instrument and duly acknowledged to me that he executed the same.

Notary Public

NEAL A. BROWN
Notary Public. State of New York
No. 4815150
Ouslified in Westchester County C. 7
Cemmission Expires March 30, 12.

STATE OF NEW YORK )

COUNTY OF NEW YORK )

On the 25th day of November, 1986, before me personally came Katharine Larsen, to me known, who, being by me duly sworn, did depose and say that she resides at 439 East 51st Street, New York, New York; that she is the Vice-President of OPEN SPACE INSTITUTE, INC., the corporation described in and which executed the foregoing instrument; and that she signed her name thereto by order of the board of directors of said corporation.

Notary Public Marin Caldwell

MARYEL CALDWELL
MOTARY FUELD: Seek of Now York
the 61(CALDWELL)
Queltind in Kings County
Commission Employees (1995)

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#### SCHEDULE A

All that certain parcel of land situate in the Town of Philipstown, County of Putnam and State of New York, which was conveyed by William Prior to Lars Kulleseid by a deed dated December 18, 1985 and recorded in the Putnam County Clerk's Liber 877 of Deeds at Page 51 on December 23, 1985, excepting therefrom the land bounded and described as follows:

Beginning at a point on the easterlymost corner of the premises so conveyed by William Prior to Lars Kulleseid which point is formed by the intersection of the southerly line of lands now or formerly of J. McKeen Cattell with the line dividing the lands of Kulleseid on the west from lands now or formerly of the United States of America on the east and which point is distant the following courses from the southeasterlymost corner of Lot No. 3 as shown on that certain map entitled "...Daniel J. Donovan...," which was filed in the Putnam County Clerk's Office as Map No. 1648, first

#### N 18-08-41 E 302.50 feet

as measured along the said easterly line of Lot No. 3 and then the following courses as measured along the said southerly line of the lands now or formerly of James McKeen Cattell

N 81-14-16 E 314.85 feet N 83-53-41 E 219.47 feet and S 83-27-17 E 315.33 feet.

Thence from the said point of beginning southwesterly along the said westerly line of the said United States of America lands

#### S 31-49-48 W 2043.10 feet

to a point. Thence through the said Kulleseid lands th following courses:

N 21-00-00 W 191.79 feet to a cross cut N 13-06-12 W 236.42 feet to a drilled hole N 12-07-50 E 189.20 feet to a drilled hole N 31-12-29 E 202.90 feet to a cross cut N 19-38-26 E 256.02 feet to a drilled hole N 36-50-26 E 240.36 feet

#### SCHEDULE A

0940 0075

to a spike in the root of a birch tree.
N 30-08-00 E 237.59 feet to a drilled hole and
N 44-56-13 E 177.86 feet

to a hole drilled in a rock in the center of a stone wall. Thence still through the said Kulleseid lands and along the center of the said stone wall the following courses:

N 76-20-00 E 44.74 feet N 62-50-00 E 42.62 feet S 83-30-00 E 15.00 feet N 65-00-00 E 20.00 feet N 68-15-00 E 105.00 feet N 65-30-00 E 32.00 feet N 74-00-00 E 60.00 feet N 70-30-00 E 83.00 feet N 73-40-00 E 110.00 feet N 71-00-00 E 51.00 feet and N 65-30-00 E 54.00 feet

to the point or place of beginning.

PLEASE RECORD AND RETURN TO:

Neal A. Brown, Esq. Greenfield Eisenberg Stein & Senior 99 Park Avenue - 10th Floor New York, New York 10016

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE INS.
CO. OF NEW YORK
TITLE NO.: 201-7-6373

plosec: 53

BIK: 1

Lot: 34-1

Town: Philipstown

3800 TITRX EXCHIPI

PUTNAM COUNTY CLERK'S OFFICE
RECEIVED ON THE 25 DAY OF F.26 1987
AT 1 H 50 M PAYA M. RECORDED IN
BOOK No. 240 OF D.C.C.
AT PAGE DIEGO, AND EXAMINED

CLERK

RECEIVED
REAL ESTATE
FEB 2 5 1987
TRANSFER TAX CT
PUTNAM
COUNTY

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11/96



### BK 1488 PG 0229

## PUTNAM COUNTY RECORDING AND ENDORSEMENT PAGE (THIS PAGE FORMS PART OF THE INSTRUMENT)

RECORD & RETURN TO: (Name, Address, & Zip)

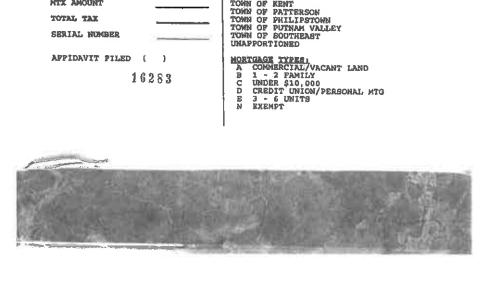
Salvatore Cuccia P.D.Box 359 Cross River by 10518

TYPE (	OR	PRINT	KI	BLACK	INK	ONL
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Salvatore C. Cuccia

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGA	GE SAT ASHT OTHER DECLARATION.
RECORDING PERS  RCD FEE /8.00 STAT CHG 5.00 REC MONT 5.00 CROSS REF 00 CERT/COPY .00	PUTNAH COUNTY CLERK 99 OCT 14 AN II: 31
CONSIDERATION \$ \$5.00 CONSIDERATION \$ \$5.00 CONSIDERATION \$ \$25.00 CONSIDERATION \$ \$25.	PUTHAM COUNTY CLERK'S OFFICE  RECORDED ON OCT 14, 1889  LIBER 488 PAGE 27 NO EKAMIMED.  JOSEPH L. PRLOSO, JR.  PUTHAM COUNTY CLERK
MORTGAGE TAX  MIX AMOUNT  TOTAL TAX  SERIAL NUMBER  APPIDAVIT FILED ( )  16283	MORTGAGE/DEED TAX DISTRICTS: TOWN OF CARMEL TOWN OF RENT TOWN OF PATTERSON TOWN OF PHILIPSTOWN TOWN OF PUTNAM VALLEY TOWN OF SOUTHERST UNAPPORTIONED  MORTGAGE TYPES: A COMMERCIAL/VACANT LAND B 1 - 2 FAMILY C UNDER \$10,000 D CREDIT UNION/PERSONAL MTG E 3 - 6 UNITS N EXEMPT



#### 18K 1488PG 0230

#### DECLARATION OF COVENANTS AND RESTRICTIONS

DECLARATION made by SALVATORE CUCCIA residing at P. O. Box 374, Mohegan Lake, New York hereinafter referred to as the "Declarant"; the Declarant is the owner in fee simple of the following described property:

WHEREAS ALL that certain parcel of land situate in the Town of Philipstown, County of Putnam and State of New York, shown on that certain "Subdivision Plat prepared for Salvatore C. Cuccia..." which was filed in the Putnam County Clerk's office on May 27, 1988 as Map No. 2311.

WHEREAS the Declarant desires to restrict the use and enjoyment of said land and has for such purposes, determined to impose on said premises certain covenants and restrictions;

WHEREAS the Declarant also desires to create easements in favor of all of the owners of lots shown on the aforesaid revised subdivision plat to use the areas designated thereon as Right of Way and to limit and restrict the use thereof as hereinafter provided.

NOW, THEREFORE, the Declarant does hereby declare: (a) that the premises shown on the aforesaid subdivision plat shall be held and conveyed subject to the covenants and restrictions hereinafter set forth; and (b) that easements are hereby created on portions hereinafter mentioned of such premises and the use and enjoyment of the area affected by said easements are limited and restricted all as hereinafter set forth.

- All of the numbered lots shown on such subdivision Map shall be known and hereinafter referred to as "residential lots" and none of such residential lots shall be subdivided.
- 2. "Residential lots" shall be used for residential purposes only; each lot shall be used by no more than one family and no dwelling or structure erected, placed or maintained thereon shall be used for a hotel, boarding or lodging home or apartment house or for any purpose except as a private dwelling for one family and uses incidental thereto.
- 3. No trucks and other commercial vehicles, equipment, machinery, trailers, mobile home, campers, motorcycles, motor bikes, snowmobiles or trail bikes shall be permitted to be parked, stored or maintained overnight on any residential lot except in an enclosed garage. Automobiles and the vehicles, equipment and machinery referred to in the preceding sentence shall not be parked overnight on Right of Way. Unregistered and/or unlicensed trucks, other commercial vehicles, equipment, machinery, trailers, mobile homes, campers, motorcycles, motor bikes, snowmobiles, trailbikes and automobiles shall not be permitted to be parked, stored or repaired on any part of a residential lot except if garaged and shall not be permitted to be parked, stored, repaired or operated on Right of Way. Snowmobiles, motorcycles, motorbikes and trailbikes shall not be operated in such a manner as to cause annoyance to residential lot owners.
- 4. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, outbuilding or similar adaptation for the temporary habitation of any character shall be erected, placed, used or maintained upon any residential lot.

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5. No signs of any kind shall be displayed to the public view on any residential lot except one professional sign, if appropriate, of not more that ONE foot square and one sign of not more than FIVE square feet advertising the residential lot and/or dwelling for sale.

- 6. No animals, livestock or poultry of any kind shall be raised, bred or kept on any residential lot except dogs, cats or other domesticated household pets provided further that such pets are not vicious, offensive, annoying or dangerous, or kept, bred or maintained for commercial purposes. All such dogs, cats or other domesticated household pets shall be kept within the confines of their owner's residential lot unless they are properly leashed and shall be kept within the owner's dwelling or garage during the hours of darkness.
- 7. No residential lot shall be used or maintained as a dumping ground. Rubbish, trash, garbage or other waste shall be kept in adequate sanitary containers concealed from public view. No incinerators or other equipment for the disposal of such material shall be permitted.
- 8. No gravel, sand, rock, soil, minerals or trees shall be removed from any residential lot except for construction on the ground of the structures permitted hereunder or for the proper grading and landscaping for such construction.
- No owner or occupant of any residential lot shall hinder, dam, divert or
  obstruct the flow of any brook, drainage easement, stream or other natural water course
  on a "residential lot".
- 10. Each of the three (3) lot owners shall cooperate to maintain the views of the Hudson River including permitting the topping of trees so long as it does not interfere with the reasonable enjoyment of their own lot. No cutting of trees shall be permitted without seventy-two (72) hours notice to all lot owners and consent of same.
- 11. All residential lots and the buildings, structures, driveways, and sanitary facilities thereon or hereafter erected thereon and the use of the same shall conform to and be subject to the appropriate building code, zoning laws and ordinances, public health laws and other requirements and recommendations of any governmental body having jurisdiction thereof.
- 12. All utilities installed to service the lots herein may be installed above ground within this right of way to the point of intersection between the right of way and the dividing line between Lots 1 and 2 as shown on the subdivision map. All utilities installed elsewhere on any lot shall be installed underground.
- 13. Each residential lot shall be used for residential purposes only and no dwelling, building or structure shall be erected, placed or maintained upon any said residential lot other than one private dwelling house suitable for year-round occupancy containing a central heating system and having no less than twenty-five hundred square feet of enclosed centrally heated habitable space exclusive of a cellar, basement, garage, porch, deck, patio and other structure(s) incidental to the dwelling house. This provision shall not prohibit the construction of detached structures incidental to the dwelling house.
- (a) No structure, building or dwelling shall be erected or placed on any residential lot until the construction plans and specifications and a plot plan showing the location of the proposed improvements have been approved by the Declarant as to the compatibility of materials, their finish and color, harmony of external design with

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existing or contemplated improvements and as to location with respect to topography and the improvements' elevation. Declarant's approval shall not be unreasonably withheld.

- (b) The Declarant's approval or disapproval as required in this covenant shall be in writing. In the event the Declarant fails, in writing, to approve or disapprove within 30 days after all of the necessary and required plans, specifications and plot diagram have been submitted to him, approval will have been deemed obtained and the related above covenant shall be deemed to have been fully complied with.
- 14. A building, dwelling or other structure erected or placed on any residential lot shall be completed and a certificate of occupancy obtained within 18 months after the start of actual construction.
- 15. It is understood and agreed that the Declarant reserves for himself, his heirs, successors and assigns the right and privilege, but not the obligation, to transfer to the Town of Philipstown, County of Putnam, State of New York, all right, title and interest in the feel of the Right of Way for dedication by said Declarant, his heirs, successors or assigns of Right of Way to the Town of Philipstown as a Town Road.
- 16. The Declarant reserves for himself, his heirs, successors and assigns and for the benefit of other property now owned or after acquired by him or them a permanent perpetual easement and a right of way for ingress, egress and regress, drainage, utilities and any other purpose consistent with land development and use within, on, above or under the areas designated on said revised subdivision plat as Right of Way.
- 17. The Declarant reserves the right for himself, his heirs, successors and assigns, and for the benefit of other property now owned or after acquired by him or them, the right to grant permanent perpetual easements and rights of way within, or above or under the areas designated on said revised Subdivision Plat as "Right of Way" for the purposes of ingress, egress, regress, drainage, utilities and any other purpose consistent with land development and use.
- 18. That nothing herein contained shall be construed, nor shall there be any obligation upon the Declarant, his successors, assigns or heirs to restrict in any manner any other property now or after acquired by the Declarant other than the three lots shown on the revised Subdivision Plat above referred to.
- 19. Each of the owners of residential lots, their heirs, successors and assigns are hereby granted a permanent perpenual easement and right of way for ingress, egress and regress within the area designated on said revised Subdivision Plat as "Right of Way" in its entirety subject to the restrictions and limitations specifically set forth within this Declaration.
- 20. (a) The maintenance of "Right of Way" as shown on Map #2311(A) shall be a joint or shared obligation of the 3 lot owners. Any owner who takes title to a lot on or before December 31 of any year becomes responsible for his one-third share of the obligation then continues in perpetuity and shall run with the land. Failure to pay the maintenance of "Right of Way" area shall be determined by a simple majority of residential lot owners in good standing. Each residential lot entitles its owner or owners



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the vote. A lot owner is in good standing only if he has paid his prior and current maintenance charges. The Declarant will maintain the right of way herein until January 1, 1999 at his sole cost and expense, or until 1 (one) certificate of occupancy is issued, whichever is sooner. After January 1, 1999, and until a certificate of occupancy has been issued for each dwelling on each of the three residential lots, the owners who are eligible for or receive certificates of occupancy for their dwellings shall be responsible for their proportionate share of the succeeding year's maintenance obligation.

- (b) Each of the three residential lot owners shall be responsible for their proportionate share of each year's snowplowing expense. As each lot is sold by Declarant the purchaser becomes liable for one-third the cost of snowplowing. When the first lot is sold the purchaser is responsible for 100% of the snowplowing, however, the lot owner will not be responsible for plowing the "right of way" beyond the northern boundary line of his lot. When the second lot is sold the two owners will be responsible for 50% each of the snowplowing expense. When the third lot is sold each of the three owners will contribute one third of the total cost to the snowplowing expense. The Declarant is not responsible for any snowplowing expense unless he retains one of the lots and constructs a residence on same.
- (c) Each lot owner who constructs a residence on his lot shall be responsible for damage to or change in the condition of the "Right of Way" during construction. The individual lot owner shall, within sixty (60) days after the issuance of a certificate of occupancy, repair and restore the "Right of Way" to its pre-construction condition.
- (d) No lot owner shall pave any portion of the "Right of Way" without the written consent of all of the lot owners.
- 21. All utility lines servicing the property shall be installed underground except that overhead wires will be permitted along the "Right of Way" from the intersection with Route 9 to a point at the boundary line between lots 1 and 2 on the filed map. Each lot owner shall grant such easements as may be necessary for the installation and maintenance of utility service.
- 22. Each residential lot owner and the successors, assigns and heirs of such residential lot owner shall hereafter insert in every deed of conveyance, lease, mortgage or contract relating to the sale, lease occupation or use of such residential lot and dwelling the following clause:
- "Subject to certain covenants, restrictions and agreements as imposed by a certain Declaration by Salvatore Cuccia dated Ger. , 1999 and recorded in the Putnam County Clerk's Office at Carmel, New York, and to any modifications thereof as may be hereafter recorded.
- 23. Each and every one of the covenants and restrictions in this Declaration shall attach to and "run with the land" and shall bind and inure to the respective lot owners, their successors, assigns, heirs, distributees, or estate representatives. The covenants and restrictions herein may be enforced by the Declarant, his heirs, successors or assigns, or other residential lot owners, all of whom have the right to use for and obtain an injunction or other court order, prohibitive or mandatory, to prevent the breach of or to compel compliance with the covenants and restrictions above set forth and the failure of the Declarant, his assigns, successors or heirs to enforce any of the covenants and

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restrictions herein set forth shall in no event be deemed to be a waiver of the right to do so as to any subsequent violation. The violation of these restrictions shall not affect nor render invalid the lies of any mortgage made in good faith or for value.

- 24. If litigation is required to enforce a violation of the covenants and restrictions herein, the defendant(s) shall pay the reasonable attorney's fees of the plaintiff(s) provided that it is determined by a court of competent jurisdiction that the defendant(s) has, in fact, violated the said covenants and restrictions. Nothing herein shall preclude the court from awarding money or other damages to the plaintiff(s) in addition to the attorney's fees.
- 25. Any notice required to be sent to any residential lot owner or to the Declarant under the provisions of this declaration shall be deemed to have been properly sent when delivered personally or when mailed certified, return-receipt postpaid to the last known address of the person who appears as the residential lot owner on the records of the Putnam County Clerk's Office at Carmel, New York, at the time of such mailing.
- 26. Invalidation of any of the provisions of this Declaration by judgment or court order shall in no way affect any other provision of this Declaration, all of which shall remain in full force and effect.
- 27. Anything herein to the contrary notwithstanding, it is not intended to and this Declaration, shall not be deemed to affect or impair any existing covenant, restriction or agreement of record affecting real property within the revised Subdivision Plat.
- 28. Whenever the word "Declarant" is used, it shall mean Salvatore Cuccia, his heirs, successors or assigns.
- 29. The covenants and restrictions herein shall all "run with the land" and be binding upon future grantees, assignees and owners by whatever named called of the 3 lots designated on Map #2311.
- 30. All of the lots herein are further subject to the terms of a Conservation Easement dated December 30, 1986 between Lars I. Kulleseid as Grantor and Open Space Institute as Grantee recorded February 25, 1987, in the Office of the Putnam County Clerk, Division of Land Records, at Liber 940 Page 77.

State of New York, County of Putnam

On the 6th day of October, 1999 before me the undersigned, personally appeared Salvatore Cuccia personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

R+R -DO BOY 359 Cross River NY 10518



October 13th, 2020

Neal Zuckerman, Chairman Town of Philipstown Planning Board PO Box 155 Philipstown, NY 10516

RE: Kepler Residential Site Plan & Hietmann-Fleming Residential Site Plan Referrals

Dear Chairman Zuckerman,

This letter is offered in response to the referrals sent to Chairman Galezo's attention regarding the opportunity to comment on the above mentioned properties. As of the October 13th Conservation Board meeting and along with site visits to the properties by myself / members of the CB, we have no comments on the proposed projects that you will be reviewing.

Please feel free to contact myself with any questions or concerns.

On Behalf of the Philipstown Conservation Board,

Max Garfinkle Natural Resources Review Officer

cc: Kelly McIntyre
Greg Wunner, CEO
Ronald J. Gainer, PE, Town Engineer
Philipstown Conservation Board



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Nicole Wooten

P.O. Box 226 20 Nazareth Way Garrison, NY 10524

October 23, 2020

phone: 845.424.3358 fax: 845.424.3483

info@hhlt.org www.hhlt.org

Mr. Andrew Kepler and Mr. Carlos Picon 176 Moog Road Garrison, NY 10524

Re: Updated Site and Architectural Plans for 176 Moog Road, Garrison, NY

Dear Andrew and Carlos,

On September 21, 2020, the Hudson Highlands Land Trust, Inc. (HHLT) received notice on your behalf by David Eaton of David Eaton Associates, LLC, indicating that your proposed landscape, structure, and site improvements for your conserved Property at 176 Moog Road in Garrison, NY had been updated since HHLT's letter dated June 19, 2020. Mr. Eaton directed me, via telephone to the plans submitted to the Town of Philipstown Planning Board in advance of their September 17, 2020 meeting. Mr. Eaton provided further details via email on September 29, 2020. During a site visit on October 8, 2020, I measured the footprint of the Existing House. Thank you, Andrew, for taking the time to join me and for helping me with the measurements. Then, on October 14, 2020, I learned of further plan revisions submitted to the Town of Philipstown Planning Board in advance of their October 15, 2020 meeting. Mr. Eaton answered questions via phone and email regarding the current plans on October 14, 2020.

The Hudson Highlands Land Trust, Inc. has reviewed the most recent Plans submitted for compliance with the terms of the Conservation Easement (dated and recorded on November 20, 2009 at the Putnam County Clerk's office in Liber 1842 on Page 245). The project documents reviewed by HHLT include the:

- A. Conservation Easement (see <u>Attachment A</u> for selected pertinent Conservation Easement terms / restrictions);
- B. Baseline Documentation Report; and
- C. Documents from Badey & Watson Surveying and Engineering, P.C.
  - Site Plan prepared for Andrew Kepler and Carlos Picon E & SC Plan, dated 06/29/2020, and last revised 10/01/2020, by Badey & Watson Surveying & Engineering, P.C.,
  - Site Plan prepared for Andrew Kepler and Carlos Picon Existing Conditions, dated 06/29/2020 and last revised 10/01/2020, by Badey & Watson Surveying & Engineering, P.C., and
  - c. Letter to Neil Zuckerman, from Badey & Watson Surveying and Engineering, P.C., dated October 1, 2020.
- D. Documents from David Eaton Associates, LLC (as confirmed by David Eaton on October 14, 2020):
  - a. the Demolition Plan dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
  - Site Plan dated 05/01/2020 and issued to the Planning Board on 09/03/2020,



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HHLT to Mr. Kepler and Mr. Picon
October 23, 2020
PAGE 1 of 4

- c. the Enlarged Plan dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- d. the Grading and Drainage Plan Courtyard and Deck dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- e. the Lighting Plan dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- f. the Planting Plan- Key Plan dated 07/12/2020 and issued to the Planning Board on 09/03/2020,
- g. Planting Plan North Garden dated 07/12/2020, last revised 09/30/2020 and issued to the Planning Board on 09/30/2020,
- h. Planting Plan Drive Entrance I dated 07/12/2020, last revised on 09/30/2020, and issued to the Planning Board on 09/30/2020, Planting Plan Drive Entrance II dated 07/12/2020, last revised 09/30/2020, and issued to the Planning Board on 09/30/2020,
- i. Proposed Sections, Section Location Plan dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- j. Proposed Sections, Section A'-A" & B' B" dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- k. Proposed Sections, Section C'-C" & D' D" dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- I. Proposed Sections Section E'-E" & F'-F" dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- m. Proposed Sections Section G'-G" Planted Earth Berm dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- n. Proposed Building Extensions Garage and Front & Rear MH Entrances dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- o. Proposed Building Extensions Pool Room dated 05/01/2020 and issued to the Planning Board on 09/03/2020,
- p. Proposed Details Reflection Pool dated 05/01/2020 and issued to the Planning Board on 09/30/2020,
- q. Proposed Details Walls and Paving dated 05/01/2020, last revised 09/30/2020, and issued to the Planning Board on 09/30/2020,

Collectively, items in C and D above shall hereinafter be referred to as "the Plans".

The Plans propose site and architectural alterations in four categories: (1) addition of a garden and associated accessory improvements, (2) tree and shrub plantings, (3) expansion and re-surfacing of the driveway, and (4) extension and modification of the Existing House.

### 1. Addition of Garden and Associated Accessory Improvements.

As presented in the Plans, the proposed garden improvements align with the terms of the Conservation Easement. Thank you for updating the Plans to include information on grading, lighting, and garden wall heights.

#### 2. Tree and Shrub Plantings.

As presented in the Plans, the proposed tree and shrub plantings align with the terms of the Conservation Easement. As I noted in my June 19, 2020 letter, we are excited to the see the large quantity of additional trees and shrubs that you plan to

HHLT to Mr. Kepler and Mr. Picon
October 23, 2020
PAGE 2 of 4

add to your Property, and am pleased to see the that many are considered native to the region.

Please note, the Planting Plan – North Garden shows a (54'-0 ½" length x 21'-11 7/8" width x 5' height) berm is planned for the north-northeast section of the Property. The berm is to be planted with mixed evergreen shrubs and trees to screen the neighbor's house. Thank you for updated the Plans to reflect the size of the berm. Mr. Eaton indicated that the berm would be created from soil excavated for the garden, and that if need be appropriate erosion control / soil stabilization would be added to the berm while the trees and shrubs establish.

#### 3. Expansion of Driveway.

As presented in the Plans, the expansion of the driveway aligns with the terms of the Conservation Easement. Thank you for updating the plans to reflect the grading necessary for this project.

Additionally, the Plans indicate that the driveway will be re-crowned, resurfaced, and the drainage will be modified. This maintenance and modification are permitted within the Conservation Easement, and the intention furthers the Conservation Purpose by reducing erosion and sedimentation from the driveway.

#### 4. Extension and Modification of the Existing House

The conceptual drawings indicate that the extensions and modifications outlined below (in points 4A and 4B) will match the exterior of the Existing House. The conceptual drawings align with Section 3.6.2 of the Conservation Easement as it relates to exterior appearances. Please ensure your plans continue to adhere to this clause.

Section 3.3.1 of the Conservation Easement states: "Renovation, repair and replacement of the Existing House (as permitted under the Zoning Ordinance) at the existing location on substantially the same building footprint and with equivalent or lesser roof ridgeline height are permitted". When the Conservation Easement was donated and at the time of this review, the Existing House footprint is/was 5,225.25 square feet.

- A. Garage. The garage on the eastern side of the Existing House is attached to the residence via an entry way. Thus, the Existing House footprint noted above includes the attached garage. The Plans indicate that the garage will be expanded by 449 square feet, and the entry way will be expanded by 200.8 square feet. Thus, the proposed garage and entry way expansions constitute an increase in the footprint of 12.5%. However, this expansion covers areas that are already impervious surfaces, and will not increase the visibility of the Existing House from public vantage points, and therefore has a negligible impact on the conservation values of the Property.
- B. Porch and Pool Room. The Plans propose enclosing and extending the existing porch to the south by 5' 1.75" to expand the pool room. The porch was not included in the Existing House footprint because it is uncovered. Enclosing and covering the area would thus be considered adding it to the house footprint. Extending and enclosing the porch constitutes an increase of 1,180 square feet,

HHLT to Mr. Kepler and Mr. Picon October 23, 2020

PAGE 3 of 4

which would result in a 22.5% increase in the current House footprint. The enclosed room will continue to be supported by wooden stilts (with no new foundation or additional impervious surface). Given that this addition does not increase the impervious surface on the Property and will not increase the visibility of the Existing House from public vantage points, the addition will have a negligible impact on the Property's conservation values.

Together, the garage, entryway, and porch / pool room expansions total an addition of 1,629 square feet, a 35% increase in the Existing House footprint. This would not be considered on "substantially the same building footprint." However, our review of the extension and modification to the Existing House did not find anything that significantly impacts the Property's conservation values. As a result, per Section 4.16 of the Conservation Easement, HHLT is willing to provide a one-time waiver of the Section 3.3.1 footprint limitation and approve the Plans as presented.

Note: Future requests to further expand the footprint of the Existing House, including the elevated pool room and attached garage may impact the conservation values of the Property, would likely not align with the terms of the Conservation Easement, and thus denied.

Please notify HHLT if any unforeseen tree / vegetation clearing will be necessary for the above improvements. Further, if either the site or architectural plans change, please make sure to send a copy of revised documents to HHLT with sufficient time for our review and consideration.

Additionally, when the work is finished, HHLT will need to complete a current condition report to bring our records to date with the updated square footage of the Existing House and a complete list of the improvements on the Property. This report will include descriptions of the Property, photos, and maps to facilitate our continued stewardship of the Conservation Easement in perpetuity. Please contact HHLT when the project is complete so that we can schedule a site visit and prepare the current condition report.

As always, we appreciate you and your contractors working with HHLT and keeping us involved in the discussion. Feel free to call or write for clarification on anything in this letter or if you have questions about the Conservation Easement.

Sincerely

Julia Rogers

Stewardship Coordinator

(717) 881-4518

HHLT to Mr. Kepler and Mr. Picon

Attachment A: Selected Pertinent Conservation Easement Terms

Attachment A: Selected Pertinent Conservation Easement Terms

Page 1 of 2

We reviewed the following excerpts of the Conservation Easement (dated and recorded on November 20, 2009 at the Putnam County Clerk's office in Liber 1842 on Page 245):

[Note: The information below is for ease of reference, please see the Conservation Easement for additional details. Other sections of the Conservation Easement may be applicable.].

- Section 1.1. **Purpose**. The purposes of this Conservation Easement is to conserve the rural, scenic, ecological, and open space character of the Property, protect the natural resources of the Property, and to limit development of the Property, as specified herein.
- Section 2.1. **Gardens**. Subject to the purpose of this Conservation Easement set forth in Section 1.1 hereof and the Restrictions Applicable to the Property described in Section 3 below, gardens, and all activities customary to create or maintain a garden, including environmentally correct composting, are expressly permitted.
- Section 2.2. **Landscaping**. Subject to the purpose of this Conservation Easement set forth in Section 1.1 hereof and the Restrictions Applicable to the Property described in Section 3 below, the Property may be landscaped for scenic effect and beautification, including, without limitation, the removal and eradication of non-native invasive plant species.
- Section 3.1. **Use.** The Property, as far as practical, shall be left in its condition as of the date hereof and shall not be used for any purpose except as a single-family residence in accordance with this Conservation Easement. The Property may be used for one single-family residential dwelling and the following permitted accessory uses: (a) Customary home occupation that is compatible with the rural character of the Property; and (b) agricultural activities to the extent allowed under the Zoning Ordinance. The above-allowed accessory uses shall not generate traffic in excess of that customarily associated with reasonable residential use.
- Section 3.3. **Permitted Structures**. No building or other improvement shall hereafter be placed upon the Property, except for (a) replacement of Existing Improvements and (b) accessory structures ("accessory structures" shall mean incidental related structures, including structures for animal protection purposes, a tennis court, and a guest house, in each case to the extent permitted under the Zoning Ordinance.
- Section 3.3.1. Renovation, repair, and replacement of the Existing House (as permitted under the Zoning Ordinance) at the existing location on substantially the same building footprint and with equivalent or lesser roof ridgeline height are permitted.
- Section 3.3.4. Temporary accessory structures (that are consistent with the purpose of this Conservation Easement and permitted under the Zoning Ordinance), such as a woodshed or gazebo, may be erected and maintained on the Property.
- Section 3.4. **Utilities**. The installation of wells, water lines, septic systems, electric and other utility distribution lines shall be permitted in connection with the structures allowed on the Property.
- Section 3.5. **Grading**. Any structure or improvement shall be designed to relate to existing slopes and contours. Any grading shall blend into the natural topography of the Property and be limited to the minimum necessary for a trail, driveway, foundation, septic, or other improvement made in compliance with this Conservation Easement.
- Section 3.6.2. The roofing and exterior surfaces of any structure on the Property shall be of such color and material, and maintained in such a manner, as shall minimize the visibility of such surfaces (for

HHLT to Mr. Kepler and Mr. Picon
Attachment A: Selected Pertinent Conservation Easement Terms

Page 2 of 2

example, through the use of muted tones and non-reflective materials) and make them compatible with the general character of the surrounding landscapes.

Section 3.6.4. Any light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries. All newly installed outdoor lighting fixtures shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare. Outdoor floodlighting by flood light projection above the horizontal plane is prohibited. The installation of any new mercury vapor light fixture, other than the replacement of the existing vapor light fixture or lamp, for use as outdoor lighting is prohibited. Searchlights, laser source lights, and any similar high-intensity lights are not permitted.

Section 3.7. **Walls and Fences**. Any wall that is not part of a building and any fence, except for customary and unobtrusive fencing for a garden or orchard, for protection against deer or other predators, or as required by law, shall not exceed five feet in height above ground level, and shall be composed mainly of wood or stone. Stone walls shall not be removed, except as required in the construction of permitted structures. Deer fencing required to protect landscaping is permitted, provided that, in the reasonable opinion of Grantee, it does not materially adversely affect the availability of habitat that is valuable for the protection of biodiversity.

Section 3.8. **Roads, Driveways, Trails and Drainage**. Existing driveways and trails, any new driveway to the single-family residence and accessory structures, and any hiking trails within the property boundaries, may be maintained, improved and/or relocated. Trails and drainage ways may be located anywhere on the Property, provided that they are constructed and located in a manner that is consistent with the purpose of this Conservation Easement, minimizes erosion and impact on landscape quality. Use of motorized vehicles is prohibited on any portion of the Property except the driveway to the permitted single-family dwelling and any other permitted structures, in connection with the maintenance of the Property or any other activities permitted by this Conservation Easement.

Section 3.12. **Water Resources**. No activity or practice is permitted on the Property if it may or will negatively impact, pollute, damage or destroy water resources on or adjoining the Property.

Section 3.13. **Tree Clearing**. No trees or other natural landscaping shall be cut or removed except...(c) subject to notice and approval by Grantee as provided in Section 4.5 and 4.6, to provide for the construction of structures or improvements allowed under this Conservation Easement, including to create or maintain gardens or landscaping in the vicinity of permitted structures.

Section 4.16. **Waiver**. Grantee may, on a case-by-case basis, waive any provision of this Conservation Easement that it deems to be non-essential to fulfilling the Conservation Easement's conservation purposes. Such waivers may not be granted with respect to the number of residences that may be built. Such individual waivers will not affect the future applicability of any waived provision as applied to other situations, and any provision waived in an individual case shall continue in full force and effect for other cases. Any such waiver shall comply with Artic 49, Title 3 of the Conservation Law and Code Section 170(h). Grantee shall, if requested by an owner of the Property or portion of the Property, issue a certificate of compliance indicating that an alteration of the Property undertaken pursuant to this Section was undertaken pursuant to an approved waiver of a provision or provisions of this Conservation Easement.



November 5, 2020

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

RE:

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

Dear Chairman Zuckerman and Members of the Board:

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

• Site Plan Drawing Set (7 sheets), revised November 5, 2020.

In response to technical comments received from Ron Gainer, PE, dated October 13, 2020, we offer the following responses:

#### General Comments

- 1. The comment regarding referral to the Conservation Board is acknowledged.
- 2. The comment regarding potential referrals to other outside agencies is acknowledged.

#### Plans

- 1. The following items have been addressed:
- a. A Location Plan is provided, and a Vicinity Map has been added to sheet EX-1, as requested.
- b. Attribution for the site topography and soils has been added to sheet SP-2.
- c. Soil types have been added to the existing conditions plan. Based upon field observation, rock outcrops do not exist on the site. The applicant requests a waiver of the requirement for the location of all trees ≥8", as it is only the outer perimeter of the site that is to be left undisturbed.
- d. The design of proposed drainage facilities has been developed to include all structure rims, pipe runs and stormwater practices. The design is based on some early preliminary testing and will be updated and refined with new testing. Calculations for the sizing of the stormwater system, to show compliance with Town of Philipstown and NYSDEC regulations, will be provided in the SWPPP, which will be provided with a future submission following further testing.
- 2. A Site Disturbance table has been added to sheet SP-3, which includes the new impervious coverage, and total site disturbance area. A SWPPP will be included with a future submission.
- A Use Table is provided on sheet SP-1, which accounts for the principal and accessory uses and the
  anticipated number of employees. It has been revised to include the number of potential tenants and
  commercial trips.
- 4. The plans have been further developed to include more detail as to the proposed improvements.
- 5. The plans have been more thoroughly dimensioned.
  - 3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717 www.insite-eng.com

- 6. The requested information is provided:
  - a. The estimated number of employees is included in the Use Table on sheet SP-1.
  - b. The number of required parking spaces is provided in the Parking Requirements summary on sheet SP-1.
- c. Sheet SP-2 has been revised to include the anticipated water and wastewater usage table.
- 7. Sheet SP-1 has been revised to include the labels and quantities of the specified plant material. Quantity, species, size and root details are specified in the plant schedule. Planting details and notes are included on sheet D-1.
- 8. A sidewalk has been shown along the front of proposed building 1. It is contemplated that the east facing façade of building 1 and the west facing façade of building 2 would have overhead doors for tenant access. Sidewalks along these facades would be unnecessary and would encumber access to the overhead doors.
- 9. The buildings are yet to be designed, but will generally will be of neutral color palette. As shown, the buildings will be screened to the adjacent residential lot with a dense planting of evergreen trees, which will supplement the existing tree line to remain. Final landscaping locations to be staked by Insite in the field. Removal of existing trees will be as needed and existing vegetative buffers will be left intact where possible.
- 10. A Site Disturbance table has been added to sheet SP-3, which includes the new impervious coverage, and total site disturbance area. A SWPPP will be included with a future submission.
- 11. The asphalt types have been delineated on sheet SP-1.
- 12. A lighting schedule and notes are provided on sheet SP-1. The lighting notes indicate that all fixtures are to be fully cut off and compliant with dark sky guidelines. Operationally the lights will only be used during regular business hours and will run on motion sensors after hours for security purposes.
- 13. Though the 500' check zone associated with NYSDEC wetland WP-17 touches a portion of the subject property, based upon field observation and available mapping, there does not appear to be any wetlands within 100' of the property. The closest point that, based on field observation, could potentially contain wetlands would be to the south and west of the driveway entrance to the contractor yard across Route 9, the closest point of which appears to be over 150 feet away from the southwestern corner of the subject property.
- 14. The standard Town of Philipstown Site Plan Notes have been added to sheet EX-1.
- 15. The location of all outdoor storage areas, sidewalks, ramps, curbs, landscaping, and fences are shown on sheet SP-1 and the associated details are shown on sheet D-1. Exterior refuse enclosure locations have been added to the plans.
- 16. Further detail as to the building architecture and materials will be provided with a future submission.
- 17. A proposed freestanding wooden grouped identification sign is shown on sheet SP-1. It is designed to conform to the size, material, and setback requirements laid out in §175-39.

Page 3 of 2 November 5, 2020

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

Very truly yours,

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

By:

John M. Watson, PE

Senior Principal Engineer

JMW/ad

**Enclosures** 

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

Insite File No. 18156.100



November 5, 2020

Neal Zuckerman, Chairman Philipstown Planning Board Town Hall, 238 Main Street Cold Spring, NY 10516

RE: Application of Laura J. and William R. Cumming

Dear Mr. Zuckerman and Members of the Planning Board:

You will remember that Mr. & Ms. Cumming applied for approval to combine and re-subdivide their parcels at the end of South Mountain Pass Spur. They did this so that each of the two adjusted lots would contain one of the two houses that presently exist on their original parcel. We recognized that the subdivision was not eligible for approval due to insufficient area on adjusted Lot A and insufficient frontage on adjusted Lot B and asked for your denial so that variances could be sought.

The Appeal for the variances was submitted to the Zoning Board Appeals (ZBA). The ZBA conducted a Public Hearing on the Appeal and voted to grant the variances during its October 2020 meeting. We have requested that Mr. Rodd, the ZBA attorney advise Mr. Gaba so that he would be able to confirm the vote. We expect to have the actual variance for submission to you shortly after the ZBA's November meeting.

We respectfully request that the Cummings' application be returned to the Planning Board Agenda for its November 2020 meeting, at which time we are hopeful that a Public Hearing will be scheduled.

In furtherance of that request, we submit herewith 13 copies of our "Minor Subdivision Plat ... for William R. & Laura J. Cumming ...," dated May 6, 2020, and last revised on November 4, 2020.

As always, thank you for your attention to this application and concern for the community.

Yours truly,

BADEY & WATSON,

Surveying & Engineering, P.C.

Glennon J. Watson, L.S. 845.265.9217 x214

gwatson@badey-watson.com

cc: William & Laura Cumming

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www.Badey-Watson.com

Certified Women Business Enterprise (WBE) by New York State, New York City and the Port Authority of NY & NJ

November 5, 2020

Neal Zuckerman, Chairman Philipstown Planning Board Town Hall, 238 Main Street Cold Spring, NY 10516



RE: Application of Riverview Industries - Submission of Revised Plans

Dear Mr. Zuckerman and Members of the Planning Board:

As directed, we have met with the Conservation Board to present Riverview Industries' (Reichar resulted in several revisions to the plans, 13 copies of which are submitted herewith. They includ Map; Site Plan; Erosion Control Plan; and Planting Plan, all dated December 5, 2019, last revised N

Significant changes to the plans include:

- The parking area was widened and made less deep to minimize any further disturbance to
- An oil separator has been added to the plan near the northeast corner of the property, in culvert leading stormwater under Route 9.
- The parking area was regraded to direct drainage toward the northeast and through the
- Areas for storage of scrap iron, pallets, etc. have been specified.
- A wall has been specified across the rear of the parking area to prevent the parking surface activities occurring on the parking area from migrating into the wetland.

In addition to the plan modifications, it has been agreed that Riverview Industries would cooperat Garfinkel to develop a landscape plan for the restoration of the wetlands beyond the wall at the r

Finally, the Conservation Board has stated that, upon submission of suitably revised plans, it will b Wetlands Permit following the Planning Board's SEQRA determination.

We respectfully request that the matter be returned to the Planning Board Agenda for its Novem which time we are hopeful that a Public Hearing will be scheduled. As always, thank you for your application and concern for the community.

Yours truly,

**BADEY & WATSON.** 

Surveying & Engineering, P.C.

Glennon J. Watson, L.S. 845.265.9217 x214

gwatson@badey-watson.com

cc: Kevin Reichard

Luke Hilpert, Esquire

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& WATSON & Engineering, P.C.			
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### Hollis Laidlaw & Simon P.C.

#### Attorneys at Law 55 Smith Avenue | Mount Kisco, NY 10549 (914) 666-5600

October 20, 2020

#### Via Hand Delivery

Hon. Richard Shea, Supervisor and Members of the Town Board Town of Philipstown Old VFW Hall 34 Kemble Ave. Cold Spring, NY 10516 Neal Zuckerman, Chair and Members of the Planning Board Town of Philipstown 2 Cedar Street Cold Spring, NY 10516

Re: Garrison Golf Club Planned Development District/Hudson Valley Shakespeare Festival

Dear Supervisor Shea and Members of the Town Board, and Chairperson Zuckerman and Members of the Planning Board:

Our law firm represents Garrison Properties, LLC (GPLLC) and Hudson Valley

Shakespeare Festival Inc. (HVSF) with regard to their combined request for an amendment to

Section 175-7A and Section 175-61A of the Code of the Town of Philipstown to permit uses not

presently permitted in the Garrison Golf Club Planned Development District (GGCPDD) and

Rural Conservation District (RC). The amendments are sought to allow HVSF to relocate its

renowned Shakespeare Festival after the conclusion of a highly successful thirty plus year lease

agreement with Boscobel House and Gardens, also in Philipstown, to 53 +/- of the 200 +/- acres

which currently comprise the GGCPDD so as to allow HVSF to fulfill its commitment to serve as a

year-round cultural resource, environmental steward and a community partner to the Town of

Philipstown.

Christopher Davis, a longtime resident and staunch supporter of the quality of life in the Town of Philipstown, was the catalyst for the creation of the GGCPDD when, in 1999, he purchased the 300 acre parcel out of which the 200 acre GGC PDD was carved so as to thwart the plans to turn those 300 acres into an expansive condominium development. It continues to be Mr. Davis's goal to act as a steward for the property so as to thwart unwelcome development by fostering a use of the property that would be environmentally and financially sustainable, ensure the property remained accessible to the public, and serve as an asset to the community.

21 years after Mr. Davis assumed that stewardship role, he saw the obvious synergies between HVSF's long-term vision and The Garrison's site and hospitality business. The success of Philipstown's two largest employers would be strengthened by their coming together, giving Mr. Davis the assurance that the goals he had when he purchased the property would go on indefinitely and offer public, community access to this extraordinary location. Our clients believe that what you are about to review will allow them to continue to safeguard, expand upon, and enhance Mr. Davis' stewardship.

Through the generosity of Christopher Davis, HVSF will be gifted those 53+/- acres (the Gifted Area). To complete that gift, a subdivision of the GPLLC property, a text amendment to the GGCPDD and RC, an amendment of the property's existing Special Permit and a site plan approval are all required from your respective Boards.

In support of our request, submitted herewith are ten (10) copies for the Town Board and thirteen (13) copies for the Planning Board of the following, in addition to this letter:

#### Town Board

- Petition for Zoning Change
- Master Plan (See Planning Board Submission below)
- Civil Site Plan Set
- EAF Part 1 & Part 2

#### Planning Board

- Application Site Plan
- Application Subdivision
- Application Special Permit
- EAF Part 1 & Part 2
- Master Plan
  - o Presentation Set
  - o Landscape Plan
  - o Overview
  - o Enlarged Views, as necessary
  - o Detail Sheets, as necessary
- Civil Site Plan Set (Initial Submission 16 Sheets)
  - o Title Sheet (Sheet 1 of 16)
  - o Subdivision (Sheet 2 of 16)
  - o Existing Conditions (Sheet 3 of 16)
  - o Constraints (Sheet 4 of 16)
  - o Removals (Sheet 5 of 16)
  - o Site Plan Overview (Sheet 6 of 16)
  - o Grading and Drainage (Sheets 7, 8, 9, 10 and 11 of 16)
  - o Erosion & Sedimentation Control (Sheets 12, 13, 14, 15 and 16 of 16)
- Plans to follow with subsequent submissions
  - o Drainage Profiles (# of sheets to be determined)
  - O Driveway Profiles (# of sheets to be determined)
  - o Details, as necessary (# of sheets to be determined)
  - o Subdivision Plat (1 sheet) Separate Document for Filing
  - o Pre-Development Drainage Analysis (1 sheet, Part of SWPPP)
  - o Post-Development Drainage Analysis (1 sheet, Part of SWPPP)

As our submissions will show, HVSF's long-term plan for its new home includes:

- an open-air theater with seating, as at Boscobel, for approximately 530 patrons, with accompanying front- and back-of-house facilities;
- an indoor theater with seating for approximately 225 patrons along with rehearsal space;
- a continuation of the existing restaurant/event use;
- an implementation of the already approved hotel use in the GGCPDD;
- artist housing;
- an outdoor pavilion at the site of the existing golf pro shop that will be available for both HVSF use and community events;
- . box office/welcome center;
- picnic lawns;
- gardens;
- production/rehearsal facility;
- administrative headquarters;
- . additional parking spaces for cars, shuttle vans and busses.

These amendments will necessitate the repurposing of the 18-hole golf course to a 9-hole course and the relocation of the pro shop, the cart barn, and golf-course parking.

For Mr. Davis's gift to be realized, a subdivision of the GGCPDD/RC property is also required as per the proposed subdivision plan submitted herewith.

We recognize that this is a significant application, and we are aware of and respectful of the need for you to review these applications fully, fairly, and transparently. None of the approvals can be achieved without a final determination by the Lead Agency under SEQRA, which, in 2005 when the GGCPDD was created, was the Town Board. In order to demonstrate how these applications match up favorably with the Town's 2005 Findings Statement for the GCCPDD as required by SEQRA by either eliminating or properly mitigating any adverse environmental impacts, a Table of Comparison and Analysis is attached to the required Environmental Assessment Form (EAF) referenced above for your ease of reference.

We are confident and hopeful that we can demonstrate to whichever of your Boards is determined to serve as the Lead Agency that, to the maximum extent practicable, any perceived adverse environmental effects that might be identified in the approval process will be minimized or avoided.

With these submissions, Mr. Davis, the Garrison, and HVSF are hoping to begin the collaboration to further their combined stewardship of this extraordinary property within the Town of Philipstown.

I hope that the totality of these submissions will be helpful to your Boards in identifying the important issues to be discussed and analyzed and in setting the roadmap for the future direction of those discussions and analyses, especially for the commencement of the SEQRA process and a determination as to what type of action this will be under SEQRA.

GPLLC and HVSF and their development team stand ready to meet at any time and answer

any and all questions your Boards may have if you feel additional information is required prior to any

formally scheduled Board meetings.

That said, I respectfully request that our application be scheduled for the Town Board's

November 5th agenda. We do so with the hope that the Town Board would refer the matter to the

Planning Board for its November 19th agenda for the Planning Board to begin its review and comment

period and to determine as well its Lead Agency role under SEQRA, with the possibility that the

Planning Board would approve a motion at that November 19th meeting to circulate its intent to serve

as such Lead Agency to all interested and involved agencies.

In closing, I thank you for your attention to this lengthy submission.

Respectfully submitted,

P. Daniel Hollis III

Enc.

# STATE OF NEW YORK COUNTY OF PUTNAM

In the Matter of the Application of:

Garrison Properties, LLC and Hudson Valley Shakespeare Festival, Inc,

**PETITION** 

For an Amendment to the Zoning Ordinance of the

TOWN OF PHILIPSTOWN PUTNAM COUNTY, NEW YORK

On behalf of Garrison Properties, LLC, a domestic Limited Liability Company duly organized and existing under the laws of the State of New York, the owner of the vast majority of the 200.3 +/- acres of land (The Subject Property) on the Westerly side of Albany Post Road (US Route # 9) in the Town of Philipstown, County of Putnam and State of New York and the prospective donor of +/- 50 acres of the Subject Property to the Hudson Valley Shakespeare Festival Inc., a 501(c)(3) New York Not for Profit Corporation, the prospective donee of the aforementioned +/- 50 acres of the Subject Property, the undersigned hereby respectfully petition the Town Board of the Town of Philipstown pursuant to Section 175-69 of the Town of Philipstown Code to amend the Zoning Ordinance of the Town of Philipstown, to permit the requested additional uses upon the Subject Property hereinafter defined in the Rural Conservation District (RC) and Garrison Golf Club Planned Development District (GGCPDD) as the same are currently designated and defined in said Town of Philipstown Zoning Ordinance ("Zoning Ordinance")

The Subject Property consists of ten tax parcels of land consisting in the aggregate of 200.3 acres located on the westerly side of US Rte. 9 and are more specifically designated on the Town of Philipstown Tax Assessment Map, including the record owner, as:

٠	601-59.2	124.912 acres	Garrison Properties, LLC
•	601-59.3	17.131 acres	Garrison Properties, LLC
•	601-63	1.228 acres	Garrison Properties, LLC
•	601-69	8.866 acres	Garrison Properties, LLC
(*)	601-70	0.103 acres	Garrison Properties-, LLC
•	602-26.71	29.782 acres	Garrison Properties, LLC
٠	602-27	0.406 acres	Vestry of St. Philips Church
•	602-29.1	7.027 acres	Garrison Properties, LLC
•	602-29.2	9.669 acres	Garrison Properties, LLC
•	Public Roads	1.166 acres	Public Roads

and will represent one hundred percent (100%) of the property in the GGCPDD District to be affected by the proposed amendments.

The requested amendments would expand the as of right Permitted Uses in the RC and GGCPDD Districts to include:

- an open-air theater with seating for approximately 530 patrons;
- an indoor theater with seating for approximately 225 patrons along with rehearsal space;
- a continuation of the existing restaurant/event use;
- an implementation of the already approved hotel use in the GGCPDD;
- artist housing;
- an outdoor pavilion at the site of the existing golf pro shop that will be available for both HVSF use and community events;
- box office/welcome center;
- theater concession structure;
- picnic lawns;
- gardens;
- production/rehearsal facility;
- administrative headquarters;
- additional parking spaces for cars, shuttle vans and busses.

The proposed amendment to the Zoning Ordinance and Schedules is appropriate, since the Subject Property is the only parcel of land within the Philipstown designated as being within the "GGCPDD District."

The proposed amendments are also appropriate because they will permit the desired upgrade in the utility, character and appearance of the Subject Property and create a permanent home for the Hudson Valley Shakespeare Festival in Philipstown so as to allow Hudson Valley Shakespeare

Festival Inc. to fulfill its commitment to serve as a year-round cultural resource, environmental steward and community partner without any detriment to any other parcels of land within the Town of Philipstown as the operation of the Hudson Valley Shakespeare Festival within the Town of Philipstown at a different location for multiple decades has not been detrimental to the health, safety and welfare of the Town of Philipstown or to its citizens and, to the contrary, has improved the overall aesthetic and economic health of the Town of Philipstown and its citizens. It is respectfully requested that the Town Board, by appropriate Resolution, refer this Petition to the Planning Board as required by the above-referenced Section 175-69 of the Town of Philipstown Code and to the Putnam County Department of Planning and Development as required by Sections 239-1 and 239-m of the New York State General Municipal Law and to then fix the time and place of a Public Hearing on the proposed amendment and cause notice thereof to be given in accordance with the requirements of the Town of Philipstown Town Code.

Further, pursuant to your Town Code, notice will be provided a suitable time prior to any Public Hearing to all owners of property within 500 feet of the perimeter of the Subject Property.

Dated: October 22, 2020 Cold Spring, New York

GARRISON PROPERTIES, LLC.

By: \_\_\_\_\_\_ Vice President & Con

Frank Allemann, Vice President & General Manager

HUDSON VALLEY SHAKESPEARE FESTIVAL Inc.

Kate Liberman, Executive Director

- 4 -

#### STATE OF NEW YORK \}ss COUNTY OF PUTNAM

On October 22nd, 2020 before me, the undersigned, personally appeared Frank Allemann, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

**GLENNON J. WATSON** Notary Public, State of New York No. 4755184

Qualified in Putnam County Commission Expires March 30,

STATE OF NEW YORK \}ss COUNTY OF PUTNAM

On October 22nd, 2020 before me, the undersigned, personally appeared Kate Liberman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

GLENNON J. WATSON Notary Public, State of New York No. 4755184

Qualified in Putnam County Commission Expires March 30, 2023

#### TOWN OF PHILIPSTOWN PUTNAM COUNTY, NEW YORK

APPLICAT	ION FOR APPROVAL OF	F SUBDIVISION PLAT	Tax Map No. 601-59.2 & 59.3
The unders	igned hereby make appli -One Subdivision Regula	cation to the Planning Board of tions for one of the following	the Town of Philipstown (check one):
			For Office Use Only
	for approval of a Preli	minary Plat;	1. Application #
	for approval of a Final	Plat;	2. Fee
X	for approval of a Minor	Subdivision as a Final Plat; or	3. Rec'd by
	for revision of a previo	ously Filed Plat.	4. Date
	entification of Appl Applicant (name) address	Garrison Properties LLC	
	address _	P.O. Box 348, 20	NY 10524
b.		if not same as Applicant:  SAME AS APPLICANT	
Att	A+ 1 Affidavit of 0 of a partnership, t  A-2 Affidavit of 0 property if not same	llowing, when applicable, shall be Application scheck the items attack whership, executed by the individual hat is the owner of property if not whership, executed by a corporation	ned:  al, or by the general partner  same as the Applicant; OR  if the Applicant is a

Raga mod 👼

II	Attac	hments: (cont.)
	×	Appendix B-2 certification executed by the owner of property if the owner is a partnership, corporation, association or business trust
		Appendix C Disclosure Statement under Sec. 809 of the General Municipal law.
	$\boxtimes$	Appendix D Identification of Property and Proposal.
		Appendix E Identification of Plans and Documents.
		EAF - Environmental Assessment Form
	$\boxtimes$	Application Checklist
		Request for a Waiver of Subdivision Regulations
III.	upon t	rization: The Applicant and Owner hereby grant to the Planning Board, the Town and Superintendent of Highways, and their authorized agents, permission to enter he property that is the subject of this Application for the purpose of inspection and ement of the Subdivision Regulations, including the taking of tests and materials s:
IV	Endor	sements:
	a. App	licant/Owner Garrison Properties LLC
	Dat	by Frank (Chip) Allemann
	b. Own	er of Property if not same as Applicant
		N.A.
	Dat	harni? 9

Page 2 of 2

#### APPENDIX B-2: CERTIFICATE CONCERNING OWNERSHIP OF OWNER

- 1. If owner or applicant is a general or limited partnership, attach this notarized certification listing names and addresses of all partners and participants. If a partner is a partnership, corporation, association or business trust, provide the information required by this section for such partner.
- 2. If owner or applicant is a corporation, association or business trust attach this notarized certification listing position, name and addresses of all officers, directors and all shareholders owning (whether beneficially or equitable) five (5%) percent or more of any class of such party's stock.

Certificate of Frank (Chip) Allemann, Vice President & General Manager

Properties LLC

Frank (Chip) Allemann, Vice President & General Manager

Position	Name	Address	% Ownership
Sole Member	Christopher Davis	c/o Garrison Properties, LLC, 2015 Route 9, Garrison, NY 10524	100%
Vice President & General Manager	Frank (Chip) Allemann	c/o Garrison Properties, LLC, 2015 Route 9, Garrison, NY 10524	ZERO

The undersigned (corporate officer) hereby certifies that the information hereinabove set forth is true and correct.

Signed

Sworn before me this

22nd day of October

GLENNON J. WATSON Notary Public, State of New York No. 4755184

Qualified in Putnam County
Commission Expires March 30. 2023

APPENDIX B-2

#### APPENDIX C

TOWN OF PHILIPSTOWN, NEW YORK DISCLOSURE STATEMENT ACCOMPANYING APPLICATION OR PETITION

1.	TO: 🗆	Philipstown Town Board
	$\boxtimes$	Philipstown Planning Board
		Zoning Board of Appeals
		Zoning Administration Officer/Building Inspector
2.	NAME OF A	PPLICANT: Garrison Properties LLC
3.	RESIDENCE:	2015 US Route 9, Garrison NY 10524
4.	DATE:	10/22/2020
5,	NATURE OF	APPLICATION OR PETITION: Application for approval to subdivide property into
at mp	ure and Ext lovee in th	ent of Interest of any State Officer or Municipal Officer or
lat mp	ure and Ext loyee in th	ent of Interest of any State Officer or Municipal Officer or is Application (Set forth in detail).
lat mp	ure and Ext loyee in th	ent of Interest of any State Officer or Municipal Officer or is Application (Set forth in detail).  None
Jat mp	ure and Ext loyee in th	is Application (Set forth in detail).
an <u>p</u> .	tement that	is Application (Set forth in detail).
Stante The close Pa of own	tement that erest in thi undersigned osure Stater ragraph B, the General n of Philips interest in	None  None  None

(Note: See reverse for the provisions of Sec. 809) APPENDIX C-1

This informaton is provided especially for those who may be making application without assistance of counsel, so that they will be fully advised as to the purpose and requirements of this statute.

#### SEC. 809. DISCLOSURE IN CERTAIN APPLICATIONS

- 1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- 2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
  - (a) is the applicant, or
  - (b) is an officer, director, partner or employee of the applicant, or(c) legally or beneficially owns or controls stock of a corporate appli-
  - cant or is a member of a partnership or association applicant, or

    (d) is a party to an agreement with such on applicant, express or implied, whereby he may receive any payment, or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
- 3. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- 4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor  $\cdot$

#### A P P E N D I X D: IDENTIFICATION OF PROPERTY AND PROPOSAL

D-1.	Ī	Property
	a.	Total acres 142
	b.	Does application cover all contiguous land of the owner? <b>None</b> If no, explain any excluded area  Own as additional parcels separated by public roads and one contiguous (couching) residential property (TM601-60) that is not part of the project and is fully developed.
	c.	Tax Map: Sheet 60. Block   Parcel(s) 59.2 & 59.3
	á.	Last deed: Date 6/19/1999 Liber 1473 Page 30 Date 6/19/1999 Liber 1473 Page 44
D-2	L	ocation:
	a.	Zoning District(s) Rural Conservation (RC) & Garrison Golf Club PDD
	b.	Property abuts (street or roads) U.S. Route 9, Snake Hill Road and Philipse Brook Road
	Э.	Municipal Districts encompassing all or part of property:  School:  Garrison UFSD  Fire Protection:  Garrison Fire District
		Other: Garrison Ambulance Corp
	d.	Does plat propose a new street or private way connecting directly into any State Highway or County Road? No If yes, give name and route #
	₫.	Does plat involve drainage lines connecting directly into any channel lines established by the County of Putnam?
	4	Does plat include any land within 500 feet of any abutting municipality, the boundary of any existing or proposed County or State park or recreation area, the right-of-way of any existing or proposed County or State highway, the existing or proposed right-of-way or stream channel owned by the County and for which channel lines have been established, or the boundary of County or State land on which a public building or institution is established? Yes  If yes, specify  Property had frontage along US Route 9, a State Highway
	g.	Give name and address of all property owners within 500 feet of the perimeter boundary of the proposed plat (as indicated in the current Town Tax Assessor's records):  SEE ATTACHED LIST

APPENDIX D-1

D-3.	Propo	Proposa_:				
	â.	Number of Proposed Lots: 4 , number already occupied by dwellings, if any:				
	b.	Length of Proposed streets or private ways in Plat: Zero feet.				
	C.	Does Applicant propose to dedicate to public use all of the streets shown on the				
		proposed plat? No , if not, describe  None Shown				
	i.	Approximate acreage of land proposed as open space for parks and playground:  Zero acres.				
	ē.	Does applicant propose to dedicate to public use all of the open space shown on				
		the proposed plat? No , if not, describe				
		It is intended that the subdivided parcels will be sparsely developed within amended parameters of the PDD as described in an application submitted				
		simultaneously herewith. While the lands will remain private, public access for recreational, educational and artistic purposes are planned.				
	<u>.</u>	How is water supply to be provided? Individual drilled Wells Has any application been made to the County of Putnam or State of New York for approval of proposed water supply?  No  , if yes, give date and describe  Some of the wells are already in place and operational. Others will be permitted as the PDD project develops				
	ĝ.	How is sewage disposal to be provided? Individual Subsurface Sewage Treatment Systems Has any application been made to the County of Putnam or State of New York for sewage discharge or approval of a sewage disposal system? No , if yes, give date and describe  Some septic systems, including the primary system are already in place and				
		operational. Others will be permitted as the PDD project develops				
		Does proposed plat include any wetlands and/or water courses as defined by the State of New York or an applicable Local Law? Yes, if yes, describe Yes, approximately 1.5 acres of wetlands and 4.0 acres of water surface exist on the site. All are regulated and all are shown on the Constraints Map in the plan set.				
D-4.	Proced	dures:				
	a. Doe	s applicant (in the case of preliminary clats) propose to submit a final subdivision at to cover entire preliminary plat or to file same in sections?				
	2					
		in sections.				
		s applicant intend to request any special authorization for the plat under any of the ollowing? Yes If yes, specify,				
	-	Sec 281 of Town Law (cluster)				
		Maiver of Subdivision Regulation Sec. 5				
		Alternate road standards				

AFPENDIX D-2

а.	easements Easements benefiting the Fire Company for "Dry Hydrants" exist on the property and are shown on the map set.
b.	deed restrictions on use and development None
ċ.	mortgages None
á.	liens None
e.	leases None
Ē.	other None

APPENDIX D-3

a. Surveyor	(name)	BADEY & WATSON, Surveying & Engineering, P.C.
	Address	3063 Route 9
		Cold Spring, NY 10516 Tel. (845) 265-9217 x
		ense No. 48167 (Glennon J. Watson, L.S.)
b. Enginee:	(name) Address	
	Addless	Tel.
	N. Y. Lice	The state of the s
c. Other	(name)	BADEY & WATSON, Surveying & Engineering PC
		3063 Route 9
	Address	2005 1/0dfc 2
	Address	Cold Spring, NY 10516 Tel. 914-265-9217
	N. Y. Lice lans: nd Date of Prop	Cold Spring, NY 10516 Tel. 914-265-9217
a. Title ar	N. Y. Lice lans: nd Date of Prop	Cold Spring, NY 10516 Tel. 914-265-9217 ense, if any 103021 (Margaret Smith McManus, Places, if any 103021 (Margaret Smith McManus, if any 103021 (Margaret Smith Margaret Smith Margare
a. Title and Propertie  No. of State and State	N. Y. Lice  lans:  nd Date of Prop  s LLC, October 2  sheets: 16 To	Cold Spring, NY 10516 Tel. 914-265-9217 ense, if any 103021 (Margaret Smith McManus, Planse, if any 103021 (Margaret Smith McManus, Plansed Plat Map: Subdivision Plat prepared for Garrison 2, 2020 (Now it is sheet 2 of the overall plan set.)
a. Title and Propertie  No. of State and State	N. Y. Lice  ans:  d Date of Prop  s LLC, October 2  heets: 16 To  Date of Propose  perties, LLC and Hudso	Cold Spring, NY 10516 Tel. 914-265-9217 ense, if any 103021 (Margaret Smith McManus, PE  cosed Plat Map: Subdivision Plat prepared for Garrison 2, 2020 (Now it is sheet 2 of the overall plan set.)  tal Set  ed Profiles and Construction Plans: Site & Subdivision Plan Set
a. Title and Propertie  No. of S  b. Title and Garrison Pro  No. of S  c. Title, I	N. Y. Lice  lans:  Ind Date of Propose  Sheets: 16 To  Date of Propose  perties, LLC and Hudso  Sheets: 16 To	Cold Spring, NY 10516 Tel. 914-265-9217 ense, if any 103021 (Margaret Smith McManus, Please, if any Subdivision Plat prepared for Garrison 2, 2020 (Now it is sheet 2 of the overall plan set.)  tal Set  d Profiles and Construction Plans: Site & Subdivision Plan Set in Valley Shakespeare Festival, Inc., October 2020, printed October 21, 2020

55 Smith Street Mount Kisco, NY 10549 Tel. (914) 666-5600 (Ext. 312)

Address

APPENDIX E

Applicant Project Name Applicant's Representative Glennon J. Watson, LS (Badey & Watson) Tax Map ID #

Date

# Garrison Properties LLC Subdivision Pits prepared for Carrison Properties ILC, October 22, 2020 (Now it is sheet 2 of the overall plan set.)

60.-1-59.2 & 59.3

October 22, 2020

#### PHILIPSTOWN PLANNING BOARD SUBMISSION CHECKLIST SUBDIVISION APPLICATIONS

For all subdivision applications, the following requirements are applicable before application

	iew.	agorrough the response of the second of the
A.	Land may no Planning Bo	t be subdivided if the application will result in the following except with pard Approval)
	=	2 or more lots located in a Business or Industrial zone
	==	2 or more lots (of 10 acres or less ) which have frontage on a state highway or county road located in a Res. Zone
	***************************************	3 or more lots each of which contains 10 acres or less
		The creation of a street, highway or r.o.w for vehicles

- B. Land may not be divided so as to create rights-of-way for power, gas or telephone lines
- C. Approved subdivision plats may not be revised
- D. Subdivision plat requiring approval may not be used in connection with the conveyance of real property in the Town, or filed with the County Clerk's office until approved.

#### Preliminary Sketch Plans

- location of the plat in the neighborhood old X
- layout of lots, streets and existing contours at 10' intervals f X
- Location of watercourses X
- Location of water bodies X
- Location of wetlands 🔀
- location of major natural features 🔀

DEEDKLIST = 1

#### Minor Subdivision Plat Applications

Typically, a plat of lots to which access is given by open development area private right-of-way or easements eligible for consideration as a minor plat.

· ·	Ger	neral Submission Requirements			Site	e conditions and land evaluations:	
	t 1	Application on proper forms	X		1,	Existing contours not exceeding 5-foot intervals	X
	2.	Forms property signed	X			a. Meeting DOI standards for maps of 1 " = 200" $^{\circ}$	X
	3.	Application Fee	X		2.	Appropriate benchmark	
	4.	Final Plat Map (5 blue or black-line prints:			3.	Existing permanent buildings and structures	X
		a. Scale of 1" = 40' or 50' but			4.	Existing watercourses, water bodies and streams	$\mathbf{X}$
		not less than 1" = 100'			5.	location and limits of wetlands	X
		s. No less than 20" x 20" no			á.	location and limits of potential flood	
		more than 36" x 48"  2. Black waterproof ink on good cloth or film			Ŷ.	hazard areas Location of drainage discharge points	
	5.	Construction Plans (see Checklist VI)				from any street or property	
	ő.	Evidence that:					
		a. sewer & water supply approved by PCDH		= 1.		perty Ownership Information	AA
		b. street or drainage connections to state				Name and address of owner	X
		or county roads submitted i. Connection application made			٤,	Name and address of applicant if different from owner	
		NYSDEC wetland/watercourse			:	Perimeter boundary of tract and area	X
		modifications approved				to be plotted	23
	•	If major cuts or fills, grading plan			4.	Approx. location of prop. lines 200	X
		a. Five (5) blue or black line prints			-	feet from tract	
	3.	Design computations and data for drainage			2.	Both street r-o-w lines of any street abutting tract	
	,	or central water and sanitary sewer systems Separate map for lots accessed by open			i.	Names of owners of property abutting tract	X
	۶.	development right-of-way or easement				Proposed lots and lot numbers and area	X
	- 1					of each lot	_
Ι.,		le and location information:				Proposed street and/or r-o-w including widths	
		Scale of not less than 1 " = 100 feet	X		3.	Location & dimensions of existing & proposed easements	X
	2.	Proposed layout of lots, streets and improvements	X		1 ^	Existing monuments	Ē
	3	Future subdivisions on contiquous land				-	
		•	X			Any municipal or taxation district boundary	
	4.	Title of the plat			12.	Any channel and building lines	
		a. Duplicate in Putnam Co.			13.	Reserved areas for watercourses or wetland conservation	
	5.	Date, Town, etc.				Conservacion	
		a. Date X i. County X					
		c. Scale X f. State X		$V_{\mathbb{Z}}$	Dev	elopment Proposal Information:	
		<del>_</del>					$\Box$
	6.	Location map at scale of 1" = 1000 or 2000 feet	X		1.	For each lot near watercourses, codies, wetlands, flood hazard area, proposed floor elevation	
	25	Vicinity map showing: property lines/streets within 3001	X			of lowest floor.	
		a. scale of 1 " = 400' or 300'					
		b. adjacent owner identification	X				
	ŝ.	Index map if plat is divided into sections or $> 1$ is req.					
		a. showing lots, lot #'s, streets, street names					
		b. delineation of areas covered					
		c. scale of 1" = 400' or 800'					
						777.77	· •

## **Town of Philipstown**

238 Main Street Cold Spring New York 10516

# PLANNING BOARD SITE PLAN APPLICATION PACKAGE MAJOR PROJECT

Project Name:	ject Name * Garrison Golf Club PDD/ Hudson Valley Shakespeare Festival			
	Date:	October 20 2020		





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

Office (845) 265-

Fax (845) 265-2687

2

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

Date: October 20, 2020	Also (no activity planned) 601 601-69, 601-70, 602-26.71
	TM# _602-27. 602-29.1 and 602-
Project Name: Garrison Golf Club PDD/ Hudson Val	ley Shakespeare Festival (GGC & HVSF, respectively)
Street Address: 2015 US Route 9, Garrison, NY 1052	24
Fee Amount:	Received:
Bond Amount:	Received:
Applicant:	Tomat: Planners
Name Hudson Valley Shakespeare Festival	Name Kellard Sessions Consulting (J Johannessen)
Address 143 Main Street,	Address 500 Main Street
Cold Spring, NY 10516	Armonk, NY 10504
Telephone (781) 424-7568	Telephone (914) 273-2323
Design Professional:	Surveyor: & Civil Engineers
Name Nelson Byrd Woltz Landscape Architects	NameBadey & Watson, Surveying & Engineering, P.C.
Address 214 West 29th Street, Suite 900	Address 3063 Roue 9
New York, NY 10001	Cold Spring, NY 10515
Telephone (212) 260-2270 or (347) 778-0485	Telephone (845) 265-9217 x 214 or (914) 804-1926
Property Owner (if more than two, supply sep	<del>urate page)</del> : Traffic Engineers
Name Garrison Properties LLC	Name Kimley-Horn of New York, PC (J. Canning, PE)
Address P.O.B. 34, 2015 US Route 9	Address 1 North Lexington Avenue
Garrison NY 10524	White Plains, NY 10601
Telephone (845) 424-3604	Telephone (914) 368 9200

	Primarily 601-59.2, 601-59.3, Also (no activity planned) 601-63,
TM#	601-69, 601-70, 602-26.71, 602-27. 602-29.1 and 602-29.2

Project Name: Garrison Golf Club PDD/ Hudson Valley Shakespeare Festival		
Project Description: Modifications to the Garrison Golf Club Planned Development	District to provide	for: a permanent home for
the Hudson Valley Shakespeare Festival including two theaters, an outdoor pavilion and addition	-	· · · · · · · · · · · · · · · · · · ·
9 hole vs. 18 hole, golf course and a single family residential structure, while maintaining existing	ng banquet /restau	rant facility.
ZONING INFORMATION		
175-7 Zoning District: RC Rural Conservation		
175-10 Proposed Use: Recreational, Arts and Educational Uses in addition to existing	restaurant and ba	nquet facilities.
Proposed Accessory Use(s): Maintenance facilities, Administrative office	es	
11000304 110003301 y 030(3).		
175-7 Overlay Districts on the property:		Yes or No
175-13 Floodplain Overlay District - NFIP Map	(FPO)	NO
175-18.1 Mobile Home Overlay District	(MHO)	NO
175-14 Cold Spring Reservoir Water Shed Overlay	(WSO)	NO
175-15 Scenic Protection Overlay	(SPO)	YES
175-16 Aquifer Overlay District	(AQO)	YES
175-18 Open Space Conservation Overlay District	(OSO)	YES
175-35 Within 100 foot buffer of Wetlands or Watercourse		YES
175-36 Steep Terrain		YES
175-36 Ridge Line Protection		NO
175-37Protection Agricultural	****	NO

TM# Primarily 60.-1-59.2, 60.-1-59.3, Also (no activity planned) 60.-1-63, 60.-1-69, 60.-1-70, 60.-2-26.71, 60.-2-27. 60.-2-29.1 and 60.-2-29.2

Proi	iect	Na	ıme:	
LLV	UUL	TAR		

Garrison Golf Club PDD/ Hudson Valley Shakespeare Festival

#### 175-11 Density and Dimensional Regulations

Zoning District RC	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road	60 feet	>400	>400	Yes	No
Measured from the travel way County/State	60 feet	>220	>220	Yes	No
Minimum side yard setback	30 feet		20'	TBD*	TBD*
Minimum side yard setback (2)	30 feet		17.9	No	Pre-Existing
Minimum side yard setback (3)	30 feet		30	TBD*	TBD*
Minimum rear yard setback	50 feet	17.9	76.8	TBD*	TBD*
Maximum impervious surface coverage	10%	8.26	11.13	Yes	No
Maximum height	40 feet	<40'	<40'	Yes	No
Maximum footprint non-residential structures	6,000 sq. ft	18,000	18,000	No	Pre-existing
* Comliance/Necessity is dependent upon	results of p	etition to	amend PD	D	-

#### 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:

4

#### 500' ADJOINERS LIST 60.-1-59.2, 60.-1-59.3, 60.-1-63, 60.-1-69, 60.-1-70, 60.-2-26.71 6.-2-27, 60.-2-29.1, 60.-2-29.2 Garrison Properties, LLC

	Garrison Properties, LLC	
601-59.11	601-62	601-64
Levy Charles Simon	City of New York DEP	Garrison Golf Club LLC
225 E 57 <sup>th</sup> St Apt 9F	71 Smith Ave	PO Box 348
New York, NY 10022	Kingston, NY 12401	Garrison, NY 10524
601-65	601-66	601-68
Garrison Golf Club LLC	Tripp Alexander	Taymor, Julie
PO Box 348	135 Snake Hill Rd	874 Broadway Ste 1005
Garrison, NY 10524	Garrison, NY 10524	New York, NY 10003
601-71	601-72	601-73
Taymor, Julie	White Russell S	Taymor, Julie
874 Broadway Ste 1005	PO Box 85	874 Broadway Ste 1005
New York, NY 10003	Garrison, NY 10524	New York, NY 10003
602-25.1	602-25.4	602-25.2
O'Rourke James	K.J.A. Land Company Inc	O'Rourke, Raymond J
2 Overbrook Dr	2 Overlook Dr	238 Snake Hill Rd
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524
602-25.3	602-87	602-17
Emray Land Corporation	Bellman, Paul	Bellman, Paul
238 Snake Hill Rd	808 Broadway Apt PHD	808 Broadway Apt PHD
Garrison, NY 10524	New York, NY 10003	New York, NY 10003
602-18	602-19	602-88
Ben Adi Zsach	Tudor, Derek J	Singleton Kenneth P
18 Belie Ln	33 Lovell Ln	PO Box 148
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524
602-89	602-15	602-16
Tudor, Rodney A	Lilburne, David R D	Lilburne, David R D
PO Box 423	PO Box 189	PO Box 189
Garrison, NY 10524	Cold Spring, NY 10524	Cold Spring, NY 10524
602-90	602-14	602-26.8
Tudor, Rodney A	Moran, Margaret E	Pirraglia Anthony
PO Box 423	PO Box 157	14 Ledge Rock Ct
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524
602-26.62	602-26.61	602-26.5
Scali, Vincent	Labriola, Arthur	Leardi, Steven
15 Ledge Rock Ct	30 Greencliff Ln	39 Greencliff Ln
0 1 10/40771	6 1 40/ 40/04	Caminan NIV 10E24

Garrison, NY 10524

#### **500' ADJOINERS LIST Garrison Properties, LLC**

602-26.4	602-26.3	602-13	
McCullough Thomas	Brief Andrew	Zeiderman Lloyd	
30 Greencliff Ln	31 Greencliff Ln	170 Avery Rd	
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524	
Gairison, NT 10324	Garrison, NY 10321	34.1.35.1, 10.1.23.2.1	
602-28	602-53	602-52	
City of New York DEP	Coleman Mary Ann	Reed William B	
71 Smith Ave	83 Oak Hollow	673 Old Albany Post Rd	
Kingston, NY 12401	Garrison, NY 10524	Garrison, NY 10524	
Kingston, NY 12401	Gairison, NY 10324	Gairison, NT 10324	
602-40	602-39	602-33	
Southard Karen	Southard Karen	Pielmeier John	
PO Box 580	PO Box 580	39 Foxglove Ln	
	Garrison, NY 10524	Garrison, NY 10524	
Garrison, NY 10524	Garrison, NY 10524	Gaillson, NY 10324	
602-32	602-31	602-34	
Southard Karen	Northup Edmund D	Faigen Nancy	
PO Box 580	200 Philipse Brook Rd	158 Philipse Brook Rd	
	Garrison, NY 10524	Garrison, NY 10524	
Garrison, NY 10524	damson, NT 10324	Gairi3011, NT 10324	
CO 2.25	60. 3.36	602-37	
602-35	602-36	Graff Pascal	
Wallis Stephen	Wallis Stephen		
150 Philipse Brook Rd	150 Philipse Brook Rd	5 Foxglove Ln	
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524	
602-38	602-68	602-69	
Southard Karen	Balkan Jodi	Wunderlich John	
PO Box 580	118 Philipse Brook Rd	89 Frazier Rd	
	Garrison, NY 10524	Garrison, NY 10524	
Garrison, NY 10524	Gairison, NY 10324	Gaillison, NY 10324	
602-70	602-71.1	602-71.2	
Wunderlich John	Friars of the Atonement	Friars of the Atonement	
89 Frazier Rd	PO Box 300	PO Box 300	
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524	
Gallison, NV 10324	Gaillison, NY 10524	04/13011,141 10324	
602-71.3	601-61	601-60	
Friars of the Atonement	DiSalvo Catherine	Garrison Golf Club LLC	
PO Box 300	PO Box 254	PO Box 348	
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524	
602-73	602-74	602-75	
United Cerebral Palsy Assn	Fisher Samuel	Erickson Joel	
40 Jon Barrett Rd	22 Coleman Rd	18 Coleman Rd	
	0 : 10/ 40534	C NIV 10534	

### 500' ADJOINERS LIST Garrison Properties, LLC

602-76	602-77	602-80
Harris Alian E	The Bank of New York Mellon	The Bank of New York Mellon
27 Coleman Rd	4425 Ponce de Leon	4425 Ponce de Leon
Garrison, NY 10524	Coral Gables, FL 33146	Coral Gables, FŁ 33146
602-81	602-82	602-83
Rankel Carl	Olmsted Edward	Lombardo Louis
1994 Albany Post Rd	1992 Route 9	1988 Rt 9
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524
602-84 County Line Equities LLC 480 Furnace Dock Rd Cortlandt Manor, NY 10567	602-85 County Line Equities LLC 480 Furnace Dock Rd Cortlandt Manor, NY 10567	613-29 Guthrie Catherine W 27 Travis Corners Rd Garrison, NY 10524
613-27 Freeman Robert 29 Travis Corners Rd Garrison, NY 10524	613-26 Stafford Francis O C 23 Travis Corners Rd Garrison, NY 10524	602-78 Cunningham T J III 10 Coleman Rd Garrison, NY 10524
613-53	601-52	601-53
Minardi Frank W	Dickerhof Jakob K	Dickerhof Jakob K
34 Kona Way	16 Travis Corners Rd	16 Travis Corners Rd
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524
601-54	722-1	601-55
Cen Huds. Gas & Elec	Nytko Frederick E	Barrie John L
284 South Ave	1944 Rt 9	1940 Route 9
Poughkeepsie, NY 12601	Garrison, NY 10524	Garrison, NY 10524
713-1	601-572	601-56
Bouchard Todd	So. Highland Methodist	Sears Tashi
48 Parrott St	48 Parrot St	1941 Rt 9
Cold Spring, NY 10516	Cold Spring, NY 10516	Garrison, NY 10524
601-58	712-81	712-82
Savva Helen	Armstrong Amanda	Cottrell Nancy L
PO Box 63	1911 Albany Post Rd	PO Box 263
Garrison, NY 10524	Garrison, NY 10524	Garrison, NY 10524



#### 500' ADJOINERS LIST Garrison Properties, LLC

71.-2-83 Clarke Eileen P 1925 Rt 9 Garrison, NY 10524

71.-2-86 Ross Arthur H 43 Snake Hill Rd Garrison, NY 10524

71.-2-87 Townsend Mary C 40 Daffodil Hill Rd Garrison, NY 10524

71.-2-97 Filardo Vincent 70 Snake Hill Rd Garrison, NY 10524 71.-2-84 Rapalje Carolyn A 37 Snake Hill Rd Garrison, NY 10524

71.-2-76 Gereau Haddon Sezelle A 33 Daffodil Hill Rd Garrison, NY 10524

71.-2-92 Garrison Golf Club LLC PO Box 348 Garrison, NY 10524 71.-2-85 Ross Carolyn P 43 Snake Hill Rd Garrison, NY 10524

71.-2-88 Penner Melvyn S 75 Snake Hill Rd Cold Spring, NY 10516

71.-2-96 Gibson, Stacey H 70 Snake Hill Rd Garrison, NY 10524



#### TOWN OF PHILIPSTOWN **CODE ADMINISTRATOR**

238 MAIN STREET P.O. BOX 155 COLD SPRING, NY 10516

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

DATE OCTOBOR. 22,2020

TO:

Each & Watson
Surveying & Engineering, PC.
3063 RT9

Cox spring NY 10516

REF: Garrison Properties, LLC 2015 Rt 9

Garrison . NY 10524

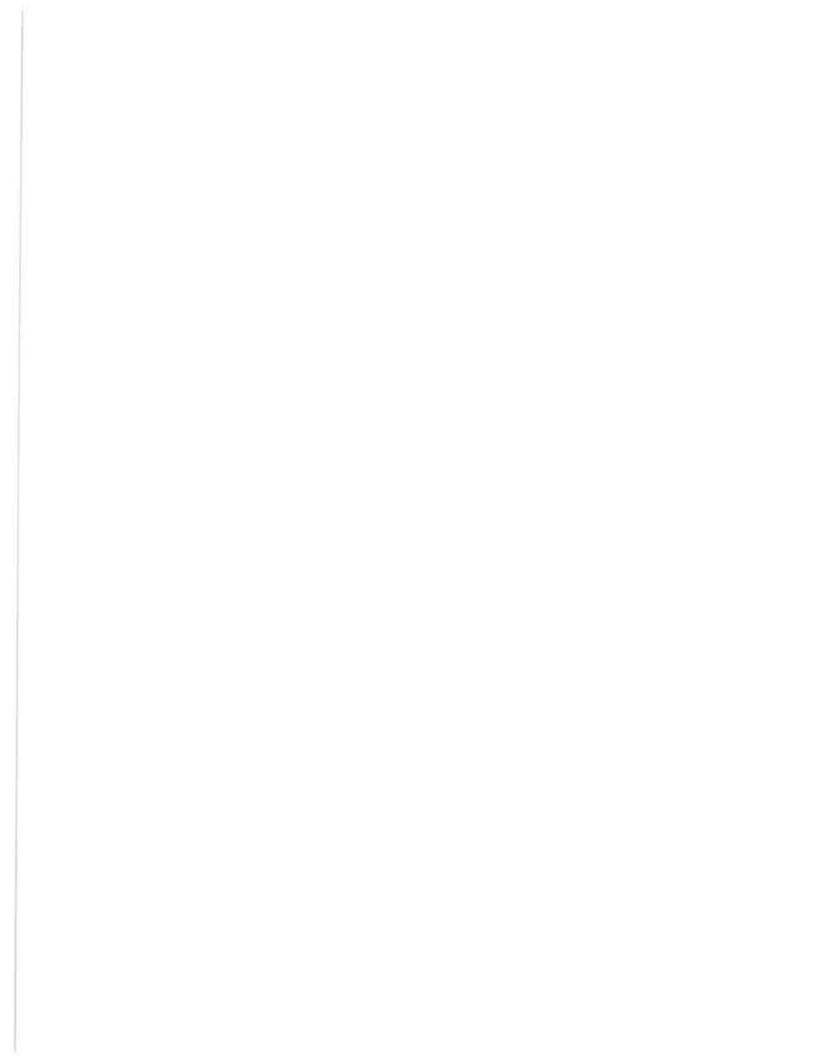
TAX MAP # 10.-1-59.2

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



# TOWN OF PHILIPSTOWN CODE ADMINISTRATOR

236 Main Staret P.O. Box 155 COLD SCRING, NY 10316

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

DATE: October 22,2020

[[]

Edela Wasson

Surveying & Engineering, P.C. 3063 RT9

Cold Spring, NY 10516

REF:

Garrison Properties, LLC

Gallison Ny 10524

TAX MAP # Lo. -1-59.3

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

# PARTS 1 AND 2 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM (EAF) FOR GARRISON GOLF CLUB PLANNED DEVELOPMENT DISTRICT AND HUDSON VALLEY SHAKESPEARE FESTIVAL

October 2020

Garrison Golf Club LLC P.O. Box 348 2015 U.S. Route 9 Garrison, New York 10524

And

Hudson Valley Shakespeare Festival 143 Main Street Cold Spring, New York 10516

Prepared By:

KELLARD SESSIONS CONSULTING 500 MAIN STREET ARMONK, NEW YORK 10504 (914) 273-2323 WWW.KELSES.COM



#### **TABLE OF CONTENTS**

- 1.0 PART 1 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM (EAF)
- 2.0 PART 2 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM (EAF)

#### **APPENDICIES**

APPENDIX A

PROJECT LOCATION MAP

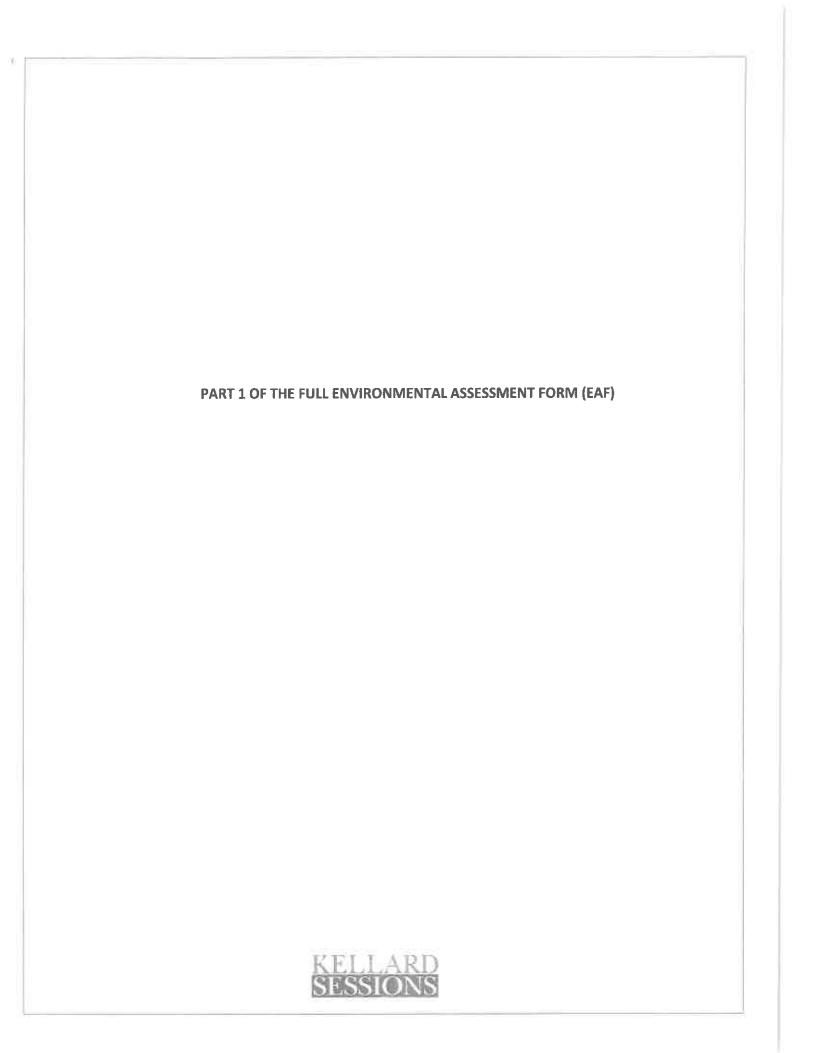
APPENDIX B

ON-SITE SOIL TABLE

APPENDIX C

GARRISON GOLF CLUB PLANNED DEVELOPMENT DISTRICT 2005 SEQRA FINDINGS STATEMENT COMPARISON TABLE





#### 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:			
Garrison Golf Club Planned Development District (GGCPDD)/Hudson Valley Shakespeare Fo	estival (HVSF)		
Project Location (describe, and attach a general location map):			
2015 US Rt. 9, Garrison, NY - GGCPDD is located on the west side of U.S. Route 9 in the im	mediate vicinity of Philipse Brook Ro	oad and Snake Hill Road	
Brief Description of Proposed Action (include purpose or need):		•	
Garrison Properties LLC and the Hudson Valley Shakespeare Festival (HVSF) are proposing an amendment to the present	ntly permitted Garrison Golf Club Planned Devel	opment District (GGCPDD) and the	
Rural Conservation District (RC) to allow the HVSF to relocate its facility from the Boscobel House and Gardens (also in Plance)	hilipstown), to the Garrison Golf Club. HVSF's lo	ong-term plan, which is proposed to	
be completed in two (2) phases, includes in no particular order, the installation of a permanent theater tent; construction of	a back of house building; construction of a year	r-round theater; artist and overnight	
accommodations; continuation of the existing restaurant use and reception hall; outdoor pavilion; box office and welcome of	center; picnic lawns and gardens; administrative	offices; improvements to the	
Snake Hill Road driveway and associated on-site bridge/culvert; reconfiguration of internal driveways; installation of additional additional contents of the configuration of the	onal parking; and construction of a single-family	residence. The Garrison Golf Club	
is proposed to be reduced in size from 18 to 9-holes and the proposed action includes the relocation of the golf pro-shop.	cart barn, and golf course parking. The proposed	d action also includes a 4-lot	
subdivision in order to separate and convey different parcels and uses.			
Name of Applicant/Sponsor:	Telephone: (845) 424-3604		
Garrison Golf Club LLC	E-Mail: chipallemann@thegarrison.com		
Address: 2015 U.S. Route 9			
City/PO: P.O. Box 348, Garrison	State: New York	Zip Code: 10524	
Project Contact (if not same as sponsor; give name and title/role):	Telephone: (781) 424 7568		
Kate Liberman, Managing Director, Hudson Valley Shakespeare Festival	E-Mail: kliberman@hvshakespea	are.org	
Address:			
143 Main Street			
City/PO:	State:	Zip Code:	
Cold Spring	New York	10516	
Property Owner (if not same as sponsor):	Telephone: (845) 424-3604	-	
Garrison Golf Club LLC (as owner and co-applicant)			
Address:			
2015 U.S. Route 9			
City/PO: P.O. Box 348, Garrison	State: New York	Zip Code: 10524	

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B.	Governmen	t A	ppr	ovals
----	-----------	-----	-----	-------

Government	Entity	If Yes: Identify Agency and Approval(s) Required		Application Date (Actual or projected)	
. City Counsel, Town Bo or Village Board of Tru		Amendment to the GGCPDD & Rural Conservation District	October 2020		
City, Town or Village Planning Board or Com	<b>∠</b> Yes <b>N</b> o	Philipstown Planning Board - Subdivision, Site Plan Approval, Special Use Permit	October 2020		
. City, Town or Village Zoning Board o	□Yes No f Appeals				
. Other local agencies	<b>✓</b> Yes No	Town of Philipstown - Conservation Board - Wetland Permit	TBD		
. County agencies	<b>∠</b> Yes No	PCDH (Septic); PCDHF (Highway Work Permit) Putnam County Planning Board - GML 239m & n	TBD		
Regional agencies	<b>∠</b> Yes No	NYCDEP - Aqueduct Crossing Review	TBD		
. State agencies	✓Yes□No	NYSDOT - Highway Work Permit NYSDEC - SPDES General Permit (Stormwater)	TBD		
. Federal agencies	□Yes☑No				
	hin a Coastal Erosio			☐ Yes ZN	
. Planning and Zoning  1. Planning and zoning  1. Planning and zoning  1. Planning and zoning  2. If Yes, complete	g actions. slative adoption, or a ust be granted to ena sections C, F and G.	amendment of a plan, local law, ordinance, rule ble the proposed action to proceed?			
. Planning and Zoning  .1. Planning and zoning  fill administrative or leginally approval(s) which makes  If Yes, complete to  If No, proceed to	sactions.  slative adoption, or a ust be granted to ena sections C, F and G. question C.2 and cor	amendment of a plan, local law, ordinance, rule			
2. Planning and Zoning 2.1. Planning and zoning 3.1. Planning and zoning 3.1. Planning and zoning 4. If Yes, complete a second to second	slative adoption, or a ust be granted to ena sections C, F and G. question C.2 and cor ans. opted (city, town, vi	amendment of a plan, local law, ordinance, rule ble the proposed action to proceed?  Implete all remaining sections and questions in the large or county) comprehensive land use plan(sections).	Part 1	□Yes ☑N  ☑Yes □N  □Yes ☑N	
. Planning and Zoning  .1. Planning and zoning  .1. Planning and zoning  .1. Planning and zoning  .2. Adopted land use planting  .3. Adopted land use planting  .4. Adopted land use planting  .5. Adopted land use planting  .6. Adopted land use planting  .7. Adopted land use planting  .8. Adopted land use planting  .9. Adopted land use plant	g actions.  slative adoption, or a ust be granted to ena sections C, F and G. question C.2 and corans.  opted (city, town, vi on would be located insive plan include speed action within any a Area (BOA); design	amendment of a plan, local law, ordinance, rule ble the proposed action to proceed?  Implete all remaining sections and questions in the large or county) comprehensive land use plan(sections).	Part 1 s) include the site proposed action example: Greenway; management plan;	☐Yes ☑N  ☑Yes ☐N  ☐Yes ☑N	
Planning and Zoning  1. Planning and zoning  ill administrative or leginally approval(s) which may be a second to the second to	g actions.  slative adoption, or a sust be granted to ena sections C, F and G. question C.2 and corans.  opted (city, town, vi on would be located nsive plan include spectaction within any Area (BOA); design coated within the Garrishilipstown Scenic Prote	amendment of a plan, local law, ordinance, rule able the proposed action to proceed?  Implete all remaining sections and questions in a plane or county) comprehensive land use planes or county) comprehensive land use planes or county comprehensive land use planes or recommendations for the site where the planed or regional special planning district (for enated State or Federal heritage area; watershed son Golf Club Planned Development District; the Tow ction Overlay District, and the Town of Philipstown Action	Part 1 s) include the site proposed action example: Greenway; management plan; on of Philipstown Open Spanifer Overlay District	☐ Yes ☑ N  ☐ Yes ☑ N  ☐ Yes ☑ N  ☐ Yes ☐ 1	
. Planning and Zoning  .1. Planning and zoning  .1. Planning and zoning  .1. Planning and zoning  .1. Planning and zoning  .2. Adopted land use pland  .3. Adopted land use pland  .4. Adopted land use pland  .4. Adopted land use pland  .5. Adopted land use pland  .6. Adopted land us	g actions.  slative adoption, or a ust be granted to ena sections C, F and G. question C.2 and corans.  opted (city, town, vi on would be located insive plan include speed action within any Area (BOA); design cocated within the Garrishilipstown Scenic Protections ocated wholly or parall farmland protections:	amendment of a plan, local law, ordinance, rule ble the proposed action to proceed?  mplete all remaining sections and questions in large or county) comprehensive land use plan(s)?  pecific recommendations for the site where the planed or regional special planning district (for enated State or Federal heritage area; watershed son Golf Club Planned Development District; the Tow ction Overlay District, and the Town of Phillipstown Actially within an area listed in an adopted munic	Part 1  s) include the site proposed action example: Greenway; management plan; on of Philipstown Open Spauifer Overlay District cipal open space plan,	□Yes□N □Yes□N □Yes□N □Yes□N	

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C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  If Yes, what is the zoning classification(s) including any applicable overlay district?  Garrison Golf Club Planned Development District (GGCPDD) and the Rural Conservation District (RC)	<b>☑</b> Yes <b>□</b> No
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?  If Yes,  i. What is the proposed new zoning for the site? Amendment to the GGCPDD and RC District's to allow uses not present.	✓ Yes ☐ No
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's Department and NYS Police	
c. Which fire protection and emergency medical services serve the project site?  Garrison Volunteer Ambulance Corps and Philipstown Volunteer Ambulance Corps	
d. What parks serve the project site?  Philipstown Park - 1239 Route 9D and Philipstown Community Center - 107 Glenclyffe Drive  Clarence Fahnestock State Park; Hudson Highlands State Park	

#### D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, indecomponents)? Amend the underlying zoning district to allow uses that we from the Boscobel to the Garrison Golf Club; the golf clu	
<ul> <li>b. a. Total acreage of the site of the proposed action?</li> <li>b. Total acreage to be physically disturbed?</li> <li>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</li> </ul>	200.3 acres *All physical improvements are proposed acres on Tax Lots 60.1-59.2 and 601-59.3 which total +/- 142 acres acres
c. Is the proposed action an expansion of an existing project or use? Golf i. If Yes, what is the approximate percentage of the proposed expansion square feet)? % Units:	posed new use and modification of existing Yes No course use and identify the units (e.g., acres, miles, housing units,
d. Is the proposed action a subdivision, or does it include a subdivision?  If Yes,  i. Purpose or type of subdivision? (e.g., residential, industrial, commerce Four (4) parcels are proposed and uses include performing arts and a ii. Is a cluster/conservation layout proposed?  iii. Number of lots proposed?  4  iv. Minimum and maximum proposed lot sizes? Minimum _+/-27 acres	ncillary uses; golf; and residential  ☐Yes ☑No
<ul> <li>e. Will the proposed action be constructed in multiple phases?</li> <li>i. If No, anticipated period of construction:</li> <li>ii. If Yes: <ul> <li>Total number of phases anticipated</li> <li>Anticipated commencement date of phase 1 (including demolitient of the phase)</li> <li>Generally describe connections or relationships among phases, in determine timing or duration of future phases:</li> </ul> </li> </ul>	months  *Phase 1 completion by 2024  2 ion) May month 2021 year Dec month 2031 year including any contingencies where progress of one phase may
Phase 1: Install permanent theater tent; back of house building; artist accommodation parking; convert golf course from 18 to 9 holes; relocate golf pro shop, cart barn, and	ons; Snake Hill Rd. driveway improvements/bridge replacement; d golf parking.

Phase 2: Construct year-round theater venue; private residence; overnight accommodations; additional parking

Page 3 of 13

f Does the proje	ct include new res	idential uses?			✓ Yes No
	nbers of units prop				
11 1 00, 5110 11 11411	One Family	Two Family	Three Family	Multiple Family (four or more)	
Initial Phase	0	0	0	0	
At completion					
of all phases	2	0	0	0	
g. Does the prope	osed action includ	e new non-residenti	al construction (incl	uding expansions)?	<b>∠</b> Yes No
If Yes,					
	r of structures				
				TBD width; and TBD length TBD square feet	
		g space to be heated			
h. Does the prop	osed action includ	e construction or ot	ner activities that wil	Il result in the impoundment of any	☐ Yes ☑ No
liquids, such a	is creation of a wa	ter supply, reservoir	, pond, lake, waste i	agoon or other storage?	
<i>i</i> . Purpose of the	e impoundment:				
ii. If a water imp	oundment, the pri	incipal source of the	water:	Ground water Surface water stream	ms Other specify:
		0.		14.	
iii. If other than v	water, identify the	type of impounded	contained liquids an	d their source.	
iv Approximate	size of the propos	sed impoundment.	Volume:	million gallons; surface area:	acres
v. Dimensions of	of the proposed da	m or impounding st	ructure:	million gallons; surface area:height;length	
vi. Construction	method/materials	for the proposed da	am or impounding st	ructure (e.g., earth fill, rock, wood, cor	ecrete):
D.A. D L ( O.	47		<u> </u>		
D.2. Project Op					o Myz Gay
a. Does the propo	osed action includ	e any excavation, m	ining, or dredging, d	turing construction, operations, or both	? ☐Yes ✓ No
materials will		aration, grading of it	istaliation of utilities	or foundations where all excavated	
If Yes:	cinam oubice)				
i. What is the pi	urpose of the exca	vation or dredging?			
ii. How much ma	iterial (including r	ock, earth, sedimen	ts, etc.) is proposed t	to be removed from the site?	
Over wl	hat duration of tim	ie?	a avanieted or drad	ged, and plans to use, manage or dispo-	se of them
iii. Describe natu	ire and characteris	dies of materials to t	be excavated of died	ged, and plans to use, manage or dispo-	or them.
					Tay Tay
		g or processing of e	cavated materials?		Yes No
If yes, descri	ibe			<u></u> -	
ν What is the to	otal area to be dree	dged or excavated?		acres	
		e worked at any one		acres	
			or dredging?	feet	
	avation require bla				☐Yes ☐No
ix. Summarize si	te reclamation goa	als and plan:			
				u.	
		<del> </del>			
1. XX71-1 41		a an accust in altereti	on of increase or de	crease in size of, or encroachment	✓ Yes No
			ach or adjacent area?		7 1 03 110
If Yes:	mb womand, water				
	wetland or waterbo	ody which would be	affected (by name,	water index number, wetland map num	ber or geographic
description):	Potential repair or re	olacement of an existing	no culvert at the site ac	cess driveway off Snake Hill Road, which is	in poor condition; this
	NYSDEC Class B (T Philipstown regulate		to the Philips Brook. (	Other site related activities may take place w	un une Town of

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		<del></del> -
ii. Des	cribe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of s	structures, or
	ration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square fe	
At th	ne present time, the project sponsor envisions that a repair to, or replacement of, the existing culvert associate access drive will be necessary due to its present width and condition. The applicant will retain a structural expension of the condition of the condition of the condition.	ated with the Shake
niii Koao	the condition of the culvert. If replacement or repair is needed, disturbance to the bed and banks of the street	am may be required.
dditiona	al information will be provided during the approval process.	
	the proposed action cause or result in disturbance to bottom sediments?	✓ Yes No
If Y	es, describe: TBD - Culvert replacement may disturb bottom sediments; however, the new culvert has not yet been des	
	If the proposed action cause or result in the destruction or removal of aquatic vegetation?	☐ Yes ✓ No
If Y	es:	
•	acres of aquatic vegetation proposed to be removed:	
•		
•	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. Des	cribe any proposed reclamation/mitigation following disturbance:	
c. Will i	the proposed action use, or create a new demand for water?	✓Yes □No
If Yes:	proposed deviations, or event a new designation for which	
i. Tota	al anticipated water usage/demand per day: 15,661 gallons/day	
ii. Wil	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
	l 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:	now water supply district of societies area proposed to be formed to serve and project site.	
•	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:	
Exis	ting and proposed on-site potable water wells	
vi. If w	ater supply will be from wells (public or private), what is the maximum pumping capacity:	s/minute.
d. Will	the proposed action generate liquid wastes?	✓ Yes   No
If Yes:		
i. Tota	al anticipated liquid waste generation per day:15,661 gallons/day	
	ure of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all comp	
	roximate volumes or proportions of each):	
Sani	itary wastewater	
111 VIV:11	the proposed action use any existing public wastewater treatment facilities?	☐Yes <b>Z</b> No
III. WIII		
•	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
	-	

Page 5 of 13

Do existing sewer lines serve the project site?	□Yes□No
<ul> <li>Will a line extension within an existing district be necessary to serve the project?</li> </ul>	□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:	<del>-</del>
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 speci	fying proposed
receiving water (name and classification if surface discharge or describe subsurface disposal plans):	
Use of existing and proposed sanitary sewage disposal systems (septic)	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste:	
None proposed	
TVIII 41	✓Yes No
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	I ES INO
source (i.e. sheet flow) during construction or post construction?	
If Yes:	
i. How much impervious surface will the project create in relation to total size of project parcel?	
125,017 Square feet or 2.87 acres (impervious surface) Note that the main parcel is +/- 142 acres; however, the	e entire PDD
8,725,068 Square feet or 200.3 acres (parcel size) is +/- 200.3 acres	
ii. Describe types of new point sources. Construction of new buildings, structures, driveways, and parking areas	<del></del>
YER THE CONTROL OF THE CONTROL O	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent pt groundwater, on-site surface water or off-site surface waters)?	opernes,
A Full Stormwater Pollution Prevention Plan (SWPPP) will be prepared in compliance with Town and NYSDEC requirements; no	ew impervious
surfaces will be conveyed and managed within approved on-site stormwater management facilities	
If to surface waters, identify receiving water bodies or wetlands:	
Will stormwater runoff flow to adjacent properties?	☐ Yes ☑ No ☑ Yes ☐ No
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel	☐Yes ZNo
combustion, waste incineration, or other processes or operations?  If Yes, identify:  Town requirements approved hours of construction operation.	
If Yes, identify: Town requirements-approved hours of construction operation  i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)	
t. Moone sources daring project operations (e.g., nearly equipment, nearly exercise, emerce)	
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,	□Yes ☑No
or Federal Clean Air Act Title IV or Title V Permit?	□Yes ☑No
or Federal Clean Air Act Title IV or Title V Permit?  If Yes:	
or Federal Clean Air Act Title IV or Title V Permit?  If Yes:  i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet	□Yes ☑No
or Federal Clean Air Act Title IV or Title V Permit?  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)	
or Federal Clean Air Act Title IV or Title V Permit?  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)  ii. In addition to emissions as calculated in the application, the project will generate:	
or Federal Clean Air Act Title IV or Title V Permit?  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)  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> )	
or Federal Clean Air Act Title IV or Title V Permit?  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)  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)	
or Federal Clean Air Act Title IV or Title V Permit?  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)  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)	
or Federal Clean Air Act Title IV or Title V Permit?  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)  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)	

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□Yes□No □Yes□No
□Yes ☑ No
LI I CS ZINO
fying proposed
ying proposed
<b>Z</b> Yes □No
entire PDD
operties,
w impervious
☐ Yes ☑ No ☑ Yes ☐ No
✓ Yes No
I les Zivo
□Yes ☑No
∐Yes□No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  If Yes:	☐Yes ✓ No
<ul> <li>i. Estimate methane generation in tons/year (metric):</li> <li>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to g electricity, flaring):</li> </ul>	generate heat or
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):	∐Yes <b>☑</b> No
i. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  If Yes:  i. When is the peak traffic expected (Check all that apply):   Randomly between hours of 6pm to 11pm.  ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump truck	✓Yes No
On average +/- 5 daily truck trips are anticipated; the majority of truck trips are made by box trucks, however, tractor trailers do	
iii. Parking spaces: Existing 173 Proposed 471 Net increase/decrease	+298
<ul> <li>iv. Does the proposed action include any shared use parking?</li> <li>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing Upgrade the existing site driveway intersection with Snake Hill Road and modification/relocation to internal driveways</li> </ul>	Yes No access, describe:
vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?	Yes No Yes No
c. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  If Yes:  i. Estimate annual electricity demand during operation of the proposed action:	<b>∠</b> Yes No
TBD  ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/l other):  NYSEG currently supplies electricity to the subject property; this service will be expanded to support the new use  iii. Will the proposed action require a new, or an upgrade, to an existing substation?	ocal utility, or
will the proposed action require a new, or an appraise, to an existing substanton:	1036140
. Hours of operation. Answer all items which apply. The applicant will abide by all Town noise regulations during construct i. During Construction:  • Monday - Friday: 7am-sunset • Monday - Friday: 7am-11pm	tion
• Saturday: 7am-12pm • Saturday: 7am-11pm	
• Sunday: None Sunday: 7am-11pm	
• Holidays: None • Holidays: 7am-11pm	

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m.	Will the proposed action produce noise that will exceed existing ambient noise levels during construction,	☐ Yes ☑ No
	operation, or both?	
	yes:	
	Provide details including sources, time of day and duration:	
Live exis	the atrical performances will take place within the proposed tent theater and year-round indoor theater; receptions will continue to ting banquet hall; a noise study will be conducted to further evaluate noise and to evaluate the anticipated noise compared to am	bient noise levels
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
	yes:	
i.	Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:	
	Outdoor lighting will be installed for safety and security purposes; a lighting plan will be developed during the site plan approval	process
II.	Will proposed action remove existing natural barriers that could act as a light barrier or screen?	☐ Yes ☑ No
	Describe:	
0.	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:	
	OVIII the arranged action include any hulls store as of astrology (combined conscity of eyes 1,100 cellogs)	✓ Yes □No
	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?	N I es 🗀 140
	Yes:	
	Product(s) to be stored #2 heating oil	
	Volume(s) 10.560 gal per unit time year (e.g., month, year)	
	Generally, describe the proposed storage facilities:	
DDV.	Existing on-site buildings are heated with fuel oil; the above volume represents the actual amount used in calendar year 2017	
. 1		
	Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides,	☐ Yes ☑ No
	insecticides) during construction or operation? Yes:	
	Describe proposed treatment(s):	
-		radicand from
18_k	The existing golf course utilizes pesticides as part of ongoing golf course maintenance. As the golf course will be notes to 9-holes, the use of these products will continue, but will be substantially reduced. The golf course superintenance is a superintenance of these products will continue, but will be substantially reduced. The golf course superintenance is a superintenance of these products will continue, but will be substantially reduced. The golf course superintenance is a superintenance of the	andent is a NVS
cert	ified applicator and follows Integrated Pest Management Practices.	311dGTK 13 d TV 10
ii	Will the proposed action use Integrated Pest Management Practices?	✓ Yes □No
	Will the proposed action (commercial or industrial projects only) involve or require the management or disposal	
	of solid waste (excluding hazardous materials)?	
If	Yes:	
i.	Describe any solid waste(s) to be generated during construction or operation of the facility:	
	Construction: 0.7 lbs per capita tons per	
	• Operation: 24 tons per month (unit of time)	
ii.	• Operation: 24 tons per month (unit of time)  Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	
	Construction: To the extent possible construction materials and demolition material will be recycled	
	Operation: Glass, tin, plastics and cardboard will be recycled.	
iii.	Proposed disposal methods/facilities for solid waste generated on-site:	
	Construction: Construction debris will be transported off-site by the contractor to an approved facility	
	Operation: Waste will be transported by a private hauler to an approved waste facility	

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s. Does the proposed action include construction or mod	lification of a solid waste man	agement facility?	Yes 🗹 No
<ul> <li>Type of management or handling of waste proposed other disposal activities):</li> </ul>	d for the site (e.g., recycling or	transfer station, composting	g, landfill, or
ii. Anticipated rate of disposal/processing:			
Tons/month, if transfer or other non-	-combustion/thermal treatmen	t, or	
Tons/hour, if combustion or thermal			
	years		
. Will the proposed action at the site involve the comme	ercial generation, treatment, st	orage, or disposal of hazard	ous 🗌 Yes 🗹 No
waste?			
f Yes:  i. Name(s) of all hazardous wastes or constituents to be	a generated handled or manag	red at facility:	
i. Ivanic(s) of all hazardous wastes of constituents to or	e generated, handred or manag	god at facility.	
ii. Generally describe processes or activities involving	hazardous wastes or constitue	nts:	
iii. Specify amount to be handled or generatedt	cons/month		
iv. Describe any proposals for on-site minimization, rec		constituents:	
v. Will any hazardous wastes be disposed at an existing	g offsite hazardous waste facil	ity?	☐Yes☐No
f Yes: provide name and location of facility:			
f No: describe proposed management of any hazardous	wastes which will not be sent	to a hazardous waste facility	y:
E. Site and Setting of Proposed Action		-	
E.1. Land uses on and surrounding the project site			
E.1. Land uses on and surrounding the project site  a. Existing land uses.			
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		(non form)	
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  Urban Industrial Commercial Resid	dential (suburban) 🛮 🗹 Rural		quet hall
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban Industrial Commercial Residence  Forest Agriculture Aquatic Other			quet hall
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban Industrial Commercial Resid  Forest Agriculture Aquatic Other  ii. If mix of uses, generally describe:	dential (suburban)	course, restaurant, bar and ban	quet hall
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban Industrial Commercial Resid  Forest Agriculture Aquatic Other  ii. If mix of uses, generally describe:	dential (suburban)	course, restaurant, bar and ban	quet hall
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban Industrial Commercial Resid  Forest Agriculture Aquatic Other  ii. If mix of uses, generally describe:  e subject property is currently developed with an 18-hole golf of	dential (suburban)	course, restaurant, bar and ban	quet hall
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban Industrial Commercial Resid  Forest Agriculture Aquatic Other  ii. If mix of uses, generally describe:  e subject property is currently developed with an 18-hole golf of	dential (suburban)	course, restaurant, bar and ban	
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban Industrial Commercial Resid  Forest Agriculture Aquatic Other  ii. If mix of uses, generally describe:  e subject property is currently developed with an 18-hole golf of the commercial and the project site.	dential (suburban)	course, restaurant, bar and ban	quet hall  Change (Acres +/-)
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the Urban Industrial Commercial Resider Forest Agriculture Aquatic Other ii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial Aquatic Commercial Other iii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial Covertypes on the project site.  Land uses or Covertype  Roads, buildings, and other paved or impervious	dential (suburban)	Acreage After Project Completion	Change (Acres +/-)
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the Urban Industrial Commercial Resider Forest Agriculture Aquatic Other ii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial Covertypes on the project site.  Land uses and covertypes on the project site.  Land use or Covertype  Roads, buildings, and other paved or impervious surfaces	dential (suburban)	course, restaurant, bar and ban r, and banquet hall Acreage After	Change
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the Urban Industrial Commercial Resider Other  Forest Agriculture Aquatic Other  ii. If mix of uses, generally describe:  e subject property is currently developed with an 18-hole golf of the company of the project site.  Land uses and covertypes on the project site.  Land use or Covertype  Roads, buildings, and other paved or impervious surfaces  Forested	dential (suburban)	Acreage After Project Completion	Change (Acres +/-)
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the Urban Industrial Commercial Resider of Profession Officers of Land uses, generally describe:  It mix of uses, generally describe:  It is subject property is currently developed with an 18-hole golf of the land uses and covertypes on the project site.  Land use or Covertype  Roads, buildings, and other paved or impervious surfaces  Forested	dential (suburban)	Acreage After Project Completion	Change (Acres +/-) +2.87
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the Urban Industrial Commercial Resider Forest Agriculture Aquatic Other ii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial Aquatic Other iii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial of the project site.  Land uses and covertypes on the project site.  Land use or Covertype  Roads, buildings, and other paved or impervious surfaces  Forested  Meadows, grasslands or brushlands (nonagricultural, including abandoned agricultural)  Agricultural	Current Acreage  8.26  49.97  11.63	Acreage After Project Completion  11.13  48.38  28.39	Change (Acres +/-) +2.87 -1.59 +16.76
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban Industrial Commercial Resid  Forest Agriculture Aquatic Other  ii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of  Land uses and covertypes on the project site.  Land use or  Covertype  Roads, buildings, and other paved or impervious surfaces  Forested  Meadows, grasslands or brushlands (nonagricultural, including abandoned agricultural)  Agricultural  (includes active orchards, field, greenhouse etc.)	Current Acreage  8.26  49.97	Acreage After Project Completion  11.13  48.38	Change (Acres +/-) +2.87 -1.59
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban	Current Acreage  8.26  49.97  11.63	Acreage After Project Completion  11.13  48.38  28.39	Change (Acres +/-) +2.87 -1.59 +16.76
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the Urban Industrial Commercial Resider Forest Agriculture Aquatic Other ii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial Aquatic Other iii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial o	Current Acreage  8.26  49.97  11.63	Acreage After Project Completion  11.13  48.38  28.39	Change (Acres +/-) +2.87 -1.59 +16.76
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the Urban Industrial Commercial Resider Forest Agriculture Aquatic Other ii. If mix of uses, generally describe:  the subject property is currently developed with an 18-hole golf of the commercial and uses and covertypes on the project site.  Land use or Covertype  Roads, buildings, and other paved or impervious surfaces  Forested  Meadows, grasslands or brushlands (nonagricultural, including abandoned agricultural)  Agricultural (includes active orchards, field, greenhouse etc.)  Surface water features (lakes, ponds, streams, rivers, etc.)  Wetlands (freshwater or tidal)	Current Acreage  8.26  49.97  11.63	Acreage After Project Completion  11.13  48.38  28.39	Change (Acres +/-) +2.87 -1.59 +16.76
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban	Current Acreage  8.26 49.97 11.63	Acreage After Project Completion  11.13  48.38  28.39  0  4.03	Change (Acres +/-) +2.87 -1.59 +16.76
E.1. Land uses on and surrounding the project site  Existing land uses.  i. Check all uses that occur on, adjoining and near the  Urban	Current Acreage  8.26 49.97 11.63 4.03 1.45	Acreage After Project Completion  11.13  48.38  28.39  0  4.03  1.45	Change (Acres +/-) +2.87 -1.59 +16.76 0

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<sup>\*</sup>As all physical improvements are proposed on Tax Lots 60.1-59.2 and 60.-1-59.3 which total +/- 142 acres

c. Is the project site presently used by members of the community for public recreation?	<b>∠</b> Yes□No
i. If Yes: explain: The subject property contains an 18-hole golf course which is open to the public	
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:	
The Walter Hoving Home is located at 40 Walter Hoving Road in Garrison	
e. Does the project site contain an existing dam?  If Yes:	☐ Yes ✓ No
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 facil If Yes:	☐Yes No lity?
i. Has the facility been formally closed?	☐ Yes☐ No
	103_110
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? If Yes:	☐ Yes ► No
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred	ed:
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?  If Yes:	□Yes No
<ul> <li>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site</li> <li>Remediation database? Check all that apply:</li> </ul>	☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s):	
Yes – Environmental Site Remediation database Provide DEC ID number(s):	
Neither database	
ii. If site has been subject of RCRA corrective activities, describe control measures:	
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  If yes, provide DEC ID number(s):	☐Yes☑No
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):	

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	ol limiting property uses?	☐Yes□No
If yes, DEC site ID number:		
<ul> <li>Describe the type of institutional control (e.g.)</li> </ul>	g., deed restriction or easement):	
Describe any use limitations:	——	
Describe any engineering controls:		
Will the project affect the institutional or engage		☐ Yes ☐ No
Explain:		
E.2. Natural Resources On or Near Project Site		
a. What is the average depth to bedrock on the project	site?	
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bed		☐ Yes ✓ No
c. Predominant soil type(s) present on project site:	Given the property size, the on-site	%
2k (1) k kJee-e	soil types vary significantly; see	— <sub>%</sub>
	constraints map	<del></del> %
d. What is the average depth to the water table on the	project site? Average: >6 feet	
	project site? Average	
e. Drainage status of project site soils: Well Draine		
✓ Moderately ¹	Well Drained: 0 % of site	
Poorly Drain	ned1_% of site	
f. Approximate proportion of proposed action site with	1 slopes: <b>2</b> 0-10%: 38 % of site	
	2 10-15%: 15 % of site	
	✓ 15% or greater: 47 % of site	
g. Are there any unique geologic features on the project If Yes, describe:		☐ Yes  No
- 6 6		
i. Does any portion of the project site contain wetland	ds or other waterbodies (including streams, rivers,	<b>∠</b> Yes No
i. Does any portion of the project site contain wetland ponds or lakes)?		
<ul><li>i. Does any portion of the project site contain wetland ponds or lakes)?</li><li>ii. Do any wetlands or other waterbodies adjoin the project site of the proje</li></ul>		<b>∠</b> Yes□No
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the professional of the project site contains the project of the project site contains wetland.</li> <li>ii. Do any wetlands or other waterbodies adjoin the project site contain wetlands.</li> <li>iii. Do any wetlands or other waterbodies adjoin the project site contains wetlands.</li> <li>iii. Do any wetlands or other waterbodies adjoin the project site contains wetlands.</li> <li>iii. Do any wetlands or other waterbodies adjoin the project site of the</li></ul>	oject site?	
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the proof of Yes to either i or ii, continue. If No, skip to E.2.i.</li> <li>iii. Are any of the wetlands or waterbodies within or a state or local agency?</li> </ul>	oject site?	✓Yes No
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profession of the result of the profession.</li> <li>ii. Are any of the wetlands or waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies.</li> </ul>	oject site?  Idjoining the project site regulated by any federal,  It is a site of the project site, provide the following information of the project site.	☑Yes□No ☑Yes□No
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profit Yes to either i or ii, continue. If No, skip to E.2.i.</li> <li>iii. Are any of the wetlands or waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies.</li> <li>Streams: Name 862-52.1</li> <li>Lakes or Ponds: Name Unnamed on-site pon Wetlands: Name Federal Waters, Fede</li> </ul>	oject site?  Idjoining the project site regulated by any federal,  Idy on the project site, provide the following information  Classification B(TS)	✓Yes No ✓Yes No 4.03 acres
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profit Yes to either i or ii, continue. If No, skip to E.2.i.</li> <li>iii. Are any of the wetlands or waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies.</li> <li>Streams: Name 862-52.1</li> <li>Unnamed on-site ponds: Name Wetlands: Name Federal Waters, F</li></ul>	oject site?  Idjoining the project site regulated by any federal,  Idy on the project site, provide the following information  Classification B(TS)  Classification N/A -  Approximate Size	✓Yes No ✓Yes No 4.03 acres
ponds or lakes)?  ii. Do any wetlands or other waterbodies adjoin the proof of the proof of the wetlands or waterbodies within or a state or local agency?  iv. For each identified regulated wetland and waterbodies.  Streams:  Name  862-52.1  Lakes or Ponds:  Name Wetlands:  Name Federal Waters, Fede	oject site?  Idjoining the project site regulated by any federal,  Idy on the project site, provide the following information  Classification B(TS)  Classification N/A -  Approximate Size	✓Yes No ✓Yes No 4.03 acres
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<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profit Yes to either i or ii, continue. If No, skip to E.2.i.</li> <li>iii. Are any of the wetlands or waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies.</li> <li>Streams: Name 862-52.1</li> <li>Unnamed on-site pon Federal Waters, Fede Wetland No. (if regulated by DEC) N/A</li> <li>v. Are any of the above water bodies listed in the most waterbodies?</li> </ul>	djoining the project site regulated by any federal,  dy on the project site, provide the following information  Classification  Classification  Classification  N/A-  Approximate Size	✓Yes No ✓Yes No 4.03 acres 4.45 acres
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profit Yes to either i or ii, continue. If No, skip to E.2.i.</li> <li>iii. Are any of the wetlands or waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies. Streams: Name 862-52.1</li> <li>Lakes or Ponds: Name Wetlands: Name Wetlands: Name Federal Waters, Fede Wetland No. (if regulated by DEC) N/A</li> <li>v. Are any of the above water bodies listed in the most waterbodies?</li> <li>if yes, name of impaired water body/bodies and basis for the stream of the stream of</li></ul>	djoining the project site regulated by any federal,  dy on the project site, provide the following information  Classification  Classification  Classification  N/A-  Approximate Size	✓Yes No ✓Yes No 4.03 acres 4.45 acres
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profession of the year of the year of the wetlands or waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies.</li> <li>Streams: Name 862-52.1</li> <li>Lakes or Ponds: Name Unnamed on-site pon Wetlands: Name Federal Waters, Fede Wetland No. (if regulated by DEC) N/A</li> <li>v. Are any of the above water bodies listed in the most waterbodies?</li> <li>If yes, name of impaired water body/bodies and basis for the project site in a designated Floodway?</li> </ul>	djoining the project site regulated by any federal,  dy on the project site, provide the following information  Classification  Classification  Classification  N/A-  Approximate Size	✓Yes No  Yes No  4.03 acres  4.5 acres
i. Does any portion of the project site contain wetland ponds or lakes)?  ii. Do any wetlands or other waterbodies adjoin the profession of the project site of the project site. If No, skip to E.2.i.  iii. Are any of the wetlands or waterbodies within or a state or local agency?  iv. For each identified regulated wetland and waterbodies. Streams:  Name 862-52.1  Lakes or Ponds: Name Wetlands: Name Federal Waters, Federal Waters, Federal waterbodies?  Wetland No. (if regulated by DEC) N/A  v. Are any of the above water bodies listed in the most waterbodies?  If yes, name of impaired water body/bodies and basis for the project site in a designated Floodway?  It is the project site in the 100-year Floodplain?	djoining the project site regulated by any federal,  dy on the project site, provide the following information  Classification  Classification  Classification  N/A-  Approximate Size	Yes No Yes No  4.03 acres  4.5 acres  Yes No
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profession of the project site in the project site contains wetlands or waterbodies adjoin the profession of the project site in the project site contains wetlands and waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies. Name</li></ul>	djoining the project site regulated by any federal,  dy on the project site, provide the following information  Classification B(TS)  Classification N/A - Approximate Size  trecent compilation of NYS water quality-impaired  for listing as impaired:	Yes No  Yes No  4.03 acres  1.45 acres  Yes No  Yes No
<ul> <li>i. Does any portion of the project site contain wetland ponds or lakes)?</li> <li>ii. Do any wetlands or other waterbodies adjoin the profession of the results of the profession of the wetlands or waterbodies within or a state or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv. For each identified regulated wetland and waterbodies of both states or local agency?</li> <li>iv</li></ul>	djoining the project site regulated by any federal,  dy on the project site, provide the following information  Classification B(TS)  Classification N/A - Approximate Size  trecent compilation of NYS water quality-impaired  for listing as impaired:	Yes No  Yes No  4.03 acres  1.45 acres  Yes No  Yes No  Yes No

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m. Identify the predominant wildlife s whitetail deer		e project site:	
turkey	grouse	songbirds	<del></del>
gray squirrel	crow	other typical specie	) c
n. Does the project site contain a desig		nmunity?	☐Yes <b>Z</b> No
If Yes:	nation significant hatural col	initianity :	1 62 2140
i. Describe the habitat/community (co	omposition, function, and be	asis for designation);	
	-		
ii. Source(s) of description or evaluate	ion:		
iii. Extent of community/habitat:			
• Currently:		acres	
Following completion of projection of p	ect as proposed:	acres	
• Gain or loss (indicate + or -):		acres	
	contain any areas identified	sted by the federal government or NYS as as habitat for an endangered or threatened	
p. Does the project site contain any spe special concern? If Yes: i. Species and listing:	cies of plant or animal that	is listed by NYS as rare, or as a species of	□Yes☑No
q. Is the project site or adjoining area con If yes, give a brief description of how the	rrently used for hunting, trace proposed action may affe	apping, fishing or shell fishing?	□Yes ✓No
E.3. Designated Public Resources Or	or Near Project Site		
a. Is the project site, or any portion of it Agriculture and Markets Law, Articl If Yes, provide county plus district name	le 25-AA, Section 303 and 3	ricultural district certified pursuant to 304?	∐Yes <b>Z</b> No
b. Are agricultural lands consisting of h i. If Yes: acreage(s) on project site? ii. Source(s) of soil rating(s):	ighly productive soils prese	nt?	□Yes ✓No
c. Does the project site contain all or pa Natural Landmark? If Yes:	urt of, or is it substantially co	ontiguous to, a registered National	□Yes •No
i. Nature of the natural landmark:	☐ Biological Communit rk, including values behind	y Geological Feature designation and approximate size/extent:	
1. Is the project site located in or does it f Yes:  i. CEA name:	adjoin a state listed Critica		☐ Yes  No
iii. Designating agency and date:			

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e. Does the project site contain, or is it substantially contiguous to, a bu which is listed on the National or State Register of Historic Places, or Office of Parks, Recreation and Historic Preservation to be eligible for If Yes:	r that has been determined by the Commissi	
<ul> <li>i. Nature of historic/archaeological resource: Archaeological Site</li> <li>ii. Name: Eligible property:Brookmeade, Eligible property:South Highland Unit</li> </ul>	☑ Historic Building or District ed Methodist Church and Parsonage: Route 9 Co	rridor Screening
iii. Brief description of attributes on which listing is based:		-
Methodist church, parsonage and cemetery meet criteria for listing per the NYSS	HPO	
f. Is the project site, or any portion of it, located in or adjacent to an are archaeological sites on the NY State Historic Preservation Office (SH		<b>∠</b> Yes No
g. Have additional archaeological or historic site(s) or resources been id  If Yes:  i. Describe possible resource(s):  ii. Basis for identification:		□Yes ☑No
h. Is the project site within fives miles of any officially designated and pascenic or aesthetic resource?  If Yes:	publicly accessible federal, state, or local	<b>∠</b> Yes <b></b> No
<ul> <li>i. Identify resource: Bear Mountain-Beacon Highway (US Route 9D) and the</li> <li>ii. Nature of, or basis for, designation (e.g., established highway overleetc.): Scenic Byway and National Scenic Trail, respectively</li> </ul>		scenic byway,
iii. Distance between project and resource: 1 and 2 miles, respectively m	iles.	
i. Is the project site located within a designated river corridor under the Program 6 NYCRR 666?  If Yes:	e Wild, Scenic and Recreational Rivers	☐ Yes ✓ No
<ul><li>i. Identify the name of the river and its designation:</li><li>ii. Is the activity consistent with development restrictions contained in</li></ul>	6NVCRR Part 6669	☐Yes ☐No
ii. Is the activity consistent with development restrictions contained in	on i chici att ooo:	
F. Additional Information Attach any additional information which may be needed to clarify you If you have identified any adverse impacts which could be associated a measures which you propose to avoid or minimize them.		apacts plus any
G. Verification I certify that the information provided is true to the best of my knowle Applicant/Sponsor Name Jan K. Johannessen, AICP	dge. Date_ <b>October 22, 2020</b>	
Signature Jan K. Johannessen	Title Principal, Kellard Sessions Consulting	

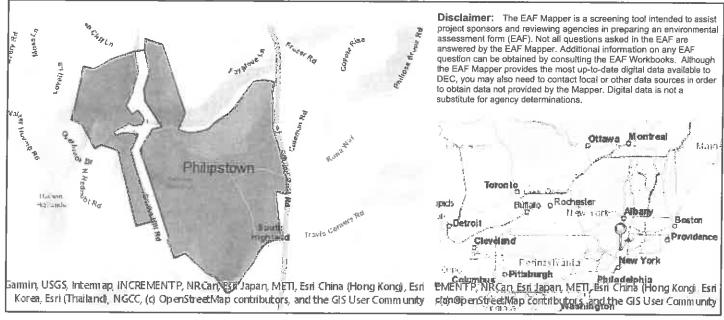
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## **EAF Mapper Summary Report**

Thursday, October 1, 2020 2:07 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-52.1
E.2.h.iv [Surface Water Features - Stream Classification]	B(TS)
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No

Full Environmental Assessment Form - EAF Mapper Summary Report

E.2.1. [Aquifers]	Yes
E.2.I. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Brookmeade, Eligible property:South Highland United Methodist Church and Parsonage
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

PART 2 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM (EAF)



# Full Environmental Assessment Form Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

#### Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land	b1-0]		
Proposed action may involve construction on, or physical alteration of,			YES
the land surface of the proposed site. (See Part 1. D.1)			
If "Yes", answer questions a - j. If "No", move on to Section 2.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a		
<ul> <li>The proposed action may involve construction that continues for more than one year or in multiple phases.</li> </ul>	Dle		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i		
h. Other impacts:			

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minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.  Relevant Part I Question(s)  a. Identify the specific land form(s) attached:  b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature:  c. Other impacts:  The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  If "Yes", answer questions a - l. If "No", move on to Section 4.  Relevant Part I Question(s)  a. The proposed action may create a new water body.  D2b, D1b	0 [	]YES	
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dumes, minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.  Relevant Part I Question(s)  a. Identify the specific land form(s) attached:  E2g  b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature:  c. Other impacts:  3. Impacts on Surface Water  The proposed action may affect one or more wetlands or other surface water bodics (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  If "Yes", answer questions a - 1. If "No", move on to Section 4.  Relevant Part I Question(s)  a. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.  c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.  c. The proposed action may create turbidity in a waterbody, either from upland crosion, runoff or by disturbing bottom sediments.  f. The proposed action may include construction of one or more outfall(s) for discharge of waster may include construction of one or more outfall(s) for discharge of wasterwater to surface water.  g. The proposed action may include construction of one or more outfall(s) for discharge of wasterwater to surface water.  g. The proposed action may include construction of one or more outfall(s) for discharge of wasterwater to surface water.  g. The proposed action may include construction of one or more outfall(s) for discharge of wasterwater to surface water.  g. The proposed action may include construction of one or more outfall(s) for discharge of wasterwater to surface water.	No, or small impact may occur	Moderate to large impact may occur	
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.  Quentify the specific land form(s) attached:  the proposed action may affect or is adjacent to a geological feature listed as a gistered National Natural Landmark.  secific feature:  ther impacts:  ther impacts on Surface Water  The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  If "Yes", answer questions a - l. If "No", move on to Section 4.  proposed action may result in an increase or decrease of over 10% or more than a acre increase or decrease in the surface area of any body of water.  proposed action may involve dredging more than 100 cubic yards of material may aveil and or water body.  proposed action may involve dredging more than 100 cubic yards of material may aveil and or water body.  proposed action may involve construction within or adjoining a freshwater or all wetland, or in the bed or banks of any other water body.  proposed action may include construction of one or more intake(s) for withdrawal of or by disturbing bottom sediments.  proposed action may include construction of one or more outfall(s) for discharge water from surface water.  proposed action may include construction of one or more outfall(s) for discharge water from surface water.  proposed action may affect the water quality of any water bodies within or vinstream of the site of the proposed action.  proposed action may require the construction of pesticides or herbicides in or und any water body.	E2g		
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.  Relevant Part Question  Identify the specific land form(s) attached:  E2g  The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.  Specific feature:  Other impacts:  Impacts on Surface Water  The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  If "Yes", answer questions a - l. If "No", move on to Section 4.  Relevant Part 1 Question  The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.  The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.  The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.  The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water.  The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water.  The proposed action may include construction or other degradation of receiving	Е3с		
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.  Red Pa Question for the proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.  Specific feature:  Other impacts:  Impacts on Surface Water  The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  If "Yes", answer questions a - l. If "No", move on to Section 4.  Red Pa Question may create a new water body.  The proposed action may result in an increase or decrease of over 10% or more than a 0 acre increase or decrease in the surface area of any body of water.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  The proposed action may create turbidity in a waterbod			
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.  Requestion a - c. If "No", move on to Section 3.  Requestion a - c. If "No", move on to Section 3.  Requestion a suppression of the state of the surface and substantial substantial landmark.  Recific feature:  Interpreparation of the state of the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  If "Yes", answer questions a - l. If "No", move on to Section 4.  Representation of the state of the surface area of any body of water.  Proposed action may result in an increase or decrease of over 10% or more than a acre increase or decrease in the surface area of any body of water.  Proposed action may involve dredging more than 100 cubic yards of material may a wetland or water body.  Proposed action may involve construction within or adjoining a freshwater or all wetland, or in the bed or banks of any other water body.  Proposed action may involve construction within or adjoining a freshwater or all wetland, or in the bed or banks of any other water body.  Proposed action may include construction of one or more intake(s) for withdrawal off or by disturbing bottom sediments.  Proposed action may include construction of one or more outfall(s) for discharge water from surface water.  Proposed action may include construction or otherwise create a source of material surface water to surface water(s).  Proposed action may acause soil erosion, or otherwise create a source of material surface water to surface water to surface water form surface water to surface water to surface water to surface water form any cause soil erosion, or otherwise create a source of material surface water to surface water to surface water form any cause soil erosion, or otherwise crea		<u> </u>	1
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part I. B.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.    Relevant Part I Question(s)   Small impact may occur	YES		
	Part I	small impact	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h		
	D2b		
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a		
	E2h		
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h		
	D2c		
	D2d		
stormwater discharge that may lead to siltation or other degradation of receiving	D2e		
<ol> <li>The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.</li> </ol>	E2h		
<ol> <li>The proposed action may involve the application of pesticides or herbicides in or around any water body.</li> </ol>	D2q, E2h	Ø	
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d		

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1. Other impacts:			
4. Impact on groundwater  The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquif (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  If "Yes", answer questions a - h. If "No", move on to Section 5.	□N(		YES
g === , mane quasions w m g no , more on so decision s.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c		
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.  Cite Source:	D2c		
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c		
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l		
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h		
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l		
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c		
h. Other impacts:			
<ul> <li>5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.</li> </ul>	<b>⊘</b> NO		YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i		
b. The proposed action may result in development within a 100 year floodplain.	E2j		
c. The proposed action may result in development within a 500 year floodplain.	E2k		
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e		
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k		
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e		

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	YES
or ill	Moderate to large impact may
ceur	occur
	YES
or      ct   cur	Moderate to large impact may occur
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6. Impacts on Air  The proposed action may include a state regulated air emission source.  (See Part 1. D.2.f., D,2,h, D.2.g)  If "Yes", answer questions a - f. If "No", move on to Section 7.	Relevant		YES
The proposed action may include a state regulated air emission source.  (See Part 1. D.2.f., D,2,h, D.2.g)  If "Yes", answer questions a - f. If "No", move on to Section 7.	Relevant Part I		YES
The proposed action may include a state regulated air emission source.  (See Part 1. D.2.f., D,2,h, D.2.g)  If "Yes", answer questions a - f. If "No", move on to Section 7.	Relevant Part I		YES
	Part I		
	Question(s)	No, or small impact may occur	Moderate to large impact may occur
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g D2g D2g D2g D2g D2g	0 0 0 0	
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g		
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g		
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g		
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s		
f. Other impacts:			
7. Impact on Plants and Animals  The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. mq  If "Yes", answer questions a - j. If "No", move on to Section 8.	q.)	NO	YES
	Relevant Part I uestion(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	lo	Ø	
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	Ro	Ø	
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	£p	Ø	
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	Ep .	Ø	

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e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	ЕЗс	12	
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.  Source:	E2n	2	
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m		
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.  Habitat type & information source:	Elb	Ø	
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q		
. Other impacts:			
3. Impact on Agricultural Resources  The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.	and b.)	✓NO	YES
1	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a	Relevant Part I	No, or small impact	Moderate to large impact may
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.  1. The proposed action may impact soil classified within soil group 1 through 4 of the	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.  a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.  b. The proposed action may sever, cross or otherwise limit access to agricultural land	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.  The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.  The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).  The proposed action may result in the excavation or compaction of the soil profile of	Relevant Part I Question(s) E2c, E3b E1a, Elb	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.  1. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.  2. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).  2. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.  3. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10	Relevant Part I Question(s)  E2c, E3b  E1a, Elb	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.  The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.  The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).  The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.  The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.  The proposed action may disrupt or prevent installation of an agricultural land	Relevant Part I Question(s)  E2c, E3b  E1a, Elb  E3b  E1b, E3a	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.  The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.  The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).  The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.  The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.  The proposed action may disrupt or prevent installation of an agricultural land management system.	Relevant Part I Question(s)  E2c, E3b  E1a, E1b  E3b  E1b, E3a  E1 a, E1b  C2c, C3,	No, or small impact may occur	Moderate to large impact may occur

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h. Other impacts:

9. Impact on Aesthetic Resources  The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)	N L	(O •	YES
If "Yes", answer questions a - g. If "No", go to Section 10.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h		
<ul> <li>The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.</li> </ul>	E3h, C2b		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h		<b>2</b>
d. The situation or activity in which viewers are engaged while viewing the proposed	E3h		
action is:	E2q,		
Routine travel by residents, including travel to and from work     Recreational or tourism based activities	Elc		2
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h		
f. There are similar projects visible within the following distance of the proposed project:  0-1/2 mile ½-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	Ø	
g. Other impacts:			
		<u> </u>	
10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.	N		YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.	E3g		

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Other impacts:						
If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:  i. The proposed action may result in the destruction or alteration of all or part	E3e, E3g E3f	57				
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3 E3g, E1 E1b E3e, E3 E3g, E1 C2, C3	a, if, 3h,	<b>Ø</b>			
11. Impact on Open Space and Recreation  The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted reduction of an open space plan.		NO		YE	Moderate	
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.  1. Impact on Open Space and Recreation  The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  (See Part 1. C.2.c, E.1.c., E.2.q.)  If "Yes", answer questions a - e. If "No", go to Section 12.  Page Question 12.  The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.  D2e, E2h, E2m storage, nutrient cycling, wildlife habitat.  C2a C2c  The proposed action may result in the loss of a current or future recreational resource.  C2a C2c  The proposed action may eliminate open space or recreational resource in an area	art I	No, sm: imp may o	all act	to large impact may occur		
a. The proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action in the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions, or "ecosystem as the proposed action may result in an impairment of natural functions are not as the proposed action may result in a proposed action may result in an impairment of natural functions are not all the proposed action may result in a propos		n, E2o,	]			
services, proving wildlife habitat.		a, Elc,				-
b. The proposed action may result in the loss of a current	a C2	2a, C2c				-
c. The proposed action may eliminate open space s. with few such resources.	C	2c, E1c				_
12 Impact on Critical Environmental Areas		V	NO	[	YES	
The proposed action may be less than the propose	proposed action may result in a loss of recreational opportunities or a lunction of an open space resource as designated in any adopted luncipal open space plan.  See Part 1. C.2.c, E.1.c., E.2.q.)  Press", answer questions a - e. If "No", go to Section 12.  Proposed action may result in an impairment of natural functions, or "ecosystem learn, provided by an undeveloped area, including but not limited to stormwater learn, see proposed action may result in the loss of a current or future recreational resource.  Proposed action may result in the loss of a current or future recreational resource.  Proposed action may eliminate open space or recreational resource in an area learn, experimental fine to a critical environmental area (CEA).  C2c, E1c  Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  If "Yes", answer questions a - c. If "No", go to Section 13.  Proposed action to a critical environmental area (CEA). (See Part 1. E.3.d)  Press", answer questions a - c. If "No", go to Section 13.	Relevan Part I Question	(e)	No, or small impact may occ	ur occu	e nay
and advetion in the quantity of the resource	or	E3d				
characteristic willed	or	E3d				
b. The proposed action may result in a reduction.  The proposed action may result in a reduction of the CEA.						
c. Other impacts:				1		
Page 7 of 10				RI	ESET FOR	M

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	occur	
0		YES
T	No, or small impact may occur	Moderate to large impact may
+	may occur	occur
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13. Impact on Transportation  The proposed action may result in a change to existing transportation systems (See Part 1. D.2.j)	. <u> </u>		YES
If "Yes", answer questions a - g. If "No", go to Section 14.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j		
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<b>Ø</b>	
c. The proposed action will degrade existing transit access.	D2j		
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j		
e. The proposed action may alter the present pattern of movement of people or goods.	D2j		<b>Z</b>
f. Other impacts: The applicant will complete a traffic impact analysis to determine if any improvements to the existing condition are required to mitigate impacts (if any)			
14. Impact on Energy  The proposed action may cause an increase in the use of any form of energy.  (See Part 1. D.2.k)  If "Yes", answer questions a - e. If "No", go to Section 15.			YES
If Its, unarrel questions w c. 2, 110, go to 2000.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k		
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k		Ø
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k		
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	Dlg		
e. Other Impacts:			
15. Impact on Noise, Odor, and Light  The proposed action may result in an increase in noise, odors, or outdoor light (See Part 1. D.2.m., n., and o.)  If "Yes", answer questions a - f. If "No", go to Section 16.	ting. NC	) [/]	YES
1, 100, 0,000, 4,000, 100, 100, 100, 100	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	Z	
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d		
c. The proposed action may result in routine odors for more than one hour per day.	D2o		

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d. The proposed action may result in light shining onto adjoining properties.	D2n		
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a		
f. Other impacts:			
16. Impact on Human Health  The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. an If "Yes", answer questions a - m. If "No", go to Section 17.	nd h.)	) [	YES
y res , answer questions a m. 27 the , go to seemes 1.1	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	Eld		
b. The site of the proposed action is currently undergoing remediation.	Elg, Elh		
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	Elg, Elh		
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	Elg, Elh		
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	Elg, Elh		
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t		
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f		
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	۵	
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	Ö	
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	Elf, Elg Elh		
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	Elf, Elg	o .	
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r		
m. Other impacts:			

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17. Consistency with Community Plans  The proposed action is not consistent with adopted land use plans.  (See Part 1. C.1, C.2. and C.3.)	<b>✓</b> NO	Y	'ES
If "Yes", answer questions a - h. If "No", go to Section 18.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b		
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2		
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3		<u> </u>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2		
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb		
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j		
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a		
h. Other:			
18. Consistency with Community Character  The proposed project is inconsistent with the existing community character.  (See Part 1. C.2, C.3, D.2, E.3)	✓NO	Ŋ	ES
If "Yes", answer questions a - g. If "No", proceed to Part 3.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	0	-
b. The proposed action may create a demand for additional community services (e.g.	C4		
schools, police and fire)			
	C2, C3, D1f D1g, E1a		
schools, police and fire)  c. The proposed action may displace affordable or low-income housing in an area where			
schools, police and fire)  c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.  d. The proposed action may interfere with the use or enjoyment of officially recognized	D1g, E1a		
schools, police and fire)  c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.  d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.  e. The proposed action is inconsistent with the predominant architectural scale and	D1g, E1a C2, E3		

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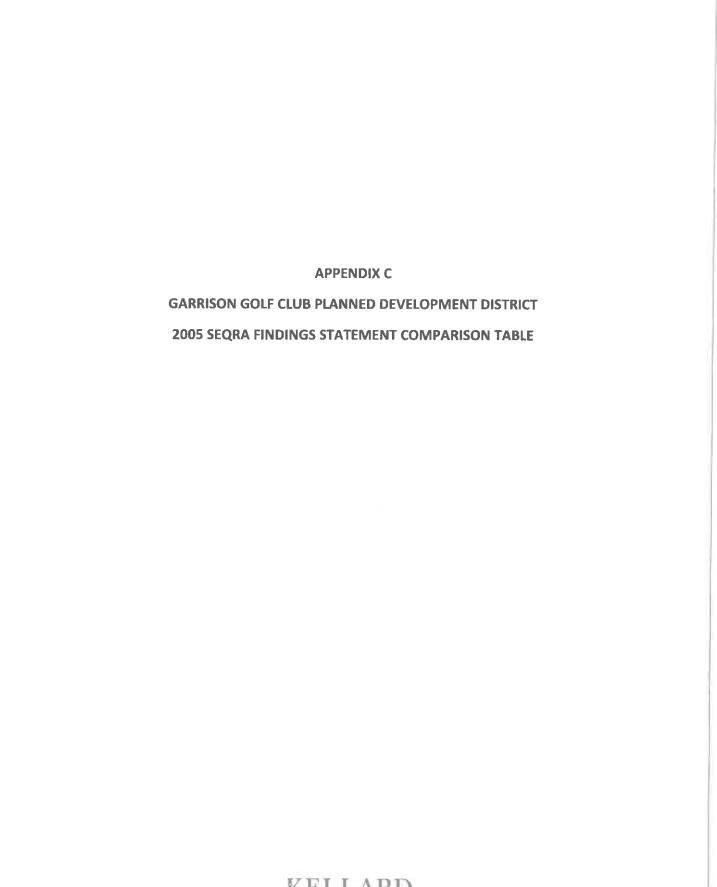


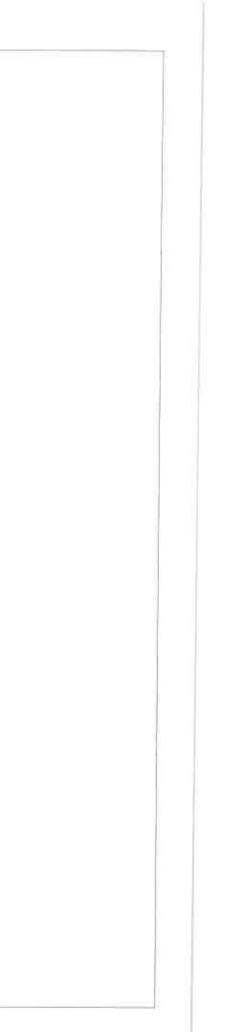
GARRISON GOLF CLUB AND HUDSON VALLEY SHAKESPEARE FESTIVAL ON-SITE SOIL TABLE					
Soil Type	Hydrologic Soil Group	Soil Name	Area (acres)	Percent of site	
ChB	В	CHARLTON loam , 2-8%, slopes	0.2	0.00135831	
ChC	В	CHARLTON loam, 8-15% slopes	0.8	0.6%	
ChD	В	CHARLTON loam, 15-25% slopes	5.9	4.2%	
ChE	В	CHARLTON loam, 25-35% slopes	5.5	3.9%	
CIC	В	CHARLTON loam, 8-15% slopes, very stony	1.2	0.9%	
CID	В	CHARLTON loam, 15-25% slopes, very stony	4.8	3.4%	
CIF	В	CHARLTON loam 35-45% slopes, very stony	4.6	3.3%	
CsD	В	CHATFIELD-HOLLIS complex, hilly, very rocky	0.9	0.6%	
Fr	B/D	FREDON slit loam	0.8	0.6%	
HnB	Α	HINCKLEY gravelly loamy sand, 3-8% slopes	3.5	2.5%	
HnC	Α	HINCKLEY gravelly loamy sand, 8-15% slopes	1.5	1.0%	
HnD	Α	HINCKLEY gravelly loamy sand, 15-25% slopes	2.9	2.1%	
PnB	С	PAXTON fine sandy loam, 2-8% slopes	24.8	17.4%	
PnC	С	PAXTON fine sandy loam, 8-15% slopes	9.8	6.9%	
PnD	С	PAXTON fine sandy loam, 15-25% slopes	37.2	26.2%	
Pt	-	Pits, gravel	1.9	1.3%	
RhA	Α	RIVERHEAD loam, 0-3% slopes	3.5	2.5%	
RhB	Α	RIVERHEAD loam, 3-8% slopes	3.3	2.3%	
RhD	Α	RIVERHEAD loam, 15-25% slopes	3.0	2.1%	
RhE	Α	RIVERHEAD loam, 25-50% slopes	3.1	2.2%	
Sh	Ç/D	SUN loam	0.9	0.6%	
Ub	В	UDORTHENTS smoothed	1.3	0.9%	
Uc	A/D	UDORTHENTS wet substratum	6.1	4.3%	
Uf	Ungrouped	URBAN LAND	4.7	3.3%	
WdB	C/D	WOODBRIDGE loam 3-8%	4.9	3.4%	
WdC	C/D	WOODBRIDGE loam 8-15%	1.3	0.9%	
W	-	WATER	3.6	2.5%	

## Notes:

The above table includes portions of the overall PDD on which land distruabce is proposed, specifically Tax Lot 60.-1-59.2 and 60.-1-59.3.

Source: USDA Soils Survey for Westchester & Putnam Counties, NY





GARRISON	GOLF CLUB	PLANNED DE	VELOPMENT	DISTRICT
2005 SEQ	RA FINDINGS	STATEMENT	COMPARISO	N TABLE

1.0	Intro	duction	
	2005 Findings Statement	2020 Proposed Action	
	Introduction	Introduction	
	The Proposed Action is for the amendment of a Planned Development District (PDD) for improvements to the Garrison Golf Club located in Garrison, New York, Putnam County. The Applicant, Garrison Properties, LLC., requests that the Town of Philipstown designate approximately 200 acres, which includes the Garrison Golf Course, as a PDD pursuant to Chapter 175, Article XII of the Philipstown Code.	In addition to the uses already permitted in the GGCPDD/RC, the uses for the Hudson Valle Shakespeare Festival's (HVSF) new home and the repurposing of the existing golf operations as requested to be added to the GGCPDD and FD District. HVSF will also be asking that the Collarea referenced in the GGCPDD Finding Statement be deleted or, in the alternative, the expanded to include the entirety of the Gifted	
	The proposed site is in a R-80 zone, which is a Single-Family Residence District requiring 80,000 square feet per dwelling unit. The Garrison Golf Club's current operation is an allowable use in the R-80 Zoning District dependent on obtaining a Special Use Permit from the Zoning Board of Appeals. The proposed site design includes improvements such as catering/meeting facilities and lodging which are not permissible uses in a R-80 Zone. To complete the proposed improvements, the Applicant applied for a Planned Development District under the Town Code, Section 175, Article XII.	Area.  HVSF's long-term plan, which is proposed to be completed in two (2) phases, includes:  The installation of a permanent theater tent for approximately 530 patrons, with accompanying front—and back-of-house facilities;  Construction of an indoor theater with seating for approximately 225 patrons along with rehearsal space;  Continuation of the existing restaurant/event use;  Implementation of the already approver	
	The Proposed Planned Development District (PDD) is located on 200.3 acres of the 298.5 acres owned primarily by Garrison Properties, LLC. Vestry of St. Philips Church owns 0.406 acres of the 200.3 acres and public roads occupy 1.166 acres of the proposed PDD. The remaining land of Garrison Properties, LLC, which is approximately 98 acres, is not included in the PDD or the Proposed Project for it is separated from the included lands by public roads, lands of the City of New York, and other private lands.	hotel use;  Artist housing;  An outdoor pavilion available for bot HVSF use and community events;  Box office and welcome center;  Picnic lawns;  Gardens;  Production and rehearsal facilities;  Administrative headquarters;  Additional parking spaces for cars shuttle vans and buses;  Improvements to the Snake Hill Roa	

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The proposed PDD is designed to permit the following actions on the Garrison Golf Club site:

driveway and associated on-site

bridge/culvert;

a golf club, a banquet/meeting facility, a destination restaurant, an inn with up to 40 rooms, a spa with associated retail sales, and The proposed action also includes a 4-lot two single family dwellings.

The Applicant has set most of the proposed improvements for the Club to occur in an 11acre "Core Area" of the site. The boundaries of this area are located in the central portion of the site, south of Philipse Brook Road.

The Applicant prepared a Draft Environmental The Garrison Golf Club is proposed to be reduced York State Environmental Quality Review Act | shop, cart barn, and golf course parking. (SEQRA). The proposal was designed to provide a study of the environmental impacts of a Planned Development District (PDD) that would permit improvements on the Garrison Golf Club site, which are not currently permitted by the existing zoning. The subjects discussed in the DEIS were required as part of the Final Scoping Document that was adopted by the Philipstown Town Board on January 24, 2001. Following review and comment by the lead agency and the public, the DEIS was accepted as complete on December 29, 2004. A Public Hearing for the proposed PDD and the DEIS was held on March 7, 2005. The FEIS for the project was accepted by the lead agency on August 29, 2005.

The property would be serviced by the following utilities: public utilities, electric, telephone, and cable. There are on-site wells for water supply and Subsurface sewage treatment will occur on-site. When completed and fully operational, the maximum total water demand on the proposed site will be 37,672 gallons per day (GPO). Previous well tests concluded that the onsite wells can fulfill the anticipated water demand; but the proposed plan includes on-site water storage. According to completed soils investigation, there is sufficient room on the site to hold and treat the sewage effluent.

The proposed amendment to the Planned Development District, which will occur in the

Reconfiguration of internal driveways;

subdivision to allow the conveyance of land and to sperate uses, as follows:

- Lot 1 ±26.0 acres Challenge Parcel
- Lot 2 ±53.1 acres HVSF
- Lot 3 ±26.7 acres Private Residence
- Lot 4 ±36.2 acres Garrison Golf Club

Impact Statement (DEIS) pursuant to the in size from 18 to 9-holes and the proposed requirements of 6 NYCRR Part 617, the New action includes the relocation of the golf pro-

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	"Core Area" of the proposed site, will have the following features:  A Golf Club with 18 holes (only a small part is of it is within the Core Area, namely the 1st & 10th tees and the 9th and 18 holes) and appurtenances including a driving range, practice green, shower, and locker rooms; A banquet facility for 232 persons; A 72-seat restaurant; A 25-seat bar; A health spa and related facilities for 20 clients; Governight guest rooms; Offices for operation of the facility; Maintenance buildings and yard and a new cart barn; Parking for 211 cars; The following features will occur outside the "Core Area" of the proposed site:	
	<ul> <li>"Core Area" of the proposed site:</li> <li>4 new overnight guest rooms in the existing Manager's Quarters;</li> <li>Parking for 130 cars in a remote parking area near the Maintenance Area;</li> </ul>	
2.0	Description	on of Action
	2005 Findings Statement	2020 Proposed Action
2.1	Site Access	Site Access
	The Garrison Golf Club's main entrance is located north of the Travis Corners Road intersection with U.S. Route 9. A second public access road is located on Snake Hill Road approximately 500 feet west of U.S. Route 9. For Secondary/Emergency access into the Golf Club, an access is located on Philipse Brook Road, at the northwesterly corner of the main parcel.	The applicant proposed to maintain the existing access points off U.S. Route 9 and Snake Hill Road. The proposed action will include improvements to the Snake Hill Road driveway intersection along with the repair or replacement of the existing on-site bridge as it is in poor condition and will need to be upgraded for the intended use. There are three (3) access points along Snake Hill Road; the two (2) that cross the Catskill Aqueduct in the vicinity of the golf club maintenance facility were not mentioned in the 2005 Findings Statement; however, the southern

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drive will be improved to serve the relocated golf pro shop, cart barn, and associated parking.

## 2.2 Site Layout

The Proposed Planned Development District is | The site layout will remain essentially the same contains a private cemetery and the grave of | development. Laura Spencer Porter Pope. The land was conveyed to the Vestry in order to maintain the | When the amendments to the GGCPDD and RC property are designed to respect those rights. no other use.

The following parcels included in the Proposed information. PDD and are the subject of the Environmental Impact Statement are:

601-59.2	124.912 acres	Garrison Properties LLC
601-59.3	17.131 acres	Garrison Properties LLC
601-63	1.228 acres	Garrison Properties LLC
601-69	8.866 acres	Garrison Properties LLC
601-70	0.103 acres	Garrison Properties LLC
602-26.71	29.782 acres	Garrison Properties LLC
602-27	0.406 acres	St. Philips Church
602-29.1	7.027 acres	Garrison Properties LLC
602-29.2	9.669 acres	Garrison Properties LLC
Public Roads	1.166 acres	Public Roads

The proposed improvements are limited in size, scale, and location.

## Site Layout

located on 200.3 acres of 298.5 owned primarily and will largely be within the subdivided 53 +/by Garrison Properties, LLC. As mentioned in the | acre Gifted Area. While the size and scale of introduction, the land involved with the development within the Gifted Area is larger than proposed development is partially owned by presently found, the development will be well the Vestry of St. Philips Church (0.4606 acres) | positioned and tolerated within the Gifted Area and utilized as public roadways (1.66 acres). and will not present a feeling that the location The parcel owned by the Vestry of St. Philips has been overwhelmed by size and scale of

grave and the applicant's plans and use of the District and all other relevant approvals are granted, Phase 1 of the project will begin The proposed PDD provides for the continued immediately and is expected to be complete by use of St. Philip's land as a private cemetery and 2024; it is expected that Phase 2 will be completed by December of 2031. Please refer to the submitted phasing plans for further

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## 2.3 Construction

After the amendment of the PDD, and approval When the amendments to the GGCPDD and RC the construction of the proposed plan is to period.

disturbance to the site will occur at any given time and the phases of construction will not | information. occur concurrently but are not sequential.

The Drainage Report and Storm Water Pollution Prevention Plan (SWPPP) for the proposed plan includes a detailed Erosion Control Plan. The SWPPP was designed to current NYSDEC for. guidelines and includes the implementation of Best Management Practices throughout construction. The Project Site Plan improvements include the construction of a closed drainage system ending in a detention uncontrolled runoff, which has previously damaged the wooded areas north of the existing clubhouse.

The proposed construction will utilize the following excavation and grading equipment: trucks, excavators, backhoes, and bulldozers. This equipment will be stored on-site during the construction process. The equipment that is owned by the Club is to be housed at the maintenance area. Other materials and equipment will be stored at the staging area of the proposed site construction. This area is to be located on approximately half of the existing main parking lot. The remote parking area will be used for additional parking during construction as needed. The proposed construction activities shall not cause closures or decreased operations at the site.

#### Construction

of the PDD and issuance of all required permits, | District and all other relevant approvals are granted, Phase 1 of the project will begin commence and continue for an 18-month immediately and is expected to be complete by 2024; it is expected that Phase 2 will be No more than five acres of un-stabilized completed by December of 2031. Please refer to the submitted phasing plans for further

> Additionally, depending on the status of the approvals requested in these applications, a "Special Event" approval for HVSF's 2022 and 2023 seasons will be necessitated and applied

The remainder of the statements set forth in the 2005 Findings Statement column will remain the same as the same will be set forth in the forthcoming Stormwater Pollution Prevention basin to control storm water and eliminate | Plan (SWPPP) that will be prepared for the project.

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#### Operation

The following lists the operations of the improved Garrison Golf Club and its amenities:

- The Club will be operated as a small inn with resort-like amenities, not a membership club.
- The proposed hotel/inn will be open 365 days a year and will function 24 hours a day.
- Golf Season:
  - at dusk.
  - o Between 60 and 80 golf rounds round. are expected during the week and 80 to 100 rounds during the weekends.
  - to 80 persons.
- from 6am to 6pm.
- 19<sup>th</sup> Hole restaurant will serve light lunches and "bar trade" as well as served breakfast to overnight guests.
- Main building restaurant will serve lunch (25 meals during the week and 60 meals during weekend hours) and dinner (25 to 30 during the week and 80 to 100 on weekends) to golfers, overnight guests, and diners.
- Restaurant-and-bar business estimated to end at approximately 10 PM. "Hours and days of operation will be adjusted depending upon demand."
- Banquet facilities will be available yearround but the majority of events are expected to be scheduled during weekend hours.
- About 80 banquets are estimated annually.
- Facilities can accommodate 232 persons but events are expected to

#### Operation

In addition to the operations described in the 2005 SEQRA Findings Statement and as set forth in the materials submitted by the applicant, HVSF plans and hopes to not just replicate the experience its patrons have enjoyed at Boscobel, instead, it seeks to enhance the open air theater performances with welcoming picnic lawns with majestic views, create better box office and concession access and services and, eventually, with the indoor theater, provide an artistic. o Rounds begin at 7am and end | educational and cultural experience the community can avail itself of and enjoy all year

The Garrison Golf Club is in operation from mid-April through December, has been experiencing a o No tournaments will be reduction in participation (current average is scheduled but special events | 16,000 rounds/year down from 26,000 can include golf outings limited | round/year in 2001). The club has a current parking capacity of 155 vehicles and expects its future production to be reduced to between ■ Spa will be open seven days a week | 7,500 - 8,000 rounds/year when the course is converted to 9-holes.

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- have approximately 140 guests.
- Evening banquet events are to end between 11pm and midnight.
- Winter operations will be reduced for the golf course when it will be closed, and maintenance needs will be less demanding.

Approval from the Town Board must occur for special events at the Garrison Golf Club on a case-by-case basis (i.e. music festivals).

#### Maintenance

Full- and part-time staff dedicated to The same and even greater level of maintenance season. In the future, it is planned that electric maintenance of all aspects of the property. golf carts will be utilized at the proposed site. Routine maintenance of equipment housed by maintenance staff will continue to be carried out by staff in the present maintenance building.

On-site maintenance includes mowing, gardening, plowing, road and cart path repair and sprinkler system maintenance. Bioretention areas will be maintained as required by the permit. Typical maintenance and repairs will not significantly increase from the proposed action. Major repairs will be contracted out to local contractors' or dealers' repair personnel.

#### Maintenance

maintaining the buildings and grounds of the will be provided by the owners given it shared site will complete most of the site maintenance. | maintenance staff. Both the theater going Golf carts are rented on an annual basis and will patrons and golf customers will expect that the be removed for maintenance during off-season total experience will be one that will be pleasing and returned at the beginning of the golf in all respects, starting with the appearance and

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3.0	Approvals				
	2005 Findings Statement	2020 Proposed Action			
	Approvals  The Applicant is requesting amendment of the Planned Development District pursuant to Town Code Sections 175-61.	Approvals  It is expected that the proposed action, will require various approvals from a variety of agencies including:			
	Town Code Sections 175-61.  Town of Philipstown  Town Board - Completion of SEQR  Planning Board - Subdivision/Site Plan  Approval, Town Freshwater Wetland Permit  Putnam County  Planning Board — Referral  Department of Health-Approval of Sanitary and Water Supply Facilities  New York State  Department of Environmental Conservation (NYSDEC)-Stream Disturbance Permit	agencies, including:  Town of Philipstown Town Board - Zoning Amendment Planning Board - Subdivision, Site Plan, and Special Use Permit Town of Philipstown Conservation Board - Wetland Permit Town of Philipstown Building Department - Building Permit/SWPPP  Putnam County Department of Health (Realty Subdivision; water; sewage) Department of Highways and Facilities-Highway Work Permit Planning Board - Referral  New York City New York City Department of Environmental Protection Aqueduct Crossing Review			
		New York State  New York State Department of Transportation (NYSDOT) — Highway Work Permit  New York State Department of Environmental Conservation (SPDES General Permit for Stormwater Discharges)			

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4.0	Statement of Facts and Basis for Conclusions				
	2005 Findings Statement	2020 Proposed Action			
4.1	Geology Impacts and Mitigation	Geology Impacts and Mitigation			
	The improvements of the Garrison Golf Club and its amenities will require limited cuts and fills. The blasting of rock or rock removal is not anticipated to occur.	No impact on Geology is anticipated at this time; no mitigation is needed.			
	The bedrock of the "Core Area" is greater than 60 inches, except the portion of the Urban Land soil classification where the bedrock depth is greater than 10 inches. Overall, because of the bedrock characteristics, the proposed construction will not create an impact to the subsurface geology. No mitigation needed.				
4.1	Soils Impacts	Soils Impacts			
	As noted in the DEIS, the soil limitations range from slight to severe as same may impact construction activities. Therefore, the specific characteristics and development capacities of the soils and subsurface material must be identified on-site before construction activities commence.	No change in this requirement anticipated or required.			
4.1	Sewage Handling Impacts	Sewage Handing Impacts			
	According to the DEIS, there are four septic systems known to be located on the site. These systems service the following: the main building, the Manager's Quarters, the maintenance area, and the restrooms constructed in the vicinity of the 6 <sup>th</sup> Tee. The present system servicing the main building has indicated signs of failure and, for this reason, the Applicant has installed a new septic system along the 1 <sup>st</sup> fairway under a septic repair permit. The new system is currently in use but will not be hooked to the additional lodging proposed until the water supply system is updated.	It is anticipated that upon completion of all phases (by December 2031), that the entire facility, including the 9-hole golf club, will generate ±15,611 gallons per day (gpd). As this represents an increase from what was originally anticipated and approved in 2005, additional onsite wastewater treatment facilities will likely be required.			

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The Applicant plans to utilize the two systems at the maintenance building and near the 6th Tee. The existing septic system located at the Manager's Quarters will be monitored and replaced as needed. The approximate treatment capability of the newly designed system for the main building is 12,800 GPO of sewage effluent.

The site is expected to generate 12,672 GPO of sanitary waste. This figure includes overnight occupancy.

#### 4.1 | Soils Mitigation

follows:

- of construction activities. By minimizing the period during which soils are exposed, the potential for erosion will | Design Manual, January 2015. be reduced.
- A gravel subbase bedding will be placed on internal roads and parking areas as soon as practicable to prevent dust and erosion.
- Utilization of temporary erosion control devices such as silt fence and inlet protection devices, as well as permanent measures such as the stormwater pond and other design elements of the stormwater management system will assure that sediment does not enter wetlands and
- Temporary sedimentation basins will be constructed to collect and retain stormwater runoff.
- Silt fences along the toe of slopes at the

#### Soils Mitigation

Soil erosion and sediment control measures, | The same temporary and permanent soil erosion both temporary and permanent measures, will and sediment control measures, as were be supplied to reduce impacts to minimize to employed in 2005, will be applied to minimize surrounding land and waterbodies. As quoted | impacts to surrounding land and waterbodies. An in the DEIS, the mitigation measures are as | updated SWPPP will be developed to address the proposed action. The updated SWPPP will also incorporate appropriate changes from the 2005 All exposed soils will be mulched and regulations presently contained in New York seeded immediately upon completion | State Standards and Specifications for Erosion and Sediment Control (Blue Book), July 2016, and the New York State Stormwater Management

- All exposed soils will be mulched and seeded immediately upon completion of construction activities. By minimizing the period during which soils are exposed. the potential for erosion will be reduced.
- A gravel subbase bedding will be placed on internal roads and parking areas as soon as practicable to prevent dust and erosion.
- Utilization of temporary erosion control devices such as silt fence and inlet protection devices, as well as permanent measures such as the stormwater pond and other design elements of the stormwater management system will assure that sediment does not enter wetlands and brooks.

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- perimeter of the construction areas and around soil stockpiles will be installed.
- To minimize the potential for erosion during and after construction, an Erosion Control Plan has been prepared as required by the State Pollution Discharge Elimination System (SPDES) General Permit. The Plan was prepared in accordance with New York State Guidelines for Urban Erosion and Sediment Control and is included as part of the Stormwater Pollution Prevention Plan included in Appendix B.
- To further limit the potential for erosion, improvements to the site will take place in a sequenced approach, minimizing the amount of soil exposed at any one time.
- Non-construction areas on the site will be disturbed only minimally, if at all. All graded areas not utilized in the longterm for buildings or pavement will be permanently seeded and landscaped. Topsoil stockpiled during construction will be used for grass surface restoration and landscaping areas.

Any grading or excavation that may need to be performed will not present any significant erosion problems.

- Temporary sedimentation basins will be constructed to collect and retain stormwater runoff.
- Silt fencing along the top of slopes at the perimeter of the construction areas and around soil stockpiles will be installed.
- To minimize the potential for erosion during and after construction, an Erosion Control Plan will be prepared as required by the State Pollution Discharge Elimination System (SPDES) General Permit. The Plan will be prepared in accordance with New York State Guidelines for Urban Erosion and Sediment Control.
- To further limit the potential for erosion. improvements to the site will take place in a sequenced approach, minimizing the amount of soil exposed at any one time.
- Non-construction areas on the site will be disturbed only minimally, if at all. All graded areas not utilized in the long-term for buildings or pavement will be permanently seeded and landscaped. Topsoil stockpiled during construction will be used for grass surface restoration and landscaping areas.
- Any grading and excavation that may need to be performed will be preceded by the installation of appropriate erosion and sediment control measures. A Notice of Intent will be filed along with the SWPPP, as required During construction, regular inspections will be conducted as required, and following construction the ground will be stabilized and any permanent erosion control measures will be installed.

## 4.1 | Sewage Mitigation

## **Sewage Mitigation**

The new system designed for the main building | All systems will be designed to handle all sewage was built to handle 12,800 GPO of sewage effluent in accordance with the current

	effluent and is in compliance with the current regulations of the Putnam County Department of Health.	, ,
4.1	Topography Impacts	Topography Impacts
	Topographical impacts are expected to be minimal. Cuts and fills are to be limited and balanced across the site. Balancing will reduce the need for import or export of soils.	While there will be grading and excavation on the site, the applicant has selected locations for proposed improvements designed to avoid any major changes in the topography. The site engineers will continue their efforts to minimize the need to import or export soils as they did in 2005
	Topography Mitigation	Topography Mitigation
	Best Management Practices (BMP's), which includes Erosion Control measures, will be utilized throughout the duration of the proposed construction. The Erosion Control Plan is designed to minimize the erosion impacts from construction activities, including excessive impacts on steep slopes. The Erosion Plan is therefore a mitigation plan for the potential impacts of construction to the topography of the site.	Best Management Practices (BMP's), which includes Erosion Control measures, will be utilized throughout the duration of the proposed construction. The Erosion Control Plan is designed to minimize the erosion impacts from construction activities, including excessive impacts on steep slopes. The Erosion Plan is therefore a mitigation plan for the potential impacts of construction to the topography of the site. While there will be grading and excavation on the site, the applicant has selected locations for proposed improvements designed to avoid any major changes in the topography. The site engineers will continue their efforts to minimize the need to import or export soils as they did in 2005.
4.2	Water Resources Impacts	Water Resources Impacts
	Based on the Draft and Final EIS, the proposed improvements for the Garrison Golf Course will not pose a negative impact on the water needed for irrigation on site. The completed improvements at the Golf Club will however increase the demand for domestic water usage on site. Even though it is not expected to reduce the water availability in surrounding areas, the scenario is possible. The water demands of the proposed action are not expected to adversely impact the groundwater.	The proposed action will decrease the water needed for irrigation on site because the golf course is proposed to be reduced from 18 to 9 holes. The water demands of the proposed action are not expected to adversely impact the groundwater and there has been no adverse impact by the irrigation of the 18-hole golf course since 2005.  It is anticipated that upon completion of all phases (by December 2031), that the entire facility, including the 9-hole golf club, will

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consumption for the Proposed Action. residence. Recharge data of 46,973 GPD during a 30-year drought condition was also included in the DEIS | Approximate fire flow estimations are not in 2005 to solidify that the water consumption a significant impact.

Philipse Brook. A formal drainage system storage tank. ending in a detention basin at the outfall to Philipse Brook was installed under the 2005 approval. It collects and transports stormwater from existing parking area and around the main building to the detention basin, where it is treated before entering Philipse Brook.

Approximate fire flow estimations were not included in the overall estimated water supply demand. Currently, a 30,000-gallon underground storage tank is being utilized for fire flow water supply and, to service the sprinkler systems in each building, the Proposed Plan includes the proposed installation of a 45,000-gallon semiunderground water storage tank.

The maximum water consumption per day for | demand ±15,611 gallons of water per day (gpd). the Proposed Action is 37,672 GPD. The average | It is anticipated that additional private potable daily groundwater recharge is 65,095 GPD, water wells will be required for several of the which is well above the anticipated water new or relocated uses, including the private

included in the overall estimated water supply for the proposed improvements will not cause | demand. A 30,000-gallon underground storage tank is available for fire flow water supply and to service the sprinkler systems in each building, as The proposed site drains north towards the well as a 45,000-gallon semi-underground water

#### Wetlands and Watercourses Impacts

An estimated 13.0 acres on site are to be disturbed by the proposed improvements on the Garrison Golf Course. These improvements are anticipated to increase the impervious surfaces located on the site, which in turn may potentially increase stormwater runoff, erosion and sedimentation. Another result of the Proposed Action is that the stormwater drainage pathway will lead into the Philipse Brook and without a competent system design; the runoff could damage the Philipse Brook due to the discharge of sediment from eroded material into the Brook.

#### **Wetlands and Watercourses Impacts**

On-site wetlands and watercourse have been delineated by Kellard Sessions Consulting and survey located by Badey & Watson; wetlands were delineated and mapped in areas of the property proposed to be disturbed. Direct disturbance to wetlands and watercourse will be limited to the repair or replacement of the access driveway off of Snake Hill Road, as the existing culvert/bridge is in poor condition. Wetland buffer disturbance will be limited to upgrades associated with the Snake Hill Road access driveway, the relocation of internal driveways. the construction of on-site parking, and improvements to the Snake Hill Road driveway to serve the relocated golf pro shop.

#### **Water Resource Mitigation**

The mitigation proposed by the Applicant for | The mitigation approved in 2005 provided for water resources includes on-site water 30,000- gallon tank currently on site used for located in each building on site.

the use of bio-retention pools or "rain gardens." Maintenance, a Stormwater Pollution Applicant according to NYSDEC guidelines and requirements. submitted. This plan does not include attenuation of peak runoff however as the The existing drainage system includes the peak discharge of the Philipse Brook prepared and submitted for review. watershed reaches the site. The SWPPP is currently being reviewed by the NYSDEC and No disturbance within 100 feet of the Philipse will be implemented upon the Department's approval.

The stormwater system is designed to reduce silt-loaded runoff into the Philipse Brook. Temporary and non-temporary measures will be utilized during and after construction to ensure minimal erosion on the proposed site. A disturbance within 100 feet of the Philipse Brook will occur and will include the disturbance of 13,500 square feet of the stream buffer. This disturbance is caused by the installation of a micro-detention pond and an energy dissipator, which are both vital necessities in the protection of the Philipse Brook. The energy dissipater is used to slow the

#### **Water Resource Mitigation**

water resources to include on-site water treatment and storage. Storage is estimated at | treatment and storage. Storage was estimated in 4,000 gallons for domestic use and will provide 2005 at 4,000 gallons for domestic use and excess water in times of high domestic demand. | provided for excess water in times of high The extra 4,000 gallons is in addition to the domestic demand. The 4,000 gallons is in addition to the 45,000- gallon tank currently on fire flow water and the 45,000-gallon tank site used for fire flow water and the existing proposed to supply the sprinkler systems 30,000-gallon tank. There are two easements on the property that are held by the Garrison Fire Company. The easements are for dry hydrants The proposed site plan includes a drainage from which the fire company can draw water system for the "Core Area." The drainage through a pumper truck. While the proposed system includes stormwater treatment through | action is expected to increase the domestic water demand, given the size of the property, no As noted in Section 2.3 Construction and adverse impacts are anticipated on the aquifer and the applicant will comply with all applicable Prevention Plan (SWPPP) was created by the Putnam County Department of Health

proposed site is in the vicinity of the Hudson | stormwater treatment through the use of bio-River and the intention of the storm water plan | retention pools or "rain gardens." A Stormwater is to relieve onsite waters downstream before | Pollution Prevention Plan (SWPPP) will be

Brook will occur.

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stormwater down as it enters the Brook and the micro detention basin, which is actually required by the NYSDEC, is used to catch, hold and treat the stormwater quality volume.

#### **Wetlands and Watercourses Mitigation**

included in the Stormwater Pollution Prevention Plan submitted by the Applicant. non-permanent erosion control measures which is designed to capture and displace submitted for review. stormwater runoff in a direction away from the "Core Area."

#### **Wetlands and Watercourses Mitigation**

The mitigation proposed for this section is | The mitigation proposed for this section will be included in the Stormwater Pollution Prevention Plan which will be submitted. The mitigation will The mitigation allows for both permanent and | allow for both permanent and non-permanent erosion control measures during and after the during and after the proposed construction. A proposed construction. A wetland buffer closed drainage system is part of the Plan, mitigation plan will also be prepared and

#### 4.3 Land Use, Zoning and Public Policy

#### **2005 Findings Statement**

## 2020 Proposed Action

#### Land Use Impacts

The proposed improvements to the Garrison | The proposed action will remain in accordance Golf Club remain in accordance with the Action is designed to update the current facility as well as increase the amenities of the site for usage by the surrounding community. Open character are highlighted in the design of the economic benefits to the community without Town residents. The Plan will also create new jobs for the local economy. The layout of the improved property deters from residential development and sprawl while increasing the assessed value of the property from the proposed commercial development. The Garrison Golf Club is open to the public and advocates "community cohesion by providing a venue that will pull together different segments of the community."

## Land Use Impacts

with the present usage of the property along with present usage of the property while continuing | the cultural, educational and community benefit to encourage a rural setting. The Proposed uses envisioned by the proposed amendments, while continuing to encourage a rural setting. The proposed amendments are designed to increase and enhance the amenities of the site for usage space and the maintenance of neighborhood | by the surrounding community. Open space and preservation of neighborhood character are Proposed Plan as well as the increased | highlighted in the project design and the project is expected to result in economic benefits to the negatively impacting the education system of community without significantly negatively the Town or increasing municipal costs to the | impacting the education system of the Town or increasing municipal costs to the Town residents. The proposed amendments will result in the creation of new jobs for the local economy. The layout of the improved property deters from residential development and sprawl. The HVSF and the Garrison Golf Club will be open to the public and advocate "community cohesion by providing a venue that will pull together different segments and interests of and within the community."

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The Proposed Plan is designed being mindful of | The Proposed Plan is designed being mindful of environmental hazards.

the Town's characteristics and design, its the Town's characteristics and design, its population and future traffic goals. The intent | population, and present and future traffic goals. of this plan is not to negatively impact the site | The intent of this plan is not to negatively impact in regard to noise, light pollution or the site regarding noise, light pollution or environmental hazards.

The proposed improvements are created to The proposed improvements are created to mature growth forest.

enhance open space and, for this reason, the | respect and enhance open space and every effort Applicant has proposed limited cuts in second | will be made to be environmentally sensitive and growth forest and has scheduled no cuts in the | responsive to every environmental issue raised during the review process.

Most of the Proposed Action is to be New structures are to be constructed in the development, no significant impacts are appropriately mitigated. expected from the proposed site improvements.

constructed in the "Core Area" of the site and Gifted Area and any possible adverse since this area is presently disturbed from environmental impacts of significance can be

#### **Land Use Mitigation**

#### **Land Use Mitigation**

area will be mitigated by installation of a visual buffer. Buffers will also be constructed between the residential and commercial uses on the site.

The Proposed Action is structured to maintain | The development within the Gifted Area is the scenic atmosphere along the public roads | structured to maintain the scenic atmosphere including U.S. Route 9, minus the minimal | along the public roads including U.S. Route 9, exception of the remote parking area located | including the relocated golf pro shop and parking on Snake Hill Road. The impact of this parking | area located on Snake Hill Road. The impact of this relocation and all other parking areas will be mitigated by installation of visual buffers. Buffers will also be constructed between the residential and commercial uses on the site.

#### **Zoning Impacts**

the PDD area as follows:

#### **Zoning Impacts**

The follow is a list of modifications to the In addition to the proposed new or expanded current zoning in order to include the PDD area: Article VII, Schedule A will be modified within

uses as requested, provision must also be made for additions and expansions to the already permitted uses in the underlying zoning districts. The applicant will work earnestly and collaboratively with the Town Board and Planning Board and the Town's professional consultants to craft the proposed Local Law to reflect the amendments that will be presented for a vote at

One single residential dwelling unit will

be permitted. It must be located on that portion of the PDD that lies east of the Catskill Aqueduct and south of a public hearing. Philipse Brook Road. Said residential dwelling unit may be a detached, free standing unit or it may be incorporated

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- as part of another building in which other approved uses are sited. Singlefamily residential uses normally allowed under Paragraph 1 shall not be allowed at any other location within the
- The "as of right" use of a "customary home occupation" allowed under Paragraph 2 will continue to be permitted in the single residential unit.
- Permitted uses under Paragraphs 3, 4, 5, 6, 7, and 11 shall not be permitted within the PDD, except for vegetable and herb gardens used to supply the approved food service establishments within the PDD. Special Uses otherwise available under Paragraphs 8, 9, 12, 13, 15, and 16 shall not be permitted in the PDD.
- Municipal uses as listed in Paragraph 10 will continue to be permitted "as of right" throughout the PDD.
- A Golf Club with appurtenant facilities such as health and fitness facilities, swimming pools, tennis courts and similar fitness related uses will be permitted under the auspices of the PDD and without the Special Use Permit required under Paragraph 14, except that Golf Club activities either west of the Catskill Aqueduct or north of Philipse Brook Road may only be developed and used for the actual golf course (tees, fairways, greens, etc.) and other facilities and appurtenant features that may be necessary to facilitate the operation of the golf course. "Appurtenant facilities" that may be necessary include such items as rain shelters, rest rooms, informational kiosks and similar conveniences for golfers. This paragraph is not to be construed to mean that a major facility such as a maintenance building or clubhouse may be located in these areas. This paragraph shall not be construed to prevent the erection of

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- temporary facilities necessary to accommodate the needs of a golf outing.
- Major facilities of the PDD, other than the golf course, must be located on the lands east of the Catskill Aqueduct and south of Philipse Brook Road. This area is commonly known as the Main Parcel or Parcel A of the Garrison Golf Club lands. Hereinafter, this area will be referred to as Parcel A. The actual golf course may also be located on Parcel A.
- Most of the major facilities and uses permitted under the auspices of the PDD, including most of the major golf club facilities must be located within the "Core Area." The "Core Area" is an area within the PDD and within Parcel A. The "Core Area" contains 10.670 acres and is shown on the plan set and is described. in greater detail in Section X of the application package. The existing maintenance buildings and yard are located outside the "Core Area" and will continue to be utilized. The Manager's Cottage, which will be discussed later in this statement, is located within Parcel A, but outside the "Core Area". It is an existing residential unit located on the westerly side of, and 600 feet along the present Snake Hill Road entrance to, Parcel A.

The Golf Club facilities that must be located within the "Core Area" include the following:

- A 19th Hole Bar and Grill with related dining and grill facilities.
- A pro shop with day lockers, starter's office, bathrooms, and a retail sales area.
- Other retail sales facilities normally associated with other permitted uses on the site will be permitted under the auspices of the PDD. To the extent necessary, Paragraph 17 will be considered amended to allow the

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- operation of the pro shop and other related retail sales units within the "Core Area" of the PDD.
- Business offices supporting other uses permitted on the site will be permitted under the auspices of the PDD. To the extent necessary, Paragraph 18 will be considered amended to allow the operation of the business office within the "Core Area" of the PDD.
- A spa will be permitted under the auspices of the PDD. To the extent necessary, Paragraph 14 will be considered amended to allow the operation of the Spa within the "Core Area" of the PDD without a Special Use Permit
- Paragraphs 19, 23A and 24 through 46 will not change. The uses authorized under these paragraphs will not be permitted in the PDD.
  - The restaurant and banquet facility will be available for business meetings, seminars, and similar functions. To the extent necessary, Paragraph 20 will be considered amended to allow the facilities within the "Core Area" to be made available for meetings, seminars, and similar functions.
  - Overnight lodging will be permitted under the auspices of the PDD. The Manager's Cottage will be adapted to make 4 rooms available for overnight guests. This use will occur within Parcel A, but outside the "Core Area". To the extent necessary, Paragraph 21 will be considered amended to allow the operation of the overnight accommodations in the Manager's Cottage and within Parcel A. Overnight lodging will be limited to a total of 40 rooms including those located within the Manager's Cottage. Any rooms,

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beyond the 4 that will be provided in the Manager's Cottage must be located within the "Core Area". Additional rooms located within the "Core Area" may be located within a building used for other permitted uses or may be located in a freestanding building or buildings suitable for the use.

- A grill associated with the golf course and a destination restaurant and a banquet facility will be permitted under the auspices of the PDD. To the extent necessary, paragraphs 22 and 23 will be considered amended to allow the operation of the grill, restaurant and banquet facility within the "Core Area" of the PDD.
- A partially buried structure housing a 45,000-gallon fire suppression tank and control room.

#### **Zoning Mitigation**

The proposed improvements on the Garrison | The approval of the proposed improvements section, Article XII of the Philipstown Code. According to the DEIS, "the approval of a plan under the PDD is itself a mitigation measure that prevents unwanted variations from the approved plan.

#### **Zoning Mitigation**

Golf Club can only occur in the Town of within the GGCPDD and RC Districts will be, as Philipstown under the Planned Development | was set forth in the 2005 DEIS, in "itself a mitigation measure that prevents unwanted variations from the approved plan."

#### **Comprehensive Plan Impacts**

As noted in the Proposed Plan, the "Core Area" has previously been developed. Therefore, in regards to the Comprehensive Plan, the designed to update the existing Golf Club, increase local recreational alternatives, and preserve the natural features of the Town for residents to enjoy.

#### Comprehensive Plan Impacts

The proposed amendments are designed to redesign the existing Golf Club, increase local cultural, educational and recreational proposed improvements will not pose experiences pleading to positive economic significant impacts. The Plan is therefore development as well as the enhancement and the preservation of the natural features of the Town for residents to enjoy. The proposed amendments are faithful to essential components of the current Draft Comprehensive Plan, as the new home of the HVSF will conserve

		the Town's rural, historic character by encouraging a use that fits the character of the community and continues to reflect the purpose and intent of the GGCPDD /RC by avoiding the large impact on the community that residential development would have had in the place of the GGCPDD and /or RC in 2005 and is faithful to the essential objectives of the draft 2018 Comprehensive Plan.
	Comprehensive Plan Mitigation  No mitigation is proposed since the proposed improvements fall in line with the proposed Comprehensive Plan.	No mitigation is proposed since the proposed amendments are compatible with the present and Draft Comprehensive Plans.
4.4	Vehicular Traff	fic and Roadways
	2005 Findings Statement	2020 Proposed Action
	Traffic Impacts	Traffic Impacts
	Detailed capacity analyses were conducted for the following intersections and scenarios and reported in the DEIS for the Proposed Action:  U.S. Route 9 and Snake Hill Road/Travis Corners Road  U.S. Route 9 and Garrison Golf Club Access  U.S. Route 9 and Coleman Road  Snake Hill Road and Garrison Golf Club Access  NYS Route 9D and Snake Hill Road  With Redevelopment of Garrison Golf Club (Proposed Action)  With Brookmeade (Residential Zone Rezoned for Commercial Use)  Depending on which scenario, Existing Traffic Volumes, Year 2005 Build Traffic Volumes, or Year 2005 No Build Traffic Volumes were used to calculate the level of service for the existing intersections or vicinity roads. The Levels of Service (LOS) for the calculated intersections and roads surrounding the Proposed Action ranged from LOS "B" or better to LOS "F" or better.	Other than the golf course, the existing uses on the property will remain relatively unchanged under the proposed plan (it is proposed to reduce the maximum capacity of the existing banquet facility from 232 to 200). Under the current proposal, the proposed number of rooms for artist and guest accommodations will be increased slightly over the previous hotel approval, however, the majority of artists will be working for HVSF (performers, stage design, costumes, etc.,) and, therefore, will be working, not driving, during the periods of greatest traffic activity at the site (effectively, there will be no change in traffic associated with the increase in the number of hotel rooms from what was previously approved). Therefore, from a traffic perspective, the outdoor and indoor theatres, their accompanying back of house and concessions structures, and the outdoor pavilion are the only major new facilities planned for the property. The proposed use of these facilities and anticipated schedule is discussed below.  The HVSF outdoor theatre venue is anticipated to operate 6 days a week from June to October with performances typically at 7:30 p.m. on weekday

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evenings, at 2:00 p.m. and 7:30 p.m. on Saturdays and at 2:00 p.m. on Sundays. In the fall months, HVSF anticipates having some daytime school matinees at 11 a.m. on weekdays. The indoor theatre will operate year-round with the performances anticipated to occur on weekday evenings, and on Saturday and Sunday afternoons and evenings. Simultaneous events at the indoor and outdoor theaters are contemplated and have been accounted for in the traffic projections.

The outdoor pavilion will serve as a pre-event space for the indoor and outdoor theaters and, therefore, will not generate any additional traffic on days when there are programed activities at those facilities. The outdoor pavilion will be available for community events but, as indicated above, any traffic generated by these events will not occur at the same time that traffic will be generated by either of the theaters.

The applicant is in the process of preparing a traffic impact study and is proposing that a quantitative analysis be conducted at the following intersections, which are the same intersection studied in 2005:

- US Route 9 & Coleman Road
- US Route 9 & Site Driveway
- US Route 9 & Travis Corners Road/Snake Hill Road
- Snake Hill Road & Site Driveway
- NYS Route 9D & Snake Hill Road

Based on a review of the existing traffic volumes on the area roadways and the anticipated scheduling of events at the HVSF, the applicant proposes to analyze of the following peak hours:

- Friday Peak PM Event Hour
- Saturday Midday Peak Hour
- Saturday PM Event Hour

A preliminary trip generation analysis was conducted to confirm the peak hours and intersections to be studied. This analysis

> evaluated the trip generations for simultaneous, fully-attended events at the 530-seat outdoor theater and the 225-seat indoor theater on a Friday evening, as well as back-to-back Saturday afternoon and evening performances for both venues. The projected event traffic volumes were compared to historical traffic volumes on Route 9 to assess when the combination of both would produce the highest traffic volumes. This analysis revealed that event traffic is most likely to impact area traffic operating conditions in the period between matinee and evening outdoor performances (specifically, Saturdays between June and October from 4:30 to 5:30 p.m.) when it is estimated that a total of up to 295 vehicles will be arriving or departing. Lesser impacts are expected prior to weekday evening performances (in particular, Friday evening from 5:00 to 6:00 p.m.) and earlier on Saturday and Sunday afternoons, when the project is projected to add approximately half of the above level of traffic activity to the surrounding roadways (up to 145 vehicles per hour). During the remaining hours, either project traffic will be significantly less or traffic passing on the roadways serving the site will be significantly less (at least a third lower than peak-hour volumes).

#### **Traffic Mitigation**

According to the Traffic Report conducted by proposed improvements to the Garrison Golf | review upon its completion. Club would not adversely affect the roadway system surrounding the Golf Club. The report of the DEIS states that the Levels of Service for the Future Build and Future No Build options would be similar and therefore the Proposed Plan does not pose negative impacts to the roadway system. Improvements to the local roadway system, including sight distance improvements, will be discussed during the Highway Work Permit Process.

#### **Traffic Mitigation**

The scope of the traffic impact study will be John Collins Engineering, which is summarized | reviewed with the Planning Board and its in the DEIS, the traffic generated by the consultants and the report will be submitted for

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4.5	Community Services				
	2005 Findings Statement	2020 Proposed Action			
	Police Protection	Police Protection			
	New York State Police The police at the Cortlandt Station have acknowledged that the proposed improvements will not have a negative impact on the services provided by the New York Police for they have enough resources to handle the present conditions of Philipstown as well as the anticipated demand created from the proposed improvements.	No change in this impact is anticipated that cannot be adequately mitigated.			
	Putnam County Sheriff's Department The Putnam County Sheriff's Department admitted a need for more law enforcement services. This need is not specially associated with the Proposed Action but more of a cumulative need from the overall growth in Putnam County.				
	Fire Protection	Fire Protection			
	The utilization of the existing 30,000-gallon tank for fire flow water and the installation of the proposed sprinkler system in each building will increase fire protection of the property site	The utilization of the existing 30,000-gallon tank for fire flow water and the installation of sprinkler systems in each new structure as required will increase fire protection of the property site.			
	Medical Facilities/Ambulance Service	Medical Facilities/Ambulance Service			
	The Proposed Action is anticipated to increase life risk situations that may occur on the site. The cause of this increase is the result of the proposed increase in number of overnight accommodations. Since there are two medical facilities located in the area of the Garrison Golf Club and there are a number of ambulance services in the vicinity, no mitigation is proposed.	The proposed action is anticipated to increase life risk situations that may occur on the site. The cause of this increase is the result of the proposed increase in number of visitors to the site for the various uses, existing and proposed. Since there are two medical facilities located in the area of the GCCPDD/RC and there are a number of ambulance services in the vicinity, no mitigation is proposed.			

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#### **Solid Waste**

The Proposed Plan is expected to generate minimal debris. The debris accumulated will be of the Proposed Action, solid waste from the site will increase from the additional proposed accommodations. No mitigation is proposed for the Town.

#### Solid Waste

No mitigation is proposed for the increase in solid waste from the proposed improvements will not disposed of at an approved landfill. As a result | significantly impact existing landfills or the solid waste collection of the Town as HVSF is already operating at the Boscobel site. No mitigation is proposed for the increase in solid waste from the the increase in solid waste from the proposed | proposed improvements will not significantly improvements will not significantly impact impact existing landfills or the solid waste existing landfills or the solid waste collection of | collection of the Town as HVSF is already operating at the Boscobel site.

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#### Taxes (Fiscal Analysis)

#### 2005 Findings

#### 2020 Proposed Action

#### Taxes (Fiscal Analysis)

Upon the completion of the Proposed Action, | The present assessed value of the property is the following will occur:

- The assessed value of the property will \$3,867,500.
- \$87,530.
- jurisdictions.

The approximate monetary amount affiliated the Applicant the expense of the improvements | restaurant operations. is not expected to be significant.

No additional mitigation is expected for there is an excess of funds for each taxing district.

#### Taxes (Fiscal Analysis)

\$4,535,900; the total tax revenue is \$199,267.75. HVSF is a tax exempt organization but certain scenarios are being explored wherein the be \$9,726.300, which is an increase of event/restaurant/bar/hotel operations will continue to be tax revenue generating ■ The total tax revenue will be \$220,126, operations so as to minimize as best as possible which is an estimated increase of any diminution in real property tax revenues to be felt by the Town and School Districts. HVSF will ■ The taxes will be paid to a variety of | be creating a for-profit subsidiary to operate the restaurant and wedding/event business. We expect that this for-profit will pay a portion of property taxes. In addition, there is the potential with the Golf Club improvements has not been | for increased sales tax revenue for Putnam calculated but according to the assumption of | County and the Town as a result of expanded

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4.7	Visual Quality and Neighborhood Character				
	2005 Findings Statement	2020 Proposed Action			
	Visual Quality/Neighborhood Character	Visual Quality/Neighborhood Character			
	The majority of the proposed improvements are scheduled to occur in the "Core Area", which is located in the center portion of the site. Besides the remote parking area, which will be visible from Snake Hill Road, the proposed improvements will be located in the "Core Area" and are therefore not visible from outside the Golf Club. The impact of the remote parking area will be mitigated through the planting of a buffer.	The majority of the proposed improvements are scheduled to occur in the Gifted Area, which is located predominantly in the center portion of the site. Besides the remote parking and golf pro shop area, which will be visible from Snake Hill Road, the proposed improvements will be located in the Gifted Area and are therefore not visible from outside the existing GCCPDD/RC. The impact of the remote parking and artists' residences areas will be mitigated through the planting of a buffer.			
	Landscaping will occur that includes the replacement of some tree canopy with plant cover. This action as well as additional landscaping techniques will not open views into the Garrison Golf Club.	Landscaping will occur that includes the replacement of some tree canopy with plant cover. This action as well as additional landscaping techniques will not open views into the Garrison Golf Club and Gifted Area.			
	No significant changes in the existing grading are proposed. The Applicant is looking to accomplish the proposed improvement while preserving open space and improving visual quality of the site.	While significant changes in the existing grading will be necessary. HVSF is looking to accomplish the proposed improvements while preserving open space and improving visual quality of the site.			
	The protection of ridgelines and viewsheds, especially of the Hudson River, are an important aspect of the Proposed Plan. The creation of a visually pleasing site, both onsite and from the roadside will be completed through landscaping and will include natural buffers. Landscaping will be conducted with the use of native species.	The protection of ridgelines and viewsheds, especially of the Hudson River, remain of paramount commitment to HVSF. The creation of a visually pleasing site, both onsite and from the roadside, neighboring properties and from the West side of the Hudson River will be completed through landscaping and will include natural buffers. Landscaping will be conducted with the use of native species.			

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4.8	8 Description of the Project Alternatives Considered in the DEIS				
	2005 Findings	2020 Proposed Action			
:	No Action	No Action			
	The No Action alternative states basically that the property would remain in its existing state. There would be no physical development site impacts and all benefits that were expected from the build option will not occur. If the proposed improvements are not granted, the drainage pattern on the site will not change, additional revenue and employment will not be produced and additional traffic will not be generated.  "This alternative is not consistent with the	A No Action alternative would mean basically that the GCCPDD/RC would remain in its existing state. There would be no further physica development site impacts and all benefits for the Town and local community that could be expected from the build option will not occur. If the proposed improvements are not granted, the drainage pattern on the site will not change, additional revenue and employment will not be produced and additional traffic will not be generated.			
	Applicant's objectives of pursuing a modern, more viable Golf Club."	This alternative is not consistent with HVSF's objective of seeking a permanent home in the Town of Philipstown.			
	<u>Disposition of the Property in the Event Entire</u> <u>Project Fails</u>	Disposition of the Property in the Event Entire Project Fails			
	Failure of the Proposed Action would allow for the property to be developed under the current R-80 zoning law. If failure were to occur, the Golf Club would likely depreciate to undeveloped land. A portion of the site could be developed as a residential subdivision even though the Applicant wished to have the site remain as open space and "would likely sell or gift the property to the State or a conservancy such as the Open Space Institute."	Failure of the HVSF use would require Supreme Court approval for the sale of all or substantially all of its property and would be heavily scrutinized by that Court. Additionally, Mr. Davis is planning on a reverter clause if HVSF should fail, which would cause title to the Gift Area to revert to him or to some other non-profit entity of his designation.			

Page **27** of **27** 



# THIS PAGE FORMS PART OF THE INSTRUMENT)

RECORD & RETURN TO: (Name, Address, & Zip)

TYPE OR PRINT IN BLACK INK ONLY

Klehr, Harrison 1401 Walnud St. Philadelphia, PA 19102 GRANTOR/MORTGAGOR

Garrison Golf Clut

ULC Corp.

Garrison Golf Clut LLC

GRANTEL/MORTGAGEE

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED / MORTGAG	GESATASHTOTHER
RECORDING FEES PAGES 14  RCD FEE 47.00  STAT CHG 5.00  REC MGMT 5.00  CROSS REF CERT/COPY GO  TOTAL 57.00	RESERVE FOR TIME STAMP  99 JULY 2 *** 11:45
CONSIDERATION \$5,014,850.50  TOWNSHIP  RECEIVED  REAL ESTATE  TRANSFER TAX PUINAH COUNTY  TAX  PUINAH COUNTY	PUTNAM COUNTY CLERK'S OFFICE  RECORDED ON JAMES 20 AND EXAMINED.  JOSEPH L. PELOSO, JR.  PUTNAM COUNTY CLERK
MORTGAGE TAX  MORTGAGE AMOUNT  TOTAL TAX  SERIAL NUMBER  AFFIDAVIT FILED ( )	HORTGAGE TAX DISTRICTS:  TOWN OF CARMEL  TOWN OF CARMEL  TOWN OF PATTERSON  TOWN OF PHILIPSTOWN  TOWN OF FUTHAM VALLEY  TOWN OF SOUTHEAST  UNAPPORTIONED  MORTGAGE TYPES:  A COMMERCIAL/VACANT LAND  B 1 - 2 FAMILY  C UNDER \$10,000  D CREDIT UNION/PERSONAL MTG  E 3 - 6 UNITS  N EXEMPT

	TOWN OF SOUTHEAST UNAPPORTIONED
( )	HORTGAGE TYPES:  A COMMERCIAL/VACANT LAND  B 1 - 2 FAMILY  C UNDER \$10,000  D CREDIT UNION/PERSONAL MTG  E 3 - 6 UNITS  H EXEMPT
9834	

Standard N.Y.B.T.U. Form 8002: Bargain & sale deed, with recommend against grounds of acits—Ind. or Corp.; single she

BKIL-73PGON31

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

THIS INDENTURE, made the 19 TH day of June

, nineteen hundred and ninety-nine

RETWEEN GARRISON GOLF ULC CORP., a Delaware corporation having an address at c/o Coudert Brothers

1114 Avenue of the Americas

NY, NY 10036

Attention: John Galluccio, Esq.

party of the first part, and

Garrison Golf Club LLC, a Delaware limited liability company

having an address at

c/o Shaw Pittman Potts & Trowbridge 2300 N Street, N.W. Washington, D.C. 20039 Attention: John Engel, Esq.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate. Iying and being in the same premises as set forth in Exhibit A attached hereto and made a part hereof. T/PHILIPSTOWN

BEING and intended to be the same property conveyed to the party of the first part by deed made by Urban Life Company U.S.A. dated September 16, 1992 recorded in Liber 1170 at Page 135.

This conveyance has been made with the unanimous consent in writing of all of the stockholders of the party of the first part.

MOTE OF THE STATE OF THE STATE

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

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

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

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

IN PRESENCE OF:

Garrison Golf ULC Corp.

On the day of personally came

19 , before me

SS: | STATE OF NEW YORK, COUNTY OF

day of On the 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF NEW YORK, COUNTY OF

On the //\* day of June 1999, before me personally came Takeshi Nishimura.

On the known, who, being by me duly sworn, did depose and say that he resides at No. 108 Half Hoon BayDrive, that he is the freshew of Garrison Golf ULC Corp.

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 chast of the board of directors of said corporation. The said subscribing witness, was present and saw execute the same; and that he said witness, the said witness, at the same time subscribed he mame as witness, thereto.

Christian Tuley

Bargain and Sale Deeb WITH COVENANT AGAINST GRANTOR'S ACTS TITLE No.

Garrison Golf ULC Corp.

TO

Garrison Golf Club LLC

at the same time subscribed h | name at witness thereto.

Fire the mean Title Ins. Co. of NY 1 - East Post Road White Plains, New York 10601

60 SECTION 60  $\supseteq$ BLOCK 1 County of Putnam rot 26 2 98 COUNTY OR TOWN Town of Philipstown

RETURN BY MAIL TO:

Klehr, Harrison, Harvey, Branzburg & Ellers LLP 1401 Walnut Street Zip No. 19102 Philadelphia, PA

Attn: Steven Kaye, Esq.

### BK 1473 PG 0 0 33

## Schedule GG-A PARCEL GG-A - Tax Parcel 60.-1-59.2

BEGINNING at the point on the northerly line of Snake Hill Road (formerly Travis Corners Road), where the same is intersected by the line dividing the lands now being described, on the west from lands formerly of Fratoni and now or formerly of Hines, on the east, which point occupies coordinate position

N 503549.51 (y) E 615336.64 (x)

of the New York Coordinate System East Zone.

THENCE from the said point of beginning, westerly along the northerly line of Snake Hill Road (formerly Travis Corners Road) and in part along the road face of a stone wall the following courses:

S 61°34'35" W 159.35 feet S 77°13'35" W 58.37 feet S 71°22'37" W 59.38 feet S 61°08'30" W 22.83 feet S 52°09'35" W 31.60 feet S 45°17'32" W 86.77 feet

to a point which occupies coordinate position

N 503350.34 (y) E 614976.68 (x)

of the New York Coordinate System, East Zone, which point is the Point of Beginning of Hydrant Access Easement No. 1 described in Schedule HA attached hereto. Thence continuing westerly along the northerly line of Snake Hill Road (formerly Travis Corners Road) and in part along the road face of a stone wall the following courses:

S 45°44'54" W 48.31 feet S 18°21'50" W 22.00 feet S 26°07'22" W 192.08 feet S 33°04'46" W 168.22 feet S 41°38'50" W 146.13 feet S 33°23'24" W 283.64 feet S 47°54'30" W 103.00 feet and S 72°15'05" W 107.47 feet

### Schedule GG-A, continued

to the easterly line of lands formerly of Salome and now or formerly of Gibson. Thence along the said Gibson lands the following courses:

```
N 30°56'27" W 331.71 feet to a pipe
N 55°33'27" W 161.51 feet to a pipe
N 10°03'27" W 200.00 feet and
S 24°04'37" W 241.26 feet
```

to a point marked by an iron pipe. Thence along other lands formerly of Urban Life Company U.S.A. and now or formerly of Parkin

```
N 38°01'52" W 430.00 feet and S 65°34'56" W 306.03 feet
```

to a point on the easterly line of lands of the City of New York (Catskill Aqueduct). Thence along said Catskill Aqueduct lands, first the following courses:

```
N 19°01'10" W 380.00 feet
S 78°01'10" E 87.50 feet and
N 19°01'10" W 1659.55 feet
```

then northerly on a tangent curve to the right, the central angle of which is 43°30'00", the radius of which is 100.00 feet for 75.92 feet and then

```
N 24°28'50" E 378.63 feet
```

to a point on the southerly line of Philipse Brook Road, which point occupies coordinate position

```
N 505427.88 (y)
E 612927.45 (x)
```

of the New York Coordinate System, East Zone. Thence along the southerly line of Philipse Brook Road and in part along the road face of a stone wall the following courses:

```
N 88°50'20" E 129.10 feet
N 66°07'39" E 202.13 feet
S 88°07'36" E 77.22 feet
S 73°30'35" E 180.69 feet
S 79°17'34" E 64.33 feet
S 63°46'20" E 33.82 feet
S 87°05'48" E 57.00 feet
```

## Schedule GG-A, continued

N 89°49'20" E 36.27 feet N 79°48'28" E 67.83 feet N 77°45'40" E 53.19 feet and N 78°01'16" E 80.00 feet

Thence along other lands now or formerly of Urban Life Company U.S.A. the following courses:

S 11°58'44" E 100.00 feet S 15°21'43" W 306.83 feet S 54°43'39" E 277.99 feet N 44°30'00" E 170.37 feet N 59°30'00" E 103.21 feet N 39°46'29" E 994.74 feet and Due East 279.50 feet

to a point on the westerly line of U.S. Route 9 (Albany Post Road). Thence southerly along the westerly line of U.S. Route 9 (Albany Post Road) the following courses:

S 00°05'28" W 352.26 feet S 16°20'38" E 558.71 feet and S 14°53'09" E 336.58 feet

to a point which occupies coordinate position

N 504639.21 (y) E 615409.32 (x)

of the New York Coordinate System, East Zone, which point is the Point of Beginning of Hydrant Access Easement No. 2 described in Schedule HA attached hereto. Thence continuing southerly along the westerly line of U.S. Route 9

S 00°42'35" E 137.00 feet to a monument and S 00°04'24" E 180.51 feet

to a point at the line of lands formerly of Palumbo and now or formerly of DiSalvo. Thence along the said DiSalvo lands and along lands formerly of Fratoni and now or formerly of Hines and in part near the center of a stone wall the following courses:

N 74°00'10" W 193.74 feet to a pipe S 07°16'20" E 440.64 feet S 08°07'07" E 203.16 feet

## Schedule GG-A, continued

S 06°56'21" E 67.69 feet S 06°15'14" E 108.55 feet and S 30°11'50" E 14.22 feet

to the northerly line of Snake Hill Road (formerly Travis Corners Road) and the point or place of beginning, containing 124.912 acres more or less.

## Schedule GG-E PARCEL GG-E - Tax Parcel 60.-1-69

BEGINNING at a point on the southerly line of Snake Hill Road (formerly Philipse Brook Road), where it is met by the line dividing the lands herein described, on the east, from lands now or formerly of Farman, on the west, which point occupies coordinate position

N 505168.31 (y) E 612105.32 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning along the southerly line of Snake Hill Road (formerly Philipse Brook Road,)

N 56°01'50" E 48.04 feet and N 45°59'20" E 123.11 feet

to the westerly end of a curve connecting the southerly line of Snake Hill Road (formerly Philipse Brook Road) with the westerly line of Snake Hill Road (formerly Travis Corners Road). Thence easterly on a tangent curve to the right, the central angle of which is 90°00'00", the radius of which is 100.00 feet for 157.08 feet to the westerly line of Snake Hill Road (formerly Travis Corners Road). Thence, along the westerly line of Snake Hill Road (formerly Travis Corners Road)

S 44°00'40" E 244.14 feet and S 18°01'00" E 163.40 feet

to the northeasterly corner of a pumphouse lot. Thence along the said pumphouse lot the following courses:

S 71°59'00" W 75.00 feet S 18°01'00" E 60.00 feet and N 71°59'00" E 75.00 feet

to another point on the westerly line of Snake Hill Road (formerly Travis Corners Road). Thence along the said westerly line of Snake Hill Road (formerly Travis Corners Road)

S 18°01'00" E 1127.89 feet

to the northerly line of lands formerly of the City of New York (Catskill Aqueduct), and now or formerly of Frederick Osborn. Thence along the said Osborn lands

## Schedule GG-E, continued

S 72°28'20" W 296.27 feet

to a stone wall and a point marked by a monument at the line of lands now or formerly of Osborn. Thence northerly along the said Osborn lands and along the aforementioned lands now or formerly of Farman and in part along the center of a stone wall

N 13°45'10" W 1392.42 feet and N 70°16'40" W 259.01 feet

to the southerly line of Philipse Brook Road and the point or place of beginning, containing 8.866 acres more or less.

### Schedule GG-F PARCEL GG-F - Tax Parcel 60.-2-29.2

**BEGINNING** at the point on the northerly line of Philipse Brook Road where it is met by the line dividing the lands herein described, on the west, from other lands now or formerly of Urban Life Company U.S.A., on the east, which point occupies coordinate position

N 505525.45 (y) E 613339.88 (x)

of the New York Coordinate System East Zone, and which point is distant

N 76°35'12" W 100.02 feet

as measured westerly along the said northerly line of Philipse Brook Road from another point thereon where it is met by the line dividing the said other lands now or formerly of Urban Life Company U.S.A., on the west, from lands now or formerly of McFarland, on the east, which reference point occupies coordinate position

N 505502.25 (y) E 613437.17 (x)

of the New York Coordinate System East Zone.

THENCE from the said point of beginning westerly along the northerly line of Philipse Brook Road the following courses:

N 78°14'39" W 103.44 feet N 20°36'40" W 15.50 feet and S 69°23'20" W 110.55 feet

to a point at the line of lands now or formerly of the City of New York (Catskill Aqueduct). Thence northerly along the said Catskill Aqueduct lands and in part along the easterly face of a stone wall the following, first

N 33°25'20" W 337.11 feet and N 33°25'10" W 229.61 feet

then on a tangent curve to the right, the central angle of which is 25°48'00", the radius of which is 100.00 feet for 45.03 feet, then

N 07°37'10" W 151.45 feet

### Schedule GG-F, continued

then on a tangent curve to the right, the central angle of which is 25°48'30", the radius of which is 100.00 feet for 45.04 feet, then

```
N 18°11'20" E 224.15 feet
```

then on a tangent curve to the left, the central angle of which is 31°08'30", the radius of which is 300.00 feet for 163.06 feet, then

```
N 12°57'10" W 204.38 feet
```

then on a tangent curve to the right, the central angle of which is 13°55'00", the radius of which is 900.00 feet for 218.60 feet, and then

```
N 00°57'50" E 95.49 feet
```

to a point in the center of a stone wall marking the southerly line of lands formerly of Benjamin and now shown on that certain map entitled, "Hayfield Associates...," which was filed in the Putnam County Clerk's Office on September 23, 1976 as Map No. 1533. Thence along the said southerly line of the lands shown on Filed Map No. 1533 and the center of the said stone wall the following courses:

```
S 70°02'01" E 169.98 feet
S 70°33'38" E 134.42 feet and
S 62°32'51" E 27.02 feet
```

to a point at the line of lands formerly of Openhavska, formerly of Penny and now or formerly of Southard. Thence along the said Southard lands and the center of a stone wall

```
S 19°07'28" E 163.04 feet and
S 19°43'48" E 35.31 feet
```

to a point. Thence along other lands now or formerly of Urban Life Company U.S.A., the following courses:

```
S 05°21'52" W 878.23 feet
S 19°58'59" E 351.14 feet and
S 56°56'09" E 154.98 feet
```

to the northerly line of Philipse Brook Road and the point or place of beginning, containing 9.669 acres more or less

### Schedule GG-G PARCEL GG-G - Tax Parcel 60.-2-26.71

BEGINNING at a point on the northerly line of Snake Hill Road (Formerly Philipse Brook Road) where it is met by the line dividing the lands herein described on the east from lands formerly of The Walter Hoving Home, Inc. and now or formerly of K.J.A. Land Company, Inc. on the west, which point occupies coordinate position

N 505112.72 (y) E 611928.07 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning along the said K.J.A. Land Co., Inc. lands, the following courses:

N 31°33'05" W 517.41 feet N 65°33'53" W 30.29 feet and N 66°48'58" W 153.65 feet

to a point at the line of lands now or formerly of McEvoy, Kastilahn and Tudor. Thence along the said McEvoy, Kastilahn and Tudor lands

N 12°56'10" E 949.96 feet

to a point on the southerly line of Lot No. 6 shown on that certain "Subdivision Plat of Garrison Golf Club - Section 1...," which was filed in the Putnam County Clerk's Office on October 29, 1990 as Map No. 2488. Thence along the southerly and southeasterly lines of Lot No. 6 and Lot No. 5 on said Filed Map No. 2488 the following courses:

S 74°29'18" E 150.00 feet N 62°00'00" E 442.23 feet and N 72°00'00" E 390.00 feet

to a point in the line of lands now or formerly of the City of New York (Catskill Aqueduct) and the westerly face of a stone wall. Thence along the said Catskill Aqueduct lands and generally along the west face of a stone wall the following, first southerly on a non-tangent curve to the left, the center of which bears N81°20'00"E, the central angle of which is 04°17'10", the radius of which is 1100.00 feet for 82.29 feet, then

S 12°57'10" E 204.38 feet

#### Schedule GG-G, continued

and then on a tangent curve to the right, the central angle of which is 31°08'30", the radius of which is 100.00 feet for 54.35 feet to a point which point occupies coordinate position

```
N 506506.91 (y)
E 612665.88 (x)
```

of the New York Coordinate System, East Zone. Thence through the parcel now being described

```
S 37°25'21" W 360.08 feet
```

to a point on the line of lands now or formerly of the Vestry of St.. Philip's Church. Thence along and around the said St.. Philip's Church lands on a non-tangent curve to the left, the center of which bears, S37°25'21"W, the central angle of which is 360°00'00", the radius of which is 75.00 feet for 471.24 feet to the point last described. Thence back through the parcel now being described

```
N 37°25'21" E 360.08 feet
```

to the most previously described point on the westerly line of the lands of the Catskill Aqueduct. Thence along the said Catskill Aqueduct lands and generally along the west face of a stone wall the following, first

```
S 18°11'20" W 224.15 feet
```

then on a tangent curve to the left, the central angle of which is 25°48'30", the radius of which is 300.00 feet for 135.13 feet, then the following courses:

```
S 25°39'50" W 286.53 feet
S 33°25'10" E 200.00 feet
N 56°34'50" E 150.00 feet
S 33°25'10" E 99.32 feet
N 56°34'50" E 15.00 feet
S 33°25'10" E 50.00 feet and
S 56°34'50" W 15.00 feet
```

then southerly on a non-tangent curve to the right, the center of which bears \$56°34'50"W, the central angle of which is 57°54'00", the radius of which is 100.00 feet for 101.05 feet and then

```
S 24°28'50" W 62.00 feet
```

to a point. Thence still along lands of the Catskill Aqueduct

## Schedule GG-G, continued

S 88°50'20" W 173.00.feet

to a point which point occupies coordinate position

N 505536.88 (y) E 612585.95 (x)

of the New York Coordinate System, East Zone, which point is the point of beginning of the right-of-way heretofore granted to the Vestry of St. Philip's Church described in Schedule GG-R attached hereto. Thence still along lands of the Catskill Aqueduct:

N 49°04'30" W 62.87 feet and S 60°55'50" W 349.62

to a point on the northerly line of Philipse Brook Road. Thence westerly along the said northerly line of Philipse Brook Road and continuing along the northerly line of Snake Hill Road (formerly Philipse Brook Road), the following courses:

S 22°03'40" E 20.00 feet S 40°54'45" W 152.14 feet S 33°05'16" W 31.49 feet S 48°19'46" W 23.50 feet S 54°29'25" W 133.25 feet and S 58°30'16" W 81.46 feet

to the point or place of beginning, containing 29.782 acres more or less.



## PUTNAM COUNTY RECORDING AND ENDORSEMENT PAGE (THIS PAGE FORMS PART OF THE INSTRUMENT)

RECORD & RETURN TO: (Name, Address, & Zip)

Klehr, Harrison 1401 Walnut St Phila delphia. PA 19102 TYPE OR PRINT IN BLACK INK ONLY

GRANTOR/MORTGAGOR
GRANTOR/MORTGAGOR Urban Life Company U.S. A.
Garrison Golf Club LLC
GRANTEE/MORTGAGEE

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEEDMORTGA	GESAT ASHTOTHER
RECORDING FEES         # OF PAGES         14           RCD FEE         47.00           STAT CHG         5.00           REC MGMT         5.00           CROSS REF         .00           CERT/COPY         .00           TOTAL         52.00	PUTTING STAMP  99 JUN 22 FM 11: 4-5
CONSIDERATION \$1,470,149.50  TOWNSHIP  RECEIVED  REAL ESTATE  TRANSFER TAX PUINAM COUNTY  TAX  CONSIDERATION \$1,470,149.50  TP-584 (X) \$6.00  FEAL ESTATE  SEAN () \$25.00	PUTNAM COUNTY CLERK'S OFFICE  RECORDED ON JUNE 22 1999  LIBER 1473 PAGE 44 AND EXAMINED.  JOSEPHIL: PELOSO, JR. PUTNAM COUNTY CLERK
MORTGAGE TAX  MORTGAGE AMOUNT  TOTAL TAX  SERIAL NUMBER  AFFIDAVIT FILED  9835	MORTGAGE TAX DISTRICTS: TOWN OF CARMEL TOWN OF KENT TOWN OF PATTERSON TOWN OF PHILIPSTOWN TOWN OF PUTHAM VALLEY TOWN OF SOUTHEAST UNAPPORTIONED  MORTGAGE TYPES: A COMMERCIAL/VACANT LAND B 1 - 2 FAMILY C UNDER \$10,000 D CREDIT UNION/PERSONAL MTG E J - 6 UNITS N EXEMPT

T 691

Standard N.Y.S.T.U. Form 8002; Bargain & sale doed, with corresponding granier's acts - Ind. or Corn : single sheet

BK LL 73PC no. 5

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SMOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the MTH day of June , nineteen hundred and ninety-nine

BETWEEN URBAN LIFE COMPANY U.S.A., a Delaware corporation having an address at c/o Coudert Brothers

1114 Avenue of the Americas NY, NY 10036 Attention: John Galluccio, Esq.

Garrison Golf Club LLC, a Delaware limited liability company party of the first part, and having an address at

> c/o Shaw Pittman Potts & Trowbridge 2300 N Street, N.W. Washington, D.C. 20039 Attention: John Engel, Esq.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot piece of tautel of land, with the huildings and improvements thereon erected, situate. lying and being in the same predicts as set forth in Exhibit A attached hereto and made a part hereof.

BEING and intended to be the same property conveyed to the party of the first part by deed made by Orban Life Co., Ltd. dated June 27, 1990 recorded in Liber 1097 at Page 105.

This conveyance has been made with the unanimous consent in writing of all of the stockholders of the party of the first part.

Com STANE PARTY PARTY PARTY OF Their Both PARTY PARTY OF Bushland or Down York Committy Commission English May 21, 27,000

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

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

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

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

IN PRESENCE OF:

Urban Life Company U.S.A.

### ADDITIONAL TAX PARCEL NUMBERS

- 1. Section 60, Block 1, Lot 65
- 2. Section 72, Block 2, Lot 92

## Schedule UL-A Parcel UL-A - Tax Parcel 60.-1-59.3

**BEGINNING** at the point formed by the intersection of the southerly line of Philipse Brook Road and the westerly line of U.S. Route 9, as widened in 1996 by appropriation, which point occupies coordinate position

N 506,359.16 (y) E 615,138.09 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning, southerly along the westerly line of U.S. Route 9

S 05°03'12" E 107.47 feet S 11°29'42" E 95.99 feet and S 00°05'28" W 305.14 feet

to a point at the line of lands now or formerly of Garrison Golf ULC Corp. Thence along the said Garrison Golf ULC Corp. lands, the following courses:

Due West 279.50 feet S 39°46'29" W 994.74 feet S 59°30'00" W 103.21 feet S 44°30'00" W 170.37 feet N 54°43'39" W 277.99 feet N 15°21'43" E 306.83 feet and N 11°58'44" W 100.00 feet

to another point on the southerly line of Philipse Brook Road. Thence easterly along the southerly line of Philipse Brook Road and in part along the road face of a stone wall, the following courses:

N 78°01'16" E 36.10 feet N 68°18'44" E 36.57 feet N 63°16'43" E 30.77 feet N 46°52'08" E 72.59 feet N 55°01'43" E 20.79 feet N 54°56'23" E 62.25 feet N 52°34'34" E 53.68 feet N 57°23'00" E 113.81 feet N 54°13'43" E 132.85 feet N 41°38'15" E 83.11 feet

### Schedule UL-A, continued Parcel UL-A - Tax Parcel 60.-1-59.3

N 33°34'56" E 76.86 feet
N 36°01'18" E 105.80 feet
N 36°52'06" E 284.94 feet
N 38°05'32" E 143.70 feet
N 59°49'34" E 65.22 feet
N 67°40'41" E 24.38 feet
N 80°28'13" E 46.99 feet
S 88°33'16" E 60.12 feet
N 83°07'54" E 58.63 feet
S 81°08'33" E 133.86 feet and
S 75°58'50" E 3.20 feet

to the point or place of beginning, containing 17.131 acres, more or less.



## Schedule UL-B Parcel UL-B - Tax Parcel 60.-1-64

**BEGINNING** at a point on the easterly line of Snake Hill Road (formerly Travis Corners Road) where it is met by the westerly projection of the southerly boundary of property of the City of New York (Catskill Aqueduct) and in line with a stone wall marking the southerly line of lands formerly of the City of New York and now or formerly of Osborn, as projected easterly across Snake Hill Road (formerly Travis Corners Road), which point occupies coordinate position

N 503,479.69 (y) E 613,106.77 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning, easterly along the said projection and continuing along the southerly line of the said Catskill Aqueduct lands

S 79°06'34" E 60.30 feet

to a point on the westerly line of the said Catskill Aqueduct lands. Thence southerly along the westerly line of the said Catskill Aqueduct lands

S 19°01'10" E 1,044.14 feet

to a point on the northeasterly line of Snake Hill Road (formerly Travis Corners Road), which point occupies coordinate position

N 502,481.16 (y) E 613,506,25 (x)

of the New York Coordinate System, East Zone. Thence northwesterly and northerly along the northeasterly and easterly line of Snake Hill Road (formerly Travis Corners Road), the following courses:

N 32°29'28" W 184.45 feet N 32°10'48" W 221.80 feet N 30°43'41" W 49.20 feet N 26°47'07" W 82.50 feet N 14°41'50" W 208.64 feet N 12°55'00" W 277.12 feet and

N 12°55'00" W 277.12 feet and

N 04°19'04" W 67.57 feet

to the point or place of beginning, containing 1.856 acres, more or less

## Schedule UL-C Parcel UL-C - Tax Parcel 60,-1-63

BEGINNING at a point on the easterly line of Snake Hill Road (formerly Travis Corners Road), where it is intersected by the northwesterly line of lands of The City of New York (Catskill Aqueduct), which point is distant 362.68 feet southeasterly as measured along the northeasterly line of Snake Hill Road (formerly Travis Corners Road) from the point formed by its intersection with the southerly line of Philipse Brook Road and which point of beginning occupies coordinate position

N 505,132.89 (y) E 612,575.71 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning, northwesterly along the northeasterly line of Snake Hill Road (formerly Travis Corners Road), the following courses:

N 32°18'07" W 105.46 feet N 49°56'57" W 128.61 feet and N 56°11'22" W 128.61 feet

to the said point formed by its intersection with the southerly line of Philipse Brook Road. Thence along the southerly line of Philipse Brook Road

N 67°56'20" E 109.56 feet

to a point at the southerly line of Parcel QC-2 described in Schedule QC-2 hereto. Thence along the southerly line of said Parcel QC-2 described in Schedule QC-2

S 83°49'50" E 275.50 feet

to another point on the northwesterly line of the said Catskill Aqueduct. Thence southwesterly along the northwesterly line of the said Catskill Aqueduct lands, the following, first

S 24°28'50" W 243.63 feet

and then on a tangent curve to the left, the central angle of which is 6°48'56", the radius of which is 300.00 feet for 35.69 feet to the point or place of beginning, containing 1.111 acres, more or less.

## Schedule UL-D Parcel UL-D - Tax Parcel 60.-1-65

**BEGINNING** at the point on the westerly line of Snake Hill Road (formerly Travis Corners Road) where it is intersected by the line dividing the lands herein described, on the south, from lands formerly of The City of New York and now or formerly of Osborn, on the north, which point is distant

```
S 44°00'40" E 244.14 feet and
S 18°01'00" E 1,699.83 feet
```

measured southerly along the westerly line of Snake Hill Road (formerly Travis Corners Road) and

```
N 78°01'10" W 7.48 feet
```

measured westerly along the southerly line of the said lands formerly of the City of New York and now or formerly of Osborn, from the southerly end of the curve with a radius of 100.00 feet and a length of 157.08 feet that connects the westerly line of Snake Hill Road (formerly Travis Corners Road) with the southerly line of Snake Hill Road (formerly Philipse Brook Road), and which point of beginning occupies coordinate position

```
N 503,487.74 (y)
E 613,063.16 (x)
```

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning southerly along the westerly line of Snake Hill Road (formerly Travis Corners Road) and the road face of a stone wall the following courses:

```
S 02°21'03" E 63.51 feet
S 10°45'54" E 155.48 feet
S 14°25'30" E 356.71 feet
S 23°04'28" E 89.09 feet
S 35°57'47" E 21.86 feet
S 31°42'38" E 245.64 feet and
S 32°15'40" E 120.53 feet
```

to a point at the line of lands formerly of Townsend and the northerly line of Parcel UL-H described in Schedule UL-H, hereto, as the said line was established by the agreement between Townsend and NRC Corp. recorded in the Putnam County Clerk's Liber 686 of deeds at page

### Schedule UL-D, continued

370. Thence along the said agreement line and the northerly line of Parcel UL-H described in Schedule UL-H hereto, the following courses:

```
S 87°12'50" W 531.83 feet
S 68°31'50" W 260.53 feet and
S 68°53'40" W 418.91 feet
```

to a point at the line of lands now or formerly of the Garrison Union Free School District, the "School Forest." Thence along the said "School Forest" lands

```
N 19°32'12" W 1,056.02 feet
```

to a point at the line of other lands now or formerly of the Garrison Union Free School District, the "School Forest." Thence along the said other "School Forest" lands and along lands now or formerly of Osborn and the centerline of a stone wall, the following courses:

```
N 65°07'03" E 417.75 feet
N 64°28'49" E 236.15 feet
N 65°35'56" E 146.12 feet
S 79°37'56" E 89.66 feet and
S 78°01'10" E 350.18 feet
```

to the westerly line of Snake Hill Road (formerly Travis Corners Road) and the point or place of beginning, containing 28.296 acres, more or less

## Schedule UL-F Parcel UL-F - Tax Parcel 60.-2-29.1

**BEGINNING** at a point on the northerly line of Philipse Brook Road, where it is met by the line dividing the lands herein described on the west from land now or formerly of McFarland on the east, which point occupies coordinate position

N 505,502.25 (y) E 613,437.17 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning, westerly along the northerly line of Philipse Brook Road

N 76°35'12" W 100.02 feet

to a point at the line of lands now or formerly of the Garrison Golf ULC Corp. Thence northwesterly and northerly along the easterly line of the said Garrison Golf ULC Corp. lands, the following courses:

N 56°56'09" W 154.98 feet N 19°58'59" W 351.14 feet and N 05°21'52" E 878.23 feet

to a point at the line of lands formerly of Openhavska, formerly of Penny and now or formerly of Southard. Thence along the said Southard lands and along lands now or formerly of the Openhavska Estate and the center of a stone wall, the following courses:

S 19°43'48" E 75.00 feet S 03°52'26" E 25.61 feet S 33°48'56" E 25.29 feet S 20°21'43" E 232.67 feet S 18°26'00" E 252.47 feet S 30°26'17" E 15.16 feet S 18°47'12" E 57.04 feet S 12°54'31" E 31.59 feet and S 18°44'58" E 124.77 feet

to a point at the line of lands formerly of McFarland and now or formerly of Northup. Thence along the said Northup, the following courses:

S 21°40'02" E 178.61 feet

### Schedule UL-F, continued

S 15°26'42" E 84.89 feet and S 19°49'36" W 290.74 feet

to the point or place of beginning, containing 7.027 acres, more or less.

# Schedule UL-H Parcel UL-H - Tax Parcel 71.-2-92

**BEGINNING** at the point formed by the intersection of the southerly line of Snake Hill Road (formerly Travis Corners Road) and the westerly line of lands of the City of New York (Catskill Aqueduct) which point occupies coordinate position

N 502,323.86 (y) E 613,560.48 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning southerly along the westerly line of the said Catskill Aqueduct lands

S 19°01'10" E 866.64 feet

to a point at the line of lands formerly of Frederick Osborn and now or formerly of Duncan. Thence along the said Duncan lands, the following courses:

S 08°58'40" W 43.00 feet S 01°18'40" E 19.30 feet S 53°30'50" W 121.68 feet and S 20°45'10" W 550,29 feet

to a point at the line of lands now or formerly of the Consolidated Union Free School District No. 4 of the Towns of Philipstown and Putnam Valley, Putnam County, New York (Garrison School Forest). Thence along the said Garrison School Forest lands

N 89°45'40" W 1,760.23 feet

to a point. Thence along the lands of the said Garrison School Forest lands and along the center of a stone wall, the following courses:

N 19°28'20" W 21.04 feet N 11°26'00" W 157.55 feet N 12°29'00" W 71.91 feet N 16°13'10" W 49.34 feet N 12°45'10" W 12.05 feet N 19°40'10" W 63.73 feet N 20°13'10" W 33.85 feet N 18°52'50" W 45.08 feet

### Schedule UL-H, continued

N 19°01'50" W 161.61 feet. N 19°00'20" W 46.94 feet N 22°54'00" W 28.77 feet N 18°33'40" W 277.13 feet N 19°20'30" W 126.80 feet and N 16°40'20" W 24.20 feet

to a point marked by the intersection of two stone walls and lands formerly of Osborn and now or formerly of the said Garrison School Forest. Thence along the said Garrison School Forest lands and along Parcel UL-D, described in Schedule UL-D, hereto, the following courses:

N 68°53'40" E 1,288.34 feet N 68°31'50" E 260.53 feet and N 87°12'50" E 531.83 feet

to a point on the westerly line of Snake Hill Road (formerly Travis Corners Road). Thence southerly along the westerly line of Snake Hill Road (formerly Travis Corners Road) and mostly along the road face of a stone wall, the following courses:

S 32°15'40" E 147.31 feet S 34°55'10" E 53.59 feet S 39°26'20" E 21.99 feet S 56°58'30" E 10.63 feet and S 83°50'50" E 3.43 feet

to the point or place of beginning, containing 69.598 acres, more or less.

STATE OF NEW YORK, COUNTY OF

On the day of personally came

19 before me On the

day of personally came

STATE OF NEW YORK, COUNTY OF NEW YORK

On the // day of June 1999, before me personally came Takeshi Nishimura to me known, who, being by me duly sworn, did depose and say that he resides at No. 108 Half Moon Bay Dr. (Volon on Hudson, N)4 that he is the President of Urban Life Company U.S.A.

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporations; that the seal directly by create of the board of directors of said corporation, and that he signed his name thereto by like order.

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. 108 that he knows that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, thereto.

Christine Tilley

Bargain and Sale Beeb TITLE NO. 23 - 0 400

Urban Life Company U.S.A.

TO

Garrison Golf Club Licision of First American Title Ins. Co. of NY 188 East Post Road White Plains, New York 10601

SS: | STATE OF NEW YORK, COUNTY OF

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

SEE STATE OF NEW YORK, COUNTY OF

, before me

Section 7 Block 3 Let 291

SECTION BLOCK ( 🌺 LOTS SO 3 63 64 65 COUNTY OR TOWN County County of Putnam Town of Philipstown

### RETURN BY MAIL TO:

Klehr, Harrison, Harvey, Branzburg & Ellers LLP 1401 Walnut Street Philadelphia, PA

Zip No. 19102

Attn: Steven Kaye, Esq.

PUTNAM COUNTY RECORDING AND ENDORSEMENT PAGE (THIS PAGE FORMS PART OF THE INSTRUMENT)

RECORD & RETURN TO: (Name, Address, & Zip)

Klehr, Harrison 1401 Walnut St. Phila delphia. PA 19102 TYPE OR PRINT IN BLACK INK ONLY

GANITOR/HORTENGOR

Urbantife Company USA.

TO

Garrison Golf Club LL C

GRANTLEZEORTGAGEE

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED / MORTGA	GE SAT ASHT OTHER
RECORDING FEES PAGES 6  RCD FEE /8.00  STAT CHG 5.00  PEC MGMT 5.00  CPOSG REF CFRT/COPY .00  TOTAL 28.00	RESERVE FOR TIME STAMP  90 (6) 52 STERM  90 JR
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HORTGAGE TAX  HORTGAGE AMOUNT  TOTAL TAX  SERIAL NUMBER  APPIDAVIT FILED ( )	MORTGAGE TAX DISTRICTS TOWN OF CAPHEL TOWN OF KENT TOWN OF PATTERSON TOWN OF PULLIPSTOWN TOWN OF PUTNAM VALLEY TOWN OF SOUTHEAST UNAPPORTIONED  HORTGAGE TYPES: A CONNERCIAL/VACANT LAND B 1 ~ 2 FAMILY
9836	C UNDER \$10,000 D CREDIT UNION/FERSONAL MIC E 3 + 6 UNITS N EXEMPT

T 693

Standard N.Y.B.T.U. Form 8004 \* Quitelaim Deed Individual or Corporation (single sheet)

DATE CODE

JULIUS BLUMBERG INC. LAW BLANK P BLISHERS

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

THIS INDENTURE, made the  $l^{q^{TH}}$  day of June

, nineteen hundred and ninety-nine RETWEEN URBAN LIFE COMPANY U.S.A., a Delware corporation having an address at

c/o Coudert Brothers

1114 Avenue of the Americas NY, NY 10036

Attention: John Galluccio, Esq.

having an address at

party of the first part, and Garrison Golf Club LLC, a Delaware limited liability company of

c/o Shaw Pittman Potts & Trowbridge 2300 N Street, N.W. Washington, D.C. 20039 Attention: John Engel, Esq.

party of the second part.

WITNESSETH, that the party of the first part, in consideration of ten dollars paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the same premises as set forth in Exhibit A attached hereto and made a part hereof. T PHILIPSTOWN

BEING and intended to be the same property conveyed to the party of the first part by deed made by Urban Life Co., Ltd. dated June 27, 1990 recorded in Liber 1097 at Page 105.

This conveyance has been made with the unanimous consent in writing of all of the stockholders of the party of the first part.

> gradient and graft springs and springs Service of the servic

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration. or the first part will receive the consideration for the purpose of paying the cost of the improvement and will apply eration 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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Urban Life Company U.S.A.

### Schedule QC-1

# QUITCLAIM PARCEL QC-1 - Tax Parcel 60.-1-70

BEGINNING at the point on the westerly line of Snake Hill Road (formerly Travis Corners Road) where it is met by the line dividing the lands herein described on the south from lands now or formerly Garrison Golf ULC Corp. on the north, which point is distant

S 44°00'40" E 244.14 feet and S 18°01'00" E 163.40 feet

measured southerly along the said westerly line of Snake Hill Road (formerly Travis Corners Road) from the southerly end of the curve with a radius of 100.00 feet and a length of 157.08 feet that connects the westerly line of Snake Hill Road (formerly Travis Corners Road) with the utherly line of Snake Hill Road (formerly Philipse Brook Road), and which point of beginning occupies coordinate position

N 504,947.28 (y) E 612,595.27 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning, southerly along the westerly line of Snake Hill Road (formerly Travis Corners Road)

S 18°01'00" E 60.00 feet

to a point at another line of lands now or formerly of Garrison Golf ULC Corp. Thence along the said Garrison Golf ULC Corp. lands, the following courses:

S 71°59'00" W 75.00 feet N 18°01'00" W 60.00 feet and N 71°59'00" E 75.00 feet

to the westerly line of Snake Hill Road (formerly Travis Corners Road) and the point or place of beginning, containing 4,500 square feet, more or less.

# Schedule QC-2 QUITCLAIM PARCEL QC-2- Not separately assessed\*

BEGINNING at a point on the southerly line of Philipse Brook Road, which point is distant

N 67°56'20" E 109.56 feet

measured easterly along the southerly line of Philipse Brook Road from the point formed by its intersection with the easterly line of Snake Hill Road (formerly Travis Corners Road), which point of beginning occupies coordinate position

N 505,417.50 (y) E 612,415.58 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning, easterly along the southerly line of Philipse Brook Road

N 88°50'20" E 290.12 feet

to a point on the northwesterly line of lands of The City of New York (Catskill Aqueduct). Thence southerly along the said northwesterly line of the said Catskill Aqueduct lands

S 24°28'50" W 38.99 feet

to a point at the northerly line of Parcel UL-C, described in Schedule UL-C hereto. Thence westerly along the northerly line Parcel UL-C, described Schedule UL-C hereto and along the center of a stone wall

N 83°49'50" W 275.50 feet

to the southerly line of Philipse Brook Road and the point or place of beginning, containing 5,099 square feet, more or less.

\* Note - This parcel is adjacent to lands described in Schedule UL-C, Tax Parcel 60.-1-63. The tax maps are insufficiently precise to determine whether parcel is included within that tax parcel.

Exhibit A

# Schedule QC-2 QUITCLAIM PARCEL QC-2- Not separately assessed\* (Urban Life Company, U.S.A. to Club Resources, Inc.)

BEGINNING at a point on the southerly line of Philipse Brook Road, which point is distant

N 67°56'20" E 109.56 feet

measured easterly along the southerly line of Philipse Brook Road from the point formed by its intersection with the easterly line of Snake Hill Road (formerly Travis Corners Road), which point of beginning occupies coordinate position

N 505,417.50 (y) E 612,415.58 (x)

of the New York Coordinate System, East Zone.

THENCE from the said point of beginning, easterly along the southerly line of Philipse Brook Road

N 88°50'20" E 290.12 feet

to a point on the northwesterly line of lands of The City of New York (Catskill Aqueduct). Thence southerly along the said northwesterly line of the said Catskill Aqueduct lands

S 24°28'50" W 38.99 feet

to a point at the northerly line of Parcel UL-C, described in Schedule UL-C hereto. Thence westerly along the northerly line Parcel UL-C, described Schedule UL-C hereto and along the center of a stone wall

N 83°49'50" W 275.50 feet

to the southerly line of Philipse Brook Road and the point or place of beginning, containing 5,099 square feet, more or less.

\* Note - This parcel is adjacent to lands described in Schedule UL-C, Tax Parcel 60.-1-63. The tax maps are insufficiently precise to determine whether parcel is included within that tax parcel.

l		

### STATE OF NEW YORK, COUNTY OF SE: | STATE OF NEW YORK, COUNTY OF day of 19 , before me | On the day of 19 before me personally came personally came to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same. STATE OF NEW YORK, COUNTY OF NEW YORK ss: STATE OF NEW YORK, COUNTY OF On the // day of June 1999, hefore me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No. 108 Half Moon Bay Drive, that he is the President U.S.A., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was an affixed by said of the board of directors of said corporation, and that he signed his name thereto by the order.

Urban Life Company U.S.A.

Quitclaim Beed

WITH COVENANT AGAINST GRANTON'S ACTS

TO

Garrison Golf Club LLC

8 H / a division of est Post Road Pains, New York 10601

SECTION 60 BLOCK 1 LOT 70

COUNTY OR TOWN County of Putnam Town of Philipstown

described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he said witness, at the same time subscribed h name as witness thereto.

#### RETURN BY MAIL TO:

to be the individual

Klehr, Harrison, Harvey, Branzburg & Ellers LLP 1401 Walnut Street Philadelphia, PA Attn: Steven Kaye, Esq. Zip No. 19102

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# CERTIFICATE OF AMENDMENT TO CERTIFICATE OF FORMATION OF GARRISON GOLF CLUB, LLC

It is hereby certified that:

- 1. The name of the limited liability company is Garrison Golf Club, LLC.
- 2. The Certificate of Formation of Garrison Golf Club, LLC is hereby amended by striking out article "FIRST" in its entirety and substituting in lieu thereof the following:

FIRST. The name of the limited liability company formed hereby is Garrison Properties LLC (the "Company)."

Executed on Z/14, 2002.

Sharon Davis, Managing Member

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 09:00 AM 03/25/2002 020197114 - 3046330



I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "GARRISON GOLF CLUB, LLC", CHANGING ITS NAME FROM "GARRISON GOLF CLUB, LLC" TO "GARRISON PROPERTIES LLC", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF MARCH, A.D. 2002, AT 9 O'CLOCK A.M.



Darriet Smith Windson Harriet Smith Windsor, Secretary of State

3046330 8100

020197114

AUTHENTICATION: 1688764

DATE: 03-26-02



### **MEMORANDUM**

To:

Ronald Gainer, P.E.

Town of Philipstown Planning Consultant

From:

John Canning, P.E.

Andrea Connell, RSP

Date:

October 22, 2020

Subject:

Traffic Study Scope

Hudson Valley Shakespeare Festival Garrison Golf Club Redevelopment

Town of Philipstown, NY

Kimley-Horn of New York, PC ("Kimley-Horn") has been retained by the Hudson Valley Shakespeare Festival ("HVSF") to prepare a traffic impact study for the proposed relocation of the HVSF to a portion of the Garrison Country Club property in the Town of Philipstown. This Memorandum provides a description of the contemplated Project and a suggested scoping outline for the traffic study for your review and consideration. It is requested that your office and the Town Planning Board review the material presented in this memorandum and make appropriate recommendations as to the extent and scope of the traffic impact study.

#### **Project Description**

Chris Davis and The Garrison Country Club (GCC) are seeking to relocate the operations of local non-profit, Hudson Valley Shakespeare Festival (HVSF) from its current summer home at Boscobel to a 52-acre portion of their 200-acre GGC site. The HVSF proposes to continue its operations of a 530-seat outdoor theater venue in addition to the long-term plan of creating a 225-seat indoor venue (to enable year-round performances). The full build out of the GGC site would also include associated theatre back of house facilities (backstage, rehearsal, costume venues), concessions and restrooms as well as an outdoor pavilion for HVSF and community events, on-site guest accommodation (16 units for artist housing and a small 20-room hotel), and a private residence (single-family home to be used by the Davis Family). Parking spaces for cars, shuttle vans and buses will be provided for the proposed facilities.

To enable the development of the proposed facilities, the existing GCC 18-hole golf course will be reduced to 9-holes with the pro shop and golf cart barn relocated to an area to the south of the existing golf maintenance facility. The GCC's existing banquet, bar and restaurants will remain. Vehicular access to the GCC is currently provided by three driveways; one driveway on US Route 9 and two driveways on Snake Hill Road. All driveways will remain but will be improved as may be necessary.



Page 2

A prior approval for the GCC property in 2005 for rezoning to a Planned Development District (PDD) allowed a golf club, a banquet/meeting facility for 232 guests, a 72-seat restaurant, 36-hotel rooms, 4 guest rooms, a 20-person spa and a new private residence.

The following table summarizes and compares the 2005 approved uses, the existing uses and the current proposal for the site.

Table 1 - Development Comparison

Land Use	2005 PDD Approval	Existing Development	Current Proposal	Change
Golf Course	18-holes	18-holes	9-holes	- 9 holes
Banquet space	232 seats	242 seats	200 seats	-32 seats
Restaurant	72 seats	71 seats	72 seats	No change
Bar	25 seats	24 seats	24 seats	No change
Spa	20-person	N/A	N/A	No spa
Private residence	2 units	2 units	2 units	No change
Guest and Artist Accommodations <sup>1</sup>	40 rooms (1)	8 guest rooms <sup>(1)</sup>	65 rooms	+25 rooms
Outdoor tent theatre	N/A	N/A	530 seats	New
Indoor theatre	N/A	N/A	225 seats	New
Outdoor Pavilion	N/A	N/A	150 seats	New

Notes: (1). Artists are, typically, HSVF performers and staff.

As shown in the table, other than the golf course, the existing uses on the property will remain relatively unchanged under the proposed plan (it is proposed to reduce the maximum capacity of the existing banquet facility from 232 to 200). Under the current proposal, the proposed number of rooms for artist and guest accommodations will be increased slightly over the previous hotel approval, however, the majority of artists will be working for HVSF (performers, stage design, costumes, etc.) and, therefore, will be working, not driving, during the periods of greatest traffic activity at the site (effectively, there will be no change in traffic associated with the increase in the number of hotel rooms from what was previously approved). Therefore, from a traffic perspective, the outdoor and indoor theatres, their accompanying back of house and concessions structures, and the outdoor pavilion are the only major new facilities planned for the property. The proposed use of these facilities and anticipated schedule is discussed below.

The HVSF outdoor theatre venue is anticipated to operate 6 days a week from June to October with performances typically at 7:30 p.m. on weekday evenings, at 2:00 p.m. and 7:30 p.m. on Saturdays and at 2:00 p.m. on Sundays. In the fall months, HVSF anticipates having some daytime school matinees at 11 a.m. on weekdays. The indoor theatre will operate intermittently throughout the year with the performances anticipated to occur on most weekday evenings, and on Saturday and Sunday



Page 3

afternoons and evenings. Simultaneous events at the indoor and outdoor theaters are contemplated and have been accounted for in the traffic projections.

The outdoor pavilion will serve as a pre-event space for the indoor and outdoor theaters and, therefore, will not generate any additional traffic on days when there are programed activities at those facilities. The outdoor pavilion will be available for community events but, as indicated above, any traffic generated by these events will not occur at the same time that traffic will be generated by either of the theaters<sup>1</sup>.

### **Traffic Study Scope**

Based on the proposed redevelopment plan and schedule of events described above, the following provides a suggested scope for the traffic study to be undertaken for the Project. The scope effectively mirrors the traffic study that was performed for the 2005 PDD approval. Although the development is to be constructed in phases, the traffic study will evaluate the full build-out of the Project.

#### **Study Locations**

It is recommended that a quantitative analysis will be conducted at the following intersections:

- US Route 9 & Coleman Road
- US Route 9 & Site Driveway
- US Route 9 & Travis Corners Road/Snake Hill Road
- Snake Hill Road & Site Driveway
- NYS Route 9D & Snake Hill Road<sup>2</sup>

These are the same intersections that were studied when the PDD was originally approved in 2005.

#### **Study Hours**

Based on a review of the existing traffic volumes on the area roadways and the anticipated scheduling of events at the HVSF, analysis of the following hours is recommended:

- Friday Peak PM Event Hour
- Saturday Midday Peak Hour
- Saturday PM Event Hour

### **Traffic Counts**

Traffic counts will be conducted at the above intersections for the above time periods. Due to the current pandemic, the counted traffic volumes will not be representative of typical conditions, were the

<sup>&</sup>lt;sup>2</sup> It is suggested that this intersection may not need to be studied, as the proposed relocation of the HVSF's outdoor performances from Boscobel to the Garrison will actually reduce the volume of traffic passing through this intersection.



1 North Lexington Avenue, Suite 505, White Plains, NY 1060

914-368-9200

<sup>&</sup>lt;sup>1</sup> Therefore, there is no need to evaluate the use of the outdoor pavilion by groups other than HVSF as traffic from these activities will be substantially less than traffic generated by events at either of the theaters.

Page 4

pandemic not occurring. Therefore, the counts will be compared to historical NYSDOT traffic counts on US Route 9, NYS Route 9D and Snake Hill Road and adjusted to represent 2020 existing volumes. The traffic counts conducted for the 2005 PPD approval will also be used to establish typical 2020 levels of traffic activity at the Garrison by adding traffic that can be generated from the existing 8 guest rooms that have been added since 2005<sup>3</sup>.

### **Traffic Volume Projections**

The 2020 existing volumes will be projected to a 2027 design year by an appropriate growth rate to be provided by the Town and/or NYSDOT. Traffic volumes from any approved developments that would add significant traffic to the study intersections will be added to the grown volumes to represent the future No-Build traffic volumes (without the Project). This will include traffic that could be generated by the addition of the following elements that were approved for the Garrison PDD in 2005:

- 20-person Spa
- 32 additional hotel rooms
- An additional 27 attendees at the afternoon dinner (bringing the total to the 72 approved max)<sup>4</sup>
- An additional 107 attendees at the Saturday wedding (bringing the total to the 232 approved max)<sup>5</sup>

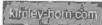
For future traffic volumes with the proposed amendments to the PDD, traffic will be added for:

- The 530-seat outdoor theater
- The 225-seat indoor theater

Traffic will be subtracted for:

- The 32 banquet seats to be removed
- The reduction in the number of golf holes from 18 to 9
- The elimination of the 20-person spa

As discussed above, because the outdoor pavilion will not be available for community events at the same time that traffic will be generated by either of the theaters, there is no need to evaluate the use of the outdoor pavilion by groups other than HVSF. Also, a small adjustment for trips associated with the mix of guest accommodations and artist housing will be applied, if needed.



The traffic counts conducted for the 2005 PDD approval included traffic from a 100-person golf event in the morning, a 45-person dinner in the afternoon and a 125-person wedding on the Saturday.
 45 guests were at a dinner when the traffic counts were conducted for the 2005-approval traffic study

<sup>&</sup>lt;sup>5</sup> 125 guests were at a wedding when the traffic counts were conducted for the 2005-approval traffic study.

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Traffic to be generated by the proposed theatre components of the development will be estimated based on the maximum attendance expected for each study hour, 2019 ticket sales data and estimated vehicle occupancies, as well as the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, Tenth Edition. The *Trip Generation Manual* will also be used to identify trips generated by the artist's housing and hotel components. The ITE manual will also be used to estimate the number of trips to be eliminated with the reduced number of golf holes, banquet seating and the elimination of the spa.

The Project-generated trips will be assigned to the study intersections and roadways based on available attendee origin and destination information and on existing travel patterns.

The Project trips will be added to the No-Build volumes resulting in the Build volumes (with the Project).

#### **Capacity Analysis**

A Synchro 10 network will be established, and intersection capacity analyses conducted for the Existing, future No-Build and future Build volume conditions. The Synchro analysis results for the Build condition will be compared to the No-Build condition to identify potential impacts related to the added Project traffic. If necessary, mitigation will be proposed to offset any significant traffic impacts and the Synchro analysis will be re-executed to confirm that the mitigation will be sufficient.

To support this proposed scope of work, we have prepared initial/preliminary estimates of the number of trips to be generated by the project and which intersections these trips will pass through. We have also prepared a preliminary estimate of the current levels of traffic activity on US Route 9 past the site.

### **Preliminary Trip Generation Estimates**

A preliminary trip generation analysis was conducted to confirm the peak hours and intersections to be studied. This analysis evaluated the trip generations for simultaneous, fully-attended events at the 530-seat outdoor theater and the 225-seat indoor theater on a Friday evening, as well as back-to-back Saturday afternoon and evening performances for both venues. The projected event traffic volumes were compared to historical traffic volumes on Route 9 to assess when the combination of both would produce the highest traffic volumes.

This analysis revealed that event traffic is most likely to impact area traffic operating conditions in the period between matinee and evening outdoor performances (specifically, Saturdays between June and October from 4:30 to 5:30 p.m.) when it is estimated that a total of up to 295 vehicles will be arriving or departing. Lesser impacts are expected prior to weekday evening performances (in particular, Friday evening from 5:00 to 6:00 p.m.) and earlier on Saturday and Sunday afternoons, when the project is projected to add approximately half of the above level of traffic activity to the surrounding roadways (up to 145 vehicles per hour). During the remaining hours, either project traffic will be significantly less or traffic passing on the roadways serving the site will be significantly less (at least a third lower than peakhour volumes).

To determine the appropriate intersections to be analyzed, the trip arrival and departure distributions for the HVSF's current home at Boscobel and for the future home at GCC were identified. This analysis revealed that during the busiest hours (Saturdays between June and October from 4:30 to 5:30 p.m.)



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the project is projected to add at least 85 trips to all of the intersections listed above, except for the intersection of NYS 9D with Snake Hill Road, which is why those intersections are recommended for study.

The previously-studied (2005) intersection of NYS 9D with Snake Hill Road is projected to see a 130-trip reduction, because that section of NYS Route 9D is the primary avenue for access to HSVF's current activities which will be moved over from Boscobel. For this reason, we suggest that the Town consider whether there is any probative value to studying this intersection.

For a similar reason, it is suggested that there is no value to adding the intersection of US Route 9 with NYS 403 to the list of intersections for study (as project traffic at that intersection will only be transposed from the turning movements to the through movements — through movements have greater capacity). At the remaining intersections of any notable activity in the area, fewer than 85 vehicles will be added by the project in the busiest of hours (late Saturday afternoons, June through October) and, because ambient traffic volumes will be at least 33% lower at this time than during the weekday morning or afternoon rush hours, the addition of this traffic will not have a significant adverse impact.

