

PHILIPSTOWN PLANNING BOARD

MEETING MINUTES

December 17th, 2020

The Philipstown Planning Board held its regular monthly meeting on Thursday, December 17th, 2020 Via ZOOM.

Present: Neal Zuckerman- Chair
Dennis Gagnon
Peter Lewis
Laura O'Connell
Neal Tomann
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 November regular meeting were reviewed. The Board then approved the minutes as prepared.

B. CORRESPONDENCE

None

C. OLD BUSINESS

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

Chairman Neal Zuckerman asked for a motion to approve the Lot Line Adjustment.

Dennis Gagnon 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

D. NEW BUSINESS

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

12 & 71.6-1-13

Chairman Neal Zuckerman recused himself. Kim Conner directed the meeting.

Jennifer McCreery gave a little background on the solar panels that the library has been looking into for the property. In 2016 the library started a series of community conversations in advance of their long-range planning. The conversations with the community made us put the solar project back on the table and made us refocus on it. In 2018 the library adapted their long-range plan with the goal of pursuing sustainable certification through New York State. The Library applied for a grant in 2018 and the grant was for both the solar array and a master site plan. We then issued a public RFP for landscape architects to apply and we ended up hiring Pirie Associates.

Laura Pirie (Architect) stated that they have been working on the project since 2019. There are three phases to the project, and we initially did our investigation looking into the site. We took the information that we received from the community and incorporated it into the plan. The solar array will reduce the operating costs for the library. We came up with a plan that we call a discovery path, where we demonstrate and engage community members. Laura Pirie showed a master site plan that is looking into the future, although it doesn't mean that all of the ideas are going to be implemented at one time.

Jennifer McCreery stated that the Conservation Board went out, visited the site and looked where the solar array is being proposed, and they have approved a permit for the project with the caveat that we plant some native plants to offset the work that we are doing along that small section of the emergent wetlands. We plan on working with the Constitution Marsh organization on recommendations for native plantings along the stream.

Laura Pirie stated along the path and throughout the loop that would exist that one could travel through different micro habitats around site. The first to be a pollinator garden along with the bench edge that provides a nice privacy to an adjacent neighbor. A dry meadow landscape which uses certain grasses and other things that are appropriate to a dry meadow. There is an emerging young forest to demonstrate tree succession on the site. We would like to show what a young forest, a mature forest and a cycling forest look like on the site. We cross over in the area in the backside of the library, where the path moves near the wetland and merges into a wet meadow with a series of native plants and grasses that would be found in a wet meadow landscape. Around in the front edge, that comes into a woodland landscape and then back to a more cultivated landscape around the library building itself. Behind the library there was a desire for a reading garden with a more formal landscape configuration, like an outdoor reading room. Laura Pirie stated that all those components that she has described along the discovery path organize the entire site. The solar array ribbon floats above the ground and it faces south. The components of the discovery path proposal that we are speaking about and will be implemented this year and next year and that were seeking site plan review for, are the discovery path which is a three-foot-wide crushed stone path on supported sub-base. It is six inches deep and three feet wide. The solar array which has been grant supported and is being build, should it receive approval, will be complete by the summer which is a parameter of the grant. The reading garden behind the library itself, the plantings have been started this past summer, which are not completed yet. There is a low retaining wall that goes along the back of the property. Laura Pirie showed photos of what the area would look like around the solar array and the path. Laura

showed photos of the foot bridge and planting along the wetlands of the property. The area of disturbance of the project, even though it covers a large area, the actual area of disturbance for each portion of the project is fairly limited. The area of disturbance for the reading garden which is the area behind the library, because we have to regrade it for accessibility and to create planting beds, is 7,000 SF of planting beds and garden elements, low retaining walls, benches, paths. The disturbance for the array itself is low because its just the pile foundations that go into the ground. The piles will be eight to ten feet, so the total area of disturbance for the solar array is about 2,600 SF. The stone dust paths and the grading for the path disturbance 4,250 SF. The disturbance area for the boardwalk, dust path and the grading are about 7,500 SF. The reading garden was underway and complete except for a few plantings in 2020 and that was about 7,000 SF. The solar array and the walk total to just under 8,000 SF so the two add up to 15,000 SF. The total work for the year 2020 and 2021 is about 10,000 SF.

Kim Conner asked Steve Gaba that people typically come before the Board with a master plan, they get permission for the entire master plan before they start. Kim asked Steve Gaba his opinion on segmentation on this project.

Steve Gaba stated the key element as was mentioned is that the rest of the development that's being considered is just that, under consideration. There is no funding for it, there is no plans to undertake in the immediate future, but that may change. Whether those additional elements will ever be constructed is speculative and that being the case, this is not segmentation under SEQRA. Steve Gaba stated that in the future, if the additional elements are added to the site plan, SEQRA review will encompass not just the new elements but the new plus what's already been constructed at that point.

Ron Gainer stated that the Board has a technical memorandum from his office. Mr. Gainer stated that there is an overall master plan that has been envisioned by the library, but they are only proceeding currently with only three of the elements that are outlined tonight. Mr. Gainer stated that the board should initially classify the project as a major project, then decide if the board wants to consider having a coordinated environmental review or not. The applicant has already been to the Conservation Board, that would be the only other agency that would be involved that would also have to grant permits for the project. Ron Gainer stated that it might be appropriate to do a coordinated review to have that all resolved. Additionally, referrals are required to the Putnam County Planning and Town Conservation Board.

Peter Lewis stated that the solar array, the path and the bridge will be going through wetlands, has there been any talk about foreseeable issues with that's since you have already gone to the Conservation Board?

Jennifer McCreery stated that the Conservation has weighed in on the issue and it is a minimal impact on the wetlands. The area is very small, and they came to the site to see where it goes through the wetlands, and because it is on helical piles it's a pretty minimal impact. A condition of their permit is that we will plant some native plants along another piece of the wetlands to offset the immediate impact.

Neal Tomann stated that they have the delineated wetland area, is there a classified stream in that area?

Laura Pirie stated that it is an emerging wetland. It tends to be seasonal and it was classified as

emerging and not requiring anything more than the local wetland jurisdiction review. It is not requiring state woodland reviews.

Neal Tomann asked about the wiring that will be connected to the Library.

Laura Pirie stated that the trench area was included in the summary of the square footage of disturbance given for the array. From the southwesterly extent of the array, which is the closest distance to the library, there is a trench that travels along the edge of the path to the Library.

Kim Conner asked for a motion to classify the project a "major" project

Peter Lewis made the motion, and Laura O'Connell 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

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

Kim Conner asked for a motion to classify the project as "unlisted" under SEQRA

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

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

Kim Conner asked for a motion for a referral to the Putnam County Planning Department.

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

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

Kim Conner asked for a motion to refer the project 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

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

Kim Conner asked for a motion to have a coordinated SEQRA review

Peter Lewis made the motion, and Laura O'Connell 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

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

Kim Conner asked for a motion to circulate lead agency

Dennis Gagnon 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

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

Kim Conner asked for a motion to do a site visit on January 17th at 9:30 am.

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

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

**Garrison Golf Club/Hudson Valley Shakespeare Festival, 2015 US Route 9, Garrison, NY
TM#60.-1-5-.2 & 59.3**

Kate Lieberman, Managing Director for the Hudson Valley Shakespeare Festival, spoke. Kate gave background when they started in 1987 with an outdoor production at Maniotoga. The following year Boscobel agreed to host the performances on their grounds, and we have been there ever since. For the past 33 years they have been an integral part of the Hudson Valley. They do 3 to 4 plays in rotating repertory under a custom-designed open-air tent with seating for 530 people. They have year-round education programs and partnerships with the local schools, reaching over 35,000 students and educators each year. We employ over 200 people on stage, front of the house and the administrative office. HVSF is a non-profit theater company.

Chris Davis, owner of the Garrison Golf Course, then spoke. Chris stated that he wanted to give a little background about him and what his goal is for this project. Chris stated that he has lived in the community for over 25 years and has tried to preserve and play a part in the growth of the community. Chris stated that he chaired the Hudson Highlands Land Trust for 15 years. I purchased this property, with the goal to keep it as a Golf Club. Chris stated that when he heard that the Shakespeare festival needed a permanent home, I saw the opportunity for me to help them and for them to help me. This opportunity works perfect with the restaurant and wedding business that is already on the property.

Davis McCallum Artistic Director for Hudson Valley Shakespeare Festival then spoke. Davis stated that he wanted to share a brief overview of their vision for the project. We hope that to transition from being a seasonal tenant to becoming a year-round culture anchor and recreational resource in the Hudson Highlands while also developing community rich stewardship of this important landscape in a way that is both environmentally and financially sustainable. The site is centered on three broad categories. First, cultural placemaking, second, community engagement and third, environmental sustainability. Hudson Valley Shakespeare's mission is to engage the widest possible audience in a theatrical celebration of our shared humanity and our new home will be a place of gathering and belonging with the theater at the center. We are looking for a permanent tent theater, with the back-stage spaces to support it and on-site artist housing. Second, we are hoping this will enable our education programming to wrap around the calendar year. It will allow for student matinees for the first time, in September and October. We hope to activate partnerships with other Hudson Valley nonprofits, environmental, indigenous, historical, among others, to offer a uniquely intersectional on-site educational experience for students. Our indoor and outdoor spaces will be actively shared with other organizations in our community, ensuring that the campus serves as a year-round resource and local hub. We want this exalted experience to be available to everyone, not just HVSF ticket holders or patrons. The rolling parkland on the property will be available for passive uses such as walking and biking, as we transition nine holes of the golf course to an open green space offered freely as an amenity to the public. Third, this gift preserves this important landscape from suburban sprawl while also transforming it as a vibrant asset to the community. Our role as stewards will be to take care of this land on behalf of our neighbors by restoring native meadows, thereby reducing the use of fertilizer and supporting biodiversity, planting new trees, protecting wetlands and establishing an ecological maintenance plan for the entire site. Davis stated that the short-term goal on the site is to commence performances on the site in some provisional facilities in the summer of 2022.

Thomas Waltz then explained their comprehensive plan for the site. There are 53 acres that is the core of the Hudson Valley Shakespeare Festival campus. 27 acres along Route 9 is the

challenge parcel that we are taking into account as part of an overall master plan. 92 acres remains as the lower nine holes for the Garrison Golf Club, while retaining a 28-acre parcel for residential use. Thomas stated that you will enter at the side of Snake Hill Road, travel across the bridge, swing to the right and make your way through the campus back out to Route 9. In section 6 on the map, it will accommodate new parking, and the visitor's experience would be to park in the lot and be welcomed by an entrance building. The Building has not been designed yet, but it will be two pavilions that will function as a gateway. People will be able to pick up picnic baskets and get tickets. It will be used as a "welcoming center". Section 8 on the map will be called the "welcoming garden". This is a chance to talk about the Native American Heritage of the site, the Colonial Heritage and evoke some of the horticulture. The guest then will move up the hill to the top of the hill, to the new tent. To the right of the tent is concessions and to the left of the tent in number 2 on the map is the back of the house facilities. Number 3 on the map is the lawn area that will accommodate the picnicking that happens before the performances. Number 14 on the map is the idea of a community pavilion, an open-air pavilion where education community events would occur. The rest of the Garrison property remains as is, with the addition of hotel rooms at number 15 on the map. Number 16 on the map would be added to accommodate the ongoing weddings and hotel guests at the Garrison, as well as back-up parking for the tent theater. Number 13 on the map will be an eventual year-round indoor theater. Venue number 15 on the map is artist housing. That might be prefabricated modules for the performers to stay. On the right of the map is currently the Route 9 entrance at the historic gates. We would like to swing this road quite wide around to arrive at the back of the house facilities. Easy access to back of house as well as this additional parking and the logical entrance to the Garrison. All of the gestures of this master plan have been about good land stewardship, about education and about creating a campus for this community. There is a light dash on the map which is a proposed walking trail into the forest and down to the Hudson River. Number 10 on the map is a proposed Golf Shop and cart Barn and the parking lot for the lower Golf Course.

Thomas Waltz stated that he wanted to walk the Board through the first phase of the master plan, with the hopes of the approval, between 2021 and 2024. Phase one would mean using the current tent and using number 2 on the map which is back of the house facilities. The house would be for restrooms and changing rooms for the performers. The new parking lot would propose 225 spaces, sustaining the 83 parking spaces at the Garrison, adding 60 spaces down below for the Golf Club and creating the path that allows universal accessibility from parking up to the tent site and the picnic area. The area on the map that is a light green color is a warm season meadow that would be placed along the entry drive as well as along the slopes. We are about 1,150 Feet from Route 9 with the tent, and sit on top of the hill with about a 30-to-40-foot grade change. There are about 42 spaces at the back of the house. Currently there are 18 spaces at the end of the hotel that exists already. Phase 1B would be the season of 2023 and 2024, and that is when the new tent would be installed. The welcome center would be built and the welcome gardens would be complete. The existing cottage that is currently the residence for the director of the Garrison would be repurposed as administrative offices. The tent with seating for approximately 525 would face the Hudson River.

Thomas Waltz showed some photos of the welcoming center and other buildings that have not yet been designed. The paths will be a mixture of soft paths and hard paths for strollers and wheelchairs through the warm season grass meadows. Thomas showed an overall view photo

of the Project when it is completed. There is a berm that is behind the theater that will help mitigate the sound from the road and the theater. Photos were shown of what the theater and some of the artist residence homes may look like as the project moves forward.

Dan Hollis attorney for the project, asked what the next steps would be moving forward with the project?

Ron Gainer stated that the Board has before them a memorandum that was issued from his office. Mr. Gainer stated that multiple Boards are involved in this project. There is a four-lot subdivision being proposed to accomplish the property transfers from the Golf Course to the Shakespeare Festival. The project thus requires subdivision approval from the Planning Board, as well as Site Plan and Special Permits. The Town Board is also involved because the applicant is seeking authorization for uses that are not currently permitted on the property. Mr. Gainer stated that this project is a "major" project and so should be classified as such tonight. With respect to SEQRA, it is a "Type 1" action and so mandates a coordinated environmental review. The Board should declare their intent to become Lead agency and make circulation to all the other agencies involved. Mr. Gainer stated that the Board should determine if they are ready to do a site visit, and move forward on all necessary referrals.

Steve Gaba stated that this project is different than others that the Board has dealt with in the past, in that the Zoning is not yet in place for the approvals that they are seeking from the Board. What they're doing is proceeding down parallel tracks, if you will, one before the Town Board to seek the Zoning changes necessary for the project and another before this board to seek the site plan, subdivision and special permit approvals. Mr. Gaba advised that he believes this Board will be lead agency, which means Town Board won't be able to adopt the Zoning Amendment until you complete your SEQRA review. Mr. Gaba stated he believes the best way to proceed is to disregard the Town Board's necessity of enacting a Zoning change. Process it as though it was permitted by the Zoning up to the point of the public hearing. You then can hold a public hearing and then make your SEQRA determination. At that point the Town Board will be able to enact the Zoning change. Steve Gaba stated that he has been speaking with the Town Board, and what they plan on doing is while you are in the process of completing your SEQRA review, they will get things moving on the Local Law that will be needed for the Zoning change.

Chairman Neal Zuckerman queried the Board about having a site visit and having a separate Board meeting to discuss this topic.

Kim Conner stated that she would like to have the Board make all the necessary referrals, a site visit and dedicate a separate meeting just for this project. It was a unanimous decision from the entire Board.

Chairman Neal Zuckerman asked for a motion to formally classify the project as a "major" project.

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.

Chairman Neal Zuckerman asked for a motion to declare the project as a "Type 1" action according to SEQRA, and to declare the Planning Board's intent to become lead agency

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

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

Chairman Neal Zuckerman asked for a motion to make referrals to the Putnam County Planning, NYS DOT, NYS Department of Environmental Conservation, Putnam County Department of Health, Conservation Board, Garrison Volunteer Fire Department, and Putnam County Department of Highway and Facilities.

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.

Ron Gainer stated that the DEC is involved because of the sanitary disposal system's size, there is also potential wetland impacts and I believe the applicant will be doing reconstruction of the dam on the property.

Chairman Neal Zuckerman asked the Board for a site visit date and a special January meeting for January 28th at 7:30 Via Zoom. The Board voted unanimous on the site visit for January 24th at 9:30 am and Special Meeting for January 28th at 7:30 pm.

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

Glenn Watson represented the applicant. Glenn presented a map that shows the two parcels as they exist today. Lot 53 is improved with two dwellings and lot 52 is a vacant parcel. The application seeks to adjust the lot line between the two lots. The red area in the third map that Glenn Watson is presenting goes from being part of parcel 53 and becomes merged with parcel 52 that is shown in map Four that Glenn is showing. The applicant is in a 10-acre zone, we don't have a 20-acres between them, but they have two buildings. We came before the Board a few months ago and you had turned us down as we didn't have adequate lot area and there was no real practical way to configure the lots to be conforming. We have adjusted the line between the two existing houses and created and provided some frontage for the second lot that as of today has no frontage. It created two non-conformities, one of which was the area of parcel one that is now going to be less than 10 acres and it's getting smaller so that was a non-conformity. The frontage that we would be providing for lot 52 is substandard; that's the second conformity you sent us off to the Zoning Board and the Zoning Board has granted us those variances. We have now taken the proposed division down the driveway and then created an easement that both houses would share and then would branch off. Each house would be on their separate lot and each house would have its existing septic system and well. We are now in front of the Planning Board seeking your approval to subdivide the properties as shown on the map.

Ron Gainer stated that the board has addressed all required procedural and referrals, and the Board is here tonight to conduct the public hearing.

Chairman Neal Zuckerman asked if any persons of the public had any questions and or comments

Peter Davoren stated that the one question that they have is that South Mountain Pass Spur is a private road, so it is not maintained by the Town. It is interpreted "I believe" as a common driveway. The definition for a common driveway is that there are no more than four lots allowed on a common driveway. This is a very long road, about three quarters of a mile long. We have two properties on South Mountain Pass Spur and if this subdivision is approved will it increase the number of lots above the total four lot on a common driveway? The second question, if this were true, is there any way to increase the number of lots permitted on a common driveway through a variance of that regulation. To increase the number from four to something higher because the road is so long and is that something we could apply for after this subdivision goes through?

Ron Gainer stated the project itself is not changing the number of lots on the roadway at all. It is just a lot line adjustment. With respect to the permitted number of lots on the roadway, it actually comes back to the questions of when the road was created. I don't know this was, but that could be investigated separately if and when you ever seek to have development on your parcels.

Peter Davoren asked so, at that point, we could apply for a variance to that regulation and do the investigation on the age of the road, the maintenance of the road, with the hope that maybe the variance to the regulation could increase the number of lots on a common driveway?

Ron Gainer stated that the Town Code is such that, depending on how long ago the road was originally created, it may permit additional lots without need of a variance.

Steve Gaba stated that it is only up to a maximum of eight then, in that case.

Glenn Watson stated that their specific provisions in the law for waivers to be granted to that four-lot variance. It generally happens when lots are 10 acres. It is not a matter of getting a variance, it's a matter of regulation and a matter of the waiver that's provided for in the subdivision regulations.

Steve Gaba stated that if it is a private road the ODA standards are going to apply. If someone wants to build another lot they can just come and say, it is safe for emergency vehicles. Steve stated yes, there is a procedure to put additional lots on a private road.

Alex Clifton stated that he shared the same concern as Peter Davoren. Mr. Clifton asked if they decided to do the same subdivision for their children, would this impact our ability to give it to our children in the same fashion? We are on approximately 25 acres and it's, I think, 10 acres Zoning.

Michele Clifton stated that it is her concern as well. If they wanted to divide their 25 acre parcel, what would they have to do? The second question is, I am looking at the map and the way that the property is with the separate parcel is that landlocked, is that something that in the future could be developed and if so could that be joined with these properties?

Glenn Watson stated that the second lot is being merged to accommodate the second house, so there will be two lots. One which will have insufficient area but, neither would be subdividable. There would be a statutory limitation on doing anything more. There are two lots, two houses, one on each lot and that's as much as we could do.

Michele Clifton asked from the map that was up, where the area that says "area two" is that now going to be with the larger house?

Laura Cumming stated yes

Michele Clifton stated that the other question that she still doesn't understand is, if this was a property that was all one and now it's being subdivided, is it meaning that it stays as one on this road or does it now take up two of the four positions available on the private road.

Steve Gaba stated that this is not a subdivision, although its processed as a subdivision. There are two lots now. After this application is approved there will still be two lots. They're not creating a new lot, they're just changing the boundary line between two lots. So, that's different than a subdivision would not result in an additional lot on the private roadway.

Chairman Neal Zuckerman asked if there were any other persons from the public who would like to speak, there were none, so 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.

Chairman Neal Zuckerman asked for a motion to have Ron Gainer prepare appropriate resolutions for the January meeting.

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.

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

Chairman Neal Zuckerman stated that the Board has had many meeting regarding this applicant. There has been a public hearing spread over three meetings, we have had the applicant provide the Board with several redone traffic studies. Neal Zuckerman stated that he believes it is time to provide guidance to the applicant on how the Board is feeling. Chairman asked each Board member to give their sentiments, how you are feeling about the project and what, if any, mitigations could you image which would help your viewpoint of the project.

Kim Conner asked what the response from DOT was. When I was looking through the documents, one of things that the DOT mentions is that, for a particular turn, I believe the left turn, it seemed as though the truck would hit the guide rail. Kim Conner stated that the Board would like to have some clarification on that. Kim stated that she would like to make a suggestion that when these big trucks are backing up, a flag person be out on the road to manage traffic. Kim stated that the applicant has submitted everything that the Board has asked for. Kim stated that she would like to have some reassurance that DOT thinks this entrance is acceptable.

Dennis Gagnon stated that DOT is a major consideration, I am concerned with the turning radius. The traffic Consultant is trying to assure us, and I think he has, and DOT is going to approve it or have a wider entry with a so-called mountable curb in the event that the trucks hit it. I am still concerned with the turning radius, as a truck is coming down Route 9, they may have to cross the double yellow line to make that turn. The other concerns that I have would be the landscape screening in consideration of the neighbors and I would also like them to take into consideration if there is a backup of trucks waiting in queue, waiting to load or unload, that they are not having their engines running with air pollution. I think it is a good project but with those considerations.

Peter Lewis stated that his concerns echo in a lot of ways of Kim and Dennis's. I am more concerned about more truck traffic on Route 9. I also felt the southern encroachment of the commercial zone on Route 9, and the screening. I feel that they have everything in a row, there is no ridge line, wetlands or steep slope issues of concern. As for the traffic study, I believe they have tried hard as they could and I think if they get the DOT confirmation that we should move

forward on this application.

Chairman Neal Zuckerman asked Peter Lewis if he would like to see some restriction on the number of truck trips?

Peter Lewis stated no, he thinks the business will be clear what they will have to do to be a profit running business.

Laura O'Connell stated that she echoes the other Board members. I think there are concerns with regard to the Route 9 corridor, but to that same point I don't think we can do a lot about that. As an applicant they have done their due diligence and once we get the DOT report or an answer, that will put closure to all our concerns.

Chairman Neal Zuckerman asked Steve Gaba what is the freedom of the Board to raise the topic of tolerable traffic on Route 9. It is a State-run road that cuts through the Town of Philipstown. Do we have any vehicle to communicate, whether to the Town Board or others, about there being a sense or sentiment that traffic is getting too heavy.

Steve Gaba stated there are two activities that the board could undertake in regard to the issue of truck traffic on Route 9. The first one, as I think Laura kind of pointed out, is that there are other projects that are underway which might cause or contribute to truck traffic, and in doing your SEQRA review on any individual project you're allowed to take into consideration incremental impacts from other projects that are being contemplated or proposed. So, you are free to take into consideration that other projects will contribute to truck traffic. I don't know that it affects this particular project. If you did have a situation where it was like, gee, you look at everything adding up together you would be allowed to as part of SEQRA to impose reasonable conditions to limit the amount of truck traffic contributed by one particular site. In terms of Route 9, it's under the DOT's jurisdiction. I think the most you could do would be to call the issues or concerns you have to the attention of the Town Board, and ask the Town Board to interface with the DOT to see what kind of restrictions they might impose. I can't imagine what they would do, but if it's something that you want to dialogue between the Town and the DOT over, that's the route to take.

Chairman Neal Zuckerman stated that the Planning Board would like to write a letter to the Town Board regarding the traffic issue for some feedback.

Heidi Wendel stated that she is not in favor of the project due to the concerns of the residents. We heard from residents that stated it is already dangerous for them to get out of their driveways on Route 9. If overall safety is something that we are allowed to take into account, I'm not convinced that having large trucks coming in and out of the site for the residents living in close proximity to the site.

Chairman Neal Zuckerman asked Heidi is there anything else besides the flagging that has been mentioned that would make her feel more comfortable?

Heidi Wendel stated the larger trucks seem to be the most problematic. I suppose if the applicant were to agree not to use the largest trucks as they are coming in and out right near residents that are already having major problems getting in and out of their driveways. I do not feel comfortable on safety grounds approving a project where people have already told us that they are already having a lot of trouble coming in and out of their property.

Chairman Neal Zuckerman recapped the mitigations of the Board.

- 1) Flagging
- 2) Size of the driveway
- 3) Size of the trucks
- 4) Number of truck trips
- 5) Visual Screening/Audio screening

Glenn Watson stated that he would like to address a few of the concerns that the Board has brought up. Glenn stated that they have submitted accident data. We have demonstrated sight distance and it is longer than necessary. Glenn showed a map of the project and stated that the trucks will come in go around the building pull past the loading dock then back up to it. They are going to be able to stack at least five trucks behind him. We are anticipating two trucks a day, not five. We have looked at two options that DOT gave us with regards to the throat of the entrance drive. The first one, which was their preferred version, we could not make it work. The second one worked so we responded to DOT in that regard. Glenn stated if the Board would like we can certainly post a few signs around the route around their building in regards to the noise of the trucks, to turn off their engines, do not idle.

John Canning stated that this driveway has been designed to the highest standards that we can get DOT to approve. We have gone back to DOT after meeting with the Planning Board and asked them to approve the 33-foot driveway which would make it a little bit better. It has the sight distance for 95th percentile not the 85th percentile. The level of truck activity will not be to the extent that I think everybody fears. There will be a considerable number of smaller trucks maybe 18 a day. The operator has a schedule and it was provided in our most recent letter to the Board.

Chairman Neal Zuckerman stated that having the DOT's viewpoint is a major input to this Board's perspective on the safety concerns. Neal Zuckerman stated that he would like to wait to see what DOT's input on this project to approve it. I feel the sentiment of the Board is that the DOT's input is fairly important to the Board sentiment of the safety of this location.

Chairman Neal Zuckerman asked the Board if they wanted to wait to get input from DOT before making any decisions.

Kim Conner: Yes
Dennis Gagnon: Yes
Peter Lewis: Yes
Laura O'Connell: Yes
Heidi Wendel: Yes
Neal Tomann: No

Chairman Neal Zuckerman stated that he is okay setting a date on hearing back from DOT out into February to get some response. The Board will revisit this application after the February deadline for DOT.

Ron Gainer stated that the Board had 62 days after closing the public hearing to act. Ron stated that he recommends that the Board obtain from the applicant tonight at least some verbal confirmation that they are willing to extend the time frames in which to act.

Glenn Watson stated that he would commit on the applicant an extension until the January's meeting and then we can revisit it, I will send you a letter to that effect.

3622 Route 9 LLC, Cold Spring, NY TM# 17.-1-44

Adam Thyberg is representing the applicant. Per Ron Gainer's recommendations, the rear building has been moved forward about 15 feet. The disturbance along the property line has been reined back, which would allow them to preserve more of the tree line in the back area. In addition to those adjustments to the site plan, septic and stormwater testing was conducted last week and came back that testing went well. So, the stormwater septic will be essentially designed more or less as it's been shown, maybe with some minor adjustment. Finally, we started to look at the building materials and architecture. The applicant is working with a designer on that to come up with elevations and some other things. Adam Thyberg showed some colors and materials regarding the project.

Ron Gainer asked when the building's architectural elevation will be available for the Board's review?

Adam Thyberg stated that they should be able to provide some elevations for the Board at the January meeting. Adam Thyberg asked what the Board was actually looking for, elevations, floor plans.

Ron Gainer stated that exterior elevations showing materials and colors would be appropriate.

Adam Thyberg stated that they are hoping to have that information for the Board for the January meeting.

Ron Gainer stated that, concerning the parking in the front of the building, is there anyway at all to put that parking in the rear of the building and provide a better opportunity for landscaping along the frontage of that large building.

Adam Thyberg stated that they are working on the architecture and part of it is going to include overhead doors in the rear for contractor access. The parking gets a little tricky with that. We could potentially show parking in front of that for each individual tenant and they could park in front and use the overhead doors. It is a possibility if that is something the Board would like to see.

Ron Gainer stated that before having a public hearing the Board might want to get some better understanding of the landscaping, exterior appearance of the Building, and some understanding of the mature vegetation existing today which the Board is trying to retain, in addition to the landscaping enhancements they are proposing.

Kim Conner asked how only 59.3 percent of this lot is impervious surface? I want to know what counts as impervious and what does not. Kim also asked, in the code for storage, that outside storage on properties in the highway commercial or OC districts should not exceed 20 percent of the lot area located in the district. The next question is the stormwater basin, I would like to know what it is going to look like. The Board would like to know that the trees that you are offering as screening, will they cover everything within five years?

Adam Thyberg stated that the outdoor storage is under the 20% threshold. We're at about 39 000 square feet of storage, which is a bit under 20 percent of the total lot area so, we do meet

that requirement. In regard to the height, we are showing screening to the adjacent properties. These are specified to go in at eight to ten feet high. These are mostly spruces which grow pretty quickly, so you'll pick up a foot or so a year so, yes these will fill in pretty nicely and these will be tall trees at maturity. The impervious surface was included in that is essentially what you see in the outdoor storage based on the Philipstown Code definition. Gavel still falls under an impervious definition. Obviously, the buildings and paved areas are, so that is included in that number. In regard to the storm water basins, these would be seeded. As the grading plans and the design of these are cleaned up, we don't intend to keep them, as you know, these neat little rectangles. You know these will be further developed now that we have our testing done. These will be developed more with respect to their shape. We will have plants that will be able to handle wet and dry conditions.

Chairman Neal Zuckerman stated that the applicant is going to supply the Board with information on their concerns for the January meeting.

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 10:16 pm.

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.