



TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

RICHARD SHEA, SUPERVISOR

(845) 265-3329

TARA K. PERCACCIOLO
TOWN CLERK AND TAX COLLECTOR

JOHN VAN TASSEL, COUNCILMAN
JASON ANGELL, COUNCILMAN
ROBERT FLAHERTY, COUNCILMAN
JUDITH FARRELL, COUNCILWOMAN

MEMORANDUM

TO: Neal Zuckerman, Chairman

FROM: Tara K. Percacciolo
Town Clerk

DATE: September 20, 2021

SUBJECT: Referral of Local Law #2-2021

Attached please find a copy of the proposed Local Law to add a new section 175-18.2 entitled 'Upland Drive and Ridge Road Development Districts'. A public hearing has been scheduled for October 7, 2021 at 7:15 p.m. at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516.

**TOWN OF PHILIPSTOWN
LOCAL LAW NO. 2 OF THE YEAR 2021**

A Local Law entitled "A Local Law To Add A New Section 175-18.2 entitled 'Upland Drive and Ridge Road Development Districts'".

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Town of Philipstown Zoning Code to add a new Section 175-18.2 entitled "Upland Drive and Ridge Road Development Districts" establishing additional development standards for real property therein in light of the topographic and road access limitations on such properties.

Section 2. Municipal Home Rule Law:

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with the State Cannabis Law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

Section 3. Amendment of the Town Code.

I. Chapter 175 of the Town Code of the Town of Philipstown, entitled "Zoning" is hereby amended to add a new Section 175-18.2 which shall read as follows:

**"§ 175-18.2 Upland Drive and Ridge Road Development Districts
(UDDD and RRDD).**

A. Findings and purpose. Large tracts of land along Upland Drive, Cliffside Court, and Ridge Road in the southeastern portion of the Town remain undeveloped for a variety of reasons, including environmental restraints such as steep slopes, lack of municipal roadways, and ownership by government entities. The recent demand for real estate for housing development as well as the County of Putnam's actions in placing a number of such properties up for public sale, has created a likelihood of substantial development of these environmentally sensitive properties. The purpose of this section is to enact additional development regulations to ensure that any development of the said lands is done in a safe and environmentally sound manner.

B. Boundaries.

- (1) The Upland Drive Development District ("UDDD") shall consist of an area beginning at the westerly point of the intersection of Winston Lane and Upland Drive, continuing then in a northeasterly direction along the northerly side of Upland Drive, encompassing all properties fronting on that side of Upland Drive or having access drives connecting to it, to the intersection with Old Albany Post Road; the UDDD boundary shall then run along the westerly side of Old Albany Post Road to the intersection with the southerly side of Upland Drive; the UDDD boundary shall then continue in a southwesterly direction along the southerly side of Upland Drive, encompassing all properties fronting on that side of Upland Drive or having access drives connecting to it, back to the intersection with Winston Lane; the UDDD boundary shall then run in a straight line back to the point of beginning.**
- (2) Additionally, the UDDD shall consist of an area beginning at the southerly point of the intersection of Upland Drive and Cliffside Court, continuing then in a northerly direction along the western side of Cliffside Court, encompassing all properties fronting on that side of Cliffside Court or having access drives connecting to it, to the end of the road; the UDDD boundary shall then run in a southerly direction along the eastern side of Cliffside Court, encompassing all properties fronting on that side of Cliffside Court or having access drives connecting to it, back to the intersection with Upland Drive; the UDDD boundary shall then run in a straight line back to the point of beginning.**
- (3) The Ridge Road Development District ("RRDD") shall consist of an area beginning at the westerly point of the intersection of Aqueduct Road and Ridge Road, continuing then in a northerly direction along the westerly side of Ridge Road, encompassing all properties fronting on that side of Ridge Road or having access drives connecting to it, to the end of Ridge Road at the forked intersection with Nova Street and Sky Lane; the UDDD boundary shall then run in a straight**

line to the easterly side of Ridge Road and then in a southerly direction along the easterly side of Ridge Road back to the intersection with Aqueduct Road; the UDDD boundary shall then run in a straight line back to the point of beginning.

C. Regulatory effect on land uses. Within the UDDD and RDDD, all of the underlying land use district regulations remain in effect, except that:

- (1) The maximum density (conservation) shall be two (2) acres;
- (2) The minimum lot size shall be two (2) acres;
- (3) The maximum impervious surface coverage shall be 10%.
- (4) The maximum footprint (in square feet) for nonresidential structures shall be 4,000.
- (5) The steep terrain and ridgeline protection regulations of Code § 175-36 shall apply, and in addition, disturbance of slopes of 30% or greater for a purpose other than those listed in Code § 175-36B(1) shall require grant of an area variance from the Zoning Board of Appeals."

II. A new map depicting the UDDD and RDDD, entitled "Town of Philipstown Upland Drive and Ridge Road Development Districts" shall be prepared and added as an attachment to the Town Zoning Code.

Section 5. Severability.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 6. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Creation of Upland Drive and Ridge Road Development Districts			
Project Location (describe, and attach a location map): Upland Drive, Cliffside Court, and Ridge Road, Philipstown, N.Y.			
Brief Description of Proposed Action: Enactment of a local law amending the Town Zoning Code to create the Upland Drive Development District and the Ridge Road Development District imposing additional zoning requirements to address development of environmentally sensitive properties on existing private roads.			
Name of Applicant or Sponsor: Town of Philipstown Town Board		Telephone: 845-265-6200	
		E-Mail: supervisor@philipstown.com	
Address: Town Hall, 238 Main Street			
City/PO: Cold Spring		State: New York	Zip Code: 10518
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres.			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Town of Philipstown Town Board</u>		Date: <u>September 2, 2021</u>
Signature: <u></u>		Title: <u>Town Supervisor</u>

SEAF NARRATIVE DESCRIPTION

The Town of Philipstown is adopting a local law to amend its Zoning Code to create the Upland Drive Development District and the Ridge Road Development District, which districts will encompass the properties located on and along Upland Drive, Cliffside Court, and Ridge Road. The new districts leave the existing zoning regulations in place, except that the following changes are made:

- (1) The maximum density (conservation) is decreased from one (1) acre to two (2) acres;
- (2) The minimum lot size is increased from one (1) acre to two (2) acres;
- (3) The maximum impervious surface coverage is decreased from 20% to 10%.
- (4) The maximum footprint (in square feet) for nonresidential structures is decreased from 5,000 sf to 4,000 sf.
- (5) An additional requirement is added providing that the steep terrain and ridgeline protection regulations of Code § 175-36 apply, and that in addition, disturbance of slopes of 30% or greater for a purpose other than those listed in Code § 175-36B(1) shall require grant of an area variance from the Zoning Board of Appeals.

WHEREAS, the Town Board of the Town of Philipstown has a local law before it entitled: A Local Law To Add A New Section 175-18.2 entitled "Upland Drive and Ridge Road Development Districts", and

WHEREAS, in order to take action on the said local law, it is necessary to schedule a public hearing and to make specific referrals,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above proposed local law, and
2. That the proposed local law shall be forwarded to the Planning Board of the Town of Philipstown and the Putnam County Department of Planning for review and report, and
3. That a public hearing on the proposed local law is set for October 7, 2021 at 7:15 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

Councilman Angell presented the foregoing resolution which was seconded by Councilwoman Farrell,

The vote on the foregoing resolution was as follows:

- Judith Farrell, Councilwoman, voting _____ AYE _____
- John VanTassel, Councilman, voting _____ AYE _____
- Robert Flaherty, Councilman, voting _____ AYE _____
- Jason Angell, Councilman, voting _____ AYE _____
- Richard Shea, Supervisor, voting _____ AYE _____

CERTIFICATION

I, **Tara K. Percacciolo**, the duly qualified and acting Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on September 2, 2021, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

I **FURTHER CERTIFY** that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 2nd day of September, 2021.


Tara K. Percacciolo
TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on September 2, 2021.


Tara K. Percacciolo
TOWN CLERK

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Philipstown on October 7, 2021 at 7:15 p.m. at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516. The purpose of the Public Hearing is to hear comments for/against **A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW TO ADD A NEW SECTION 175-18.2 ENTITLED 'UPLAND DRIVE AND RIDGE ROAD DEVELOPMENT DISTRICTS'"**.

A complete copy of the Local Law is available for inspection upon request sent to townclerk@philipstown.com and by appointment in the Town Clerk's Office at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516.

Dated: September 22, 2021

BY ORDER OF THE TOWN BOARD

Tara K. Percacciolo
Town Clerk