

**TOWN OF PHILIPSTOWN PLANNING BOARD**  
**Virtually Via Zoom November 18th, 2021**

The Planning Board held its regular meeting on Thursday, November, 18, 2021.

**Present:**

Neal Zuckerman (Chair)

Ms. Kim Conner

Dennis Gagnon

Peter Lewis

Laura O'Connell

Neal Tomann

Heidi Wendel

Ronald J. Gainer, PE, Town Engineer

Stephen Gaba, Counsel

**Absent:**

**Please note that these minutes were abstracted in summary from the meeting and a taped recording.** Chair Zuckerman opened the meeting at 7:30 pm. Neal Zuckerman led the Pledge of Allegiance. Roll call was taken by Ms. Rockett.

**Approval of Minutes**

Chair Zuckerman asked for a motion for the approval of the September minutes. Kim Conner made the motion and Neal Tomann seconded the motion.

The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none, the vote passes.

**Riverview Industries, 3012 Route 9, Cold Spring, NY 10516 TM#27.20-1-28**

Ron Gainer stated that the Board has draft negative SEQRA declaration and a draft site plan approval resolution for consideration tonight. The project is still awaiting approvals from New York State DOT for the entrance work, and a formal permit from the Conservation Board. As they've seen in prior correspondence, the Conservation Board is prepared to move that permit forward once a SEQRA declaration is made.

Chair Zuckerman asked if the Conservation Board was waiting on them?

Mr. Gainer replied yes, they were waiting for the Board to make a negative SEQRA declaration so that the Conservation Board could act on their permit. The SEQRA declaration is in front of the Board tonight, as is a draft site plan approval resolution.

Chair Zuckerman asked for a motion to adopt a negative SEQRA declaration on Riverview Industries. Peter Lewis made the motion and Neal Tomann seconded the motion. Chair Zuckerman then asked if there was any discussion.

Heidi Wendel stated that she's already made a record of my thoughts so she's not going to repeat them. She understands the legal technicality is they can't require that the site be cleaned up before they vote on it.

The vote went as follows:

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

Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman then asked for a motion to approve the site plan resolution. Peter Lewis made the motion and Neal Tomann seconded the motion. Chair Zuckerman then asked if there was any discussion.

Ms. Wendel stated that she had the same comment.

Chair Zuckerman then stated that this Board has taken a very diligent approach to this site and he wants to thank the Board. It's been a long time in coming but it's not a minor topic. They're dealing with traffic issues, with safety issues, environmental issues and it's very thoughtful. He also wanted to thank the applicant for their patience.

The vote went as follows:

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

Opposed, Abstentions? Being none the vote passes.

**Arnaud & Santellses, 5 Juniper Hill Road, Garrison, NY 10524 TM#81.-1-11**

Mr. Gainer stated that he was unable to attend the site visit that was recently conducted by the Board, but he has subsequently been out to the site with the design engineer. The significant issue that's apparent is the visual impact on the adjacent neighbor to the south. There are some tree removals that are expected along the property line, so in his view it may warrant some clear understanding from the applicant's engineer exactly the extent of those removals or the applicant's efforts to revegetate that southerly property line.

Kim Conner stated that she agrees with Mr. Gainer. One of the things that they noticed is that there were evergreens along that border and Mr. Snyder said that they're going to run the septic line through there, and that seemed to her that was going to affect the root systems which would probably affect that.

Mr. Tomann stated that there is a small stream when you're going down and you take a left to get into the property that didn't seem wide enough to accommodate emergency vehicles. The sweep was very tight. They talked to Mr. Snyder about that later in the site walk and asked them to maybe broaden that sweep a little bit for better emergency access and he said he agreed, so we'll probably see that change in the next the next set of plans.

Ms. Conner stated that it's an existing site. It has a small house on it. It seems like the house that they want to put in is going to be low, which would presumably help preserve the viewshed from the other side without too much intrusion. There was a pump-up septic, she thinks that obviously has to get Board of Health approval. There were some big trees that would obviously would have to come down.

Mr. Gainer agreed that within the body of their development there's some major trees that that will be removed. They cannot be saved based on the design intent. Obviously, the Conservation Board has to grant a permit, as they're working within the buffer area that watercourse. So the Conservation Board likewise will have interest in seeing what they can do to deal with the site access as well as the tree removals.

Ms. Wendel stated that the trees that they're going to take down are really beautiful, old white pines, unique trees. She just wants to note that. She guesses that to build the house they want to build they have to be taken down, but it's not the typical thing that they see. These are immense really old trees, she just wants to note that. She doesn't know if that gets special consideration, but they usually look at whether a tree is more than eight inches. These are way more than eight inches. They're really beautiful immense trees.

Mr. Gainer stated that if the Board is so disposed, it may warrant them to seek a tree plan, at least within the area of development to better quantify exactly what trees exist, what will be removed as well as what enhanced landscaping they may be offering.

Chair Zuckerman asked Mr. Gainer under what portion of the zoning code does the Board have the ability to besides asking for it, what are the levers of action if at all related that topic?

Mr. Gainer stated that in terms of looking at the tree plan the Board is going to determine if it's warranted to enhancement or landscaping in the areas where the removals are occurring. It's in the SPO overlay zone.

Mr. Gaba stated that it's part of site plan.

Chair Zuckerman stated he's used to us when talking about something that is minimized from the road unless it's retail. Is that under the same case here as a residence?

Mr. Gainer replied yes, he thinks they need to understand area impacts and certainly impacts to neighbors would be a consideration that they'd look at pursuant to any environmental concerns with the project.

Kim Conner stated that she's always of two minds about trees when you get to a point where you have a house and you have some trees that are pretty old. The health of the trees is going to affect whether someone can actually live in the house, and a big wind these days could knock something over. In terms of forest management, it's better to have a lot of smaller trees than one large tree so there's a balance. This is an individual house on an individual lot. It's not like they're going to take down 20 acres or something. It's not that visible from the road. She added that she always asks the question about trees because if people have a design that can preserve them and they're comfortable with that design, you want to make them aware of the fact that it might be a good idea

to preserve them. If she personally lived in that house, she would be a little worried about these trees coming down on the house.

Mr. Gainer stated, let's remember that it is in the scenic protection overlay zone, which raises the issue of visual impacts.

Ms. Wendel stated that one of the trees was a little like raggedy but on the very edge of the property. But the other trees were not very old but were in great shape. In her opinion Ms. Conner's comment may apply to a single tree that was kind of more on the edge of the property that did look a little raggedy, but they were right smack in the middle of the site where the house would go. There were several really old beautiful and in very good condition white pines, very majestic.

Ms. O'Connell stated that she's on the same wavelength as Ms. Conner, there's a whole safety component regarding the tree and the age of the tree, but she does believe that the way that the house is laid out and the setback actually from the river and also from the road, that it's nestled in an area and because of the way that the land sweeps down, and she's not saying that the value of a tree is minimal but she doesn't think the impact is as big as they think it's going to be. The setback and the easement from the road and if the tree is removed she doesn't think they're exposing the house to the road nor does she think if they cut down the tree and build the house, and then if we were to see it from across the river would we be exposing that viewpoint. She doesn't think that's the case. It just makes sense that they're allowing the owner to be able to build what they need to build and they've been sensitive enough to take all those things into consideration and that the architecture of the of the structure itself takes that into consideration as well.

Neal Tomann shared his screen to show where the property is. He thinks that they're making a pretty good effort to take down as little as possible. When building a house, trees have to come down but she doesn't think that it's going to be much more than one little area which is a lot less than their neighbors.

Peter Lewis stated that he agrees with Ms. Wendel that white pines are an absolutely spectacular tree. But they can be fairly dangerous trees. They can snap in high winds and they can uproot and so forth. If had one anywhere near his house he would be very wary of a limb fall and entire trunk break.

Mr. Tomann agreed, and stated that they don't give any warning or show any signs of decay. One day they just go.

Ron Gainer stated that, as has been indicated, the SPO regulations warrant some hard look at the visual impacts and a better understanding of exactly what landscaping's being proposed to enhance the area where the tree removals occur. He added that it may warrant a tree survey in the area of the structure and area of development, so the Board can better quantify those impacts that are being touched on. It's for the Board to decide.

Chair Zuckerman asked if Ms. Wendel would like to move that request?

Ms. Wendel replied yes. Peter Lewis seconded the request.

The vote went as follows:

Kim Conner: Nay

Dennis Gagnon: Nay

Peter Lewis: Aye

Laura O'Connell: Nay

Neal Tomann: Nay

Heidi Wendel: Aye

Chair Neal Zuckerman: Nay

The board voted 2-5 against, not to pass the request for a tree survey.

Chair Zuckerman asked for a motion to schedule a public hearing. Ms. Wendel made the motion, Ms. Conner seconded the motion.

The vote went as follows:

The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman stated they will schedule the meeting for the December 16<sup>th</sup> meeting.

**Johnson & Rinderman, Mountain Brook Drive, Cold Spring, NY 10516 TM#16.-1-34 & 56**

Kim Conner stated that they hiked in on a road that belongs to Slope Line, which is Scenic Hudson and then cut over to what Jason Snyder talked about as what will be the driveway. There isn't an opportunity for access from the existing Slope Line Road. It's a pretty long driveway. It comes into a pretty flat area which is near a pond. There's a dam. It seemed like there was enough flat land. It's a big parcel, not a lot of challenges as far as she could see.

Mr. Tomann shared his screen to show where the property is, to orient the viewers. It's quite a long driveway, not as bad as it looked on the plans. He stated that he doesn't see a lot of visibility, doesn't see a lot of issues. It's a huge parcel of land, they seem to have their septic laid out. It's a concrete dam, it's definitely probably going to land as a DEC class A, not a lot of water, and not a lot of not a lot of issues with it. It's a concrete dam but it's not a hack job. He would leave that up to the applicant and their insurance company and New York State Dams if they want to register that or how they want to move forward. But, as far as the application goes, he doesn't see a whole lot of issues, there's a lot of room between them and the next closest house.

Ms. Wendel stated that it's an incredibly long driveway. It doesn't look like a typical housing site. It looks like they're in the deep woods. They also discussed the possibility that if the dam were opened, like what's the consequences for the site. She doesn't know whether that's relevant in some way, but she just wanted to note that from the site visit. It's going to be a lot of disturbed property to build that driveway, and there's a lot of water everywhere.

Mr. Gainer stated that the Planning Board has that concern for most any driveway and, in fact, in this instance they've made a referral to the local fire department. So, if they have concerns, they're going to identify them and then the Board will try to incorporate their recommendations into the site plans as they evolve. He added that there's a very deep ravine off the proposed access driveway, but it's not being impacted by the construction. The driveway is going in an existing area and appears appropriate for the driveway. There's one small drainage area that has to traverse the driveway, to put it back into that gorge, but that's very typically done for a long driveway so he doesn't see the construction issues being significant.

Ms. Wendel stated there's a stream coming down but they're going to divert it down to the ravine. She added that if Mr. Gainer thinks so then she accepts that.

Mr. Gainer agreed that's exactly the case. It's a matter of diverting it back to the gorge. Right now, it's just meandering overland. The construction of the driveway will resolve that.

Ms. Conner stated to help clarify this she believes Mr. Snyder said it was a logging road initially, is that right?

Mr. Snyder stated he believes it was the maintenance road for the dam.

Ms. Conner continued that it's a pre-existing, not fully formed road but road-like thing. That to her explains why there's water there, because there's already been a road cut in there and so the water naturally is going to go to that place. It isn't necessarily what it would originally have been before they cut in that road, if that helps.

Chair Zuckerman asked based on what Ms. Wendel is saying would the Board be helped by a referral of the Conservation Board.

Mr. Snyder stated that they did have a meeting with the Conservation Board. He added that he believes the Planning Board already made the referral and they submitted plans to the to the Conservation Board. He added that the Conservation Board was out to the site on Sunday, November 14<sup>th</sup>. He stated that they seemed amenable to the plans that they've presented and will continue to work with them on the wetland permit. It does require a wetland permit.

Chair Zuckerman stated okay, then, they're fine and Ms. Wendel's topic will be addressed by their friends at the Conservation Board.

Mr. Snyder stated that it what was referred to the fire department and they're awaiting comments there. They do have pull-offs every 500 feet so he thinks they're in line with that.

Chair Zuckerman asked for a motion to schedule public hearing. Kim Conner made the motion; Peter Lewis seconded the motion.

The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman stated they will schedule the meeting for the December 16<sup>th</sup> meeting.

**Jena Girouard & Jesse Husted Wildrick, 28 & 30 Hudson River Lane, Garrison, NY TM#89.7-1-8, 89.7-1-7 WL#21-333**

Mr. Gainer stated that the project originally appeared before the Board back in March 2021. The only thing the Board did at the time was declare it as a minor project pursuant to code. The Board also deemed it an unlisted action. Then the Board immediately referred it to the Zoning Board of Appeals because the project needs a variety of variances. The design architect could probably walk you through the changes made for the variances that were

requested, which have since been received, and for that reason, they've now come back to the Board so you can more formally continue the process. It'd be good for the applicant's architect to present the project so the Board can refresh their memory on what is being proposed.

James Hartford from River Architects stated that since March they've presented to the Zoning Board and have gotten the variances approved by the Zoning Board. They're currently working through with the Conservation Board and the end is in sight with them. They have, through their marine engineers, Race Engineering, the seawall repairs to number 28 on file with the DEC and the Army Corps of Engineers. That's proceeding well in their understanding of that. They've got a lot of parts flushed out and moving forward, and now are coming back to the Planning Board to pick up where they left off several months ago.

Mr. Galner stated, to refresh the board's memory, this actually is a project that involves two separate residential properties. Each property has an existing residence on it. Those structures will be razed and then a larger structure will be placed in the area. It will require that the two lots be merged as part of the process.

Mr. Hartford stated that basically that straight seawall which basically delineates on number 28 and number 30. The squarer sea wall on property number 30 and the little boat ramp with the zigzagging sea wall is currently number 28. These would be combined into a single lot and the boat ramp and the natural bit of shoreline there would be retained. But the current sea wall on the north property number 28 is in pretty bad shape. It's a failing gabion wall that's coming apart. He doesn't know if it's a result of that seawall deteriorating or if that's just that site was not built up as much, but that site tends to flood more than the southern side. So, the idea is that they would be replacing that with a similar gravity block retaining wall which is currently installed at number 30 so that it has the same kind of structural capacity and durability that exists there currently on the other side. The single house would be replacing the two structures that are currently there, essentially in kind in footprints at the first floor and then the second story would be bridging across, allowing that boat ramp to continue to function and also the natural shoreline to recede into the property. They are proposing to raise the grade approximately two feet overall which is a two percent grade from the straight edge and then that would also recede back towards the water. They're not building the whole entire property up which is kind of cresting it which actually matches the adjacent property at number 26 the one just to the north. The intent is to get the squarer first floor of the house above the 100-year floodplain. The house does occasionally suffer from water intrusion. Recent high tides have brought water into the crawl space under number 30 and while the floor height is slightly higher in number 30, number 28 was flooded pretty badly by Hurricane Sandy. So, the intent is that both the finished floor of the new structure would be essentially a foot above the flood height of Sandy. At the same time, they would be hardening all of the finishes on the first floor so that if a subsequent flood is higher, than that it would be cleanable and not catastrophically destroyed by a greater flood. This house will have no fossil fuels. They're pursuing passive house certification for this. So they're eliminating two oil tanks and propane tanks for backup generators. The intent is that it's going to be an all-electric and basically sustainable structure in the event of power failure. They would have solar power backup and battery reserve in the event of power outage, which would also allow them to do energy management throughout the day so that it's not only for backup but it's also to reduce peak loads on the grid. The intent is that they're actually really doing a good improvement, not just to the site but to the regional infrastructure and again eliminating fossil fuels in an area that's that is prone to flooding from the river. The swimming pool that they're proposing is a natural biophilic pool that would use natural enzymes and biological media to purify the water without chlorine, without salt or any chemicals whatsoever. The intent is that they're essentially producing drinking water for swimming so any overflow, if there's any kind of event that would cause that pool to rupture or be inundated by the Hudson River, they are not introducing any chemicals into the Hudson River. They're actually introducing drinking water if that were the case. They're eliminating blacktop paving and two garage structures and replacing one with the garage in the

drawing here. They're only increasing impervious surfaces by .3 percent. They are managing storm water runoff off the roof through the use of green roofs as much as possible. They will have solar on the roof, of course, so they have to figure out exactly what the ratio of solar is to green roof that's possible. Rain water that will come off the roof would then go into a rainwater cistern and then from there any overflow from the cistern would be then managed through a bioswale so ideally not having really any impervious surface water discharge into the Hudson itself. They are within the limitations of height so there's no issue there and the glass will be bird friendly glass so that they reduce risks of bird strikes since there is a fair amount of glass in the building.

Mr. Tomann stated that he watched the Conservation Board meeting and they raised a constructability issue as far as whether Race Engineering was going to take a look, whether or not they're going to be able to build it from the water or from the land. He asked if there was any feedback from them about how that's going to go.

Mr. Hartford stated that all four structures will be razed and the access will be directly from number 28. That curving wall is the wall that will be replaced. It's in bad shape and so Race's design is to install a cofferdam that would be dewatered so that they can do all the work that they need to do to set a stable gravity wall.

Mr. Tomann asked what kind of feedback they are getting from the Army Corps of Engineers.

Mr. Hartford said not a peep. Perhaps Race is getting more communication but they have heard nothing on the application. It's a pretty routine repair for them. The question that was raised by the Conservation Board was about which is a more ideal access from the water, that there's less disturbance to the site into the community and bringing in heavy concrete blocks and bringing them in on barges versus bringing them in from the shore. The cost is extremely higher if they were to do it from the water. Then there's the considerable risk of actually reaching over the cofferdams which are strong, but if they were to be impacted by a barge or by the gravity blocks, that would be a pretty major concern so it was not a realistic consideration.

Mr. Tomann replied it's tricky and on the lower corner sort of where on the property line is they just stopping there. Can you work anything out with the neighbor to try and maybe rehabilitate some of their wall because that looks like it's in bad shape too.

Mr. Hartford stated that they had communicated with the neighbor about doing that. They're not prepared to participate in extending the sea wall further there. But the Wildrick's will be adding more stone to raise the soil height and to add to this general stability there. So, they're managing that, but not extending the seawall around to include that.

Ms. Wildrick added that their neighbor is considering raising her grade a little bit there as well. They're in discussion with them just to make sure that it all is really seamless when it's all said and done, but they weren't interested in redoing their wall at this time unfortunately.

Ms. Wendel asked if the property is flooded will the town bear any costs for that? If the sea walls don't hold does the community have to bear costs for the flooding of this property or rescuing people or whatever? Or is that all on the applicant and whatever flood insurance they buy? It just seems like, given where the property is and the trickiness of building on it, she just worries that the community could actually bear costs for this at some point down the road and just wanted to ask about that.

Mr. Hartford stated that not all of the property of Manitou Landing is within the 500-year flood zone. It's just this lower portion. So, they would actually be raising soil to help get them out of some of that trouble and raising the soil the grade is intentional to correct for the risk of flooding as well as raising the finished floor height so that we're getting the applicants who currently live on site out of the flood zone. They're greatly reducing the risk that they are currently under. Hudson River Lane is a private road. It's not a town road so ownership of that is the



association's responsibility. They are responsible for managing any repairs so that is not a cost that would be borne by the town.

Ms. Wildrick added that they do have substantial flood insurance.

Ms. Wendel asked if the answer that there is no cost to the town in the event of flooding of the site?

Ms. Wildrick stated that unless there's some like law or credence or something that she doesn't know.

Ms. Conner stated that in answer to Ms. Wendel's question for Hurricane Sandy, she believes that one of these two houses the one that's not habitable because of Sandy she believes someone that lived there had to be rescued by the town emergency services at that time. So she does believe there would be a cost to the town. She continued that she does have a question for James. So they're moving this out of the 500-year flood zone into the 100-year flood zone by raising it a foot, correct?

Mr. Hartford stated no, the 500-year flood is less common.

Ms. Conner stated that she understands that but they're saying that they're moving it into the 100-year now it's in the hundred years as opposed to 500.

Mr. Hartford said, no they're raising the floor, not lowering it. They're raising the floor height so they're taking it out of basically the risk of flood.

Ms. Conner stated as she understands it now, is it now in the 100-year flood zone or is it in the 500-year flood zone? On the documents it said 100.

Di George stated that so this red line here is the 100-year flood line. It's at a base elevation 7 foot. Their finished floor level is currently at eight feet but they're talking about raising it another six inches so it would be eight and a half feet.

Ms. Conner stated, so for clarification here the 100-year flood zone on average floods every 28 years, correct? According to the actuarial tables.

Mr. Gainer stated that he's not aware of that.

Ms. Conner asked if there is some requirement that the ground floor needs to be ten feet above not eight feet above because and she thinks she asked Mr. Gainer this a while ago and there was something having to do with that.

Mr. Gainer stated that chapter 90 of the town code relates to flood damage protection. That specifies a minimum height above flood elevation. He believes it's a foot higher, but he can confirm that.

Ms. Conner asked if the electrical equipment, etc. was on the ground floor? She added that she thought their drawings had it on the ground floor.

Mr. Hartford stated that it's not at the ground floor level. They have heat pumps, ERV's (fresh air ventilation systems). Those will be mounted four feet above the floor at a minimum and they have a battery system basically the Tesla power wall which will be mounted on racks in the garage, also above the floor.

Ms. Conner asked, but the garage is below the level of the house, correct?

Mr. Hartford stated the garage is below the level of the house but they will not be sitting on the floor in the garage. They will be mounted up the wall.

Ms. Conner asked so the garage can flood because the garage is below the flood stage, correct?

Mr. Hartford replied that water can come and go but it's not going to be affecting the batteries.

Ms. Conner stated so this design that you have here which has cars right is below the flood zone?

Mr. Hartford replied if we raise the floor four feet then they won't be able to get the cars into the garage.

Ms. Conner stated that she's just trying to understand what the relationship between these structures and water is.

Mr. Hartford stated let's look at the section then. The finished floor height is not at 8 feet, the finished grade height will be at 8 feet. If you notice that Hurricane Sandy the flood is noted that 9.4 feet. They are currently showing the finished floor at 10 feet, and we are talking about raising another six inches as a precaution.

Ms. Conner stated there's no potable water on this site, correct?

Mr. Hartford replied that's not true. There's a well currently on the site that uses a reverse osmosis system and that's what they will be using as well.

Ms. Conner asked if he can tell her how that works and how much it produces and stuff like that?

Mr. Hartford replied that's not his area of expertise.

Ms. Conner asked so what are the water requirements of this house? This is a much larger house than the house that was there, this is the equivalent of two houses. Will that reverse osmosis system provide enough water for this house?

Mr. Hartford stated that will be determined by the draw at the well. He added that there are currently two houses, they are combining the two lots into one.

Ms. Wildrick stated that she can speak to that. They are maintaining the current system and will be using it in the new house and this house is better suited to them. There's herself, her husband, their son and they both work from home so they needed the two offices, a bedroom for their son. If they have another child that was also something they wanted to keep in mind. However, there won't be additional people living in the home if that makes sense, so it'll be the current system.

Ms. Conner stated that she asks these questions because they don't necessarily pertain to them living there. This house will be there for a long time. They can't predict what the house is going to have in it in the future so they ask these questions now. The well that is here only served the house that's on that particular lot, correct?

Ms. Wildrick stated that it did serve both houses at one time. At one point they thought they were just going to buy 28 but there's no well there.

Ms. Conner asked about the Peat system and how it works.

Mr. Hartford replied that it's a package septic system that is basically modular and it has a high capacity. It will be above grade somewhat so there will be kind of a landscape aspect to it but otherwise that's not his area of expertise and he will defer to their civil engineer who is not here tonight.

Ms. Conner asked that as she understands it a peat septic system has to be replaced, the peat has to be replaced periodically, is that correct?

Mr. Hartford replied that he does not know that but he does know that Putnam County accepts these, they didn't accept them in the past but now they do. So the county health department, it's their purview and they have been accepting these. So, it does seem like appropriate technology.

Ms. Conner asked if they have approval for this one?

Mr. Hartford replied that they're pursuing that currently. There was a design for the previous owner for the system that was approved, but they will be getting a new one.

Ms. Wildrick stated that this exact same system is being used and was just approved for the house being built down at 4 Hudson River Lane.

Ms. Conner stated that her last question for the moment relates to massing of this building. There was someone who built a very large house at the end that had to be torn down and she's wondering if they could give drawings that'll show they Board. This is a big house and the houses next to it are older and smaller so she'd like to get a visual since it is on the river, she'd like to get some kind of visual impact for what it looks like with the neighborhood.

Mr. Hartford shared a photo of the house and neighboring homes.

Ms. Wildrick stated that it's also 10 feet below the height requirement. Her understanding was that the house that had to be torn down was above the height requirement where you couldn't see to the marsh from the river, which was an issue theirs, is 10 feet below that.

Ms. Conner asked is the intention here is to try and make it look perhaps like it's two smaller houses by having the boat ramp in between? Does the glass go through to the other side, can you see through the house?

Mr. Hartford replied yes.

Ms. Conner asked what about light impact?

Mr. Hartford replied that the intent is to have it dark sky compliant. They don't intend to have flood lights in terms of exterior shading or light shading. They don't intend to light up the neighborhood.

Ms. Wildrick added that the two sides of the house that's next to the neighbors for the passive house certification there's not even a lot of windows. They're really kind of thick walls along and so that should help as well.

Ms. Conner noted that it's more a consideration of what can be seen from the river, and maybe Mr. Gainer can talk about how the scenic protection type zoning works related to the river.

Mr. Gainer stated that they're within the Scenic Protection Overlay zone. The term that's used is "publicly excess accessible places" and certainly the river would qualify. There is a height requirement but they're complying with that height limitation.

Chair Zuckerman stated that Mr. Gainer's memo states at one point that the Board did take the action to announce that they're going to do an uncoordinated environmental review is that true?

Mr. Gainer replied yes, he's just reviewed the minutes while they were talking, and the Board did make that determination in March.

Chair Zuckerman stated that the last sentence in Mr. Gainer's SEQRA paragraph is what he's concerned about. It says *"for a non-coordinated review the board can make a SEQRA declaration as soon as they believe they have all the information required to arrive at this decision"*. As far as his decade on this Board they've never looked at a

house down here. He thinks they are going to need some schooling on how they think about the environmental impact, about being on the river, when bulkheads are being improved and when the ground is being raised and water infiltration. He added that he's sure of course Ms. Wildrick and Mr. Hartford and everyone on their team has been thinking about this, and he'd like to get some education as they go through this because to make that determination, he thinks they'd have to understand it. Clearly, they're making improvements, clearly Mr. Hartford as he understands the environmental benefits, he's creating are a nice balancing act against what exists now, but he does have similar concerns to Ms. Wendel and Ms. Conner just in general about the environmental impact of being where they are?

Mr. Gaba asked isn't this a type 2 action under SEQRA, why did we type it unlisted?

Mr. Gainer replied that was something that he had talked with Mr. Gaba about back during the March meeting. Because of the various variances necessary, Mr. Gaba felt it was more appropriate to call it "unlisted" and so that was the determination made at the March meeting.

Mr. Gaba replied that he doesn't want to back off that and has no doubt if Mr. Gainer says he said it, but he kind of thinks this is a type two action under SEQRA.

Chair Zuckerman asked so, the impact of this Board would be what then?

Mr. Gaba replied, that it's exempt from SEQRA. He added if they had already typed it "unlisted" let him research and he'll have a memo before the next meeting and then they can put the issue to bed.

Mr. Gainer stated that when he issued the initial review before the March meeting, he had identified it as a type 2 SEQRA action, and that was what generated all the discussion during that meeting.

Chair Zuckerman asked why would something that is seemingly an environmentally sensitive area would be something where they would not do a SEQRA review?

Mr. Gaba replied that the SEQRA regulations state that type 2 actions include construction or expansion of one, two or three family homes. Maybe because this is site plan review and because of the location on the river he thought that there was some reason that it wasn't. He added that he'd have to go back through the file and look at his notes. He'll have a definitive answer for the next meeting and let's just continue on.

Chair Zuckerman stated that the Board looked at something in a similar location, Dolly's, and they had some interactions with, he believes, the state DEC because of the septic that would go into the river. They don't have the same kind of bulkhead in the same way at that location, but there may be some value looking back at how the Board treated that one. He continued, let's defer then the SEQRA discussion further, but it seems if they're going to evaluate this property the referrals that come next, particularly from the state DEC, seem like something that they need some input on because he doesn't know how to gauge the impact. But if Mr. Gaba wants to defer to their next conversation about the SEQRA they can do that.

Mr. Gaba replied that he thinks that's the way to handle it.

Neil Tomann stated that the applicant might want to put a call into the Army Corps of Engineers and see if there's anything to consider with the New York State Department of Transportation because that waterfront lighting can be sensitive and they and they navigate by lights.

Mr. Hartford replied he'd be glad to.

Mr. Gainer stated that if the Board wants to change this to performing a coordinated review that's fine, but they should just take an action to accomplish that.

Chair Zuckerman stated that he feels like they need to wait until Mr. Gaba comes back to them. This is a big enough matter in his opinion. The questions asked tonight were weighty ones for the environment so he'd like to solve that matter. He then asked if the Board members are comfortable deferring that until they get a sense from Mr. Gaba? This is not an insignificant project. The Board members agreed.

Chair Zuckerman asked for a motion to schedule a site visit. Kim Conner made the motion, Heidi Wendel seconded the motion. The Board scheduled a site visit for Sunday December, 5<sup>th</sup> at 9:30 am.

Mr. Gainer stated that he understands they want to delay consideration of the referrals outside agencies. But there's a statutory requirement since they're on the river to send it to Putnam County Planning. Do they want to move that at this time?

Chair Zuckerman asked for a motion to refer the matter to Putnam County Planning. Kim Conner made the motion, Neal Tomann seconded the motion.

The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

#### **Hudson Highland Reserve, Route 9 & Horton Road, Cold Spring, NY 10516**

Chair Zuckerman stated that they trying to get the FEIS to be complete. That is where they are at this moment. There's been a couple of months of back and forth between the Board's advisors, Mr. Gainer and the applicant on finalizing that document.

Aaron Werner stated that they issued a memo today which at the front end of it summarizes what AKRF has looked at to date. For the September meeting they did issue a memo on their initial look of the FEIS for the Hudson Highlands Reserve and they did have a number of comments that they received responses to around November 9<sup>th</sup> over their responses for each of our individual comments. They did identify in their memo some concerns they still have about the voice of the document. This is the Planning Board's document. It should be in the voice of the Planning Board without much marketing language, without calling out specific commenters for being disingenuous or incorrect. It should be a lot simpler of a response to some of the comments. The memo that AKRF first provided today has a number of examples of where the voice of the document was not satisfactory for an FEIS to be adopted by the Planning Board as a lead agency. They do plan to have some follow-up comments, they just didn't have much time to look at that. They also had the Appendices A and B that was resubmitted, which was basically the applicant's full documentation of all the comments received at the public hearing for the DEIS, how they categorized the comments, what number they assigned to them and where they are in the FEIS as far as a response to them. They just got that two days ago after their comments on that, so they also did not have a chance to fully look through that. Tonight, what they were hoping to accomplish was to have the applicant walk through the changes to the project because he thinks that's pretty important since the DEIS hearing and all the comments were received they changed the project. They took out the equestrian center, they moved some homes around, they increased some buffering around the pond and they took a couple homes away from the pond. If the Board were to move forward with an FEIS that's complete and the Board is ready to make

findings, obviously the board needs to be comfortable with their current plan. They've also introduced an alternative in the FEIS for access off of East Mountain Road North, which was not previously contemplated. If that's something that the Planning Board wants to entertain it would require a little more analysis and if it's something that the Board is not interested in at all, they recommend that it not be included in the FEIS. He added that he thinks the revised plan and the alternative should be the focus of tonight because he doesn't think there's been any discussion yet. In the two meetings since AKRF returned on this project, there really hasn't been much talk about the new plan and what the board feels about it.

Chair Zuckerman asked Mr. Werner if he could explain what the positive declaration was about and identifying what they have done to try and further mitigate the items that were listed in the positive declaration. He thinks that would be important for the Board to understand.

Mr. Werner stated that he will give a quick summary of how they got here. In 2018 there was a positive SEQRA declaration issued for four main areas of analysis, water resources, vegetation and wildlife, zoning and land use and community character. Those are the four topics that the Board determined had potential for significant adverse impacts, requiring the preparation of a draft environmental impact statement. There was an EAF, supplemental studies EAF that was done and reviewed for a number of years, which is why this EIS only focuses on four topics. The applicant can run through their summary of those impacts, how they're mitigating them to the maximum extent practicable, what they've done the project since the DEIS hearing to further reduce impacts. This is a very targeted EIS. It's covering four areas, so that's why there's a lot of questions about why is traffic not included, and that's because that was all covered in the EAF stage and it was determined that the number of trips from 25 lots doesn't rise to the level of needing more than the trip generation values which showed it doesn't exceed thresholds for detailed analysis. So, the positive declaration was issued. We had a DEIS that came in, there was a public hearing on it in 2019 and then they're back now with the FEIS that they didn't receive until August and started reviewing it again.

Chair Zuckerman asked Mr. Werner if he can enumerate the four areas, please.

Mr. Werner replied the four areas are; 1. water resources, which includes groundwater, surface waters, wetlands, storm water; 2. vegetation and wildlife which is the natural resources on the site; 3. zoning and land use, consistency with the conservation subdivision sections of the code the comprehensive plan other documents and plans the town has regarding land use and zoning and; 4. community character with a focus on visual impacts.

Mr. O'Rourke, attorney for the applicant stated that he thinks the best way to approach it is really to examine the distinctions that they've made between a DEIS proposed plan at that time, and what now is before the board in terms of the plan that's been modified as it relates to and hopefully is responsive to all of the comments that have been raised. He thinks the important thing here is, as Mr. Werner touched upon, there's been certain things that have been done which they believe mitigate considerably what was originally considered by the Planning Board. That includes, for example, the elimination of the equestrian center and everything attendant to that in terms of land disturbance, septic, horses, manure disposal all of those incidental impacts that occur when you have an equestrian center. In addition to that, what they've done is removed two homes around the Alma Pond area and obviously they continue to maintain at least double the setback that is set forth in the town's ordinance. They believe those were significant mitigation measures that are now part of the proposed plan. In addition to that in terms of the changes in the potential impact, for example, site disturbance. In the DEIS plan there was a site disturbance that totaled 45.7 acres. In the FEIS plan that's now before the Board that has been reduced to 38.5 acres, so it's a decrease of 7.2 acres which means that now 82% of the land, of the 205 acres, shall remain undisturbed. As far as impervious surfaces are concerned, the DEIS plan provided for 11.1 acres of impervious surface. With the FEIS plan now before the Board, it's been reduced by 3.1 acres for a total of 8 acres. With

regard to the total excavation, the gross cut/fill, the DEIS plan provided for 28,792 cubic yards of soil, that now has been reduced to 12,386 cubic yards. That's a decrease of 16,406 cubic yards of soil. As far as the water demand is concerned, the DEIS plan provided for an anticipated consumption of 24 000 gallons per day and now the FEIS plan that's been reduced to 18,500 gallons per day, a decrease of 5,500 gallons per day. From the point of view of the property owner, they consider these to be very significant mitigation measures that now are part of this plan.

Glenn Watson shared the plans and wanted to just point out where these changes happened. First, the elimination of the equestrian center. That's that larger darker box further from the pond in the DEIS drawing, and that is gone. There's a lot of impacts that sort of fall out of that. The necessary storing of materials and construction on site that was a concern of some people went away because the maintenance of the overall grounds will be reduced. Instead of having a staff do it, they'll have another party come in and so the storage of construction materials which was a concern is gone. One of the existing buildings up near the north end was going to be a maintenance building, it's now going to be rehabbed and be one of the 25 lots, so they've eliminated a building out of that. There are still 25 homes but there's one less building. They have maintained the corridor on the east side of the lake, they've increased the corridor on the west side of the lake. In the DEIS you can see two houses. Now those two houses are gone, so the corridor is more consistent throughout. It gives access across the lake it gets access south of the lake. The houses have been moved to make that happen. Mr. O'Rourke talked about some reduction in the cut and fill and that's really reduced a lot to the maintenance of the road for instance the cul-de-sac that back went around the lake to the counter clockwise from the north is somewhat shorter because they don't have to reach as far. The cul-de-sac at the end of the main road is considerably shorter because again they don't have to reach as far. There's a cul-de-sac that went up the spine on the east side of the historic road and you'll see it's quite long on if you go over to the east side that travel way has been shortened, the road has been quite a bit shortened just by guessing to about a fifth of its original length but there is a driveway that extends into two houses so it's reduced by at least half. There's a lot less a lot less road. The road coming in is essentially the same the spine moves essentially the same except that it's shorter, the parking area so and the paddocks etc. associated with the equestrian center are gone, there are houses in its place but it ends up with less pavement down in this area. So, they've eliminated the horses, they've reduced the pavement significantly and they've been able to regrade and change the road so that they have less excavation corridor excavation spine road. The visual helps to show where that happened so they think they've made significant responses to the concerns that were expressed in the EIS.

Mr. Gaba stated that the FEIS is supposed to be accepted if it's informed to be accepted within 45 days after closing the public hearing. After the FEIS is accepted by the Board, there's a 10-day comment period, a cooling off period where no action can be taken, and then, within 30 days after acceptance of the FEIS, the Board is supposed to accept the finding statement under SEQRA. Depending on what's in the finding statement, the Board will then go on to either approve the project, approve it with conditions or deny the approvals if there's grounds to do that. He added that he does not believe there is a time frame for the approvals after the finding statement, but they usually go pretty much hand in hand. Once they get the finding statement, the Board has a good idea of what they're going to do on a project.

Chair Zuckerman asked – is the finding statement is written by the Board?

Mr. Gaba replied that's right.

Chair Zuckerman asked AKRF to weigh in on where we are in the completeness of this document.

Mr. Werner stated that as of now they still don't find it to be in a complete form for the Board to do that. They would definitely request that the applicant take a look line by line at some of these voice concerns that they had to clean it up and also, if the alternative access is not something that is going to be considered at all, it should come out. That's really where it is. They had some comments. A lot of them were responded to. They still have to go through the rest of it and issue their follow-up memo that they promised in this memo that AKRF sent today. They're happy to work with the applicant to get it in a form that is useful for the Board. It sounds like the Chairman wants something that's complete for the Board to start reviewing, that it's ready for them to look at. Is that correct?

Chair Zuckerman replied, yes that's correct. He then asked AKRF to please work with the applicant to be done with the voice question. He thinks they all can say they don't want to waste any more time or the applicant's money, or anyone's time on more iterations on voice. It's very clear, hopefully, what Mr. Werner is asking for, which is taking out the gratuitous marketing commentary or criticism of the people who spoke. Let's just make it as neutral as they can and be done with it so they don't keep discussing it.

Chair Zuckerman stated that he just wants to finish the voice piece and then they'll come to the road.

Mr. O'Rourke stated that, with all due respect, the problem they're having and they understand there's a lot of materials to review. But, for example, the memo they got today at noon talks about new comments on voice. These are new comments that they're making, pointing out rightfully so because that's their role, that there are issues with that these new comments are from the document that was submitted in July, and the problem the applicant is having is that it's death by a thousand cuts when they get the comments. What he's suggesting, to expedite this process, is if they can sit down go through this document and just resolve it.

Chair Zuckerman replied, so approved. He doesn't know of anybody who said "please don't meet". Let's not fool around with this language topic. The voice topic they don't want to hear about anymore. They just want it neutral. Now let's talk about the substantive topic on the secondary road. He doesn't recall access to Route 9 being a topic they discussed, with the exception of the trailers for the horses turning in. There are now no trailers for horses, ergo, Route 9 does not seem to be an environmental issue at this point.

Ms. Conner recalled that the issue of access was all about the horse trailers.

Mr. O'Rourke stated that the reason they threw it out as an alternative because of the elimination of the equestrian center.

Chair Zuckerman stated that he doesn't think they ever asked for an alternative access.

Mr. O'Rourke stated, okay just eliminate it, they're done.

Chair Zuckerman then asked if any other board members want the consideration of access via East Mountain Road North. He added that he thinks it's fair to say that they should strike the discussion of East Mountain Road North as an access point. The Board agreed.

Chair Zuckerman stated that is clear direction. He added that the hope then is that once this thing is complete and they accept it, they can then as a board actually have a substantive conversation to write the finding statement because that requires some interaction. It's going to take a bit of time to debate and discuss. Do they feel like across the four areas that Mr. Werner has outlined, does the Board feel like they have sufficiently mitigated them? Obviously with the open meetings law they've not discussed it yet.

Ms. Wendel stated that in her opinion the removal of two of the houses from around the pond is not sufficient mitigation on the effects on the pond. She knows there was discussion of the possibility that some of the



landscaping would be natural around the houses but in her opinion, that doesn't seem that particular impact has been mitigated. There's a large number of houses. They're spaced pretty far apart. She thinks there's going to be a huge disturbance to the natural landscape so that doesn't seem mitigated. There are tremendous effects on wildlife and waterways and she doesn't think they've been mitigated.

Chair Zuckerman stated he would like to have the Board accept the document is complete. Complete is an important milestone, so then they can say this is the final document. They will then digest it word for word as they do. As opposed to keep reading iteration after iteration, getting confused and which is what, and then have a debate. He thinks that's a better approach, it's more step-wise.

Chair Zuckerman stated that he's going to raise a topic. He doesn't want to debate it. He's just going to raise it. He remembers back before they spent a lot of time on the number of houses. When Mr. Werner listed his four issues the number of houses actually was not explicitly talked about when they did the SEQRA. But before they got deep into SEQRA, he's talking about the calculation and there is on page 17 in this document a discussion about the number of houses. For purposes of the record, he won't paraphrase, he'll just quote which is "when the petition is granted the density would be assignable, if not Mr. Gainer would be correct". He added that they need to have a material conversation, which is not a SEQRA issue by itself, but they need to have a material conversation back to this density topic because he thinks they talked about it at length before the SEQRA and then it stopped and they focused on the physical environmental issues. So, he's just making a note that the distinction between 22 and 25 lots, which has been a lot of time discussing, a lot of them taking those very complicated chapters out calculating. Remember the yield method and the other method. They just need to engage in that conversation and he needs that, because they have a nice table there. They have not talked about that in years and so they're going to have to have a conversation around. He's not debating the merits or demerits, just noting.

Mr. Werner stated that just for the Board's benefit like if this ends up getting to a finding statement, and then on to the actual approvals for site plan etc. and it ends up with a lesser unit count, at the end of the day it's better for the environmental review to have looked at the higher number. So, they're looking at 25 for SEQRA. If it ends up smaller, they're covered. In other words, as long as the numbers don't go up. That would kind of require another look. The way they presented the EIS is the higher number. They assumed full-time residency, not second homes. They did a conservative look at the at the residences, so that's one point.

Chair Zuckerman stated that this project came back to them in the last few months. Two of the seven board members weren't here when they did this, and it is hard work for even the board members that recall the history behind it. He added that they're all trying to get back into it in a fair rhythm with the level of detail, knowing that the Planning Board has three to four times the volume of activities in front of it that it did when the applicant was here last. He added that he just wants to be mindful that it's been a while, but it's also been a significant hiatus.

Mr. Gaba stated that the other thing just a technical point if the applicant is willing there should be an extension of time to adopt the FEIS at least until the December meeting.

Mr. O'Rourke state that's fine, provided we can have the meeting and we like to meet with AKRF. He'll grant the extension if they can get the answers and get all the comments, that's all.

Mr. Robbins stated that he thinks it needs to be said that the comments that they made on voice were specific in their last memo and also very general, indicating that there was a lot of other locations within that document that needed to be addressed and what they did in this most recent memo was highlight some more of those areas that needed to be addressed that they had referred to previously. So, these are not new comments. That needs to be stated. This is a carryover of the previous comments. He just wanted to get that on the record. This isn't a death

by a thousand cuts. They indicated that there were issues with voice on this project in this document throughout, and have used the most recent version of the document submitted and there's still issues with that. So they're willing to have a conversation with the applicant. He added why don't they have a call tomorrow and set up a time and go through that at that point.

Chair Zuckerman asked Mr. O'Rourke if that satisfies him?

Mr. O'Rourke stated that's fine. They're prepared to grant an extension until as Mr. Gaba indicated December 17<sup>th</sup>.

**Polhemus Property Management LLC Commercial Site Plan, 12 Manitou Station Road, Garrison, NY 10524  
TM#89.-1-8.-1**

Mr. Watson stated it's really a very simple site plan. Polhemus construction yard is on the riverside of Route 9D and it also has frontage on Manitou Station Road, so as you go down south towards the bridge you pass the construction yard on the right. Over the last couple of years they have constructed a berm and some landscaping so it's a much less visible than it was in past years. There's a series of buildings that are used for various activities of Polhemus Construction. There is a cell tower on the property up at the north end. There is a residence structure, there's a swimming pool, there's a horse barn and a paddock on the property. The application is simply to add a small building, 1,028 square feet behind the barn, well off the road and well hidden from the property. There's an existing driveway to the barn. There's an existing driveway around the back to the paddock and so they're seeking approval to add a 28' by 40' building behind the barn. It's going to for equipment having to do with the construction company. It's about as little as they can do on this site and still have to come for site plan approval.

Mr. Gainer stated that, as the applicant describes, it is a very minor project. An 1,100 square foot garage in a secluded area of the site. It requires site plan approval but, in terms of the Board's procedures, it qualifies as a minor project given its small size. That's the determination or classification the Board can offer tonight. Relative to SEQRA for non-residential projects, it specifies that structures that are less than 4,000 square feet of gross floor area and involving a change in zoning or use, qualify as a type 2 action pursuant to SEQRA, again given its minor size. That is an action the Board could also take tonight. By calling it a type two SEQRA action, the Board concludes their environmental responsibilities for the project. It does lie along Route 9D, so a referral to Putnam County Planning is necessary. Then it's just a matter of determining whether the Board thinks this project requires a site inspection or not. Lastly, since it's a minor project, public hearings are not required so the Board should discuss whether to have one or not.

Mr. Gaba asked if this has existing site plan approval.

Mr. Watson stated that this existed back before he started working here. There was a site plan approval associated with the cell tower and there were improvements and requirements to that.

Mr. Gaba stated that he just wonders why it wasn't an amended site plan approval?

Ms. Conner stated that her question is – is this is going to be visible from Manitou Point Preserve on the other side. So, she would like to know, are there any public trails there from which it can be seen?

Mr. Watson replied that he doesn't know the answer to that but can find out. Manitou Point Preserve is the property to the north and to the west. It's the former Swinburne property, Mystery Point some people know it as. The crosshatch building is the barn. They're intending to put the garage immediately behind the barn, about 20

feet away. They'll be reducing the distance from the existing building to the property line by about 50 feet and leave about 50 feet. A very simple building. He added that he'll be happy to check that and let the Board know.

Chair Zuckerman asked that this just seems like such a minor project, what is triggering site plan approval for this?

Mr. Gainer replied that it's just a matter that it's a commercial property. Non-residential development activities require site plan approval.

Chair Zuckerman asked if the Board members felt a site visit was needed. The Board agreed that that no site visit was needed.

Mr. Watson asked if the Board could make a decision with regard to whether or not to have a public hearing, and if so to schedule for the December meeting.

Chair Zuckerman asked for a motion to declare this a minor project. Peter Lewis made the motion; Kim Conner seconded the motion.

The vote went as follows:

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

Opposed, Abstentions? Being none the vote passes.

He then asked for a motion to declare this a type two to complete the SEQRA requirements. Dennis Gagnon made the motion; Laura O'Connell seconded the motion.

The vote went as follows:

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

Opposed, Abstentions? Being none the vote passes.

He then asked for a motion to refer this to the County Planning Department. Neal Tomann made the motion, Ms. Wendel seconded the motion.

The vote went as follows:

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

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Chair Zuckerman stated that they already passed on the site walk. He asked if any of the Board members feel like they should have a public hearing. No one on the Board said yes. He then stated that he's not even going to ask to bring a motion to the table then for a public hearing. He then asked Mrs. Watson if he can get an answer to Ms. Conner's question about the sight lines, that would be helpful, and he thinks they have to wait to hear from County Planning. Would it be appropriate direct resolutions is that too premature?

Mr. Gainer stated that would be the next step.

Mr. Gaba stated that yes, draft resolutions are fine.

Chair Zuckerman asked for a motion to direct Mr. Gainer to create draft resolution for approval of the site plan for the next meeting. Ms. Conner made the motion, Mr. Tomann seconded the motion.

The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

**Adam Golinczak Residential Site Plan, Crest Road, Cold Spring, NY 10516 TM#17.-2-39**

Mr. Golinczak, architect and applicant stated that he and his family will be the occupants of the house. He shared the plans and stated that they are just below Route 84 and east of Route 9. Crest Road is off of Esselbourne Road, and that's the private road from which they will be connecting to the site. They have outlined what is in yellow, the 20 plus percent slopes and then orange is 35 plus percent slopes. Up on the left side is an existing pond which they are staying away from, so they will not be disturbing that area. There is an existing dirt road that kind of cuts across this this corner of the site and somewhat disappears towards the other property. Towards the mountain, there is a ridgeline at this end of the property. Just a very near tip of their property that's the end of the ridgeline and some of the outcroppings just kind of spill over to the corner of the property. But they're pretty much staying away from anything there. So, that's the existing site. There is a house somewhere in this location that is nearby, there is another house here and currently there is no house to the left. There are two more homes somewhat visible at night, but well distanced from the other properties nearby. They're coming off Crest Road and pretty much taking advantage of this for access. They're working with the existing slopes, this white area here, that's where the road is cutting across to come into the site, and then they're going over to here to avoid the high slopes, working their way around the septic system here that's the location. The house is approximately at the central location of the site. It has an overhang for car parking below, so this area is a cantilever that's hovering in the air. This is the house that's actually touching the ground part of the footprint. There is a proposed open air in-ground concrete pool. This is an art studio that they're also proposing but very likely not going to be building it this time around. So, what we would like to do is pull a water line to it, just basically provide services for the future, but not build the art shed yet. They are a good distance away from the required distance requirement from the ridgelines. There should be no issues with setbacks. He added they had an initial meeting with the with the Building Department and Mr. Gainer. The dashed line showing was the original road that they were intending

and the issue was obviously that they're crossing across the high slopes, so they have reworked this to provide this solution, which stays away from the high slopes, the 35-degree slopes.

Mr. Snyder stated that they got a few comments from the Health Department regarding the septic but it was just revising some forms. So, the general layout and the grading has been reviewed and that is pending approval with the Health Department. They should have it next week.

Mr. Golinczak added that they are disturbing approximately 6.5% of the land, and it kind of looks conservative. Of course, they'll make all the effort to make sure that the least disturbance the better of course. They'd like to keep things as natural as possible

Mr. Snyder stated that they are proposing greater than one acre of disturbance, so they'll need to file a general permit with the DEC so that's why on the corner of the title block. This plan set will meet the requirements of a basic stormwater pollution prevention plan.

Mr. Golinczak stated that a little bit about the house. It's oriented to the left is the Hudson Valley Corridor and that's the orientation the angle of the house. It's going to be a net positive house. They're orienting 22 degrees off west for a very good solar gain across the winter. That's the idea. It will have solar array panels on the roof. They have swales and there is a typical roadway construction detail in the packet that was submitted. The drawings are at about 85 to 90 percent complete. There's still a little bit to be done, but they hope that some of the comments that Mr. Gainer had are already beginning to be addressed. There are some elements still missing details that will be coming in, like guardrails around the pool for example, things like that. But as far as the house is concerned, the general appearance of it for Planning Board understanding is what they're intending to build. Just as a simple concept of where it came from it really is an idea of this outcropping that was left here by the glaciers. They are creating an arrival moment at the back of the house, and then here is a double height glass space. That's the view towards the Hudson River. The solar panels on the roof are not shown, but it will be very low profile. It will basically be with the angle of the roof, very low flash profile as much as possible. One of the comments that Mr. Wunner brought up during a meeting was that they should consider the extension of the cantilever in the footprint calculation. In total, with that it will be 3,500 square feet.

Mr. Gainer stated that, as the applicant indicates, it's a residential project on a private road. Given Mr. Wunner's interpretation, his view was that the house footprint exceeded 3,000 square feet and so they're coming in for site plan approval. Further, being along a private road and there's a fair number of houses on it, the Board will also be considering granting access approval from that private roadway. Since this is the initial presentation by the applicant before this Board, initially they will first want to classify the project as minor and then the Board can then determine if they want to tonight make a SEQRA declaration. Again, since it's a residential project, SEQRA regulations deem those to be type two actions, so it's certainly an action the Board could consider making tonight. Then, just due to the steep slopes on the property, it would be appropriate to make a referral to the town Conservation Board. In terms of steep slopes, just for the Board's understanding and knowing they've dealt with this regulation before, driveways are permitted to extend across slopes greater than 20 percent. But they're not permitted to intrude on slopes greater than 35 percent. That was why at the pre-application meeting we had strongly recommended that they maintain the driveway within slopes that are less than 35 percent. This plan proposes to do that, so that does comply with town code. Then, lastly, the Board can consider whether they wish to make a site inspection of the property to understand the setting and whether there's any visual concerns that they may want to mitigate as part of the Board's review.

Mr. Lewis stated that he realizes that driveways can negotiate 20 percent slopes. These could be 34 percent slopes for all we know at this particular point. Do they have any intention of dealing with those two prongs of steep slopes or are they just going to be running the driveway over?

Mr. Golinczak stated that they are staying away from the orange, which is 35 percent. They're definitely on the lower slopes, and it's just a very small area where they're cutting across. So, they're really trying the least possible evil to the beauty of the landscape. There's going to be a little bit of land work. They're going to manipulate the contours, but they're taking advantage of, for example, when they enter the site for the first long run, they're working with the contour so it pretty much is already a road. It's got a good gentle raise towards the side. Now it's just at the back corner where they have to turn around the septic, so there is just a little bit where they're going over the yellow which will be 20 plus percent.

Mr. Lewis confirmed so they don't think there's going to be much disturbance of those slopes and by the driveway.

Mr. Golinczak stated that they minimized it essentially since the last meeting due to that very good comment by Mr. Gainer and others. It's less work, less movement of land for sure.

Mr. Snyder stated that there is a short run where it jumps up a little bit but, basically, they try to keep it right on grade. There is probably 100-foot run where they have six, seven, eight feet of cut. The entire length of the driveway is profiled on sheet three or four. They can go over that maybe at the site meeting.

Kim Conner stated she was going to ask how difficult it was going to be to do a site visit, but it sounds like it won't be that difficult.

Mr. Golinczak stated that the site is very accessible and Mr. Snyder is planning to stake it. They'd be very happy to have the Board come and walk the site and they can have that available as soon as possible.

Ms. Conner asked how long the driveway is.

Mr. Golinczak stated about 1500 feet.

Ms. Conner asked what will they be able to see from the house?

Mr. Golinczak stated there's a big mountain to the left. There's a lot of trees. He camped there overnight and he could only see three half windows in the three different directions, so it's very private. The way they put the house in is in the center. So it's ideal. It's away from the property lines, equally away from all the neighbors and they're looking for privacy as well away from the road.

Ms. Conner stated that the Board's concern will be what can be seen from the ridgeline opposite Beacon.

Mr. Golinczak stated that you can't see the ridgeline, it's a little bit of a forest, so if you were to stand where the house is you wouldn't know which way is the ridgeline, you can't really see the homes.

Ms. Conner stated she means towards the Beacon bridge, toward the river.

Mr. Golinczak stated you can see Mount Beacon from where the house would be. You could see a little bit of a top.

Chair Zuckerman asked for a motion to declare this project a minor site plan. Kim Conner made the motion; Peter Lewis seconded the motion.

The vote went as follows:

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

Chair Zuckerman asked for a motion to declare this a type 2 concluding their SEQRA requirements. Kim Conner made the motion, Neal Tomann seconded the motion.

The vote went as follows:

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

Chair Zuckerman asked for a motion to refer this application to Putnam County Planning. Kim Conner made the motion; Peter Lewis seconded the motion.

The vote went as follows:

The vote went as follows:

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

Chair Zuckerman asked for a motion to refer this application to the Conservation Board. Neal Tomann made the motion, Peter Lewis seconded the motion.

The vote went as follows:

The vote went as follows:

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

Chair Zuckerman asked for a motion to schedule a site visit. Kim Conner made the motion, Heidi Wendel seconded the motion.

The vote went as follows:

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

The Board set the site visit for Sunday, December 5<sup>th</sup> at 10:30am.

Chair Zuckerman stated that as he signaled earlier the next order of business may need to be pushed off to the beginning of their next meeting in December given the volume of work and the intensity this evening is anyone opposed? He then let Mr. Sadlon know that he will be first on the agenda for the December meeting. He then reminded the Board of the date and time of the special meeting for GGC/HVSF, November 30<sup>th</sup>, at 7pm.

Chair Zuckerman then asked for a motion to adjourn. Peter Lewis made the motion; Laura O'Connell seconded the motion.

The vote went as follows:

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

Opposed, Abstentions? Being none the vote passes.

The meeting was adjourned at 10:04 pm.

Date Approved: 1/20/22



Respectfully submitted by  
Cheryl Rockett- Planning Board Secretary