

**TOWN OF PHILIPSTOWN PLANNING BOARD**  
**Regular Monthly Meeting**  
**Meeting held virtually via Zoom**  
**January 20th, 2022**

The Planning Board held their regular meeting on Thursday, January 20<sup>th</sup>, 2022. The meeting was held virtually via Zoom.

**Present:**

Neal Zuckerman (Chair)  
Ms. Conner  
Dennis Gagnon  
Laura O'Connell  
Neal Tomann  
Heidi Wendel  
Mr. Ron J. Gainer, PE, Town Engineer  
Adam Rodd, Counsel

**Absent:**

Peter Lewis  
Stephen Gaba, Counsel

**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. Chair Zuckerman led the Pledge of Allegiance. Roll call was taken by Ms. Rockett.

**Approval of Minutes**

Chair Zuckerman opened the meeting noting that it's the first meeting of the Philipstown Planning Board for the year 2022. The first order of business is the three sets of meeting minutes to approve. He thinks it's the first time they had three meetings in one month in the history of this Planning Board. November's 11<sup>th</sup>, 18<sup>th</sup> and 30<sup>th</sup>. He added that he's going to take the Chair's prerogative and ask for a motion to approve all three minutes at one time. Kim Conner made the motion; Laura O'Connell seconded the motion. He then asked if any edits, deletions, augmentations, corrections? The vote went as follows:

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

Opposed, Abstentions? Being none the vote passes.

**Correspondence**

Chair Zuckerman stated that they have three pieces of correspondence that don't have a place in the business on the agenda. First, is they've received a six-month extension for CRS which is the development just south of 301 on Route 9 to the west side of the road. He asked Mr. Gainer if he had anything he wanted to add about it?

Mr. Gainer stated that they previously received a conditional approval, they're still dealing with outside agencies and so they require that extension. Their request is pretty straightforward and it's an automatic extension for the regulations. The Board has to formally motion it but it's automatically given.

Adam Rodd stated that it's certainly not an issue but he called Badey and Watson just to clarify. Under the code they have 24 months from the grant of site plan until it expires and from what he read, the site plan was granted in January of 2021 and if it was granted in January of 2021 and we're in January of 2022 it seems that they don't need an extension for another year.

Mr. Gainer stated that the approval gives them two years to pull a building permit but the provision of the code also requires that they get the site plan signed within six months of approval and that's the reason they're asking for that

Mr. Rodd replied no issues then.

Chair Zuckerman then asked for a motion to grant the extension. Ms. Conner made the motion, Mr. Gagnon seconded it. He then asked if there was any conversation any discussion about the extension? The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: 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 let's talk about the Wildrick's letter that they received from the Conservation Board, he added that they do appreciate what Max Garfinkle and Andy Galler and folks are doing at the Conservation Board it's an important role. He shared the letter on the screen and noted that he thought these are useful points, they're very clear and he just wants to open up any discussion from the Board. He asked Mr. Gainer if he has anything he wants to say about this?

Mr. Gainer stated that the Board just recently received detailed engineering plans for both the site development itself as well as plans from Race Engineering for the seawall reconstruction so that has not been the subject a detailed review as yet by this Board. He's uncertain whether the CB has yet seen them or not. It's possible they have they have identified the sea wall among the variety of site issues that he thinks the Planning Board had identified during their site walk. They're suitable topics to review.

Chair Zuckerman then asked if Board members have any questions about this letter or any topics?

Ms. Conner stated that since they are not on the agenda, she thinks they should wait to discuss this at the meeting when they actually have them on the agenda because there is also a letter from a neighbor that she thinks they'll need to address then as well.

Chair Zuckerman stated that the applicant asked to be removed because they're dealing with another neighbor but he wants to be able to be transparent when they're receiving communication from other boards because it's important that they do see and acknowledge the work they're doing. He then asked if there were any other comments or questions about this that they can pass along to the Conservation Board?

Chair Zuckerman continued that the next correspondence which is the Hudson Highlands Reserve FEIS commentary from the Conservation Board. Has everyone had a chance to flip through that? He added that there's a lot in there and confirmed with Ms. Rockett that it has been shared with the applicant. He continued if no one has any questions about it that's fine or any thoughts on it but he thought it was important to share that letter make sure they all see it.

Ms. Conner stated that her question is going to be a question for Mr. Gaba, some of these things are past the point of the Board addressing them, correct?

Mr. Gainer stated he doesn't know that there are any specifically new issues they're raising, they've been raised before and they're addressed in the FEIS. This Board still hasn't acted on whether that FEIS is acceptable but they've been attempting to respond to those concerns.

Chair Zuckerman stated that he doesn't know when they're coming back, they may be coming back next month, the ball is in their court to come back to the Board having had their comments at the last meeting.

Ms. Wendel stated that she doesn't have a comment about the Conservation ports letter but about AKRF's memo.

Chair Zuckerman stated that he doesn't think we have them tonight but is she has a question Mr. Gainer can certainly pass it on.

Ms. Wendel stated that she just feels like what they sent them does not reflect their discussion at the last meeting. The Board had some major issues that she thinks many Board members expressed at the last meeting about the project and they're not really reflected in AKRF memo.

Chair Zuckerman stated that he doesn't know if others feel that way but they certainly could set up a conversation for Ms. Wendel with AKRF and Mr. Gainer if she can be specific in citing what those areas are that can be addressed but the reality is in front of the Board when they return together, they will be making an up or down vote on the FEIS.

Ms. Wendel stated that she feels like the Board's consultant ought to be in sync with the views of the Board otherwise it's not helpful to have them not hearing their views and having a document that doesn't reflect, they are the Board and they are supposed to assist us.

Chair Zuckerman stated what he thinks would be helpful if Ms. Wendel can identify what parts she found that were out of sync, just create a quick note maybe.

Ms. Wendel stated that she's happy to talk to them if that's allowed.

Chair Zuckerman stated if Ms. Wendel can be specific about points they've missed that would be helpful.

Ms. Wendel stated that she will put it in writing to the best of her ability.

**Garrison Golf Club PDD/Hudson Valley Shakespeare Festival, 2015 Route 9 Garrison, NY 10524 TM# 60.-1-59.2 & 59.3**

Chair Zuckerman stated that the next topic is a very narrow topic here which is they missed the site visit due to freezing rain so given the importance of this walk he'd like to get it rescheduled.

The Board decided to reschedule the site visit for Sunday January 30<sup>th</sup>. He added that if Mr. McCallum wants to fly a drone and send out a file folks would be happy to look at it. That'll be great but they're still going to go ahead, he thinks it's appropriate for the community and appropriate for the application.

He then asked for a motion to reschedule the site visit for the 30th at 9 30 a.m. Ms. O'Connell made the motion, Ms. Conner seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman reminded everyone that the public hearing which is long and coming is on the 27<sup>th</sup> of February with a 7:30pm start. He added that they will be doing a hybrid approach to maximize participation and or accommodating comfort. The meeting will be live in the Town Hall which is the best location we were able to get. It will also be on Zoom. He added that we are going to take questions in some sort of turn from the public in the room and three or so from Zoom so no one is harmed if you will by being on one venue or the other. Any members of the public, any Board members, any members of the applicant group that don't feel comfortable meeting in person obviously Zoom as we're doing now has proven to be an effective tool and we will accommodate that. But thanks to the investments of the Town Board including Mr. Flaherty we do have the ability to do that that hybrid which for those of you in the professional world know that is actually becoming a reality of how we're all working. He then asked Ms. Rockett if she had anything to add.

Ms. Rockett stated that people can reach out to her if they need the link, it's been in the paper two weeks in a row or call the Building Department and she can help them out. They can also send in letters that can be presented to the Board.

Chair Zuckerman added that'll they'll plan to go for two and a half hours, go to about 10 o'clock at night, take as many comments as they can and as they've done in the past they will listen intently and quietly. They will start with a short overview of the project from the applicant as most of those public hearings do maybe to do 10 minutes maybe 15 max to maximize the opportunity to listen to the public.

Mr. Flaherty stated that at the last Town Board meeting they also had their attorney go over the process for everybody as well so everyone should be well aware of the Planning Board process he laid it out.

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

Mr. Gainer stated that the Board has previously accomplished all necessary referrals, they had the public hearing and closed the public hearing and now tonight have a resolution of approval to consider for the applicant. It's got the standard conditions of approval the Board normally incorporates which is payment of fees and receipt of outside agency permits and permits from the Conservation Board so that's ready for action.

Chair Zuckerman asked for a motion to adopt the resolution for site plan approval. Kim Conner made the motion; Dennis Gagnon seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

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

Mr. Gainer stated that this is a similar situation as just described. The Board has done all necessary referrals conducted and closed the public hearing and have a draft resolution in front of them that incorporates very similar conditions so he believes it's ready for your consideration and action tonight.

Chair Zuckerman stated he had one edifying comment which is pursuant to the number of memos they received from the Conservation Board they did also receive one in mid-December related this project and he thought it'd be worth noting that the Conservation Board as he understands was it was impressed by how quickly the applicant adjusted the driveway given the comments.

Chair Zuckerman asked for a motion to adopt the resolution for site plan approval. Kim Conner made the motion; Laura O'Connell seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

**Sadlon & Wenske, 825 Route 9D, Garrison, NY 10524 TM#71.-1-13.111**

Chair Zuckerman stated that the site visit for this application also needs to be rescheduled. He stated that he assumes the Board would like to do this at 10:30 on Sunday morning the 30<sup>th</sup> of January. He then asked for a motion to reschedule the public hearing. Kim Conner made the motion, Neal Tomann seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

Mr. Sadlon stated that since the last meeting they've made good progress with the tree survey, that is now complete. They've completed sighting of the buildings on a site plan which Badey & Watson forwarded over to the Board's attention two weeks ago, noting that setback from 9d is in fact 400 feet. The staking of the buildings is now complete and that will be visible when the Board does the site walk later this month. They've received the letters from the Department of Planning and also the Conservation Board with no objections and the soil testing has been complete and they actually achieved one of the best ratings of one to seven minutes per inch which was really quite fantastic. There are a few things that are underway very briefly that will not be presented tonight but he's working on it for next month's meeting. Number one is that Badey & Watson is in communication with the DOT for final approval of the driveway access from 9D. He's very happy to say that they're working with Susan Jainchill and Aspect 120 on the landscape design. Their focus is obviously taking into account the memo that was issued to the Planning Board previously focusing on the visual buffers from the neighbors to the south and also from 9D and they're also developing the architectural plan set. Along with that they've got all the typical details that the Board looks for. They're also looking at the grading, looking at the cabana with a pool house and the seasonal toilet and sink and then the exterior equipment that goes with that, so the pumps, generator etc. That'll all be complete by next month's meeting. They're also then with those drawings submitting to the Board of Health and finally any other comments that may come up as a result of the walkthrough they'll obviously address those by the next meeting next month. That's just a quick snapshot of where they are and then obviously this drawing the Board has already received from Badey & Watson and they're happy to discuss that onsite when they get together.

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

Chair Zuckerman stated that the purpose of tonight is to talk about the site visit which and obviously the number one topic from that site visit was the length and significance of disturbance of the driveway as well as the tree plan. He added that they have the tree plan that's been submitted.

Mr. Gainer stated that as the Chair indicates the significant issue to discuss are the observations made at the site walk. Mr. Snyder's offices submitted revised plans to address some of those concerns more specifically the tree plan so the Board has a clear understanding of the extent of tree removals that are being done. They did some slight revision to the layout, but the one overriding concern of the Board at

the site walk was the arrangement of the site access. It was very clear at the site walk that they had a much shorter route to get to the cul-de-sac on Crest Road and the Board wanted that investigated to see if that would come to fruition because it would significantly reduce the length of the driveway, the extent disturbance, very modest grades to encounter to traverse. He thinks it's really a matter for the applicant or Mr. Snyder to respond to those concerns and understand where that exactly lies.

Mr. Golinczak stated that they received Mr. Gainer's memo and everything you just mentioned on that memo today. Starting with the first point the letter from the Conservation Board, so their judgment after visiting the site is that there are no concerns and there's no additional comments to their proposal, driveway slopes or anything other. He just wanted to make sure that's clear to everyone. The new plans that they've submitted, let's talk about a tree plan. This has been submitted so everything should really be to their belief is permitted in conformance with the site plan guidelines. There was another request from the Board and Mr. Gainer to submit the overall site plan showing properties adjacent to their property. You can see that in the submitted drawing as well, this being their property and while the key comment really that came out from the meeting that Mr. Gainer just brought up. So, they've contacted Rivera and showed him the site plan and explained the situation and they received the verbal rejection as well as a written rejection from the Rivera's. They're definitely not interested to allow access to the property into the property so that is off the table from the adjacent property to the east.

Mr. Gainer stated there's actually two adjoiners to the east. All residences share that private roadway and the roadway is not in a delineated right-of-way.

Mr. Snyder stated bear in mind that this is based on the tax map.

Mr. Golinczak shared his screen and stated this is their boundary of the property to the east and this is the Rivera property, you can see Crest Road terminates here and this is this is the Rivera property number one, this is the Rivera property number two. So, they own this land. This is approximately the location of our house and you can see in the outline that's the road and that's our property here. So, they have rejected the idea, they're definitely not interested in the idea of allowing access to their property into our site. They were not keen on discussing that.

Mr. Gainer stated okay it'd be good to provide some written confirmation of that.

Mr. Golinczak stated that actually they got ahead of this, they didn't see a memo until today but thought this might come up so for everyone's benefit, they do have that memo on record so they can forward that to Ms. Rockett tomorrow after the call. The other property is a smaller property which whoever has bought this there it's been unoccupied and it's a smaller property therefore they think it's very unlikely they'll say yes. It just seems that whoever is working on this it looks like some sort of a flip property. This is a no as well very likely. That leaves us with what they've shown on their access and he knows there was a question about the distance of the road.

Ms. Conner asked what about the other corner there that's not on the Garewal it's closer to the road? It's near the road on the Garewal property at the toward the top of the screen, what is that there?

Mr. Golinczak stated that doesn't help them, that's a very steep slope, it's not useful. Just to clarify this distance of the road is actually 322, might have felt a little longer when they walked it and this little connection to the parking piazza is another 200 feet to the front of the door. So, from Crest Road to the front to the door of the house is 1500 feet plus or minus. So, that's the overall plan that they submitted

to respond to the request for the adjacent properties. They just wanted to also show there's a small adjustment to the land and improve to the design that we did you know reference to the land. Previously the property was sort of our proposed parking here was extending a bit further which caused the contour lines to be modified and we were just doing a little bit more work towards that property line in Rivera's position. They pulled that edge of the new work back which allows them to reduce the amount of disturbance to that piece of land here and so they're staying away from the edge of that property towards the east is a little bit better so that's one item that was adjusted. The other thing that Mr. Gainer wrote in his memo. There is a beautiful outcrop here which the Board may remember from the site walkthrough. For various reasons they don't want to mess with it but also, they want to keep it for aesthetical reasons it's just a beautiful piece of the property that will be part of the concept of the house. The house was slightly rotated to accommodate that rock on the property. These are really the key adjustments to the site plan. Just to be they're not going over the dark orange which is the 35% slopes, they're only crossing really at this pinch point which is allowed, it's not a regulated slope so it's an allowed crossing through that 20 percent plus slope.

Mr. Gainer stated it's a regulated slope but they're permitted to construct driveways within it. He added that it might help the Board to understand exactly the extent of the tree removals that are expected in terms of numbers and where they are. What's the gross total over that whole area?

Mr. Snyder stated that he thinks they're at a total of 266 trees. If you look along the route of the driveway, he's kind of grouped the trees into 50 tree groups along the way.

Mr. Golinczak stated so really the bulk of the trees is the area of the septic, in the house it's a little bit lighter along the road that we were discussing.

Mr. Snyder stated that he's indicated all the trees within the proposed limit of disturbance to be cleared but in reality, they may take another one but for the most part maybe ten percent of those just within the limit that they're showing can be saved because he just did a clear cut but he believes there's some in there that are right on the edge that that can be saved. He added that he tries to be conservative of the number of trees to be removed.

Mr. Golinczak stated so you see the bubble area on Mr. Snyder's plan here? That's the area of impact and within this area trees are removed but obviously they will make effort on site to especially in the wind direction to not remove trees if they can. Whatever needs to be treated for the implementation of the new scope will be treated but if they can avoid removing some trees especially in this direction that effort will be made.

Kim Conner stated that she doesn't understand Mr. Snyder's groupings, so if it's 200 trees all together that doesn't really tell her what's being removed, she doesn't know what that means.

Mr. Golinczak stated pretty much following the scope of the work the road right you can see this bubble line, this cloud on the plans. They're only working within this cloud or less. This is the maximum disturbance that they anticipate but the idea really will be to do less if they can but let's just say that's the case so these circles which he calls that with their individual numbers these are the trees that they're removing, so everything within here has been removed and what Mr. Snyder mentioned just now is what they did just for sake of control of this number he subdivided this along these points here.



So, you can see up to here coming from the road is 50 trees, up to this spot here is 100 trees, so that's so this pie was 50, this was another 50. Up to here, it's 150 this number so that's another 50 trees.

Chair Zuckerman asked Ms. Conner is this your question, how many and where?

Mr. Snyder stated that he tried to break it up into driveway, septic, house and parking.

Ms. Conner stated what she was trying to understand is why the numbers got so high because she didn't understand that they were additive. If you add all those numbers up, if you assume that that's how many are in each section then you end up with like 800, 900 trees. That's why she was asking, it's 265 that's clear.

Mr. Snyder stated it's just a cumulative as you go along the route of the driveway.

Chair Zuckerman asked if any other Board member had questions about the tree plan. Besides the alternate driveway that was the other topic they talked about and he thinks the Board is wondering, "boy that sounds like a lot of trees" and then part that sounds like a watch is this a long driveway. It's a wooded area that has been undisturbed so it sounds like a lot because it's not like they're building in a place that there was a wood road that was abandoned. They're going de novo like this is a fresh build. So, a lot of the roads they see in town where people build the house deep in the woods often it was a wood road meaning some guy 100 years ago put his little wagon out there and got wood so we're starting all from scratch here and he guesses the Board is asking is there a way to make this less dramatic?

Mr. Golinczak stated that they've explored going to our neighbors to the east. It's not on the table, they're not interested to allow for any sort of arrangement for access to their site, which is understandable. He added that they do have a road here but that's over the wetlands and the road that they're cutting through here there's a lot of slope here so that's actually regulated slope. So, the idea to put this road where they put it was a product of discussion with Mr. Gainer over the last four months for the least disturbance to the site and it's longer, it has a distance but it's actually following the natural path of the land. So, they are working with the contours and we are trying to find spots that are flat. so yeah it wasn't a road but it's a flat these are the flat parts of the site. we're not putting a hard tap we're putting the gravel it's really everything has been considered here for not just the sake of the submission but the sake of our living on this side and being part of nature in this region, it's as natural as possible.

Ms. Wendel stated that obviously trees have to be removed for the driveway and for the house to be sighted and for the septic, etc. but when they were out at the site visit, they looked out toward the river, toward the view and she still doesn't grasp exactly how many trees are going to be removed in that area? She asked if Mr. Golinczak recalls what she's talking about?

Mr. Golinczak replied yes, he recalls the conversation, she was asking about the view from the mountain ranges in that direction.

Ms. Wendel stated yes, we were all standing there and you said you'd report back how many trees in that (inaudible).

Mr. Golinczak shared his screen and stated so the house goes approximately in this spot right here. The view towards the ridge was kind of like that so you can see one, two trees really. This spot was kind of empty already but they're not touching any trees beyond this bubble. The house is very close to the

bubble and we really don't need to disturb land beyond that point other than installing a house in this spot. They're keeping everything in this zone of the view corridor.

Ms. Wendel stated from this map it doesn't look that, it seemed like there were more trees in that section.

Mr. Golinczak stated but the site plan has been concerned with just the trees within their scope of work because obviously they're not going to touch any of these trees, these trees outside of the bubble are staying so it's really just the trees within the bubble. So, to answer her question specifically let's just say this is the range of the mountain view there so let's say this is where the house is so one, two, three, four. These are the trees that are going out in that direction. Nothing else, all the other trees are staying which is really the slope area.

Ms. Conner stated that she would like to see something in writing from the neighbors.

Mr. Golinczak stated that he can submit this tomorrow to Ms. Rockett and it could be distributed to the board.

Mr. Gainer stated that it should address both of the neighbors to the east.

Mr. Golinczak stated that the other neighbor is an absentee neighbor, he thinks they're just flipping that property and for that reason he's doubtful.

Mr. Snyder stated if Rivera says no then there's no other there's no other recourse.

Mr. Gainer stated that they can stay just along that property line within the adjoiner.

Mr. Snyder stated that they' have to get permission from all of these people, from this upper corner lot, from this other one here, they'd have to get permission from all five of those lots there and if one person said no then then they'd be out of luck.

Mr. Gainer stated everyone is using that private road and there's no dedicated right-of-way in which they drive, everybody is driving over other people property.

Mr. Snyder stated that there's a filed right-of-way.

Mr. Gainer replied no there's not.

Mr. Golinczak stated that Crest Road ends right there and then what Mr. Gainer is saying is okay we talked to these guys they said no, what about this guy? He doesn't mind doing this but there is also a schedule on their end, they can certainly try to chase this but it's going to be a no.

Chair Zuckerman stated that the Board keeps saying to Mr. Golinczak that it would be nice to have a different axis, they appreciate that they went to Rivera. But clearly, he said no and Mr. Golinczak seems hesitant to reach out to this other neighbor because of the reasons he's said that it's a flip or whatever.

Mr. Golinczak stated that they're not there, which is why he wasn't able to.

Chair Zuckerman stated that someone owns it unless it's owned by the county of Putnam. Whether they want to take that access or not but he thinks the Board is saying it would be a nicer and more less disturbing approach. Whether they say no or not, whether you want that, that's a whole other topic but

the Board and Mr. Gainer is trying to engage in a thoughtful discussion with Mr. Snyder about whether it's viable. It sounds like a viable alternative that's why Ms. Conner went back to the topic after we came to it before. The Board is trying to tell you it would be great instead of going all the way through you know a quarter of a mile and slapping through 300 trees just go where the existing road ends that's what the Board is asking. If it is too much of a bridge too far to try and reach out but if you have a contact, it would probably be appropriate to see if that's a because that's clearly the less disturbing approach.

Mr. Golinczak stated that he would have to find a contact. It just seems to be a pattern that is going to be a no and they've been in the process for four months and they'll be grateful if they can get the project moving forward because we would like to actually start the house this year.

Chair Zuckerman stated that with all due respect the process has moved forward and just to be clear there's been no slowing, this is moving actually it's quite a pace. It's a big project creating a real road he doesn't think the Board has been slow in any way shape or form in addressing this project.

Mr. Golinczak stated that obviously they can find who this person is and address this with them as well if that's what the Board wishes.

Mr. Snyder stated that he thinks they're missing one important point here is that it's not like there's an existing road. If Crest Road were to continue there would be a significant amount of tree removal and earth work required although albeit not as much as what they're proposing here but they would be proposing a significant amount of tree removal and earth work on somebody else's property.

Chair Zuckerman stated with all due respect they all walked it together and he's pretty confident that if without using numbers he would describe it as one-tenth the amount of effort

Mr. Snyder stated absolutely.

Chair Zuckerman stated okay but he's using the word significant and he thinks if one is ten percent and one's a hundred percent that's a big difference.

Mr. Snyder stated yes, but if they're talking about 10 feet of cut and 60-70 trees on someone else's property, it's not like they're just talking about using an existing road bed and traveling over an existing road there, the road does not in fact continue. He added that he realizes that they were walking up a slope and it seemed kind of gentle but if they did the design work. He added they would need to get permission and would need to file some type of an agreement outlining an easement over every property along Crest Road to have that access beyond their property. Somebody just bought those two Dillon lots, those have two different owners and Crest Road actually drives over Antoine Lutens, Crest Road goes over private property there.

Mr. Gainer stated that the entire length of Crest Road is on private property.

Mr. Snyder added that there's a filed easement from he believes 1965 it's referenced on the survey. There's a filed easement which includes this lot.

Mr. Golinczak stated that there is going to be a significant scope and involvement and a long process to get for this. Part of their design is to have this road to their property where they activate the site and they're going to live on this site. They're going to walk this road, they're going to have paths crossing it

for health and walking around the site, so this is really integral part of our design. Those beautiful rock style croppings that they walked around that were carefully trying to integrate and be part of the aesthetic. Their preference is to have the road of our property look and live with it

Chair Zuckerman stated that they're going over the same thing over and over again. He'd like to stop, they've heard the arguments about its difficulty, there's work to be done you want to walk it. The point is they've been heard and they've heard what the Board has to say. They've made a request, he can do with it what he wants in terms of seeking out an alternate entrance. What is important now is to schedule a public hearing so we get the voice of the public. He then asked if the Board members had any other questions. He asked what do people feel about the need for a public hearing, we usually have one? He then asked for a motion to schedule the public hearing. Kim Conner made the motion; Laura O'Connell seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: 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 that he doesn't believe the Board can record can require them to find alternative ingress egress or is that just a suggestion of the Board?

Mr. Gainer stated that in his view he thought it was an important consideration of Board, an understanding of whether there's any possibility. He thinks it would significantly reduce disturbances but it's a Board decision.

Ms. Conner stated that she'd like to remind the Board of the entrance that they permitted on Route 301 at 9 where there could have been a way to get through that was very flat. There was an existing road, the Board was persuaded but they didn't ever get a document from that person saying that the neighbors wouldn't permit it. She'd just like to have a precedent where they see documents that say they didn't do this because the neighbors wouldn't go along with it. She drives by that road every day and the people who live there can barely get up the road because it's so steep and it just seems like it was a mistake the Board made. So, she'd like to not make that mistake again.

Mr. Gagnon stated that it'd be nice to know if there's anything available but he truly believes it's up to the owner how they want to do it if they are by abiding by all the rules and regulations.

Ms. O'Connell stated that she agrees. The only thing is just to make sure that they have the right runoff and all of the key components to manage that the runoff off the driveway.

Ms. Wendel stated that she thinks they should look into whether there's a shorter access to the property unless it's going to cause any undue delay. 265 trees is a lot of trees.

Mr. Tomann stated that he appreciates the applicant wanting to keep their egress separate from every other parcel.

Chair Zuckerman stated that the applicant has heard a split sentiment from the Board. He comes down with his colleagues who suggest it's property rights over community rights. It is your right to build your driveway where you want. He thinks they've done a start of an assessment and it would be a kind gesture to the community to see if there is an alternative. In the next four weeks they've got time to do that if they choose to because it has to go before the public anyway. He's certain the Board would appreciate them making best efforts to all seek an alternative.

**Cedar Hill Landscaping- Depaolis, 18 East Mtn. Rd. North, Cold Spring, NY 10516 TM#17.-1-42**

Margaret McManus from Badey & Watson stated that this is an existing lot off of East Mountain Road North. It is a flag lot so it has only 87 feet of frontage but complies with code. There's an existing single-family house and detached garage with an apartment over top. The applicant is planning to purchase the property and build a third structure which would be basically a garage barn which is 48 by 80 feet. It has additional overhangs on the side which would allow for storage of some equipment. He owns a landscaping company that is presently housed at a property that he rents in the village and he would like to purchase this property and move his business here. He's proposing five parking spaces and delineating one existing handicap spot here. There's an existing parking space here for the residents and also this garage has several garage bays that can support parking for the existing use. This area is an open area, there's a couple of trees but not that many. There's one large tree that they're trying to salvage and keep if we can and they wrapped the parking and driveway around that existing tree. There are some existing trees here that will all remain and the hillside also has existing forest that will remain. These are proposed bins for materials such as sand, gravel, mulch used by his company. As far as access and times of use the employees arrive early, they come in, park their cars, get their pickup trucks and whatever materials that they need for the day and they would leave before the peak on Route 9 so they would not be adding any additional trips to the peak on Route 9 and they also come back at the end of the day before the peak on Route 9. The additional five or so trips a day would not impact the peak. There is an existing well which is and will continue to be used by these two buildings, there's existing septic that is used by these two buildings. This building will not have water or sewer, it will be heated. There will be a change of use required with the Putnam County Health Department but the existing flow rates would actually surpass what would be required once this apartment is changed into the home office. They feel that there are no changes required to the septic or the well.

Mr. Gainer stated that the Board has a memorandum from his office as described as an existing residential parcel however it lies in the highway commercial zoning district so the use which again it's a landscaping business similar to what exists on the adjacent property to the west that fronts on Route 9. That's the Downey parcel that the Board approved previously so the use is understood to be permitted and they also plan to maintain the residential structure as a residential use so the mixed use itself is also permitted on the property. The significant issues that the Board initially deal with just after understanding the concept of what's approved is to just acknowledge that the project is a major project pursuant to the zoning code should be so classified as such tonight. It's a major site plan just because of the extent of disturbance proposed. There are referrals that need to be done, Ms. McManus identified the need to have consultation with the Department of Health relative to the sanitary disposal system and the change in use that's intended. Relative to SEQRA it's an unlisted action, the Board should determine whether they want to have a coordinated or uncoordinated environmental review. In this

instance there's only one other involved agency that would be involved in the action at all. The Board may wish to have an uncoordinated review and move it along as they see fit once they have enough environmental information in which to make a SEQRA declaration and then the last thing they typically do with the first presentation of the application is just to determine whether they wish to have a site inspection to evaluate any site-specific issues that might exist.

Chair Zuckerman asked for a motion to classify this project as a major project. Kim Conner made the motion; Dennis Gagnon seconded the motion. The vote went as follows:

Kim Conner: Aye  
Dennis Gagnon: 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 make this an uncoordinated action for SEQRA. Kim Conner made the motion, Neil Tomann seconded the motion. The vote went as follows:

Kim Conner: Aye  
Dennis Gagnon: 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 motion for a referral of the County Planning Department. Mr. Gagnon made the motion, Ms. Wendel seconded the motion. The vote went as follows:

Kim Conner: Aye  
Dennis Gagnon: 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 motion for a referral to the Department of Health. Mr. Gagnon made the motion, Mr. Tomann seconded the motion. The vote went as follows:

Kim Conner: Aye  
Dennis Gagnon: 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 motion to schedule a site visit for Sunday February 6th. Ms. Conner made the motion, Mr. Tomann seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: 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 adjourn Ms. Conner made the motion, Mr. Gagnon seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

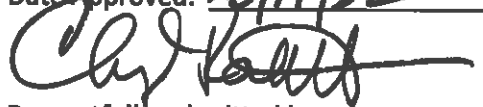
Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

The meeting was adjourned at 8:53pm.

Date Approved: 3/17/22  


Respectfully submitted by  
Cheryl Rockett- Planning Board Secretary