

**Philipstown Planning Board
Meeting Minutes
October 20, 2011**

The Philipstown Planning Board held its regular monthly meeting on Thursday, October 20, 2011 at the VFW Hall on Kemble Avenue in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present: Anthony Merante, Chairman
 Kim Conner
 Mary Ellen Finger
 Michael Leonard
 Kerry Meehan
 Pat Sexton
 Neal Zuckerman
 Steve Gaba, Counsel
Absent: Ron Gainer, Planner

Mr. Merante welcomed new Planning Board member, Mary Ellen Finger.

Elizabeth Todd Healy – 3-lot subdivision – Lane Gate Road, Cold Spring: Request or return of escrow

Mr. Merante asked if the Board had any comment.

Mr. Gaba said that the Board should adopt a Resolution authorizing the release of the escrow money and then he would forward the letter from the Planning Board to the Town Board.

Ms. Conner made the motion and it was seconded by Mr. Leonard. The vote was as follows:

Anthony Merante
Kim Conner
Mary Ellen Finger
Michael Leonard
Kerry Meehan
Pat Sexton
Neal Zuckerman

Timmons – Three-lot subdivision – Route 301, Cold Spring: Discussion

Mr. Noviello introduced himself and said that they received preliminary approval last year and had finally gotten through the Health Department for this subdivision. He said that he did not know of any other conditions that were required, but if there were any, he would request that the Board grant conditional approval on any of those conditions.

Mr. Gaba said that he thought the situation was that conditional approval's been granted if Mr. Gainer and he sign off on that the conditions are done and Mr. Merante could sign the subdivision plat.

Mr. Noviello asked what the procedure would be.

Mr. Gaba said that he received the driveway maintenance agreement, which he has to look over and make sure that it's in shape. He said that he did not know Mr. Merante's position was with regard to holding on to milars.

Mr. Merante said that the milars should be given to the Building Inspector/his secretary.

Mr. Noviello said that he would hold onto them and asked Mr. Merante to let him know when he's ready.

Mr. Merante that he would sign them when he got final word from Mr. Gainer and Mr. Gaba.

Mr. Noviello asked if Mr. Merante had any idea of a timetable for them.

Mr. Gaba said maybe not tomorrow, but certainly the next week.

Mr. Merante said that Mr. Gainer would be back next week.

Gex – Re-alignment of property line – 24 Hummingbird Lane, Garrison: Request for extension

Mr. Gaba said that Gex was granted February of this year. Then they had 180 days to meet the conditions, which he thought would have brought them to July. Mr. Gaba said that he thought they came back in June for the first 90-day extension, which would have pushed them out to October. He said that they've requested another one now, with the second 90-day extension, which if granted, will push them out until January. Mr. Gaba said that as the Board had talked about a couple of times, the Town law was amended to provide, but the Board's not limited to granting only 180 days plus two 90-day extensions – the Board can continue to grant 90-day extensions for as long as it wants. He said that the Town's subdivision regulations though, provide still for the old 180 plus 90 plus 90 – that's it...they don't allow more. Mr. Gaba said so he was not sure exactly where things fall within Philipstown as far as granting more than two 90-day extensions plus the 180 days. He said that it is maybe something the Town Board may want to consider – as to whether it wants to limit it or not. He said that fortunately, the Board doesn't have to decide that on this application, because this would only be the second one. But if they come back for a third, that's an issue...the Board will have to cross that bridge when it comes to it.

Mr. Merante said that the stumbling block on this application was that the escrow had to be brought up to snuff and it wasn't. He said that a check was received in the Supervisor's office just the other day. Mr. Merante said that letters had been sent to the applicant stating that the issue would go no further until the escrow was paid.

Ms. Sexton made a motion to grant the 90-day extension on the Gex application. Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

**Yung and Ming Wang – 2-lot subdivision – Request for modification of approval:
Letter from Glenn Watson**

Ms. Conner recused herself from this application and left the table.

Mr. Watson said that they originally asked the Board to amend the resolution granting the subdivision final approval. Specifically, the notes that were put on the map included a note that said if they were to move the house on either lot anywhere other than where it was shown on the plat, they would have to come back to the Planning Board. Mr. Watson said that he had really three points to make with regard to that. He said that first of all, it is not a standard note as it was portrayed by Mr. Gainer. Mr. Watson said that he did tell Mr. Gainer that. He said that secondly, when they came to the meeting in August, they were told everything was fine, the Board would approve this thing and they didn't have to be here in November. Mr. Watson said that they didn't come here in November, and all of a sudden a note came on to the resolution that it was passed. He said that he thought the Board would believe him when he said the Board could imagine that he would have objected to it in September, had he been here. Mr. Watson said that he simply did not think it was fair to ask this particular owner to have to come back to the Planning Board. He said that thirdly, under the new zoning regulations, if there's any sizeable development of that lot – specifically 3000 square feet footprint or greater, they're going to come back here anyway. They have to. Mr. Watson said that they are asking the Board to consider the resolution and strike that from the requirements.

Mr. Merante said that he wished to read Mr. Gainer's statement on it. It was as follows: "This two-lot subdivision has conditional approval June 16, 2011. I understand Glenn Watson seeks that one condition of approval – certainly one of the Board's standard plat notes they've been using for a while. The house and driveway location shown hereon are not to be revised without further Planning Board approval removed." Mr. Merante asked Mr. Watson if that was correct.

Mr. Watson said that's not correct. He said that the Board has never used that note, except for one...it was the (did not finish sentence).

Mr. Merante said that he seemed to indicate that it was the Board standard plat note.

Mr. Watson said that it was really Ron Gainer's standard plat notes that he made up and tags on to the Board's resolutions. He said that to be perfectly frank, they're not very standard and he complains to him all the time about it. Mr. Watson said that he wants that note removed. He said that it's not a standard not. Mr. Watson said that if there were

standard notes, he thought they should have a list of them and they shouldn't change every time, because they do change every single time.

Mr. Merante said that one last sentence he had was, "recognizing that one lot is proposed to be preserved for conservation purposes and not developed, and the second lot will come in for later re-subdivision. I have no objection to its removal".

Mr. Gaba said that if the Board's inclined to remove the note as requested, it would be a matter, since SEQRA's done on it, the application's completed as far as that goes. He said that the Board would simply make a motion to strike Number Two.

Mr. Zuckerman said that the note must have some rationale as to why (inaudible). He said that he was trying to understand...someone typed it in for some reason. Mr. Zuckerman said that he was happy to hear the feedback from Mr. Gainer as to why it is there in the first place.

Mr. Gaba said that there are two reasons – sometimes more than two, but at least two reasons that the notes are put on. He said that when an applicant comes in with a subdivision, he shows a building envelope and you pretty much figure that's where the houses are going to be. Mr. Gaba said that you evaluate visual impacts - what the subdivision would be, if you have a view shed in the area, if you're by a lake, pond, etc. He said that with one house, it's pretty certainly not going to make a difference, but if you had multiple houses in a subdivision, it might affect your drainage calculations depending on the topography of the property, etc. Mr. Gaba said that those are the types of things that go into saying "well, we've made certain assumptions regarding the subdivision and if you want to change things around, come back and let us know". Mr. Gaba said that ordinarily, permission would be granted to move unless there was some reason not to. He said that here we have two lots...like Mr. Gainer said, it's really not going to make any difference – he has no problem with it.

Mr. Zuckerman asked if when they looked at it originally, was the location determined or not.

Mr. Watson said that he would say the Board was concerned with the driveway location. He said that this particular lot they're concerned with was not where they were with the site visit. Mr. Watson said that he did not remember any discussion regarding the house.

Mr. Merante agreed.

Mr. Zuckerman made a motion to strike the sentence. The motion was seconded by Mr. Leonard. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	Recused
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor

Ms. Conner joined the table again.

Dominic and Debra Santucci – Mountain Trace Subdivision – Canopus Hollow/Sprout Brook Road: Discussion

Mr. Merante said that the Board invited Mr. Klotzle to the meeting to discuss this application. He said that he had a report from Mr. Klotzle dated May 18, 2011, discussing the property.

Mr. Klotzle said that it was a report from the CAC written by Eric Lind and edited by him. He said that he was not clear as to why Mr. Lind didn't sign it, but generally, he's just signed everything as Conservation Advisory Commission. Mr. Klotzle said that Mr. Lind is the acting Chair of the CAC. When he wrote the original report on the Mountain Trace Subdivision, he put in the wrong date and he used the word "wetland" three times by mistake. Mr. Klotzle said that it was called to his attention, he thought he had changed it, and not being as brilliant as he thought, he sent out the original again to Ann Gallagher.

Mr. Merante said that is the one the Planning Board received.

Mr. Klotzle said that the one they see with his initial on it no longer has the word "wetland" on it, and is dated May.

Mr. Merante said that the letter he had showed the revision of September 8th. He said that he highlighted some issues and wanted to go over them. Mr. Merante read the memo aloud. He asked Mr. Klotzle if he had any further comments.

Mr. Klotzle said that he had attended a stormwater conference yesterday on what's called "green infrastructure" and has been reading chapters three, four and five of the August 2010 manual put out by the DEC that deals a lot with infiltration to prevent stormwater runoff so that you're not dealing with stormwater runoff in your average one, five or even hundred-year storm. Mr. Klotzle said that was what he had recommended to the CAC and would recommend to the Planning Board.

Mr. Merante said that he hadn't looked at the plans in a while, so he did not know how much impervious surface they're talking about with a three-lot subdivision.

Mr. Klotzle said that it would be basically roofs, driveways, and the driveway up. He said that he also took a workshop – impervious asphalt, and he believed impervious asphalt could be used on the site also.

Mr. Merante said that in Mr. Gainer's comments to the Board, he said that in his prior site meetings with Mr. Klotzle, it was his understanding that he felt lower density was preferred and reduced overall environmental impacts.

Mr. Klotzle said that was correct. He said that he and Mr. Gainer walked the site last October.

Mr. Merante asked if the Board had any comment.

There was no comment.

Ms. Santucci said that since Mr. Klotzle is the expert with regard to the wetlands, he has seen the site, she'd like for the Board to note his opinion on whether he believes there should be a full environmental impact statement done. She said that maybe his opinion she thought would be important.

Mr. Merante said that the Board had his comments.

Ms. Santucci said that was the report from Mr. Lind, but she did not know how Mr. Klotzle feels about it.

Mr. Merante said that Mr. Klotzle signed off on it. He said he reviewed it.

Mr. Klotzle said that he did not sign off on it. He said that he reviewed and edited it. He said that if the Board wanted his opinion, he'd offer it.

Mr. Merante said o.k.

Mr. Klotzle said that he did not believe a full impact statement would be justified on a three-lot subdivision in a situation like this. He said that he thought the major problem is stormwater runoff.

Mr. Gaba asked Mr. Klotzle if he was talking about a drainage study, a hydrological study, etc.

Mr. Klotzle said that it needs a drainage study and it needs creative use of infiltration-type devices – what they call now green infrastructure, so as most of the water that runs off the roof and driveways, that runs off grass surfaces will no longer be woodland, can be handled on the site and won't run off down into the stream and into Sprout Brook.

Mr. Gaba said that basically a drainage study looking at the impacts of the three houses that are going to be put on there and he guessed the road.

Mr. Klotzle said right. He said that he and Mr. Gainer talked about it and they thought some traditional methods could also be used, that there was some space down along Sprout Brook Road that has the two culverts underneath there already and if there was some space for storage for detention down there and then up on the top would be dependent on the Santuccis' engineers, who have told him they've worked this kind of site before. Mr. Klotzle said that he hasn't seen it yet, but he would like to see a plan for

that – showing all the infiltration. He said that they just don't want to go ahead with all of that unless the Planning Board thinks it's a good idea.

Ms. Santucci said and the 17% grade. She said that as they discussed last time, if that's not agreeable, then they could not go any further with that. Ms. Santucci said that she knew Mr. Gainer was interested in possibly talking to their engineer to try to alleviate a little bit of that...it's not for the whole length of the driveway – it's only a certain section.

Mr. Merante said that he thought they had talked about trying to get the average down.

Ms. Santucci agreed and said and to understand the evolution of this. She said that she thought a lot of them that had been there for a while saw they went from the five lots to the four lots. Ms. Santucci said that the three lot was Ron's recommendation because it uses the path that's there, which is much less disturbance. She said that the Board had the chart made by Mr. Cronin showing the disturbance from the five lots to the four lots to the three lots. Ms. Santucci said that in order for them to do that, they have to give up another lot and this works.

Ms. Merante asked if the Board had any comments.

Ms. Sexton asked about the long-term regular monitoring and who would do it and where the funds would come from for that. She asked how it would be handled. Ms. Sexton said that she guessed some of the mitigations were not really permanent and it sounds like there could really be a problem in the future if nobody takes care of it.

Mr. Gaba said that there were two ways it could be addressed and they'd have to sound out to the Town Board on it, but the property owner could petition for a drainage district to be created, which would result in any work that needed to be done to keep up the drainage facilities being done by the Town and then the cost of it would be taxed back to just those three property owners who own lots. Mr. Gaba said that the other way it could be done is that the Board could require, as a condition of approval, Homeowners Association to be formed and they'd have the ability to require the other homeowners to pay in toward it and if they didn't pay in, the amount that would be due needed to upkeep the drainage could be a lien against the property. He said that you could also write in a provision – voluntary... you can't require it, but the Board could have the applicant offer it up to include a provision saying that if they don't keep up the drainage, then the Town can step in and do it and tax it back to them.

Mr. Klotzle said that those clauses are in the Town stormwater code.

Mr. Merante asked if the drainage district was in the new code.

Mr. Gaba said it's under the Town code - you can form districts.

Mr. Merante asked if there were any further comments.

There were no comments.

Mr. Merante said that he received a copy of a letter from Mr. Robert Koch, but would not go into details because it's not germane to the topic they were talking about tonight, but it is an issue. He said that was really something for the Town Board to handle and he thought they were trying to address that under the new code. They've been working on it.

Mr. Andy Galler introduced himself and stated that he owns a large wetland the property is abutting to. He said for transparency, he is a member of the Conservation Board. Mr. Galler said that the only discussion in recent time that he was at was when the Santuccis had come in, in February or March. He said that he had nothing to do nor did he even attend the meeting where this was discussed. Mr. Galler said that he thought setting a precedent of a 16 or 17 percent shared driveway is a terrible precedent to make to begin with. He said that it was brought up as to how the mitigation structures would be maintained and kept up. So he said he would like to ask that as this has been a problematic project, it be opened up to a public hearing. Mr. Galler said that he would also like the Board to speak to Mr. Lind, because he believed his intention in terms of making a positive SEQRA declaration by the Planning Board is very very different. He said that he would be glad to write a letter to give the Board more detail.

Mr. Zuckerman said Mr. Lind's opinion was very different than (did not finish sentence).

Mr. Galler said his opinion is very different than the wetlands.

Mr. Gaba said that what would be appropriate to happen is for the Board to re-notice the public hearing and introduce the project with the changes that have been made. He asked Mr. Merante if there was an issue with Santucci and their escrow.

Mr. Merante said no. He asked that the Board take Mr. Gaba's advice and re-notice the public hearing. Mr. Merante said that there were only two members that had not been on the site and they would set a time.

Mr. Zuckerman asked if this was still under old zoning.

Mr. Santucci said in getting back to the 17%, it could possibly get down to 16%, as Mr. Gainer said that he could work on that. He asked if they were telling him that the Board has never approved anything over fourteen percent in the Town.

Mr. Merante said to his knowledge, the Board has not. He said that he knew they turned a couple people down.

Mr. Santucci said that he was trying to make the Board happy with less disturbance. He could build the road at fourteen percent and could do the five lots. Mr. Santucci said that he was going with what Mr. Gainer wanted – less disturbance, so they came down to the three lots. He said that there's no other way to get up there.

Ms. Conner asked if you took the grade from 14 to 17%, was there a way to find out how much it would increase the stormwater.

Mr. Klotzle said that it wouldn't increase the amount of runoff. It would increase the velocity of the runoff.

Ms. Conner said, and what they want to do with stormwater is to slow it down in general.

Mr. Klotzle said yes, the more you can slow it down, the more you can infiltrate it.

Mr. Meehan asked what the width of the driveway was. He said that they're going from an oda down to a driveway, which is around 16 or 18 feet wide.

Mr. Merante said that he did not remember the width.

Mr. Meehan said if you go by the old zoning, you've got new drainage on that road and everything.

Mr. Gainer said that they'd have to let Mr. Gainer do the analysis, so he'd come back to them next month.

Ms. Santucci said that she wanted the Board to know that the drawing was the result of a meeting they had with Mr. Gainer, their engineer. She said that they actually drew what he wanted.

Ms. Montgomery asked if the Fire Department had any comment.

Mr. Merante said that they did submit something at the last meeting.

Mr. Meehan said that the only problem he had with that was...whether he's going west or east. He said that if he's going west, he's going to need a better turnaround.

Mr. Santucci said that shouldn't be a problem. He said that it would come on toward the left side coming down. Mr. Santucci said that the other side is Putnam Valley.

Mr. Meehan asked how wide the entrance to the driveway was.

Mr. Santucci said they'd make it as wide as the Board wants.

Ms. Santucci asked what's next in moving forward.

Mr. Merante said that the Board would get Mr. Gainer's further comments and see where it will go next month. He said maybe they'd wrap it up next month.

Mr. Gaba asked if they would schedule a public hearing for next month.

Mr. Merante said yes.

Mr. Meehan asked if they would invite Mr. Lind, as he thought he should be present.

Mr. Merante said o.k., they would do that.

Ms. Conner made a motion to re-notify the public hearing for next month. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

Mr. Zuckerman asked how often the Planning Board has the CAB giving a recommendation.

Mr. Merante said that he believed it was the first time.

Mr. Gaba explained that the CAB doesn't look at the entire project and all the potential environmental impacts. He said that they focus on primarily wetlands and he supposed environmental impacts to the extent that that issue falls within their expertise. Mr. Gaba said that they're not really looking at traffic, visuals, odors, etc.. The Planning Board does.

Mr. Merante said on top of that, they have conflicting opinions from the Chairman of the CAB and the Wetlands Inspector – both of whom he respects.

Ms. Sexton said that Mr. Santucci said that the driveway is the biggest issue because if the driveway doesn't go, they can't spend all the money (did not finish sentence).

Mr. Merante said yes, the Board has to get it right.

Ms. Conner asked Mr. Klotzle if he was also there in the capacity of Stormwater Inspector and asked what the title was for that.

Mr. Klotzle said Stormwater Management Officer, which means that once the Planning Board finishes with this, it will require a storm....because it will disturb an acre or more of soil, and then he'll have to go over with the Santuccis all of the requirements and there are quite a few of them, including all the maintenance agreements. Mr. Klotzle said that he was particularly interested in doing as much infiltration as they can.

Ms. Conner asked if that meant Town and State requirements.

Mr. Klotzle said that it is a State requirements and a Town requirement, but everyone he talks to in the State is willing and actually happy to let the Town handle it as long as they handle it well.

Ms. Conner said that she guessed her concern about the 17% is simply about setting a precedent.

Mr. Santucci said that first of all, they don't have too many other choices here. He said that he would do it.

Ms. Conner said that they keep coming back to the 17% because that's a great concern of the Board.

Ms. Santucci said yes.

Drake Petroleum – Minor site plan approval – 1122 Route 9D, Garrison: New submission

Mr. Rich Williams of Insite Engineering introduced himself and Mr. Eric Harvey, the applicant. He said that this is an existing developed site. They're not looking to change the tenants, the use, the parking, any site layout or landscaping. Mr. Williams said that the application really relates to replacing underground infrastructure – the first of which is the fuel storage tanks. There are three steel underground fuel storage tanks they'd like to replace with a new code compliant (inaudible) tank.

Mr. Merante asked what the capacity of the tanks were.

Mr. Williams said that fuel tanks he believed had a capacity of 16,000 gallons.

Mr. Merante asked what the new one would be.

Mr. Williams said 12,000 gallons.

Mr. Meehan said that they show three tanks.

Mr. Williams said that one of the drawings they submitted was the initial survey – an old existing site plan, which showed the location for three, existing underground steel fuel storage tanks.

Mr. Meehan asked if that drawing was accurate.

Mr. Williams said with the exception of the drawing showing a canopy, which was either never approved or the application was withdrawn. He pointed out details on the drawing. Mr. Williams said that while they're replacing the tanks, they're also going to replace the associated distribution piping and they're going to upgrade the (inaudible). He said that they'd also be upgrading the fire suppression system.

Mr. Merante asked how the fire suppression would be installed since there is no canopy.

Mr. Harvey said that it is in a steel wrap system that sits right on the sensor island, so it would all be self-contained.

Mr. Williams said that they are also in the process of permitting a septic repair with the Putnam County Department of Health. They expect that approval shortly. He said that there are intermittent failures with that system. Mr. Williams said that the septic repair is going to be behind (inaudible). He said that they submitted the septic repair plan to Mr. Klotzle because that is the site work that comes closest to where the stream crosses. Mr. Williams said that Mr. Klotzle told them they do not need a wetland permit. He said that they feel it is simple, straightforward and it is all underground. Mr. Williams said that the threshold that they trigger is that they're removing and replacing an existing structure, so that's a specific threshold that triggers site plan approval for this project. He said that they have roughly six weeks or so to build. December 1st, asphalt plans start to close. Mr. Williams said that he was not looking to push the Board, but if they can't approve the project tonight, this project is going to have to delay until Spring. He said that they need time to get the tanks, put them in, and finish restoring the site. Mr. Williams said that they have a contractor who is ready and can begin work as soon as next week.

Mr. Meehan said that he did not like the drawing presented. He said that they know there are wells and he didn't know why they didn't put them on and why they haven't identified the residential zone.

Mr. Williams said that they did have a pre-application with the Town on October 7th, and because this is an existing site, it's already developed. He said that they are not looking to change any of the site's layout or how the site plan works, they're merely looking to replace underground infrastructure in a manner that's going to improve the property if anything. Mr. Williams said that they would ask the Board indulgence to not have to go through the survey, etc.

Ms. asked if when they start digging, they would be testing the soil.

Mr. Harvey said yes. He said that they notified the NYS DEC and they will be notified of our removal as well as replacement. Mr. Harvey said that they are supposed to supply them with the final report. He said that they have an environmental consultant who comes in, does the sampling and confirms the soil conditions and so forth. Mr. Harvey said that this site was previously under the jurisdiction of the NYS DEC. They had closed out the spill case.

Ms. Conner asked how old the tanks were.

Mr. Harvey said twenty-nine years old.

Mr. Meehan asked if there had been any incidents of leakage.

Mr. Harvey said there have not. He said that it has a monitoring system for leak protection and so forth.

Mr. Meehan asked if the Board had a report to that affect.

Mr. Harvey asked what specifically the Board was looking for.

The Board said any documentation.

Mr. Williams said that any of the Board members can go on the NYS DEC website.

Mr. Meehan said that he thought he'd like to hear it from the applicant. He asked if they would send the Board a letter saying that there have been no incidents.

Mr. Williams said that they could have it directly from the applicant. He said, and it's a letter saying that they're in compliance with the current State requirements.

Mr. Merante asked if the Board had a statement to that affect in the application that was submitted.

Mr. Harvey said that he thought they did.

Mr. Meehan said that he did not see it.

Mr. Harvey said that it was question #11 on the short EAF. He said that he did not really understand the Board's question and why they're asking if they are in compliance or if there have been spills. Mr. Harvey said that they're replacing those tanks and trying to upgrade. He said that they have a consultant on site. Mr. Harvey said that if the tanks come out and if there's a condition, they'll deal with it then through the State regulated program and under the jurisdiction of the NY DEC.

Mr. Meehan said that he was not arguing with that, but was just saying that as a matter of reference, they could send the Board the letters.

Mr. Harvey said that there have been incidents there in the past. He said that there have been documented cases and they went through with the NYS DEC program.

Mr. Merante asked if a remediation was made in those incidences.

Mr. Harvey said correct and it was to their satisfaction.

Mr. Gaba said that Mr. Gainer made the 239M referral to County Planning and just received the response from County Planning, so it doesn't hold anything up.

Mr. Meehan said that they don't need a public hearing.

Mr. Merante and Ms. Conner agreed.

Mr. Merante asked that the Board go over Mr. Gainer's report (copy on file at Town Hall). He read a section of it aloud.

Mr. Meehan said that the Planning Board can't make a determination if there's any landscaping or screening, because they haven't done a site visit. He said that the plan doesn't show anything.

Mr. Harvey said that the only areas that they're going to disturb are either concrete or asphalt.

Mr. Meehan said that he was talking about screening – shrubs around so you don't see the...a little landscaping.

Mr. Williams said that if the Board feels very strongly about this, he would certainly talk with the applicant. He said that this is an existing site and they are looking to provide an environmental benefit through the nature of this project. Mr. Williams said that asking the applicant maybe what someone would call minor expenses, it's still additional expenses above and beyond.

Mr. Meehan said that he thought Nelson Lane is private and didn't know, but maybe this was an opportunity to screen it. He said that the Board won't know until it looks at it. Mr. Meehan said that the applicant was rushing the Board too much.

Ms. Finger said that there is a rule in the new zoning that actually addresses this issue because the applicant said that they're not changing anything other than the tanks. She read the section 175-68 of the code aloud.

Mr. Williams said that he was not trying to push the Board. He said that one thing he wanted the Board to know and maybe didn't explain clearly enough is that there is an existing wooded strip between Nelson Lane and the gas station (pointed out).

Mr. Gaba said that he disagreed with Ms. Finger about the landscaping issue. He said that he thought what the provision means was if you are replacing the tanks, you're not going to be in a position to go back to them and say, "hey, the building on the property needs to be changed in whatever which way...". Mr. Gaba said that the issue here with these structures is that they have three tanks in the ground and they want to replace them and among the issues for the Board to consider if they are appropriate places for the tanks to be. He said that if the landscaping is somehow connected with the area that's being disturbed because of the work that's being done on the structure, he thought the Board is absolutely within its rights in saying they do or do not like what's there. Mr. Gaba said that he did not think it was quite as limited as Ms. Finger was reading it.

Mr. Merante asked if the Board members felt they had a need for a site visit.

Several Board members said that they'd like to see the site.

Mr. Merante said the applicant is moving three large tanks and will be replacing it with one. He asked if the applicant had an opportunity now to move it away from the sensitive strip. Mr. Merante said that they are talking about tanks that are within a few feet of a watercourse.

Ms. Conner said and a school.

Mr. Williams said that they are actually at the farthest location from the watercourse that they could possibly be. He said that they have a shovel-ready project, and if he seemed pushy, it's because if this project delays one more month, it won't happen until the Spring. Mr. Williams said that there are people lined up to do that work and the construction industry has taken a hit.

Ms. Conner said that the Board also would say that the applicant had some time to come before the Board. She said that she understood his point, but she didn't know how long they had been pursuing this.

Mr. Williams said that they had been working with the Building Inspector for a little bit...it's a new process for them just as it is the Planning Board.

Ms. Conner said that she understood, but the Board also had to go through its procedures.

Ms. Sexton asked the applicant to point out the watercourse.

Mr. Harvey did so.

Mr. Meehan asked what the size of the tank was.

Mr. Harvey said twelve thousand gallons.

Mr. Meehan said that it's the same size as what they had there now.

Mr. Harvey said no – it's four thousand gallons total less. He said that they have two six-thousand gallon tanks that run like this and they have a four thousand gallon tank that runs perpendicular to them.

Ms. Conner asked what the difference was between the Board's document and the applicant's document.

Mr. Harvey said that the difference was that the document was discovered at the pre-application meeting.

Ms. Conner said so the Planning Board's doesn't show where they are.

Mr. Meehan said that it is not accurate.

Ms. Conner said, so the applicant didn't have a document that showed exactly where the tanks are.

Mr. Harvey said that the smaller site plan shows where the (inaudible) are and their approximate location has been shown. He said in the initial meetings with the Town engineer or even the Zoning Enforcement Officer before that, they had recommended that they would be sufficient for a site plan, which is why it was submitted.

Mr. Merante said that this is really a new thing for the Planning Board, especially under the new zoning and fast tracking this. He said that they are known as a Planning Board and not a rubber stamp board. Mr. Merante said that the Planning Board has always had a lot of questions and one thing they always push is that they want to be clear before a stamp of approval is put on because this thing will be here for many, many years.

Mr. Gaba said that Mr. Gainer was comfortable with the submission of basically a survey instead of a site plan. He said that in spite of saying that would suffice, Mr. Gainer raised a couple of questions, which Mr. Gaba thought the Board was going to want to look into. He said that one of them is evaluate whether any landscaping or screening may be deemed necessary. Mr. Gaba said that based on the survey, there is no way the Board can do that. He said that if the Board wants to save time, he knew the applicant wanted the Board to waive the public hearing, and that was certainly something the Board could consider. Mr. Gaba said that they could also schedule a public hearing for next month if they are not going to decide until then anyway. He said that they could hold a public hearing, close it and act that same night.

Mr. Merante thought the Board members wanted to take a look at the site.

Mr. Leonard said that he thought they needed the CAC to look at it.

Mr. Merante agreed and asked that they be notified. He said that the applicant would be on the agenda for next month.

Mr. Meehan made a motion that the Board declare itself Lead Agency and conduct an Uncoordinated Review. Mr. Leonard seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

Mr. Leonard said that he thought some people might want to come forward, as it is in a busy area.

Several Board members agreed.

The Board agreed to schedule a public hearing on this matter for next month and a site visit for Sunday, October 30th at 9:30 a.m.

Adjourn

Mr. Zuckerman made a motion to adjourn the meeting. Mr. Leonard seconded the motion. The meeting ended at 8:55 p.m. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

Respectfully submitted,

Ann M. Gallagher

Note: These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval thereupon.

Date approved: _____