

**Philipstown Planning Board
Meeting Minutes
January 17, 2013**

The Philipstown Planning Board for the Town of Philipstown held its regular meeting on Thursday, January 17, 2013 at the VFW Hall in Cold Spring, New York. The meeting was opened by the Chairman at 7:30 p.m.

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

Approval of Minutes

Mr. Merante made a motion to approve the minutes of October 18, 2012. Ms. Finger seconded the motion. The vote was as follows:

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

Public Hearing

Lyons Realty Co. – Two-lot subdivision – East Mountain Road South: Discussion

Mr. Paggi said that he believed they have addressed the Town Engineer’s comments to his satisfaction and were there for the Board’s consideration for taking action on SEQRA and subsequently considering approval of the subdivision.

Mr. Merante asked Mr. Paggi if this were to be developed at the maximum zoning permit, how many residential lots could be on it.

Mr. Paggi said that the minimum lot size is five acres for each district. He said that the Board had for its record a letter on file from the owner that states no further subdivision of the lot will be proposed.

Mr. Merante asked if that would be included in the deed.



Mr. Gaba asked if there would be a note on the plan.

Mr. Paggi said that he could certainly do that.

Mr. Leonard opened the hearing to the public.

Mr. Dave Vickory said that he had no objection to what the applicant was doing. He said that his comment however was the process and the badgering and bullying from the Town residents for a land owner that has a perfect right to do what they asked to do. Mr. Vickory said that he was uncomfortable with the Board asking for further restrictions on the future development that they're entitled to hold.

Mr. Merante said that the reason it was brought up is because it was on the notice by the applicant himself. He said that he considered that far from badgering.

There were no further comments from the public.

Ms. Sexton said that she was not sure the Board had the right to restrict the applicant and was concerned with that.

Mr. Gaba said that the further subdivision restriction on Lot #1 was because of access problems – it is an access directly to another roadway, so the idea is if they wanted to make that available for further subdivision, the Board may want to see additional improvements to access there. He said that's why it's a note as opposed to a restrictive covenant. Mr. Gaba said that it is not like permanently restricting development – that note could be removed in the future.

Ms. Sexton made a motion to close the public hearing. Mr. Merante seconded the motion. The hearing was closed. The vote was as follows:

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

Mr. Leonard read aloud Mr. Gainers notes with regard to SEQRA and referrals made on this application.

Mr. Gaba said that the Board already declared itself to be Lead Agency with an Uncoordinated Review, so the Board's in the position to adopt a Negative Declaration and take action. He said that the Board usually directs Mr. Gainer to have a Neg Dec under SEQRA and a Resolution prepared for next month's meeting along with an Approval Resolution and then the Board can

adopt it at next month's meeting.

Mr. Merante left the meeting.

Mr. Zuckerman made a motion that the Chair direct the consultants to prepare a Resolution approving the Negative Declaration for next month's meeting and a Resolution approving the project for next month's meeting. The motion was seconded. The vote was as follows:

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

GEX – Realignment of property line – 24 Hummingbird Lane, Garrison: Request for extension

Mr. Gaba said that the last time the applicant came in (October, 2012), they said that the hang up had been getting Department of Health approval. He said that it's basically a lot line change.

Mr. Gaba said that they assured the Board it was going to be the last one, and now they need one more.

Ms. Sexton made a motion that the Board grant the extension. Ms. Finger seconded the motion.

The vote was as follows:

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

Wang – Approval of three-lot subdivision – Jaycox Road, Cold Spring: Request for return of escrow

Ms. Finger made a motion that the Board forward a letter to the Town Board advising to release the escrow fund. Mr. Zuckerman seconded the motion. The vote was as follows:

Tom Yu – (Unjoo/Dong) – Site Plan Approval – 544 Route 9D, Garrison: Request for return of escrow

Ms. Sexton made a motion to adopt a Resolution acknowledging the withdrawal of the application and recommend to the Town Board upon withdrawal that the escrow funds be returned. Ms. Finger seconded the motion. The vote was as follows:

Michael Leonard	-	In favor
Kim Conner	-	Absent

Mary Ellen Finger	-	In favor
Kerry Meehan	-	Absent
Anthony Merante	-	Absent
Pat Sexton	-	In favor
Neal Zuckerman	-	In favor

Neill – Site Plan Application – 621 Route 9D, Garrison: New submission

Mr. Piccirillo, engineer for applicant said that they have a permit with the Putnam County Board of Health and he’s submitted plans for approval. He said that the property is a little under two and a half acres, and there are steep slopes in the back of the property that they were careful to avoid. Mr. Piccirillo said that there is an intermittent stream on the property and they have a permit application with the Conservation Board. He received comments from Mr. Gainer and they were there to receive any additional comments the Board may have. Mr. Piccirillo said that he did not receive any comments – written or verbal from the CAB.

Mr. Leonard said that the discussion for that was the oak tree with the circular driveway, and the recommendation to cover the intermittent stream that runs to the north of the property.

Mr. Piccirillo said that had been discussed at the December hearing and they revised their drawings to show a note concerning the tree and Badey & Watson to design a pipe. He asked with regard to Mr. Gainer’s fourth comment regarding a SWIPP requirement, if the Board was going to require the SWIPP.

Mr. Gaba said that he was pretty sure a SWIPP would be required for the demolition and construction.

Mr. Piccirillo said that the existing house has already been completed/resolved.

Mr. Gaba said that he thought all they were looking for is erosion control and suggested he take it up with Mr. Gainer. He said that he did not see a location insert on the site plan and recommended the Board ask for that. Secondly, although it is an Unlisted Action, in light of environmental concerns on this site, they’d be better off with a long form EAF.

Ms. Sexton asked why the future septic tank was in the wetlands.

Mr. Piccirillo said that the septic system was designed by Badey & Watson. He said that they were actually wedged in between the steep slopes setback requirements, the wetlands, etc.

Mr. Leonard asked if there were any changes or concerns with regard to the propane tanks and lighting.

Mr. Piccirillo said no – they meet the town code and proximity to the house. He said that with regard to the lighting, they’d make sure it was shielded properly.

Mr. Zuckerman made a motion that the Board declare itself Lead Agency. The motion was seconded by Ms. Finger.

Ms. Sexton made a motion that the Board refer the application to the County and the CAB. Ms. Zuckerman seconded the motion.

Mr. Zuckerman made a motion that the Board declare this a minor site plan approval. Ms. Sexton seconded the motion.

The vote to above-stated motions was as follows:

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

Adjourn

Mr. Zuckerman made a motion to adjourn the meeting. Ms. Sexton seconded the motion. The meeting ended at 8:15 p.m. The vote was as follows:

Michael Leonard	-	In favor
Kim Conner	-	Absent
Mary Ellen Finger	-	In favor
Kerry Meehan	-	Absent
Anthony Merante	-	Absent
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: _____