

Philipstown Planning Board
Meeting Minutes
April 10, 2014

The Philipstown Planning Board held its regular monthly meeting on Thursday, April 10, 2014 at the Butterfield Library 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
Joseph Giachinta
David Hardy
Neal Zuckerman
Steve Gaba, Counsel
Ron Gainer, Engineer
Susan Jainchill, Planner
- Absent: Pat Sexton

Explanation for why the March 20, 2014 Planning Board meeting was canceled

Mr. Merante said that he wished to explain why the Planning Board meeting was canceled on March 20th. He stated that they had three absences for a variety of reasons and two new Board members who were not eligible at the time to vote on issues that went before the Board before they arrived, so they would not have had a voting quorum.

Request for release of escrow:

- **Drake Petroleum**

Ms. Conner made a motion to release the escrow. Ms. Finger seconded the motion.

- **Louis Lanza**

Ms. Finger made a motion to release the escrow. Mr. Giachinta seconded the motion.

- **River Home LLC**

Ms. Conner made a motion to release the escrow. Ms. Finger seconded the motion.

The vote on all above votes went as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Gex – Lot line approval – 24 Hummingbird Lane, Garrison: Request for 90-day extension.

Mr. Merante said that he received a call from Ms. Gex's attorney today informing him that he was not able to appear to represent his client.

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Ms. Finger made a motion to approve the extension. Ms. Giachinta seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Arthur Fisher – Approval of access and site plan application – 19 Sky Lane, Town of Philipstown: Request for four month extension

Mr. Watson stated that they approved the site plan approval and approval of access. The approval was to come from Putnam Valley and Fisher, in order to accomplish that, had to get subdivision approval in Putnam Valley of a piece of property he's buying and that also required a variance because the piece of property he's buying is too small to be a building lot. Mr. Watson said that they've gotten both of those approvals. He said that there was a six month period that was allowed in order to get those approvals. Mr. Watson said that they didn't get them in time for the March meeting to ask the Board for an extension, so they are now asking for a 120-day extension to be granted. He said that the basic plan has not changed and they simply need a couple more months to finish up the paper work.

Ms. Conner made a motion that the Board grant the extension (Resolution attached). Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

20 Nazareth Way LLC – Subdivision of Winter Hill – Garrison: Response to Engineer's comments/resolution for approval

Ms. Conner stated that she would fairly and impartially participate in discussion regarding the above application.

After a brief discussion, Mr. Watson said that there would be a note on the plat that it is going to be conveyed for park purposes.

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Mr. Gaba said that he thought if the Board was so inclined, it could make a finding that they're not creating a new building lot, and could strike the Bayswater Findings from the Resolution and approve the Resolution as amended, and in doing so, they wouldn't have to go to the Town Board.

Ms. Finger made a motion to approve the Resolution (attached) with that change. Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Olspan Warehouse LLC (Cyberchron Building) – Site plan application – 2700 Route 0, Cold Spring: Revised plans

Mr. Gainer stated that the Board had before it the draft Resolutions for the Negative SEQRA Declaration and site plan approval. He said that after the February meeting, the applicant resubmit corrected plans to address concerns of the Board and they're listed in the Resolution.

Ms. Finger made a motion to adopt the Negative Declaration (attached). Ms. Conner seconded the motion.

Ms. Conner made a motion to adopt the Resolution (attached). Ms. Finger seconded the motion. The vote on both was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Manitou Properties Co., LLC – Site plan application – 1656 Route 9D, Garrison: Revised materials

Mr. Gainer said that the necessary changes came about as the result of the original granting of site plan approval and the requirement that sprinklers be provided within the building, which the Board was insistent on and the requirement to obtain the approval of the Highway Superintendent.

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Mr. Gaba said that it is not an amended site plan approval. He said that they got their site plan approval and had certain conditions imposed on it and when they went to make the improvements, they needed some field changes and minor modifications and plans, so it's a revised site plan, which the Board is going to approve.

Ms. Conner made a motion to adopt the Resolution(attached) approving the revisions. Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

RDR Equities, LLC – Site plan application – 1510 Route 9, Garrison: New submission

Mr. Ron Wegner of Cronin Engineering introduced himself. He presented a plan to the Board and went over it briefly. Mr. Wegner said that they have an existing trucking and repair facility and they are looking to convert it into a car wash. He said that they are not proposing any great changes. Mr. Wegner said that they are looking to keep the existing building to facilitate installing the carwash inside the building. He said that they are looking to install it on the east side of the building inside, so they're looking to remove the residential aspect of the building and replace it with a small, shed-type area in the back – hidden from view, to house the mechanicals and any materials they may need in there. He said that they are not looking to do any grading on the site. Mr. Wegner said that the other addition to the site would be a self-service vacuum area.

Mr. Merante asked Mr. Wegner how far this was from Annsville Creek.

Mr. Wegner said that the creek actually comes through the site. He said that the hundred foot setback actually comes through roughly the center of the building (pointed out).

Mr. Merante asked if they had a reclamation system.

Mr. Wegner said that they would have a reclamation system. He said that due to the onsite constraints, especially the creek, they are looking at doing one hundred percent recycle. Mr. Wegner said that it's costly and extensive.

Ms. Conner asked how it worked.

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Mr. Wegner said that he believe reverse osmosis is one of the methods they use. He said that there's a lot of chemical treatments, but he did not know the exact details. Mr. Wegner said that he would be able to give the Board a better answer as the process goes on.

Ms. Conner said that they weren't putting something under the building and asked if that was correct.

Mr. Wegner said no, but there will be things set up under the car wash to capture the water and then they'd put into equipment behind the building to actually do the treatment. He said that with the car wash, there is always a little bit of carry off water, so they will have to make up some water when the cars leave.

Mr. Giachinta asked if there was a way to remove the silt and debris.

Mr. Wegner said yes, it would be onsite.

Mr. Gainer asked if at the end of the day the design plans would incorporate the recycle system.

Mr. Wegner said yes.

Mr. Merante asked Mr. Wegner if he made provisions for entry and exit.

Mr. Wegner said yes. He pointed it out on the plan.

Mr. Gainer said that as stated in his technical memorandum, they're seeking to have them define better traffic generation and things of that sort. He said that if they see a significant issue, as a matter of course, they'd refer it to DOT.

Mr. Gainer said that the Board should deem this a minor project and may want to schedule a site visit to evaluate potential environmental impacts. He said that there is an obligation for the applicant to get a permit from the Town Conservation Board, and the application should be made by the applicant at this point.

Mr. Zuckerman made a motion to schedule a site visit for Sunday, April 27th at 9:30 a.m. Mr. Giachinta seconded the motion.

Ms. Finger made a motion to refer the application to both the CAB and County (239M). Mr. Giachinta seconded the motion. The vote on the above motions was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor

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Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Mr. Giachinta made a motion that the Board declare itself Lead Agency and adopt Notice of Intent. Mr. Zuckerman seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Miscellaneous

A member of the audience expressed concern that she as well as several neighbors were present for the entire meeting and did not get the chance to speak of one of the earlier applications.

Mr. Gainer explained the procedure(s) and stated that tonight was the first meeting for the application they referred to. He said that an application had just been filed and if they wished to review it, they could do so at the Town Hall. Mr. Gainer said that the Planning Board intends to make a site inspection at some future date to evaluate potential environmental impacts and after that, they will hold another meeting to discuss with the applicant any site observations they believe are significant and needs mitigation. He said that only after that, if new plans come in, is it likely the Board would be in a position to hold a public hearing, and that would be the opportunity for the public to offer comment on the project.

Adjourn

Ms. Finger made a motion to adjourn the meeting. Ms. Sexton seconded the motion. The meeting ended at 8:20 p.m. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Mary Ellen Finger	-	In favor
Joseph Giachinta	-	In favor
David Hardy	-	In favor
Pat Sexton	-	Absent
Neal Zuckerman	-	In favor

Respectfully submitted,

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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: _____