

**Philipstown Planning Board**  
**Meeting Minutes**  
**April 21, 2011**

The Philipstown Planning Board held its regular monthly meeting on Thursday, April 21, 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, Anthony Merante.

Present: Anthony Merante, Chairman  
Kim Conner  
Michael Gibbons  
Michael Leonard  
Kerry Meehan  
Steve Gaba, Counsel  
Absent: Ron Gainer, Planner  
Pat Sexton

**Approval of Minutes**

- March 24, 2011

Mr. Leonard made a motion to adopt the minutes of the March 24<sup>th</sup> meeting. Ms. Conner seconded the motion. The vote was as follows:

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

**Wassil – Request for return of escrow balance**

Ms. Conner made a motion to approve the return of escrow balance. Mr. Leonard seconded the motion. The vote was as follows:

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

Mr. Meehan asked how the Board knew that all the requirements were met.

Mr. Merante said that Mr. Gainer told the Board.

Mr. Meehan asked if he approved all of it.

Mr. Merante said he thought he confirmed all of them.

Mr. Gaba said that if the Board wanted to make the return subject to confirmation from the engineering consultant - if there are no outstanding items, it can do that, and then Mr.

Gainer would submit a letter for the file saying that there is nothing more the Board can do without further action.

Mr. Merante said that also, he checks in with Dottie Turner frequently. He went in today to go down the whole list with her, but she was out. Mr. Merante said that he had no report from Ms. Turner that any of these were a problem. He said that the Board would take Mr. Gaba's advice on it.

**Nathan and Ernest Lyons – Request for return of escrow balance**

Mr. Watson said that this was the processing of the old soil mine on the west side of Route 9.

Ms. Conner made a motion to approve the return of escrow balance. Mr. Leonard seconded the motion. The vote was as follows:

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

**River Home LLC – Request for return of escrow balance**

Mr. Leonard made a motion to approve the return of escrow balance. Ms. Conner seconded the motion. The vote was as follows:

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

**Judith Noe – Request for return of escrow balance**

Ms. Conner made a motion to approve the return of escrow balance. Mr. Gibbons seconded the motion. The vote was as follows:

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

**Garrison Properties II – Request for return of escrow balance**

Ms. Conner made a motion to approve the return of escrow balance. Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor

Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

**Dylan Leiner – Request for return of escrow balance**

Mr. Leonard made a motion to approve the return of escrow balance. Mr. Gibbons seconded the motion. The vote was as follows:

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

**Vamco – Request for return of escrow balance**

Mr. Meehan made a motion to approve the return of escrow balance. Mr. Leonard seconded the motion. The vote was as follows:

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

**Louis Lanza – Request for return of escrow balance**

Mr. Gibbons asked if this application was looked at by all the parties involved. He said the application was pretty extensive.

Mr. Merante said that as far as he knew there was a court settlement and he thought it was taken care of. He said that he had no information that there was anything outstanding.

Mr. Watson said that whole business came after the subdivision and is unrelated to this particular escrow account.

Ms. Conner made a motion to approve the return of escrow balance. Mr. Gibbons seconded the motion. The vote was as follows:

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

**David Kaiser – Request for return of escrow balance**

Mr. Leonard made a motion to approve the return of funds. Ms. Conner seconded the motion. The vote was as follows:

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

**Constance Bakall – Approval**

Mr. Watson said that this could be taken off, as the plat was signed today.

Mr. Merante agreed.

**Timmons – Three Lot Subdivision – Route 301, Cold Spring: Letter requesting extension of conditional subdivision approval**

Mr. Merante asked Mr. Gaba if there was any reason why the Board wouldn't do this.

Mr. Gaba said that if there had been some change in circumstances that the Board was aware of, but other than that, ninety days pretty much (inaudible).

Mr. Leonard made a motion to approve the extension. Ms. Conner seconded the motion.

The vote was as follows:

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

**Jung Wang & Ming H. Wang – Approval of 2-lot subdivision – Jaycox Road: New submission**

Ms. Conner recused herself and stated that she had an association with an organization that's involved in the project. She left the table.

Mr. Gibbons recused himself and stated that he was the caretaker of the property and has a long history with the applicant. She left the table

Mr. Watson said that this application is to subdivide property owned by the Wangs into two lots. He said that it is property that contains Jaycox Pond, which covers about fifteen acres of the property. Mr. Watson said that there will be a 50-acre parcel, which includes the lake and a 30-acre parcel that is at the southwesterly portion of the property. He said that they've identified places for a house and septic on each of the lots and are hopeful they'll find a conservation buyer, but at this point, they can't absolutely make that representation.

Mr. Meehan asked which lot.

Mr. Watson said for the 50-acre lot.

Mr. Meehan asked if it was the one for the pond.

Mr. Watson said yes. He said that it is adjacent to State parkland (pointed out) and hopefully a conservation buyer will (did not finish sentence).

Mr. Merante asked if Ms. Wang's house was shown as number 12 – where you come off of 301 and just come on to Jaycox.

Mr. Watson pointed it out on the plan. He said that he'd say it must be a little less than a half of a mile in (off of 301).

Mr. Merante said that on Lot 2, it shows a proposed well awfully close to the road. He said that he was wondering about the sedimentation, salt, etc.

Mr. Watson said that the wells are sealed. He said that they are in a steel pipe until they go at least ten feet into rock and they are grouted for ten feet into rock and then the top of the pipe comes up about eighteen inches, so the idea of road salts or something getting in there...if it does, it's because it's filtering through the soil – not the pipe.

Mr. Merante said that the other question with regard to Lot One – the proposed SSTS, is what the distance is from the survey lines around the pond. He asked if the survey lines were the hundred foot buffer around the pond.

Mr. Watson said yeah, they're trying to make sure there's at least a hundred feet around the pond in all cases. He said that the property line comes in from the road, when it gets to a hundred feet to the pond, it follows a line that's concentric with the pond until they get over a third of the way around it. Mr. Watson said that Mr. Gainer had a comment about the stone wall (pointed out) and he said that he thought their choice would be to rebuild it on the property line as opposed to (inaudible) the property line around it. He said their purpose in doing that is basically to maintain a minimum of a hundred feet, so if they are successful in putting it in the hands of a conservation buyer, they will have control of all of the buffer area.

Mr. Merante said that his question was about the SSTS on Lot One just behind the stone wall and asked how far that was off of the buffer.

Mr. Watson referred to the plan and said that it is a hundred feet to the inch...he said that it looks like it's about seventy feet to him – so about 170 feet.

Mr. Merante said that Mr. Gainer suggested the Board schedule a site visit.

The Board agreed to schedule the site visit for Sunday, May 1 at 9:30 a.m.

Mr. Watson asked if the Board could schedule the public hearing for May.

Mr. Merante said that he did not see why not.

Mr. Gaba said that the Board could do that....he said that he did not see why it couldn't go to County Planning. He said that he did not know that the Board would hear back from the County, but they could hold a public hearing.

Mr. Merante said that it would have to go before the CAC too and asked Mr. Gaba if that was correct.

Mr. Gaba asked if they were existing homes.

Mr. Watson said no.

Mr. Gaba said, then yeah.

Mr. Watson said that they would make the referrals.

The Board agreed to schedule the public hearing on the application for next month.

Mr. Merante said that a number of the Board members were unable to visit the Ventura site, so he would like to include that visit with the Wang site visit.

**William and Susan Wood – Discussion**

Mr. Merante said that Mr. Gainer sent the Resolution on Wood and asked if Mr. Gaba had any comment.

Mr. Gaba said the only outstanding issue he thought was the recreation fees and they had been ironed out, so they're good to go.

Ms. Conner made a motion to approve the Resolution (copy attached). Mr. Leonard seconded the motion.

Mr. Leonard made a motion to adopt the Negative Declaration. Mr. Meehan seconded the motion. The vote was as follows:

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

Ms. Conner and Mr. Gibbons joined the table again.

**Adjourn**

Mr. Gibbons made a motion to adjourn the meeting. Mr. Leonard seconded the motion. The meeting ended at 7:50 p.m. The vote was as follows:

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

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: \_\_\_\_\_