

Philipstown Planning Board
Meeting Minutes
May 15, 2014

The Philipstown Planning Board held its regular monthly meeting on Thursday, May 15, 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
Adam Rodd, Counsel (for Steve Gaba)
Ron Gainer, Engineer
Absent: Pat Sexton

Approval of Minutes

- *February 20, 2014*

Mr. Zuckerman made a motion to adopt the minutes. Ms. Conner seconded the motion.

- *April 10, 2014*

Mr. Zuckerman made a motion to adopt the minutes. Mr. Giachinta seconded the motion.

The votes were 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

201 Old Stone Road - Site plan application – 201 Old Stone Road, Garrison: New submission

Mr. Watson introduced Mr. Tim Mohr, Architect and Chris Buck, a member of the LLC, applicant. He described the property to the Board and stated that the applicant would like to remove part of the building, remove the garage and other buildings, and build another house around the edge of the slope. Mr. Watson said that they'd basically replace the existing building and garage with a larger building and garage. He said that the parking area is going to stay essentially the same. The driveway is going to be changed for two purposes – one is to make the turn a little more negotiable for vehicles, and then there are esthetic reasons. Mr. Watson said that they tested and identified places for septic systems and that's another reason for the driveway going the way it is. He said that there is some increase in coverage. There's a little over an acre of disturbance. Mr. Watson said that there were present to get the site plan approval. He did said that in Mr. Gainer's report, it talked about a home office, and there was originally a second building with a separate office, but they have taken that off the plan. Mr.

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Watson said that they don't believe they're quite at the coverage that Mr. Gainer had gotten off the plans, but they'll check their numbers just in case they made a mistake.

Mr. Mohr said that right now, their thinking is that they're keeping the existing lodge and the old chimney. He said that the old chimney is probably the only part of it that is still actually truly intact. Mr. Mohr said that they are basically building back off of the ridge – peeling away from the public view of the mountain as you drive down the road, and pushing around back to the east. He said that it is all fundamentally a one-story building from the prospect as you approach it. Mr. Mohr said that from 9D, it's pretty well protected by the existing tree cover. He said that their objective is to fill in the back of the ridge and have the house not be visible from any public way. Mr. Mohr said that they still have a lot of work to do in terms of landscaping, etc., but wanted to know they could proceed before spending a lot of design time trying to develop it.

Mr. Watson said Jim Rhodes, Architect, who lives in Beacon, followed in the footsteps of Marston Fitch. He said that Mr. Rhodes has been to the site and is ready to support what Mr. Moore said with regard to the destruction that has been done to the integrity of the building. Mr. Watson said that they would certainly supply information from him in support of that and they don't think there's a real issue with any loss of historic character in the building. He said that they know there's a question as to whether they need a variance and if that's determined, they will make an appeal for the variance.

Mr. Gainer said that the Board was given a memorandum from his office. He went over the memo with the Board. Mr. Gainer said that there were a variety of code issues to identify for the Board to consider. He said that the Board should consider scheduling a site walk to understand the site specific issues and move the application along. Mr. Gainer said that it appears to be a Type 1 Action pursuant to SEQRA, so there would be a required Coordinated Review to be accomplished.

Mr. Zuckerman made a motion that the Board declare its intent to be Lead Agency. The motion was seconded by Ms. Conner. 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

Mr. Merante said that this will be referred to Putnam County Planning and the Conservation Board. He asked Mr. Gainer about the variance that Mr. Watson mentioned.

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Mr. Gainer explained that the issue lies in the construction on greater than twenty percent slopes. There's a provision in the steep slopes section that prohibits that construction, except for very specific activities – driveway access, etc. He said that the building construction doesn't fall within that, but in that same section, which they've identified in there, it indicates that if the Board deems the construction appropriate, that there's no better location to do the intended development as being proposed by the applicant, the Board could grant them a special permit, which he believed would obviate the need for a variance. Mr. Gainer said that was a determination to be determined by the Town Attorney. He said that his expectation was that they would have to prosecute this as a special permit to address that concern. Mr. Gainer said that the reality is that they have all seen the plans – more than eighty-five percent of the site is over fifteen percent slopes. He said that there's very little area that actually falls under twenty percent that would be otherwise appropriate for this construction site. Mr. Gainer said that he did not think it would be a difficult finding for the Board to make.

Mr. Merante asked if the scenic ridge line tripped anything.

Mr. Gainer said that it was just a matter of understanding where it is on the site. He said that they recommended it be identified formally on the plan.

Mr. Watson said that it does reduce the maximum height of the building and they're respecting that.

Mr. Gainer asked if the building was deemed historic or it was just adjacent to an historic site.

Mr. Mohr said that in the National Registra material, they have a photograph of the old (inaudible), which shows basically the elevation from the end of the building and chimney. He said that when Mr. Rhodes was visiting, they were looking at what remains of the building proper in terms of historic integrity.

Mr. Merante said that Mr. Mohr said that there was a picture of it, but asked if that part of the building was on the registra.

Mr. Mohr said that the whole property, he thought was placed on the registra and the property since had been broken up.

Ms. Conner made a motion that the Board schedule a site visit on this property for Sunday, June 1, 2014 at 9:30 a.m. Mr. Giachinta seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor

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

Mr. Merante asked if there were any referrals necessary because of the historic...State Office of Parks, etc.

Mr. Watson said that the Board is not obliged to do that.

Mr. Gainer said that the Board could so that as well.

Miscellaneous

- *Joseph Tuana*

Mr. Watson asked that the Board ask its attorney to be prepared to discuss this next month and have it go on to the agenda for discussion.

- *RDR Equities*

Mr. Gainer said that the site walk had been conducted and the Board has seen comments he put together from previous discussions. He said that the Board had identified the desire for a Coordinated Environmental Review. Mr. Gainer said that in the past few days, he had gotten the necessary map filings from the applicant, so those distributions will go out. He said that he also had the Town Highway Superintendent up there to look at the egress issues, which he also put in the site walk memo. Mr. Gainer said that there will be a referral to the NYSDOT Permit Engineer just to allow him to weigh in. He said that it would be going out within the next day or two.

Adjourn

Mr. Zuckerman made a motion to adjourn the meeting. Mr. Giachinta seconded the motion. The meeting ended at 8:15 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: _____