

Philipstown Planning Board
Meeting Minutes
July 22, 2014

(Revised 10/3/14)

The Philipstown Planning Board held its regularly monthly meeting on Thursday, July 22, 2014 at the Butterfield Library, 10 Morris Avenue, 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, Town Engineer
Absent: Pat Sexton

Approval of Minutes

- May 15, 2014

Ms. Conner made a motion to approve the minutes. Mr. 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
Neal Zuckerman	-	In favor
Pat Sexton	-	Absent

Public Hearing

201 Old Stone Road – Site plan application – 201 Old Stone Road, Garrison

Mr. Watson introduced applicant, Chris Buck and project architect, Tim Moore. He said that as the public hearing mentioned, the property comes up to Windsome Lodge, which is an historic building to which there have been several additions and those additions are going to be removed. Mr. Watson said that the oldest portion of the original building is going to stay. He said that existing garages with second floor improvements are going to be removed and the plan is to make an addition, which has living quarters and a garage. Mr. Watson said that the living quarters will be on the same level as the driveway. He said that the driveway is going to be relocated and one of the reasons for that is to provide a longer radius to make turns at the extreme western point of the driveway. Mr. Watson said that they have done a visual analysis, which will be forthcoming. He said that he believed the colors and massing that Mr. Moore is planning will mitigate any impacts with regard to visual impacts. Mr. Watson said that they are putting a new septic system in and are hopeful they'll be able to use the existing septic system, which is marginal at best. He said that it is not up to current code, but is legal for what they're going to build and they are intending to use that for some stormwater management. Mr. Watson said that with regard to how much rock they can take up, geotechnical engineers have been engaged and they're due this week to start the testing, so they'll have a good idea of how much rock they have to take out and how low they can go.

Mr. Moore said that the roof is composed of heavy slate shingles and they are talking about making the ridges diving ridges, so they won't reflect light as easily as a straight plane will. He said that the building has deep overhang so the glass is well hidden from view. Mr. Moore said that their objective is to make it as discreet on the hilltop as possible. He said that the average height, he believed, was 22.5 feet, which is well below the thirty foot average that they're allowed to go to. Mr. Moore said that there are a couple of portions where it's taller than that, and he wants to try to mitigate that with planting/rock outcropping.

Mr. Gainer said that said in June they had a site inspection and there were some additional issues raised by the Board. He said that there have been no new plans provided yet to respond to those issues, but he presumed would be forthcoming.

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Ms. Conner asked what the status was with the County Health Department.

Mr. Watson said that they are still in discussion with the County Health Department. He said that they think the fact that they've got an existing system that needs some repair, they have a way to approach the problem and they're working on it.

Mr. Merante asked if a variance was obtained and whether or not it was necessary.

Mr. Watson said that it has not been obtained. He explained that the variance had to do with the construction of the septic system – on a steep slope steeper than 20%. Mr. Watson said that he believed they made that application.

Mr. Merante asked if there were any other permits that have not been entered into the record yet.

Mr. Watson said that he thought the wetland people went out there and sent a report last month. He said that they had not met since the last Planning Board meeting.

Mr. Gainer said that he believed there was some expectation that a report from North Highlands would be forthcoming.

Mr. Giachinta asked if Mr. Watson received any comment from the Fire Department with regard to the new driveway.

Mr. Watson said that he did not.

Mr. Gainer said that the Planning Board did not make a referral directly to the Fire Department. He said that with regard to all other involved agencies regarding SEQRA, the mailings went out. Mr. Gainer said that relative to SEQRA, there is a specific obligation for all involved agencies to respond within thirty days of the mailing. He said that with regard to referrals to the Fire Department and Ambulance Corp., it's a suggested response.

Mr. Merante asked if the public had any comment.

Mr. Charles Marx, caretaker of the estate introduced himself and for clarification purposes stated that this is referred to as Woodson Lodge – not Winsome Lodge. He said that on Map 3, next to the water tower, there is a note about a well and something about per DEC regulations.

Mr. Watson said that it is to be abandoned.

Mr. Marx said that there is no well there. He said that pit is for water valves coming out of the water tower. Mr. Marx said he wanted to clarify that. He asked with regard to the septic system if Mr. Watson was aware that there are water lines going to the water tower between the septic field and the house.

Mr. Watson said that they were told they were all out of service.

Mr. Marx said that it is in disuse at the moment, yes, but the owners of the castle in the deed have the right to use the water tower and maintain that system.

Mr. Watson said that they would certainly check that out and make those provisions if that's the case.

Mr. Gainer asked if Mr. Marx had filed any documents to support that so the Board has it on record.

Mr. Marx said that he had not filed anything, but has seen the deed.

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Mr. Gaba said that an excerpt from the deed would be fine – just something so that the Board could reference it.

Mr. Marx said that if this is approved, they are going to discontinue the present septic system and asked if that was correct.

Mr. Watson said that as they envision it right now, they're going to utilize the existing septic system for some stormwater treatment.

Mr. Marx asked if the regulations would be the same.

Mr. Watson said no, they're different.

Mr. Marx asked what would be involved as far as plantings on or near the septic field.

Mr. Watson said that basically, with a traditional septic system, you have to keep it clear from any large plants.

Mr. Marx asked if the stormwater would be different.

Mr. Watson said that he wouldn't think that as a practical matter it would be different.

Mr. Marx said that he saw comments from the Board members from the site inspection with regard to the visibility of the septic system area and the clear cut area being visible from 9D. He said that he wondered if it was not going to be used, if it could be planted a little bit.

Mr. Watson said that area is clear now and if they are able to use it for stormwater, he thought it would be poor advice to have him plant something that's going to have a root system. He said that if they fail with the Health Department, they are going to utilize this (pointed out location on map). Mr. Watson said that they are planning to provide additional landscaping plans that will address some of those issues.

Mr. Marx asked if when they put the building together, they were going to preserve the original portion of the building.

Mr. Moore said they want to preserve the large proper.

Mr. Marx said that there is a little shed.

Mr. Moore said that they will probably move that.

Mr. Marx said that it dates from the construction of the original Woodson Lodge – it was Henry Fairfield Osborn's writing cottage. He said that off the top of his head, he would find a home for it on the castle property to preserve that little piece just so it can be preserved as he felt it really went with it.

Mr. Marx asked with the construction what the affect on the road would be as far as wear and tear.

Mr. Buck said that one of the approaches he was leaning toward using larger pickup trucks.

Mr. Marx asked if when they put the bridge in, would there be any exposed rock that they bring in.

Mr. Moore said that he would say yes, probably. He said that it depends on what they end up with for rock.

Mr. Moore said that he thought they would have some sort of a curving or edge with a rock ledge development , so they wouldn't get wash-in.

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Mr. Gaba said that he thought the Board was in a position to close the public hearing, but thought the Board needed more information before it went forward.

Mr. Gainer said that in his technical memos he stated the need for the applicant to respond to and refine their plans to address the technical issues that the Board had raised as well as the public.

Ms. Conner made a motion to close the public hearing. Ms. Finger seconded the motion. The public hearing was closed. 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
Neal Zuckerman	-	In favor
Pat Sexton	-	Absent

Obert R. Wood III – Site plan application – 279 Route 9, Cold Spring

Mr. Watson said that this property is on Old West Point Road west. It is the former Osborne property. Mr. Watson described the property for the Board. He referred to the actual site plan area and stated that a specific area (pointed out on plan) shows one bit of disturbance, which is off of the main part of the property. Mr. Watson said that it shows an area where they have to widen out the existing driveway because the modular units are going to be constructed on the property. He said they have also applied for a wetlands permit to put an electric service line under the road. Mr. Watson said that other than that, the focus of all of the work is right on the house. The septic system is in and is to the south of the house. Mr. Watson said that the property is subject to a conservation easement and they will provide that. He said that it does identify a very specific area. All of their proposed improvements are within the area of a building envelope that the conservation easement provides. Mr. Watson said that it clearly restricts virtually all activity to the building envelope except for the septic system and the driveway and some very selective clearing, which Mr. Gainer wants to see and they'll certainly provide. He said that it's only one story tall.

Mr. Merante asked if the Board had any comments.

There were none.

Mr. Gainer said that this was last before the Board at the June meeting. It was also the subject of a site inspection on June 29, 2014. He said that there are two separate technical memorandums that document the technical concerns from the initial review of the project plans as well as comments raised by the Board during the site inspection. Mr. Gainer said that both of them had been provided to the applicant for eventual response. He said that this project has also been referred to the necessary agencies and is in progress.

Mr. Merante read aloud comment from Mr. David Klotzle, wetland inspector.

Mr. Gaba said that he thought the Board was in a position to close the public hearing.

Mr. Merante asked if there was any public comment.

There was no comment.

Mr. Zuckerman made a motion to close the public hearing. Ms. Conner seconded the motion. The public hearing was closed. The vote 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
Neal Zuckerman	-	In favor
Pat Sexton	-	Absent

Tuana – 3-lot subdivision – 992-996 Old Albany Post Road, Garrison

Mr. Watson introduced Ms. Jennifer VanTuyl, Mr. Tuana's attorney and Mr. Tuana, applicant. He said that he had not intended to go into the entire project, as the public hearing notice fairly well stated it. Mr. Watson said that there were three lots created by deed without Planning Board approval and effectively created a fourth lot, which remained in the owner who subdivided the property – Mr. Huston, for some time after the Tuana's bought, i.d.'d...they based their purchase on a letter issued by the Building Inspector at the time, which turned out to be an error, was rescinded and they were asked to merge the lots. Mr. Watson said that they did go in and apply for subdivision of three lots under the old zoning. That was approved. They never fulfilled the conditions of it, so that lapsed. They reapplied and now they're here. Mr. Watson said that the Board made its site inspection last month, and during that they discussed the possibility of eliminating the third lot, which would take the configuration of basically three flag lots of a little over two acres each and combine the two so that there would be two lots – each with an existing dwelling. Mr. Watson said that had several discussions and ultimately decided that they needed to ask the Boards' blessing on merging the lots so that they have only a single lot.

Mr. Merante asked how many acres.

Mr. Watson said six plus acres – the entire property. He said that Mr. Tuana wants to sell the property and has a willing purchaser who's willing to buy it as a single lot and has been trying to sell for quite some time without success. Mr. Watson said that the conclusion was that they would approach the Town and talk about merging all the lots into a single lot. He said that he emailed Mr. Gainer and Mr. Merante with the proposal and said they'd be willing to consider it. At some point they talked about whether or not that could happen because a simple merger doesn't normally require Planning Board approval, but since the subdivision was illegal, they thought they'd like the imprimatur of the Planning Board. Mr. Watson said what that does is eliminate the possibility of two driveways. It eliminates the reconstruction of one of those driveways around the house and back up the hill, so it eliminates a significant amount of potential disturbance - even if they went with the two-lot subdivision. Mr. Watson said that with this approval of a merged, single lot, there would be virtually no activity. They'd be able to sell the property, it would be a single lot, and it would not be subdividable. Mr. Watson said that the old zoning does allow for a guest house on the property, so they could qualify with regard to that. He said that the new zoning does allow a second house on the property, but there are restrictions on that. Mr. Watson said that this has been a long and arduous fight and they want to get through and get this legal so they can move on.

Ms. Conner said, so this would keep the existing driveway and there would be no new driveway at all.

Mr. Watson said that is correct. He said that all of the activity they spoke about would not need to happen.

Mr. Gaba said that he thought two important points to keep in mind were that firstly, the Planning Board previously approved the three-lot subdivision. He said that the findings that the Board made, unless there have been some change in circumstances, are still binding on the Board. Mr. Gaba said that the other thing that's going on is that the three-lot subdivision is being foregone and instead, he is consolidating three lots. So they have kind of a recognition of a two-lot subdivision and you legitimize all of what's there now, and without site disturbances, it's about as neat a way to wrap up the existing situation as you could ask for.

Mr. Merante asked if the public had any comment.

Mr. Eric Stark introduced himself and Kristen Sorenson and stated that they are adjoining property owners. He said that they bought the lot below with the idea of combining them and then subdividing it into two. Mr. Stark said that they had no objection to the plan of putting it back into one, although there are some

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issues around easements that need to be resolved. He said that ideally, they would like to buy the property and divide it into two and combine it with the four acres purchased below – making it two conforming lots and five acres each.

Mr. Zuckerman made a motion to close the public hearing. Ms. Finger seconded the motion. The public hearing was closed and 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
Neal Zuckerman	-	In favor
Pat Sexton	-	Absent

Mr. Gainer presented the Resolution and said that it identifies all the conditions the Board thinks are appropriate. He stated that there are various plat issues that have to be corrected and there is also an issue of paying recreation fees. Mr. Gainer gave a brief summary of the history and references within the Resolution as to that history. He said that on page three, the conditions of the subdivision lot line approval are identified.

Mr. Gaba said that it should be pointed out on the bottom of page three that there is a note specifying no additional residences may be constructed on the merged lot.

Mr. Gainer continued to read through the entire Resolution. Suggestions, additions and revisions were made. He also pointed out the reference to recreation fees at the top of page four, section E.

Ms. Finger stated that she wanted to address the bayswater findings, as she thought it was applicable if there was an additional residential lot that was created – not an additional house. She said that because they have in their zoning the ability to call them possibly an accessory apartment, which is not counted as a dwelling unit and therefore if one of those did qualify as an accessory apartment, it would only have one dwelling unit on that lot and bayswater would not apply at that point either.

Mr. Gainer said that the section that he just read to the Board acknowledged that no rec fee would be due if in fact the dwellings were built prior to (inaudible) lots. He said that he agreed with Ms. Finger.

Ms. Finger suggested they strike bayswater from it.

Mr. Gainer said that the Board may want to address the question raised by Mr. Stark with regard to the entirety of the driveway access that exists today and the utility extension that services dwellings on the property not being within the existing Tuana parcel. He suggested the Board add a note in Section 2 – another condition that the driveway access and utilities extension servicing the existing dwelling on the lots shall be relocated if found necessary.

Ms. Conner referred to page 3, 2D and asked if that precluded if Mr. Stark bought that piece and merged it with other pieces of his...(did not finish sentence).

Mr. Gaba said it sure would. He said that he would suggest that if they wanted to further subdivide it, they could come back to the Board and ask that they be relieved from the condition.

Mr. Gainer said, or they could just take it out.

Mr. Gaba agreed.

Mr. Watson explained that they need twenty acres to subdivide the property.

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Mr. Gaba said that he would leave it out and leave the limitation...if no more houses. He said that it gives the Board more flexibility going forward. Mr. Gaba said that they could always say no.

Mr. Merante asked how the Board felt.

Mr. Zuckerman suggested they leave it in.

Mr. Giachinta agreed with Mr. Zuckerman.

Ms. Finger said she had no feeling one way or the other.

Mr. Hardy said that he agreed with Mr. Zuckerman.

Ms. Conner said she, too.

Mr. Merante said he, too.

Mr. Merante summarized what the Board was agreeing to with regard to changes in the Resolution. He said that they were not taking out 2D. It remains in.

Mr. Gainer said that the question is whether the Board wants to add one last condition to address the issue of requiring the existing driveway to be on the Tuana parcel and eliminate the bayswater condition.

Ms. Finger made a motion to adopt the amended Resolution with the changes discussed above. Mr. Hardy 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
Neal Zuckerman	-	In favor
Pat Sexton	-	Absent

Regular Meeting

Auth (Steve and Sandra) – Site plan application – 279 Route 9, Cold Spring: Submission of elevation plan, color choices and outdoor lighting/discussion of site visit

Mr. John Delano introduced himself, stated that the applicants were unable to attend this evening and he introduced Mr. David Wright. He said that their last meeting with the Board was the site inspection on Sunday, July 13, 2014. Mr. Delano said that based on that walk and information provided by the applicant, the proposed route of the driveway is being changed. He explained that they altered the driveway. The net result is that the driveway is about 150 feet longer, but in combination with realigning the driveway and reducing the cross section of the driveway, they were able to reduce the amount of disturbance. Mr. Delano said that overall, they reduced the total disturbed area, the amount of disturbance within the scenic protection overlay and the amount of disturbance on steep slopes. He said that they still intend to propose a retaining wall six foot maximum in height at the beginning of the project. Mr. Delano said that by moving the alignment over, they're able to get the grading off of all the twenty and thirty-five percent slopes, and although they still have some re-grading on a twenty percent slope, but from that point up they no longer have any steep slope conflicts with the proposed horizontal and vertical realignment of the driveway. Mr. Delano said that the drainage layout is different because the driveway layout is different. He said that the only opportunity to grab any drainage is at a location where they'd be able to get in to a closed system and discharge out to a velocity dissipater, which will eventually drain down and get into a drainage system on Route 9. He said that the configuration shown for the septic system has been reduced in size in accordance

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with the new design flow rates with the Putnam County Department of Health. Mr. Delano said that they have more than adequate separation between the driveway cuts and the septic system. He said that the centerline depths to cut are generally about nine feet and there's one short run with the cuts climb up to about thirteen feet. Mr. Delano pointed out their deepest cut on the plan. He said that they have an opportunity to adjust, but he had to talk to his client about it. Mr. Delano said that they may lift the house up in elevation, and that would give them an opportunity to use some of the fill from the excavation to bury the foundation and reduce and maybe eliminate the need to truck excess material off of the site. He said that he believed the applicant submitted some information concerning the house elevations, colors and roof shingles that were suggested. Mr. Delano said that as far as lighting goes, it's not shown on the plan, but the Auths' intention was to get low ground lights – flood lamps that go in and around the house and will shine on to the house. They will not be lighting up the driveway. Mr. Delano spoke to the reduction of disturbances. He said that the disturbance on slopes between twenty and thirty-five percent was over 31,000 and is not down to around 12,000. Slopes in excess of thirty-five percent, they were just over 7,000 and are now down to just over 3,000. Their disturbance in the SPO stayed about the same – it went up around 400 square feet because they have some additional length in driveway. Mr. Delano said that their total disturbed area was almost 112,000 and they are down to 106,000. He said that they will follow up on addressing all the comments they received at the last meeting and from the site walk.

Mr. Wright said that he was at the site visit a couple Sundays ago. He said that he is the real estate lawyer on the closing aspect said that the applicants had intended to be present tonight, but had plans to be out at this time. Mr. Wright said that the applicants were hoping to at least get approval to work on the driveway. He said that Mrs. Auth told him that the house is actually outside the SPO.

Mr. Delano said that they also understand that they're up for consideration by the Conservation Board at its August meeting.

Mr. Merante said that the referrals went out to Putnam County and CAB.

Mr. Gainer said that DOT has received the referral and he personally met with the permit engineer, but did not know if they'd get comments from them or not.

Mr. Delano said that there was an email submitted with the original application from the Highway Permit Agent explaining the preference to come in off of Route 301 and their resistance or hesitation to issue a permit from Route 9. He said that the permit application will be dealt with at his office in Putnam, and not get sent up to Poughkeepsie, because it's a single family residence.

Mr. Gainer said that a referral went to the North Highlands Fire Department. He said that there was a technical memorandum issued in June that contained various issues that they had to address on the plan. Mr. Gainer said that they also have the site walk memorandum that identified specific concerns identified during the walk. He said that they have not submitted any new plans, so even though they discussed a new access, there's no plan submitted to allow the Board to review that in depth. Mr. Gainer said that it remains to be filed, so there's no way the Board could act on the application other than having he applicants come back with a filing of responses to the technical concerns previously raised. He said that the Board can decide whether to hold a public hearing, but it was not necessary.

Mr. Gaba said that ordinarily the Planning Board holds public hearings and this is another one of those applications – it's kind of on its own. He said that unless the Board thinks there will be visual impacts on a nearby lot or some public property nearby, it's the type of application where you could seriously consider waiving the public hearing.

Mr. Merante said that this is a significant piece of property and there will be driveway work to be done.

Mr. Gaba said that if the driveway is going to have visual impacts that the Board wants the public to comment on, then it should hold a public hearing.

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Mr. Gainer said that for the process that the Board has to go through, it may be simpler now to just schedule a public hearing for September.

Mr. Gaba agreed.

Mr. Hardy asked the applicant what he felt lifting the house up at the top would buy them in terms of the driveway and how much lifting they were talking about.

Mr. Delano said that it still has to be discussed that with the applicant and they really haven't looked into it. He said that by lifting the house, it would give them an opportunity to use some of the fill from the driveway excavation to bury the foundation. Mr. Delano said that the applicant needs to be guided carefully if he decides to raise the house.

Mr. Gainer said that from the beginning of the review process the concern of the visibility was raised.

Ms. Conner said that she drove up to this site when the Board had the site visit, from the Route 9 side. She said that there were three houses on that road and she could walk easily, flatly to the building site from that driveway. Ms. Conner said that it is a large amount of disturbance and a huge amount of work and seems to hear that if the Auths could see their way to making some kind of an agreement with the neighbors on that road, it would save them a lot of money and would just be a better situation for this whole project.

Mr. Delano said that he believed the Auths have had that conversation and it wasn't going to work for them or the other parties involved.

Ms. Conner made a motion to schedule a public hearing in September. 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
Neal Zuckerman	-	In favor
Pat Sexton	-	Absent

ESP (Bruce and Donna Kehr) – Subdivision application and site plan revisions – 3330 Route 9, Cold Spring: New application

Mr. Giachinta recused himself and left the table.

Mr. Watson presented the site plan to the Board. He said that they were talking about a conservation easement on the portion of the rear property and not developing this piece of property. Mr. Watson said that there has been some informal conversation that there might be some neighbor opposition to that. He said that ESP has basically developed the entire piece of property and right now it meets their business plan for ten years, which is where the offer not to develop anything in the back came from. Mr. Watson said that they took the Board's advice to heart and talked to one of the neighbors. He said that the Board knows there is a parallel application to change the zoning at the Town Board and he will be talking to them in the next couple of weeks. Mr. Watson said that at one point, when he spoke with Mr. Shea, he suggested subdividing the property in such a way that they would protect the back property from being developed. Mr. Watson said that he told Mr. Shea that he did not think it was possible. He said that in meeting with the neighbor, he figured out a way to do it. Mr. Watson said that they basically adopted his idea and made an application to subdivide this property. He said that they are not intending any changes – physically – than they've already shown the Board. Mr. Watson said that he would be showing the Board a subdivision that shows a proposed house. He said that they are still going to seek an approval of a zoning change to "HC" (highway commercial), which would allow the subdivision. Mr. Watson said that "HC" zone is a 40,000 square foot, one-acre zone basically, and that's why they need to change the zoning – in

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order to make legally conforming lots. He said that the giveback on that is that they will put a conservation easement on the whole piece of property and what would be allowed would be a single family dwelling sometime in the future. Mr. Watson said that it is not something the Kehrs are intending to follow through with, but it's a way to preserve some of the value, in large measure, achieve the conservation goals of the neighbor, let the Kehrs continue to operate at the present level for at least the ten years that's in their business plan and they wouldn't have to expand. Mr. Watson said that they made another application – parallel to this, so now they have three going at the same time. He said where they would increase the size, they would split it such that the property would basically extend to the red line (pointed out on plan). Mr. Watson said that if the subdivision is approved and a subsequent site plan is approved for the southern parcel, this parcel (pointed out on the plan) will be fully developed. He said that they'll be right at the 60% coverage limit. Mr. Watson said that they provided for a septic system (should one fail) in what he referred to as the commercial lot.

Mr. Merante asked how far the septic would be from Clove Creek.

Mr. Watson said a couple of hundred feet and well outside the wetland buffer. He said that the lot would still be zoned commercial, but it would be restricted to one single family residential unit and customary home occupations, as if it were in a residential unit. Mr. Watson said that becomes part of a conservation easement and part of a deed restriction. He said that he had not spoken to the neighbors who would be the most affected by the zoning change, but in his view, it directly addresses concerns that they might have. Mr. Watson said that they would use Stephanie Lane, which was established in the fifties prior to any zoning, so it has pre-existing status. It's not fifty foot wide, but has plenty of room for a cul-de-sac at the end. Mr. Watson said that they haven't proposed a cul-de-sac, but they'd like to talk to the Board about it, because they thought it would be less disturbing if they didn't have it. He said that it seemed to them that this was a good solution that solved virtually every problem. Mr. Watson said that his plan is to talk with the Town Board about this and they think they have a well reasoned solution to all of the problems. He said that one neighbor they spoke with seemed to indicate single family would be acceptable to him.

There was a brief discussion with regard to the travelway.

Mr. Watson said that what's on the plan is what is what is used today. He said that they did anticipate grading (pointed to area on plan).

Mr. Gainer said that there are new referrals required for the second application – similar to the others that were done. He suggested advertising/scheduling a subdivision and site plan public hearing together.

Mr. Merante asked how this relates to the zoning change. He asked if the Town Board was waiting on the Planning Board's review.

Mr. Gaba asked if this changed the nature of the zoning change at all.

Mr. Watson said no. He said that it would be "HC", but they would restrict it to single residential use.

Mr. Gaba said, then it doesn't change the status of what's before the Town Board at all. He said that his understanding is that the Town Board is waiting for the Planning Board to process the application and give input. Mr. Gaba said that the twist on this would be to take it through the public hearing, the SEQRA Review...but the actual approval is going to be a little unusual. He said that often it's the case that you process it up to the time when you are going to approve, and then wait for the zoning change to go through. Mr. Gaba said that he thought what they were looking at here thought was granting a conditional approval – which is very unusual, subject to Town Board approving the zoning change. Then if they approve it, the subdivision/site plan kicks in. If not, the whole thing goes away.

Mr. Zuckerman made a motion to schedule a public hearing in October. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante - In favor

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

Mr. Giachinta joined the table again.

RDR Equities, LLC – Site plan application – 1510 Route 9, Garrison: Submission of revised landscaping and planting plans

Mr. Wegner introduced himself and stated that they were last in front of the Board in April 27th, they had a site walk. He said that at that point, they also went to the Conservation Board, they walked the site and asked for additions to the plan and they were provided to them. Mr. Wegner said that he thought the Board had a letter from the Wetlands Inspector stating that they addressed their concerns and they are aware they have to go for an application for them. Mr. Wegner said that since the Board last saw the plan, they made some changes to address some of the comments. He said that initially they were looking at trying to maintain some of the drivable surfaces. Mr. Wegner said that at the site walk, they decided to pave the majority of the gravel sites. He said that some of the existing is paved, but they are looking to pave the whole thing. Mr. Wegner said they walked with the Conservation Board to address the more impervious surface of the asphalt. They'll be providing vegetated areas to the north toward the site exit with either grassed areas, lawn landscaped or to provide some treatment for stormwater, they have four rain gardens they're proposing. Mr. Wegner said that they are also providing some stone trenches to guide water toward the rain gardens and to provide a bit of separation from the parking to the Annsville Creek. They added a 6,000 gallon storage tank to capture roof runoff. He said that amount is more than the one hundred year storm event. Mr. Wegner said that they've added to the plan storage tanks for the recycle system for the carwash, signage at the exit of the site indicating, "no right turn on the Old Highland Turnpike" and "do not enter" into the site. He said that they have added notes regarding cleaning up the site. Mr. Wegner said that with regard to soils, it is a mix that indicates two feet to greater than five foot depth to bedrock, which may have an impact on the tank placement. He said that they would like to go out and do some preliminary test holes to be sure they can get the tanks in the ground. Mr. Wegner said that they've talked with the car wash manufacturers about the working of the carwash and recycle. He said that he knew water usage was a concern. Mr. Wegner explained how the carwash would work and the details of recycling. He said that the last twenty gallons of carwash will require fresh water. The final gallons go through a reverse osmosis filter and it's what they use to provide the spot free rinses. Mr. Wegner said that when the cars leave, any water that doesn't get blown off is captured and stored in the tanks and the tanks will require periodic pumping (approximately 2 to 3 times per month). He said that none of the water from the carwash will be discharged at all into the septic septic or the creek. Mr. Wegner presented a schematic of the reverse osmosis system to the Board members. He said that it would be installed in the equipment shed that will go toward the rear of the building. Mr. Wegner said that everything that's paved with gravel or asphalt will become asphalt pavement. He said to mitigate that, they've added a landscaping plan with rain gardens. Mr. Wegner said with regard to addressing the flow toward the creek, they'll capture anything in the location (pointed out), bring it into the rain gardens and provide treatments that way. He discussed briefly their landscaping plan. Mr. Wegner said with regard to traffic, to sustain the site, they are looking at about 500 cars in a month. On average, that means 16 cars a day. He said that he knew it would not be 16 cars a day, but they would look at it. Mr. Wegner said if they come into a heavy traffic situation, as was already discussed, all the traffic would be leaving through Old Highland Turnpike and the carwash people would be willing to put a representative out there to direct traffic as needed.

Mr. Zuckerman thought that last the Board got together, there was going to be a traffic study done.

Mr. Gainer said that it was on the table and the Board was looking for further details and specifics.

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Mr. Merante said that the Board expressed concern with regard to getting out on Old Highland Turnpike and asked what the applicant was doing with that. He said that he saw the two signs.

Mr. Wegner said right, and the applicant is willing to put a person out there, but they have excellent line of sight coming both ways.

Mr. Merante asked if there was something that would make it fairly obvious to someone coming off and if the signage they had was sufficient or they would need something at Route 9.

Mr. Wegner said that they could put in additional signs.

Mr. Hardy said that he thought the soap stuff floats and asked how they would get rid of that.

Mr. Wegner said that it does and it would all be used in the earlier phases of the carwash. It goes through the filter and takes the larger particles out.

Mr. Hardy referred to the survey and traffic data by Badey & Watson dated 2007. He asked if it got too much in a rain garden, it would just flow into another.

Mr. Wegner said no, he said that the first rain garden would capture one area and the second rain garden would capture the additional area. He said that there may be an overflow just to direct the stormwater away from the creek.

Mr. Hardy asked if they had accurate elevations, etc., because they can't see...(did not finish sentence).

Mr. Wegner said that there is no topography on the map. He said that they are not changing any of the elevations on the site.

Mr. Hardy said he knew, but it was about the flow and that he couldn't tell on the plan where the water was going in respect to the rain gardens because the only information the Board had was on "this thing".

Mr. Wegner went over the process (rain water and overflow) briefly.

Mr. Zuckerman said that he thought Mr. Hardy's point was if any of the water would go into the creek.

Mr. Wegner said no – none of it.

Mr. Zuckerman said zero percent.

Mr. Wegner said all of it either gets driven away off the site, caught in the undercarriage or gets caught in the tanks and recycled.

Mr. Hardy said, but if the Board can't tell from the plan what the elevations are in respect to what the applicant is doing, then they can't really...(did not finish sentence).

Mr. Wegner said that he could put on flow arrows as to where the water flows.

Mr. Hardy said that there were some.

Ms. Conner asked what kind of roof the building had.

Mr. Wegner said that he thought it was metal.

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Mr. Gainer said that the Board has a technical memo from his office and thought that the Board had touched on the significant issues tonight. He said that the plan resubmitted does address some of the questions initially raised, but there is some data that has not been presented – the issue of the size of the rain gardens and the understanding as to what their design basis is. Mr. Gainer said that the specifics of the manufacture’s literature on the recycle system, the specifics of how it operates, etc., is information that remains to be provided to the Board. He said that this is a minor site plan, so the Board needs to determine whether or not to schedule a public hearing. All referrals have been previously submitted.

Mr. Gaba said that this is the type of application where the Board could waive the public hearing, but given the location of it and the nature of the use, he thought it was pretty clear the Board is going to want to hold a public hearing. He said that the Board will not be meeting until September on this matter, and although there are a lot of technical issues, (did not finish sentence).

Mr. Merante said, so schedule the public hearing.

Mr. Gaba said exactly, and if they’re not ironed out, the Board can open the public hearing and then adjourn it.

Mr. Zuckerman made a motion for the Board to schedule a public hearing at its next meeting. Mr. Hardy 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

Adjourn

Ms. Finger made a motion to adjourn the meeting. Mr. Hardy seconded the motion. The meeting ended at 9:50 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,

Ann M. Gallagher

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

Approved: _____