

**Philipstown Planning Board
Meeting Minutes
August 18, 2013**

The Philipstown Planning Board held a duly advertised meeting on Sunday, August 18, 2013 at the site of the Plumbush Inn, NYS Route 9D, Cold Spring, New York. The meeting was opened at approximately 9:35 am by the Chairman.

Present were the following:

Michael Leonard, Chairman
Kim Conner
Mary Ellen Finger
Anthony Merante
Ronald J. Gainer, PE, Town Engineer
Susan Jainchill, Planner

Absent:

Kerry Meehan
Pat Sexton
Neal Zuckerman

Open Space Conservancy, Inc. (Glenclyffe) - Approval of subdivision plat - Route 9D, Garrison

The SEQRA Negative Declaration and Final Subdivision approval resolutions were reviewed.

Mr. Merante made a motion to approve the SEQRA Negative Declaration. Ms. Conner seconded the motion:

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

Thereafter, Mr. Gainer reviewed the Subdivision Approval Resolution. He advised that the "draft" subdivision approval resolution distributed in advance of today's meeting included the standard "Bayswater" text concerning the payment of recreation fees for the 2 new lots to be created.

However, Mr. Watson had questioned the appropriateness of this condition, as the Open Space Conservancy had previously donated the property and structure which now encompasses the Town's Recreation Department which is adjacent to the property of this latest subdivision application. Mr. Gainer reminded everyone that this is not a matter which the Planning Board would ever normally waive; however, it is understood that the Town Board could waive this requirement subsequent to the Planning Board's action.

Therefore, Mr. Gainer suggested that the following text be added to the beginning of Condition No. 2H ("Bayswater Findings") - "Unless the Town Board determines that the applicant's responsibility to provide park and recreation areas under Section 112-43 of the Town Code have been met by its prior conveyance of the Town's Recreation Center to the Town (new text **underlined**), payment of a Recreation Fee for the second and each additional lot..."

Ms. Conner made a motion to approve the Final Subdivision Approval resolution, as amended.
Ms. Finger seconded the motion:

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

Manitou Properties Co., LLC - Site plan application - NYS Route 9D, Cold Spring: Discussion

A site inspection of the premises, which is the subject of this site plan application, was conducted. Mr. Watson reviewed with the Planning Board the extent of improvements being proposed. A copy of the Traffic Study prepared by VHB Engineering, Surveying and Landscape Architecture, PC was provided to members by Mr. Watson.

The Board inspected the various areas of the site where improvements are planned. Various matters were discussed by those present.

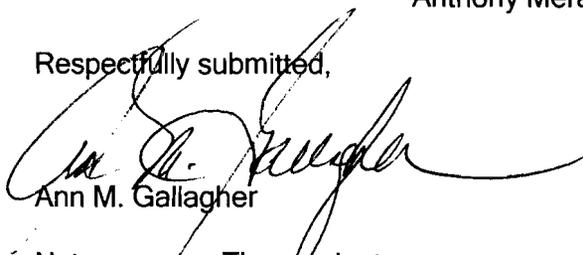
It was noted that, since the requested Traffic Study has now been provided, which the Board had made a condition for scheduling a public hearing on the matter, a Public Hearing on the application would be held at the September 19, 2013 Planning Board meeting.

Adjourn

At the conclusion of the Manitou Properties Co., LLC site inspection, Mr. Merante made a motion to adjourn the meeting. Ms. Finger seconded the motion. The meeting ended at approximately 10:00 am. The vote was as follows:

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

PHILIPSTOWN PLANNING BOARD

TOWN OF PHILIPSTOWN, NEW YORK

RESOLUTION PPB # 12 Open Space Conservancy, Inc. 3-lot subdivision. 60.003 +/- Acres of Land located along the west side of NYS Route 9D. Tax Map # 17.-1-13.11.

WHEREAS, Open Space Conservancy, Inc. owns a parcel totaling some 60.003 +/- of acres located on the west side of NYS Route 9D in the Institutional Conservation (IC) and Rural Conservation (RC) Zoning Districts; and

WHEREAS, an application was made by Open Space Conservancy, Inc. to the Planning Board of the Town of Philipstown for approval of a 3-lot residential subdivision; and

WHEREAS, the Planning Board completed SEQRA review for this project, a duly advertised public hearing has been held, referral of the application pursuant to GML §239-n has been duly made to the County Planning Department, which responded with approval of the project; and

WHEREAS, the Planning Board carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials; and

WHEREAS, the applicant has submitted the following amended subdivision plat materials for consideration by the Town of Philipstown Planning Board:

Author	Title	Last Revision Date
Badey & Watson Surveying & Engineering, PC	Subdivision Plat (2 sheets) showing the further Subdivision of Parcel A1 of Glencllyffe	June 5, 2013

WHEREAS, the Town Planning Board has been duly authorized to approve plat applications and to grant subdivision approval for property located within the Town and approve local wetlands permits; and

NOW, THEREFORE, BE IT RESOLVED, that:

I. Subdivision Approval:

- 1) The Planning Board finds that the applicant has met the requirements of Town of Philipstown Article 112 for grant of subdivision approval; and
- 2) The Planning Board hereby grants Final approval of the subdivision plat as depicted on the plans listed above subject to the following conditions:

- A. Presentation of a tracing and print of the final plat in accordance with Section 112-14C(1) of the Philipstown Code, including all required endorsements; and
- B. Labeling of the drawing presented for signature as a "Final" subdivision plat; and
- C. All required endorsements on the Subdivision Plat drawings; and
- D. Pursuant to Section 148-3C(2) of the Philipstown Code, the plat shall contain the approved street numbering on the Mylar signed by the Board for filing in the Putnam County Clerk's office; and
- E. Resolution of technical comments offered by the Town Engineer's office, as noted in memorandum of June 18, 2013; and
- F. A note shall be added to the plat to specify that the deed for lot 1 shall specify that public access to the trail within the property encompassing "Arnold's Flight" shall be allowed; and
- G. Resolution of any comments offered by the Town Attorney's office; and
- H. Bayswater Findings - Unless the Town Board determines that the applicant's responsibility to provide park and recreation areas under Section 112-43 of the Town Code have been met by its prior conveyance of the Town's Recreation Center to the Town, payment of a Recreation Fee for the second and each additional residential lot in the subdivision which does not contain an existing dwelling shall be collected by the Town in an amount then in effect as of the date the plat is presented for the Chairperson's signature, which fees shall be paid prior to signing that section to be filed in the County Clerk's office. The Planning Board has determined, based upon the present and anticipated future need for parks and recreational facilities in the Town [as calculated from projected population growth to which this subdivision will contribute], that parklands should be created as a condition of approval of this subdivision. However, because parks of a size adequate to meet the Town's requirements cannot be properly located on the subdivision plat or would otherwise be impractical thereon, the Planning Board, pursuant to Section 277(4) of the Town Law of the State of New York, hereby requires that the applicant deliver payment in lieu of parkland, by cashier's check or certified check drawn to the order of the Town of Philipstown in such sum as the Town Board shall determine. In this regard, since the Town Board has promulgated Chapter 71 of the Town Code fixing the amount to be paid in lieu of dedication of parkland at

\$5,000.00 and 00/100 Dollars for every additional lot created in a subdivision; such Recreation fee payment being 2 lots x \$5,000.00 for a total of \$10,000.00. Such amount shall be paid at the time the Plat is presented for endorsement by the Planning Board Chair, and before any on site work commences or building permits are issued, unless payment shall be deferred to a later date by agreement between the applicant and the Town Board; and

I. Payment of all outstanding fees for review and approval of this application.

3) The Chairman is authorized as officer of the Planning Board to endorse the final plat when Conditions 2A through I have been met.

4) Pursuant to Section 112-15A of the Philipstown Code, conditional approval expires 180 days after the date of this resolution granting conditional approval unless the conditions have been met and the final plat map has been endorsed by the authorized officer of the Planning Board. The Planning Board may extend, for periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

6) The endorsement of a final plat map expires 60 days from the date of such endorsement unless the map has been filed or recorded in the office of the Putnam County Clerk.

7) Promptly after an endorsed final plat map has been filed or recorded in the office of the Putnam County Clerk, the applicant shall deliver to the Town the five prints required in § 112-14C(2).

Adopted at a meeting of the Philipstown Planning Board on August 18, 2013.

PHILIPSTOWN PLANNING BOARD



Michael Leonard, Chairman

c: Richard Shea, Town Supervisor
Kevin Donohue, Code Enforcement Officer
David Klotzle, Wetlands Inspector