

Philipstown Planning Board
Meeting Minutes
February 21, 2008

The Philipstown Planning Board held its regularly monthly meeting on Thursday, February 21, 2008 at the VFW Hall on Kemble Avenue, Cold Spring, New York. The meeting was opened at 7:30 by the Chairman, Anthony Merante.

Present: Anthony Merante
Josephine Doherty
Michael Gibbons
Kerry Meehan
Andrew Pidala
Pat Sexton
Stephen Gaba, Counsel
Ronald Geiner, Planner

Absent: George Cleantis

Public Hearing

County Line Equities, LLC (continuation) - Application for site plan - 1467 Route 9, Town of Philipstown: Discussion/ draft resolution

Mr. Watson said that there really hadn't been a change to the plan since the last public hearing, so he didn't have much to tell the Board with regard to that. He said that they had met with the Zoning Board and that has been continued until March 10th. There are a couple of issues that were raised. Mr. Watson said that they are over on the parking and the reason is because in discussions with the officials in Town there was a desire to have some parking space for access to the trail. He said that they have four spaces. So they do have the possibility of reducing the coverage by four spaces - roughly twelve hundred square feet. Mr. Watson said that they prefer not to do that, but the Zoning Board wants them to do it. He said that they will make that change. Mr. Watson said that there was a question with regard to the septic system and his understanding was that there is a two thousand gallon tank and an eight hundred gallon cesspool. Behind the building that previously serviced all of the uses in there, which from his understanding included three apartments, a service station and a deli. He said that he did not know what the maximum combination was. Mr. Watson said that they started looking into the expected flow-through caused by the gas station area and their initial read on it is that eight hundred gallons a day is what the Health Department is going to look for in this kind of a situation, which is the design equivalent of a four bedroom house - two hundred gallons per bedroom per day. Mr. Watson said that they are looking into the possibility of not having public rest rooms. He said that they are not certain that that's a requirement. It's not required by the Health Department. They are having the Building Codes checks with regard to that. He said that other than that, nothing much has changed. Mr. Watson said that he had John Collins Engineer's backup report. He distributed it to the Board. Mr. Watson said that essentially, he concludes

that a couple of things that the traffic pattern/circulation as they've outlined it, is certainly an

Philipstown Planning Board
Meeting Minutes
February 21, 2008

improvement. It will work. Mr. Watson said that he will give him a specific recommendation and has made a recommendation with regard to no left-hand turn signs, but has not told him where they are. Mr. Watson said that without the facility being there, the intersection is going to operate at Level C in 2011. He projected it through traffic growth and came up with level service c, which is kind of the bottom line of adequate. There is some increase as a result of this, but it doesn't take it out of the level c category when he adds the increase traffic because of the service station/convenience store situation. Mr. Watson said that their DOT permit was approved, but when the Board wrote, they held giving them until they have the traffic report. He said that hopefully, that will come along in due course.

Ms. Sexton asked if Mr. Watson said they were thinking of doing away of a public rest room just to decrease the flow.

Mr. Watson said that if they are not required to have them and there's a question with regard to the capacity of the septic system, as has been raised at the Zoning Board meeting and they don't have to have them, they won't have them.

Mr. Gibbons asked, what about the employees?

Mr. Watson said public restrooms. He said that they will have employee. But an employee is not going to generate four hundred gallons of flow a day.

Mr. Gibbons asked if it was a factor of the number of people that would be using the restroom.

Mr. Watson said that they don't want them to do that. He said that they would like to have them. He said that if that comes to be the case, if someone tells them that they're going to be overburdening the soil with that and can't have that much (they don't believe that's the case), they will cut it down. They won't have it. They will have just private rest rooms for the employees. Mr. Watson said that it's not their plan - it's the reality that they have to face and he was reporting to the Board the concern that was expressed at the Zoning Board meeting and what frankly would be their only option if in fact if what was alleged is correct. Mr. Watson said that they don't think it's correct. They think that historically the building serviced far more than that's going to do. He said that four hundred gallons per toilet per day is eight hundred gallons. Mr. Watson said with regard to other water consumption, there is no food preparation being planned here. Everything is being brought in - wrapped sandwiches, coffee in urns - dispenser kind of things, and being sold for off-premises consumption. There will be no tables - nothing that will generate an extraordinary water use in terms of the product. Mr. Watson said that they are confident that they'll be o.k. with the septic system. He just wanted to report that to the

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Ms. Sexton asked Mr. Watson if he would repeat the calculations.

Mr. Watson said that he didn't remember which member of the audience raised the issue. He said that he had engineers at his office check...this is stuff they do all the time. Mr. Watson said that there's a blue book that the State puts out that you go into to get these kinds of figures and there are other sources.

Ms. Sexton said, but no paper presentations and there's no engineers report to this.

Mr. Watson said no.

Ms. Sexton said so somebody from the audience brought this up.

Mr. Watson said yes. He said that he did not believe there was any expert testimony to the audience.

Ms. Gibbons said that apparently, Mr. Watson's office doesn't have time to do the calculations at this point.

Ms. Sexton said that he did do them.

Mr. Watson said that you don't really do a calculation in that - there's a standard that's applied that the Health Department comes up with, so they inquired and looked in the books and came up with that number.

Mr. Gaba asked how big the gas tanks were.

Mr. Giachinta said that there are three six-thousand gallon and one four thousand gallon (bio-diesel fuel). He said that a neighbor was concerned about the bathroom and actually stated that a thousand people a day would be using the bathroom, so of course, everybody had that reaction. So Mr. Giachinta said that he said, "o.k., if we don't need them, we won't have them". It will be for employees only.

Mr. Gibbons said that the wetland permit expired and he asked where they stood with that.

Mr. Gainer said that it expired in January and has to be re-authorized.

Mr. Gibbons asked if they have re-applied.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Watson said that they have not re-applied. He said that they will re-apply.

Mr. Meehan asked how long Mr. Giachinta thought they would take to get through the Zoning Board.

Mr. Watson said that he would expect they will close the public hearing on March 10th, because he thought only one person raised their hand to speak and another person spoke when they were called to speak by a member of the Board. He said that you never can tell when the Board will extend the public hearing.

Mr. Merante said that this will continue from the Planning Board and is still in front of the ZBA, so the Planning Board is waiting on the ZBA.

Mr. Gaba said that the situation that they find themselves in is that the Planning Board is Lead Agency in a Coordinated SEQRA Review, which means that no other permitting Board, particularly the ZBA can act until the Board makes its SEQRA determination. He said that he knows it's very common for the Planning Board and most other Boards if a public hearing is required on an application to hold and close the public hearing, take SEQRA action and make a determination, but under the SEQRA regulations, the Board is not required to hold a public hearing before making a SEQRA determination at least as far as a positive or negative declaration. So procedurally, there is nothing stopping the Planning Board from making its SEQRA determination before it closes the public hearing, and in fact, that's the way they should really go, because they don't want to close the public hearing until the ZBA has acted and the Planning Board finds out whether they'll grant the variances or not. Mr. Gaba said that the Planning Board wants to get the SEQRA determination done as early as possible, provided the Board is comfortable with the information the Board has before it. He said that as per the Board's direction, he prepared a draft Part 2 to the EAF that was submitted by the applicant, and based on his analysis, a draft Resolution adopting a negative declaration. Mr. Gaba said that those are before the Board tonight and if it wants to put them off until next month, the Board can do that and look them over, or they can go over them tonight.

Ms. Sexton said that she thought the Board could go over them.

Mr. Gibbons said he doesn't mind redoing it.

Mr. Meehan said that he thought they should get it out of the way.

Ms. Doherty agreed.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Gibbons said that he did not know yet about adopting it, but he didn't mind getting a go-ahead on it. He said that he was concerned that there may be things from the ZBA hearings that could have an impact on this overall.

Mr. Gaba went over the Part 2. Everything was checked "NO" with the following exceptions:
#1 Impact on Land - will the proposed action result in physical change.... YES. Under "other impacts"- construction at intersection of two state highways - small to moderate impact.

Mr. Gibbons said that Annsville Creek is a class a stream. He asked if any of the drainage was being discharged into Annsville Creek.

Mr. Watson said yes.

Mr. Gibbons asked if number three would be yes.

Mr. Watson said that it is a protected stream at some point, but he didn't know where the designation changes. It may be right there. He said that they will take a look at it. Mr. Watson said that there will be a Part 3 on this, so if the Board wants them to look at it, check yes.

Mr. Gaba said that it should be checked yes. He said that he did not think they were doing a part 3 on this.

Mr. Watson said that the way they've always done it was they adopted a Part 2 and then he responds to it with Part 3.

Mr. Gaba said that he thought the Board would be more comfortable with that.

#3 - ----- "YES" - Potential large impact.

#5 - Will proposed action affect surface or ground water quality... "YES" -

Mr. Ron Gainer said that he would also suggest under the fifth bullet (potentially adversely affect ground water) it is checked - small to moderate impact (for the issue of the underground storage tanks).

#6 - Will proposed action alter drainage flow or patterns or.... - "NO"

Mr. Gaba said that he checked "NO", as he did not think they were making any substantial change to the amount of paved area on anything, but perhaps he was mistaken on that.

Mr. Watson said that they are not and they are using all existing drainage. He said that the

Philipstown Planning Board
Meeting Minutes
February 21, 2008

applicant did put filters on the catch basins.

Mr. Gibbons asked if the amount of runoff was going to increase because of the increased in paved surface.

Mr. Watson said yes, but the increase in impervious is very little in terms of absolute square feet.

Mr. Merante said that it was also asking about altering.

Mr. Watson said that they are not altering any drainage patterns.

#7 - Will proposed action affect air quality - "NO"

Mr. Watson said that with regard to the Zoning Board minutes, there was a question of fumes from the gas from the neighbor. He said that he thought it should be checked "YES" for that. He said that they have vapor recovery systems in the pump and the tanks.

Mr. Gaba said that under "Other Impacts", they'll add in idling vehicle fumes from storage system.

Mr. Gainer asked Mr. Watson if he was directing that to Column One or Column Two.

Mr. Watson said that he would put it with Column Two.

#8 - Impact on Plants and Animals

Mr. Gibbons asked Mr. Watson if he would submit the typical letter to DEC for that stuff.

Mr. Watson said that he believed so, yes.

Mr. Gibbons said that nothing came back.

Mr. Watson said that he would have to check. He said that he did not think so.

Mr. Merante asked if they normally would have to submit a letter or there had to be some indication.

Mr. Watson said that the Board would see this on a later application, but when they do the Part 1 of the EAF, they have a standard letter that they right. He said that there is a website and they

can get a report, which says either that there is reason to be suspicious or not.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

#11 - Will proposed action affect aesthetic resources - "YES" - proposed land use for project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment ----- (of these set) of qualities of that resource.

Mr. Gaba said that in looking at the draft Negative Declaration, the Board will see that this particular site is controversial because it is the gateway to Philipstown and the visual impact to the proposed changes are a major issue. He said that it may not be a view shed in the common sense of the word, but certainly in terms of driving into the Town, it is something the Board is going to be concerned with how it looks and it is going to affect development of nearby properties. He said that he indicated "small to moderate impact" based on Mr. Watson's presentation that the canopy in particular is difficult to see coming and going, but the Board could add it to "potential large impacts", certainly it could if it was so inclined.

Mr. Watson said that the basic difference there is if the Board wants it discussed in the document.

Mr. Gainer said that it's easier to call it Column Two and let it respond to the records.

#13 - Will proposed action affect the quantity or quality of existing or future open space or recreational opportunities - "NO".

Ms. Doherty said that she was going back to the Appalachian Trail - question number twelve.

Mr. Watson said that it is not a national registered property.

Mr. Gainer said that it may relate to question number thirteen.

Mr. Gaba said that it may relate to question number eleven also to some extent. He said that they could put it in under "other impacts", under eleven - proximity to Appalachian Trail. Mr. Gaba said that open space and recreation certainly would come under as well.

Mr. Watson said that it is actually a new route. He said that the Appalachian Trail used to cross down by the Stadium and it was moved about twenty years ago, so there's nothing historic about that section of the trail.

Mr. Gaba said, but under question thirteen - open space and recreational opportunities...they're going to have to comment on question eleven anyway. He asked if with regard to the proximity

to the Appalachian Trail it would be small to moderate or potential large.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

The Board agreed “small to moderate”.

Mr. Gibbons referred to question number thirteen and asked if Mr. Watson was saying that it is permanently foreclosing the future recreational opportunity of the Appalachian Trail.

Mr. Gaba said no, under “other impacts”.

Mr. Gibbons said that he guessed they were going under the quality aspect.

Mr. Gaba said that if you’re walking along the Appalachian Trail and look over and there’s an ostentatious commercial show, he thought it detracted from the experience, whereas if it’s done in a more subdued manner....the house on there seems to fit in pretty well with what they’ve got.

Mr. Gibbons said o.k.

Mr. Gaba said that the only other issues he thought were the sign and the canopy.

#14 - Impact on Transportation

“Will there be an affect on existing transportation systems” - “YES”

Mr. Gaba said that he checked “YES”, mostly because they just got the traffic study in now. The ingress and egress presents a problem. He said that he did not think it was going to be a destination site. Mr. Gaba said that he thought it is going to drive customers from the traffic that’s existing along the roadways, but not withstanding that, it’s a tough spot.

Mr. Gainer said that he would probably still check off Column Two, just to allow them to respond and they can pull in the conclusions from the traffic study that the Board just received.

- Noise and Odor Impacts

“Will there be objectionable odors, noise or vibrations...” - “NO”

A brief discussion followed.

#18 - Will proposed action affect public health and safety - “YES”

Mr. Gaba said that he checked “yes” ...may cause risk of explosion or release of hazardous substances, i.e. oil, in the event there was a leak in the tanks.

The Board agreed it should be checked “Potentially large”.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Will proposed action affect the character of the existing community - "YES"

Mr. Gaba said that the only reason he checked "yes" was the potential aesthetic and visual impact of this use that's permitted in the district, subject to site plan, it's been put to this use before. He said that he checked the bullet - proposed action will set an important precedent for future products in the overall appearance.

Mr. Meehan asked about the third bullet - "proposed action will conflict.... He said that there's a lot of talk about the Comprehensive Plan.

Mr. Gaba said that there is really nothing in the Zoning and he did not think there was anything in the Comp Plan which speaks to the issue of how things should be developed in that corridor.

Mr. Watson said that he told the Board that only two people spoke from the public, and in fact, Mr. Prentice also spoke positively and quoted from the Master Plan that it specifically identified this site as a site that should be developed commercially.

Mr. Gaba said that's why you wouldn't check "no".

#20 - "Is there or is there likely to be public controversy related to potential adverse environmental impacts?"

Mr. Gaba said that it isn't so much controversy as it is a lot of information. The Board has heard from the public quite a bit here and he knew the ZBA has had substantial...so he checked "YES" more to air on the side of caution.

Mr. Merante asked if there was any discussion on the adoption.

Mr. Gaba said that when you adopt a Part 2 and find more than one potentially large impacts, the Board has two choices. It can either issue a positive declaration requiring an environmental impact statement to be prepared, which he did not think the Board would want to do here. Or it could require a Part 3 be put together addressing in particular, the items that are identified as potentially large impacts. If the Part 3 of the EAF satisfies the Board's concerns that there will be no adverse environmental impacts from the project, then the Board can go ahead and adopt a negative declaration. If the Part 3 doesn't satisfy the Board, then it has to adopt a positive declaration and they have to do an EIS at the end of the day. Mr. Gaba said that adopting the Part 2 - finding potential large impact is not the same as adopting a negative declaration.

Mr. Gibbons asked what the Planner had to say.

Mr. Gainer said exactly as it was described by the attorney. He said that the intent of the Part 2

Philipstown Planning Board
Meeting Minutes
February 21, 2008

is just to further evaluate potential adverse impacts and then direct a further study be done. That study's done in a Part 3 statement, which is typically done by the applicant and any potential large impact that the Board's identified from the Part 2 review, it's the applicant's charge to identify what's necessary for mitigation that's going to be evidenced on the plans the Board ultimately review for approval.

Mr. Gibbons asked Mr. Gainer if he would recommend that the Board adopt this without the wetlands permit being in place.

Mr. Gainer said that he did not think that was any specific concern.

Mr. Watson said that you can't issue the wetlands permit until the Board adopts it.

Mr. Meehan said that his biggest concern was if they don't get their variances.

Mr. Gainer said that the Part 2 statement only is an extension of the environmental review - it doesn't conclude the review to any way, shape or form.

Mr. Meehan said, but if the Board tells them to go ahead and do all the additional studies and he can't get through the Zoning Board, then what happens?

Mr. Gainer said that it is totally at the applicant's peril, Mr. Meehan is right.

Ms. Doherty said that she did not see anything wrong with adopting it tonight. She said that whenever the applicant decides to provide a Part 3 is entirely up to the applicant.

Ms. Doherty made a motion to adopt the Part 2 as amended by the Board. Ms. Sexton seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	Absent
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		Recused
Pat Sexton	-	In favor

The Board agreed to continue the public hearing next month.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

application/discussion

Mr. Watson said that they are seeking the re-adoption of the Board's previous Resolution approving a self-storage facility. The site plan has not changed from what was previously approved. Mr. Watson said that they have gotten the DOT permit and have gotten Health Department permit. Bibbo has reviewed it for the Board and the applicant has satisfied their conditions. Mr. Watson said that there will be significant drainage structure on the back of the property from the stormwater pollution prevention plan.

Mr. Gainer said that the operative take on memorandum from Bibbo was the one from January 18th that the Board received last month. He said that they acknowledge in that letter that the plans have resolved their prior comments. So the requirement of the Board is to, if it is so disposed, close the public hearing and then take action to re-affirm the prior negative SEQRA declaration it had passed and if it wished to re-affirm the prior site plan approval which it had acted on the original application.

Mr. Merante asked if there were any comments from the Board.

There were no comments.

Mr. Merante asked if there were any comments from the public.

There were no comments.

Ms. Doherty made a motion that the Board close the public hearing. Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	Absent
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		Recused
Pat Sexton	-	In favor

Ms. Doherty made a motion that the Board re-affirm the SEQRA declaration and site plan approval. Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	Absent
Josephine Doherty	-	In favor

11

Michael Gibbons	-	In favor
-----------------	---	----------

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Kerry Meehan	-	In favor
Andrew Pidala-		Recused
Pat Sexton	-	In favor

Mr. Pidala joined the table again.

Louis Lanza (continuation) - Approval of a three-lot subdivision - Nelson Lane, Town of Philipstown: Submission of revised materials/discussion

Mr. Watson presented a plan and said that the Board was looking at the rendered copy of what it saw last month. He said that there were comments that they addressed. Mr. Watson said that they received a subsequent letter from David Klotzle, who has changed his mind with regard to what he had thought was a run-off and decided that it was in fact, a stream that was regulated that came through by the driveway (pointed out). So they went out and located the stream and they revised the plans. Mr. Watson said that they located the stream, they added the additional wetland buffer to that, removed the house and the driveway on Lot Three further to the south. He said that they re-routed the driveway to go through an existing break in the stone wall and over that intermittent stream to get to the house. Mr. Watson said that they addressed some engineering issues and did get a comment letter today. He said that he went through it very quickly with one of the engineers in the office. There are some deep engineering details, but didn't seem like there's an awful lot that they need to be concerned about. Mr. Watson said that they had submitted it to Bibbo before and a package to them because they had previously reviewed it and they assumed he would be continuing.

Mr. Merante said that he had a letter from Bibbo saying that they had not received plans in response to the November 29th comments and received a letter dated February 7th in response to that. Mr. Merante asked if they were saying they got one today.

Mr. Gainer said that Mr. Merante should have one with today's date from Bibbo. He said that it still identifies some technical issues to be resolved.

Mr. Watson said that it would require modification to the wetlands permit as they originally envisioned it. He said that some of the comments they believe do not really need an explanation of what they're doing as opposed to a correction. Mr. Watson said that Mr. Gibbons had asked and they did specify a guide rail along the steeper side of the road.

Mr. Meehan asked what kind of guide rails they were putting up.

Mr. Watson said posts.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Meehan asked if they were wood posts.

Mr. Watson said that he forgot.

Mr. Gainer said it's on six foot spacing. He said that it doesn't show any horizontal numbers to tie it typical bumper height.

Mr. Gibbons said -----Fort Defiance Hill.

Mr. Watson said that he didn't remember that, but if they wanted cross ties, they'll put cross ties.

Mr. Meehan said that you can see it from the driveway, so they might want to have something that looks pretty nice.

Mr. Gibbons asked Mr. Watson what the proposal was for crossing the road going over the two streams that have been identified.

Mr. Watson said just culverts.

Mr. Gainer said that they've identified fifteen inch culverts with some spill in basins on the outward side. He said that he hasn't provided any form of written documents, but he anticipated it's being directed at the applicant's representative. There are a few additions beyond what he saw. Bibbo had identified as needed revisions to the plan. Mr. Gainer said that would be one. He said that they looked for some specifics on calculations for sizing of facilities because they don't have any basis to say that they're appropriate. He said that certainly the applicant can provide that to the Board to satisfy its concern that they're properly sized and designed. Mr. Geiner said that was his -----with the guide rail itself, because it would appear that along the driveway just from the cul-de-sac on, it looks like that should be extended because there's an immediate drop along the whole driveway and certainly if it is along the private road, it should continue for any of that area.

Mr. Watson said that it is really not as steep as it looks there.

Mr. Gainer said that they did show the wall to be six feet high. He said that maybe it's not what they require, but it's what his detail indicates and for any drop of that sort, he should have some vehicular protection, just as with the common drive in. Mr. Gainer said that obviously there's an easement involved in the access for all lots, but documents should be prepared and submitted to the Town for their attorney to review. He said that if the Board was so disposed, it could easily

close the public hearing.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Ms. Sexton asked Mr. Watson sent someone out to look after all the rain, at what Mr. McConnachie was complaining about with regard to the drainage being increased. She said that the last time Mr. Watson had explained about impervious surfaces, but the truth of the matter is that the water is still running down onto her property - down Nelson Lane.

Mr. Watson said that he did not go out to look.

Ms. Sexton asked if someone would check that out or check with her - either the Town, if it's a Town drain, if they can do something with it.

Mr. Watson said o.k.

Mr. Merante asked if there were any comments from the public.

There were no comments.

Ms. Doherty made a motion to close the public hearing. Mr. Meehan seconded the vote. The vote was as follows:

		Anthony Merante	-
		In favor	
George Cleantis	-	Absent	
Josephine Doherty	-	In favor	
Michael Gibbons	-	In favor	
Kerry Meehan	-	In favor	
Andrew Pidala-	In favor		
Pat Sexton	-	In favor	

Mr. Gaba said that he prepared a Part 2 as per the Board's direction and asked if the Board wanted to go over it.

The Board agreed to go over it.

Mr. Gaba went through the Part 2. All items were checked "NO" with the following exceptions:

Impact on Land

1. Will proposed action result in physical change to project site? "YES"

-Other impact - development of existing open space - Small to Moderate impact

Mr. Gainer said that the first bullet should be checked because there is some building inspection

and construction on steeper slopes. He said that he would suggest the second column be checked

Philipstown Planning Board
Meeting Minutes
February 21, 2008

so the applicant can respond to confirm his required litigation.

3. Will proposed action affect any water body designated as protected? “YES”
Mr. Gainer said to check column two so the applicant can respond to the issue.

5. Will proposed action affect surface or ground water quality or quantity? “YES”
Mr. Gainer said that the way these are typically completed is for any bulleted items that have physical limitations or thresholds on them, if you fall below the threshold, but there’s an impact, you’d typically check column one, which defines “small to moderate”. If you hit the threshold or exceed it, it becomes a column two and the applicant responds. Mr. Gainer said that he would identify which of the bulleted items would probably get a column one designation. He said that the third and fifth ones should be checked - “small to moderate”.

6. Will proposed action alter drainage flow or patterns of surface water runoff?
“YES”

Mr. Gainer said that the first bullet talks about erosion, and that’s typically checked in column two.

Mr. Merante asked with regard to question 20 - the third box, and now knowing at this time, how it would be addressed.

Mr. Gaba said that the way the SEQRA regulations are drafted, they are supposed to make at the earliest possible time a negative or positive declaration. He said that most boards don’t do it as soon as immediately possible - they defer it to get more information often until a Part 3 is done. Mr. Gaba said that if the Planning Board was one of those boards who as soon as it came in, tried to undertake SEQRA, it would probably be a box to be checked.

Mr. Merante asked if the Board had any questions on the Part 2.

Mr. Gibbons made a motion to adopt the Part 2. Mr. Pidala seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	Absent
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Vamco Realty - Application for site plan approval - 3090 Route 9, Cold Spring: Discussion

Mr. Gemmola stated that they have added the comments they received today and added some notes on the bottom of the drawing - 7, 8, 9 and 10. He said that there was a comment from

Bibbo Associates about the lighting and landscaping and the site lighting appeared to be

Philipstown Planning Board
Meeting Minutes
February 21, 2008

insufficient. Mr. Gemmola said that the letter went on to say that depending on the hours of operation, that might affect the Board's decision. He said that they added the hours of operation. The office is open 9 a.m. to 4:30 p.m and the shop is 7:00 a.m. to 3:30 p.m.

Mr. Gainer asked if Mr. Gemmola identified the days per week it is open.

Mr. Gemmola said Monday through Friday.

Mr. Gainer asked if he would amend his note to include that.

Mr. Gemmola said that they feel there is more than enough illumination and they are trying to keep that down. He said that they did submit a photometric, which he believed Bibbo looked at in terms of the hours the owner feels are sufficient and certainly the comments they received at the last meeting about no additional elimination and something about the utility companies had added floodlights, so they put a note that there would be no additional illumination. Mr. Gemmola said that they tried to keep everything on the wall downward, very low intensity and he thought they had the sodium lights, which the Board recommended. He presented a photometric which specifies the lighting. Mr. Gemmola said that he believed they had adequate lighting for the site. He said that there was also the landscaping and fencing, which Bibbo had no problem with. Mr. Gemmola said that the CAC had commented and they added quite a bit of wetlands mitigation to the blacktop that was removed and also for the area to the north of the building where they were displacing some storage with some graveled area behind the fence. They added six arborvitae as requested at the last meeting along the northeast corner to basically shield the gravel. They added a note on the plans to maintain Clove Brook free from debris and dictolitarious material. Mr. Gemmola said that on the propane tank they added a note that they would shrap it and provide a concrete pad below it. The original tank, which was oil for the main building, was being removed from the rear and is going to be put inside the building. He said that the one item for ingress/egress with tractor trailers...they had showed the movements for that and it is a difficult move, but you can get a tractor trailer in. The owner was requesting that if they could provide that approximately eight times a year, and it would be an early a.m. hour - off peak-traffic, probably 6-7 a.m.

Several Board members stated that it was not off-peak.

Mr. Gemmola said that they would certainly...the time would be...but eight times per year - the rest is usually box trucks or flat bed trailers.

Ms. Doherty said that Mr. Gemmola showed how they were getting in. She asked how they were going to get out.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Gemmola said that probably they back out and then maneuver around and out.
Ms. Doherty asked if they would go south that way.

Mr. Gemmola said that they showed they can go north or south. He said that it is not an easy maneuver, but they do it.

Mr. Meehan said that he did not know about going south. He said that he'd have to say north only.

Ms. Doherty said that she did not see how they could.

Mr. Gemmola said that they could put that in.

Mr. Gainer said that the traffic plan should also be modified to illustrate how a southbound vehicle coming off the 84 corridor could get into the site as well. He said that apparently, it only illustrates the movement heading northbound. Mr. Gainer said that the Board should fully appreciate what's necessary to get a vehicle out.

Mr. Meehan said that it depends upon where his trucks come from.

Ms. Doherty said that she was not comfortable with it at all.

Mr. Meehan said that he did not think the entrance was wide enough for a tractor trailer to get in.

Ms. Doherty said that it is not.

Mr. Gainer said that he thought once the yellow space turning movements from the other direction, it may identify the need to widen the throat.

Ms. Doherty asked if there was any other way they could do business without it.

Mr. Gemmola said that it will just be flat bed or box truck, but that's a mandate.

Ms. Doherty said that again she had a real problem with it. She said that it happens at least a few times a week - each of them will come across a tractor trailer backing out onto Route 9.

Mr. Pidala asked if they could widen the driveway - the entrance.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Gemmola said yeah, sure.

Mr. Pidala said so if he could show on paper the trucks coming both ways...if he has to widen it, widen it.

Mr. Merante said that the thing is that promises or statements...the Board has had that before. He said that the Board wants to get it right on the plat.

Ms. Doherty said then what do you do when the Board goes ahead and approves it and then the tractor trailer drivers are coming in and it is so much easier to back out onto Route 9.

A brief discussion with Mr. Gemmola and several Board members followed.

Mr. Gainer said that the Board should await to see the illustration and vehicular access from any direction and then it can work with the applicant's representative to come up with a note to identify that prohibition.

Ms. Doherty asked if it was a prohibition. She said that the note now says it's going to be limited to an estimated eight times a year.

Mr. Gainer said that's just talking about the specific issue of even access. They still want to have a very clear note that says no backing up into the right-of-way will be permitted.

Ms. Doherty said, and how do you enforce that.

Mr. Gainer said all he wants to do is at least express the Board's intent. It's going to have to evolve into CEO action. The action happened subsequent to the Board review. He said that the Board wants to make sure its conditions of approval, so that should also identify - it's not yet going to identify to the applicant, as to time of day for any of those large vehicle deliveries. That should be tied down as well.

Mr. Gainer asked if the Board had asked for public comment.

Mr. Merante said yes.

Mr. Gainer said that they've already mentioned that the days of operation should be identified. He said that he suggests that the Board seeks to know the number of employees on the site - both existing and proposed, just so there's a basis to understand whether there's going to be any future

impacts on the onsite water or sewer systems and whether there's any need to review those.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Ms. Doherty said that she thought they did that already.

Mr. Vamco said that they have ten employees.

Mr. Gainer asked if a referral County Planning had been done.

Mr. Merante said that he did not think so.

Mr. Gainer said that they would work with the secretary to assure it is done. He said that the Board should see standard notes that the DEC ---- bulk storagethey are all going to comply with their regulations just to assist the village department when it comes in to the Town of a building permit. Mr. Gainer said that typically, he thought the Board might want to see a standard landscaping note to illustrate that nursery stock will be used and that it's the applicant's obligation to replace any dead and dying facilities if it's ever identified.

Ms. Doherty said and if they don't, then it is a violation of the site.

Mr. Gainer said yeah, if they put the note on the plat as a requirement, non-compliance is a violation.

Mr. Gibbons asked if Mr. Gemmola knew if there was deer on the property coming through. He said that they might be replacing the arborvitae on a yearly basis. Mr. Gibbons said that it is candy cane to the deer.

Mr. Gainer said that they could identify them. He said that the plan should always clearly identify where outdoor storage will occur so the Board knows what limitations are placed and where he can put any facilities that are not enclosed. Mr. Gainer said then the Board can be satisfied with the mitigation they are requiring for landscaping is appropriate.

Ms. Sexton said that even though the Board was talking about lighting, in the letter from Bibbo, it clearly states that the sight lighting is insufficient. She asked if there was some way to address that. Ms. Sexton said that it says it is insufficient in existing parking and says that the Board may want to consider light poles along the edging of the existing parking on the south side of the property with the fixtures aimed to the building.

Mr. Gainer said that he was surprised by that comment, as it is not the obligation of the Board to identify an increase of lighting. He said that typically, they'd be mostly concerned with exterior impacts. Mr. Gainer said that the lighting plan surely doesn't show any high intensities along the

edge of the corridor or the adjacent property. He said that the other issue is really the light packs

Philipstown Planning Board
Meeting Minutes
February 21, 2008

they're putting in the walls. Mr. Gainer said that it looked to him that the ones they identified did not have any external shielding to prevent...even though the lighting intensity is not strong at the property line, there's no shielding to prevent any glare. He said that he and Mr. Gemmola could talk about that directly if he wished.

Mr. Gemmola said that's fine.

Mr. Merante asked if the Board should hold this application open until it gets a satisfactory answer with regard to the ingress/egress issue.

Mr. Gaba said yes. He said that if the internal circulation doesn't work, he didn't know even if the Board put a condition in there if it is going to be enforceable. Mr. Gaba said that he was not sure where they were going to go with that.

Mr. Merante said that was a big question and thought the Board would continue this until it received that answer.

Ms. Doherty said that the one other thing with the tractor trailers...their experience has been often, if they can't quite get into the site, they'll have a tractor trailer parked right along Route 9.

Mr. Gemmola said that they will try to show the Board that they can get it in and out.

Mr. Pidala asked if it would be too difficult to have one in and one out.

Mr. Gainer said that it really relates to the applicant's desire and what he can illustrate to the Board's satisfaction.

Mr. Merante asked if that was going to run up against DOT though.

Mr. Gainer said that he would have to present that to DOT. He said that obviously the problem is going to be enhanced to illustrate turning movements.

Mr. Gemmola asked if they wanted to just take an approval....box trucks and flat beds...to get involved with the DOT could be months.

Mr. Gaba said that if they had tractor trailers delivering now, how would they prevent them from coming in and delivering even with an inadequate turning radius inside the property.

Mr. Gemmola said to go through DOT and start to cut curb cuts is going to be expensive and

Philipstown Planning Board
Meeting Minutes
February 21, 2008

long term.

Mr. Merante said that the Board understands that, but it is going to need some sort of proof or substantiation that tractor trailers are not going to try to make this entrance.

Mr. Gainer said that Mr. Gemmola attempted to address the Board's concern by providing a turning on his plan. He said that what they are asking for is that it is still a State highway - a southbound vehicle would similarly get into and out of the property. He said that if he could do that, he'd be fine. It also would illustrate whether there's any DOT impact that they may have to mitigate with a permit application. Mr. Gainer said that the Board needs to know those things and the simple goal as he said before is to try to prevent an occurrence from happening. He said that they'd rather not go there - they'd rather know that the site access satisfies any potential delivery issue he may have.

Mr. Gemmola asked if there would be

Raymond and Erwin Ruckel - Application for two-lot subdivision - Warren's Landing Road, Garrison: Discussion

Mr. Watson said that this is a fifteen acre project and today are three parcels - a parcel just under two acres owned by Erwin Ruckel, one just over three acres owned by Clare and Raymond Ruckel and a large about ten acres is jointly owned by Raymond and Erwin Ruckel, who had inherited the property from their mother. The application is to take the blue parcel and re-divide the land so that instead of having three parcels, they have two parcels. Mr. Watson said that they are seeking approval under the Open Development Area Regulations because it is impractical for them to create a frontage for Erwin Ruckel's parcel. He said that rather than doing that, they are proposing a private road off of Beverly Warren Road - fifty feet wide. The Board walked it a couple of Sundays ago. Mr. Watson said that in conjunction to that, they are asking a waiver of two elements of the planning regulations. One, that the turnaround be provided at the end of the property. They would, in the alternate, put a requirement that suggests a requirement that a circular drive suitable for turning around of the fire truck be provided on that lot. Mr. Watson said that it doesn't need to be terribly wide and doesn't need to be paved, but it needs to be a large enough radius. He said that in order to maximize the distance of the driveway from the existing house that Raymond and Clare live in, they are asking for a waiver so they can set part of the right-of-way on a technical class three slope - it's the flat part above the class three slope. Mr. Watson said so since they were taking three parcels, re-aligning the lots so they end up with two - one potential house site on Erwin's property and the existing house on Raymond and Clare's property.

Mr. Gibbons said that he read Bibbo's comments and he doesn't necessarily agree with a couple

Philipstown Planning Board
Meeting Minutes
February 21, 2008

of the comments they have. He said that he had no problem with the way the plan is presented.

Mr. Gibbons said that they mentioned that they mentioned that the driveway portion of the road was close to the house.

Mr. Watson said that he thought the Board has seen that it is a practical location for the driveway. It is a little bit steep at the beginning, but they can grade that out - they are taking advantage of an existing road driveway that goes through those two pillars.

Mr. Gibbons said that the one thing the memo also indicating was that they had a concern about the two pillars and getting a car through there.

Mr. Watson said yes, he knew. He said that friends of his rent one of their houses where there is a similar pair of pillars, and you can get through there. He said that it was built a long time ago. Mr. Watson said that it is a pretty simple thing to move one over.

Ms. Sexton said that it says the building setbacks appear to cross the common proposed lot line between lot one and two.

Mr. Watson said that he didn't see it.

Mr. Gainer said that he thought they might have misunderstood the internal lot boundary lines.

Mr. Watson said maybe.

Mr. Gibbons asked if it was a right-of-way or a driveway.

Mr. Watson said that as a practical matter, it is going to be a one-house driveway. He said that it is technically going to be an ODA road, which requires fourteen feet. Mr. Watson said that fourteen feet is plenty for a single family - way more than you need for a single family house, so you could waive that down to twelve, which would be a more typical thing, or they'll build fourteen.

Mr. Gibbons asked if the applicant had any intention of expanding the number of houses on the property.

Mr. Watson said that at the beginning of the process with the client, they looked at the possibility of making four lots, then making three lots and it really is an impractical situation. It's not going

to happen. He said that the reason...if the Board looked at the other maps submitted with the

Philipstown Planning Board
Meeting Minutes
February 21, 2008

slope analysis on it, it would see immediately why.

Mr. Gibbons asked if Mr. Watson's client had no objection to indicating that they are not going to subdivide any further, they would really need to have it as a fourteen foot travel way.

Mr. Watson said that he discussed that with him.

Mr. Gibbons said that he was trying to throw that at the Planner and Chairman too.

Mr. Gainer asked the attorney if it was a matter that the Planning Board could waive. He said that the ordinance requires if you develop under the ODA regulations that the driveway access be fourteen feet wide. Mr. Gainer said that in this instance, statutorily, he needs to declare this an ODA to not provide the frontage on the rear lot. He said that it is only a single driveway - a one dwelling unit.

Mr. Watson said that Chapter 112's regulation - kind of the last thing in the book is that they're all waivable.

Mr. Gainer said that he knew it was in there, but he just wanted to hear that the Planning Board could act on it. He asked Mr. Gaba if he had seen it.

Mr. Gaba said they've done it before.

Mr. Gainer said that it sounds like the Board can waive that.

Mr. Gibbons asked if it could.

Mr. Gaba said if the Board proves the right way, yeah, that's the whole point of the ODA roads - the Board looks at them and determines that they're acceptable.

Mr. Merante asked if the Board discussed a conservation easement in any of this.

Mr. Watson said no.

Ms. Sexton said to Mr. Watson they don't have a square on the lots on Lot Two and the proposed septic tank crosses a property line.

Mr. Gainer said that he thought there was some mis-reading of plans. He said that it doesn't

appear to be crossing lines at all. He said that it is not the property line.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Ms. Sexton said that it says that they're supposed to submit drainage calculations and they haven't been submitted.

Mr. Gainer said that was suggested to the Board that obviously if the applicant's representative hasn't seen it, to provide it to them, but he thought for the public record, the Board wants to see this responded to so there's an appropriate paper trail.

Ms. Doherty asked if the six thousand foot buildable area was shown on the map. She said that she could see the square on the lot on both of them, but not the buildable area on parcel one.

Mr. Watson said she was right - they didn't show a box, but it is (inaudible).

Ms. Doherty asked Mr. Watson if he would put that on.

Ms. Sexton asked Mr. Watson if he would show the wells from now on as they are adjacent to the proposed septic system. She said that on some of the maps they are not there.

Mr. Watson said o.k.

Mr. Merante asked if the Board had any other comments.

There were no comments.

Mr. Merante asked if the public had any comments.

A gentleman from Garrison said that he was a neighbor of the Ruckels. He said that the Ruckels have been marvelous and this is a very sensitive area. It's near Constitution Marsh. He said that the family has been very generous and allowing people to go down and visit the marsh. He said that they're coming up on the celebration of Henry Hudson's trip up the Hudson and he would like to say it is a very sensitive piece of property and they hope that it remains as beautiful as it is.

Leslie Heneau, a neighbor of the Ruckels asked for clarification on the cul-de-sac. She said that she didn't understand why one would need or not need a cul-de-sac and needed clarification on the reason for that.

Mr. Watson said that the Zoning Law says that you have to have frontage on the street. He said

that the way this is configured, this lot (pointed out) can't have frontage on Beverly Warren

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Road. It doesn't make sense without creating a third lot. So the way the subdivision regulations provide for private roads in this Town, is most of the roads in this Town are private roads and they require a cul-de-sac at the end of them, simply to provide turning for delivery trucks or fire trucks. Mr. Watson said that here, it didn't make a lot of sense because it would require a fairly big cul-de-sac coming into this property - it's only serving one house, so they are saying that as a practical matter, they're asking for a waiver of that regulation. In the alternative, they would put a requirement on the map that they have to have a circular drive.

Mr. Gibbons said that the cul-de-sac requires a seventy-five feet of circumference, which is pretty substantial, so rather than clear cutting all those trees out of there for the one house, the Board is willing to consider having the circular, so that emergency vehicles can get out as well as get in.

Mr. Gainer asked if referrals were made on Ruckel.

Mr. Merante said that he did not believe so.

Mr. Gainer said that it is a statutory referral that must be done - to County Planning. He asked if the Board had any other comment from the site walk it conducted.

The Board members said no.

Mr. Gainer said that there were two other things he heard tonight. One was a question as to whether anything would be placed in a conservation easement or a wonder whether there would be a note on no further subdivision.

Mr. Gibbons said that it was contingent upon the roadway portion if they had to, but he would rather not...he thought the Ruckels certainly don't intend to subdivide this at any point in time. He said that he did know that the future owners after them might do so, but he was going to leave that conservation easement aspect up to them in their good conscience - not this Board forcing anything on somebody.

Mr. Gainer said that obviously the access is provided in a fifty foot right-of-way that represents the easement over the fronting lot. That's going to require some written document for permission for access and maintenance responsibilities. He said that should be presented and filed with the Board and reviewed by its attorney. Mr. Gainer said then it's just a matter of resolving the comments that came from the January Bibbo memo.

Ms. Sexton said that in the memo it does ask the small piece of land between the two existing tax

Philipstown Planning Board
Meeting Minutes
February 21, 2008

lots, it appears to be part of the total lot area for proposed Lot Two.

Mr. Watson said that the numbers were misread. He said that he guessed he did see that because he remembered that particular comment.

Mr. Gainer said that Mr. Watson would respond to it at least to put all the matters to rest.

Mr. Watson said yes. He asked if Mr. Gainer was going to continue with the review or would Bibbo (did not finish sentence).

Mr. Merante said that the Board agreed that Bibbo would complete whatever they had started. Mr. Merante asked if notification to the County had to be within thirty days.

Mr. Gainer said typically, yes.

Mr. Merante asked if the Board could contemplate closing the public hearing with that in mind.

Mr. Gainer said that he had no objection to that.

Mr. Merante asked the Board for comment.

There were no comments.

Mr. Merante asked if the public had any further comment.

There were no comments.

Mr. Chmar said that with a new Planner on board, he did not think they should necessarily say they would not force a conservation easement. He said that part of the Board's job as he understands it is also to try to achieve the best public outcome from this - meet the owner's needs as well as represent the community's needs. In a plan like this or any other in the future, he would hope the Board would consider, if it is legally possible, some degree of dialogue with the owner about what might be the best possible outcome to meet the owner's needs as well as meet the community's needs. Mr. Chmar said that in this case, obviously it's right next to a State park, managed by the Audubon Society. He said that he looks forward to talking to the Board about conservation easements because he doesn't think that everybody completely understands that they can be a good thing for all parties concerned.

Mr. Gaba asked if Mr. Chmar could introduce an idea to a land owner who may know nothing

about easements as well.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Chmar said that he has sat in on Planning Board meetings and other municipalities as well, where it has been a requirement for the subdivision to be approved - that a portion of the property be conserved.

Mr. Merante said that the reason he mentioned it was because of where it is contiguous to and he thought there may have been some discussion about it, but he didn't want to imply that they were trying to force anyone's hand.

Mr. Chmar said no, but the Board has all talked about trail usage on previous subdivisions before. That's another type of easement. Mr. Chmar said to the Board to please not forget that it is tool that is available to the Board.

Ms. Montgomery asked if Bibbo was completing the projects that are on the table right now and if that was determined by the Planning Board or Town Board.

Mr. Merante said that he did not have any direct direction from the Town Board on that. He just figured as a matter of decency and talking to Mr. Gainer, if they've already started something, that they would conclude it rather than have a new Planner come on to something that's half-way done. Mr. Merante said that if the Town Board wants to take a position on that, he would absolutely defer to them on that.

Ms. Montgomery said that it was discussed with one project and that they would finish that one project, but it wasn't clear.

Mr. Merante said only as in the discussion with Stantec and Ron, he decided that they would go this direction and Bibbo would complete whatever they had started.

Mr. Gibbons made a motion to close the public hearing. Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	Absent
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Mr. Watson said that he had one thing and presented a letter they received from the State

regarding endangered species, which obviously they don't have to address when they do Part 2,

Philipstown Planning Board
Meeting Minutes
February 21, 2008

but he has not been able to talk to the State. He said that there is a pile of endangered species in the river and horizontally, they are pretty close to that. Mr. Watson referred to the map and said that the Board would see their property is not covered by any of the hatching, but it is adjacent to a lot of it, so they will have to discuss the Part 2 in Part 3 of the EAF. He said that he would be following up with the State to make sure they address it correctly.

Mr. Gainer said that he also told Mr. Watson to ask his client, the desirability of whether they would show up or any kind of protection or easements over the property.

Mr. Watson said that he would certainly discuss that with him, but his normal conclusion is that, from a tax point of view, they want to do that voluntarily.

Mr. Gainer said that it will always be voluntarily. He said that he was just saying he might recognize some desirability based on this.

Mr. Watson said that he did have the report and would discuss that with him.

Correspondence

East Mountain Holdings LLC - Minor Subdivision - Hustis Road, Cold Spring: Submission of letter from applicant/request for second ninety-day extension

Mr. Merante said that this arose effectively because of the problem the Board had with a Planner and now they have a Planner on board. He asked if the Board had any comments.

Mr. Meehan asked if Mr. Merante remembered when the Board granted extensions for other applicants with regard to the stormwater regulations and he asked if that should be considered for the "re-resolution". He said because that's quite a driveway up there and there are flooding issues.

Mr. Gaba said that this is different than those. He said those were requests the Board re-approved - approvals that had previously been granted. Mr. Gaba said that the Board really doesn't have a basis to do it. He said that it is a statutory extension and unless there's been some major change in circumstances (did not finish sentence).

Mr. Gibbons made a motion to grant the second ninety-day extension. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	In favor

28

Josephine Doherty	-	In favor
-------------------	---	----------

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Michael Gibbons - In favor
Kerry Meehan - In favor
Andrew Pidala- In favor
Pat Sexton - In favor

Teichman/Strohm - Application for approval of access - Frazier Road/Coyote Rise, Garrison: Discussion

Mr. Gaba said that Teichman/Strohm came in last time and the issue was the age of the roadway.

Mr. Merante asked if the Board sent them back to the ZBA.

Mr. Gaba said that they were going to send them back to the ZBA and they said “don’t send us back to the ZBA - we want to talk with your attorney and think they could convince them that the Planning Board could grant this”. Mr. Gaba said that they couldn’t convince him. In fact, they now agree that they have to go to the Zoning Board and they’ve asked, as the Board was going to do last month, they now refer them to the Zoning Board so that they can seek a determination regarding the age of the roadway. In the event that they don’t get that determination, they’ll come back to the Planning Board and seek an ODA approval from the Board. Mr. Gaba said that he would send over the referral letter.

Mr. Gibbons made a motion that the Planning Board refer the applicant to the ZBA. Mr. Pidala seconded the motion. The vote was as follows:

Anthony Merante - In favor
George Cleantis - In favor
Josephine Doherty - In favor
Michael Gibbons - In favor
Kerry Meehan - In favor
Andrew Pidala- In favor
Pat Sexton - In favor

Regular Meeting

Edward L. Ochsenschlager - Approval of a two-lot subdivision - 398 Route 301, Cold Spring: Submission of letter requesting that a negative declaration, wetlands permit and conditional final approval be adopted

Mr. Watson said that the two issues that remain here was the sight distance issue that Tim Miller’s office raised with regard to this - the westerly driveway, and the bridge. He said that they contacted DOT. They’re requirements for the driveway for the house is the same as for the barn. They’ve written DOT, asked them to clarify that, submitted a set a plans and are expecting

they are going to say it is alright to use it. Mr. Watson said that they’ve also submitted an

Philipstown Planning Board
Meeting Minutes
February 21, 2008

application to DEC with regard to the bridge replacement, so they are seeking for the Board to wrap this up and thought the Board could give them a conditional approval on obtaining satisfactory evidence from DOT that they're o.k. with the driveway and repair the bridge. Mr. Watson said that other than that, he thought all the other issues were long gone. Mr. Meehan said that the only comment the CAC said concerning the bridge was non-toxic preservatives he used on it. He asked if Mr. Watson received that.

Mr. Watson said yes. He said that he'll put that on the plan.

Mr. Merante asked Mr. Gaba for his recommendation.

Mr. Watson said to at least get direction for the Board's consultants to prepare what the Resolution is going to be, so they can get this taken care of next month.

Mr. Gainer said so the Board can put it in the motion, one is the DOT approval for the access, the DEC wetlands permit just to verify that a note's been added for the use of non-toxic preservatives on the bridge. He said that he did not see that they responded to Bibbo's comments and should have something in the record that documented that those have been resolved and the Board should confirm the required county referral. Mr. Gainer said that the Board still has SEQRA to resolve as well.

Mr. Gaba said that he thought they know about the project, but if the Board would just direct that the Resolutions be prepared for next month and they can go through the Part 2 and if they need to amend them based on what they do going through the Part 2, they can certainly do that.

Randi's View (Padilla) - 2-lot subdivision - 1478 Route 9D, Garrison: Revised materials

Mr. Watson said that the Board had scheduled a site visit, but did not know if the Board ever took it.

Ms. Doherty and Mr. Merante said no.

Mr. Watson said that they have a comment letter from Bibbo a couple of months ago. The submission the Board got responded to they thought all of them, but not quite because they got another comment letter today with a few things. Mr. Watson said that most of them are minor and they will certainly address them.

Mr. Merante asked if he had the letter with him as the Board does not have it.

Mr. Watson presented the letter to Mr. Merante. He said that there is a section of slopes which

Philipstown Planning Board
Meeting Minutes
February 21, 2008

needs to be hatched that they missed. Mr. Watson said that they want them to grade the driveway out and have specified that it's to be relocated and similarly to the driveway behind the garage a limit of disturbance line that they failed to include the septic system, which they will correct. Mr. Watson said that he wants erosion control for Lot One where there's ongoing construction, which they will add. He said that a limit of disturbance for Lot Two should include the SSTS. Mr. Watson said that a total area of disturbance should be provided and the speed limit of Indian Brook should be posted on the plan, all of which they will take care of.

Mr. Pidala asked if the new driveway he was making was fourteen percent.

Mr. Watson said yes.

Mr. Pidala asked if it was all the way.

Mr. Watson said no.

Mr. Gainer said it's the majority. He said that he would say that less than a hundred feet is going to be less than fourteen percent. Mr. Gainer said that most of it, it's length is fourteen percent right to the house. He said that there's a very short flat spot approaching the garage.

Mr. Pidala said that if it is going to be fourteen percent, he thought it should be blacktopped.

Mr. Gibbons asked if they had gotten anything from Mr. Chirico's office.

Mr. Watson said no.

Ms. Doherty said not yet.

Mr. Gibbons asked why the Board was opposing a new curb cut on the road when access can be provided over Lot One.

Mr. Gainer said that you can greatly reduce the amount of disturbance on steep slopes if you do exactly that.

Mr. Watson said that he would discuss it with his client.

Mr. Gainer said that it would barely reduce the grade of the driveway proposed too.

Mr. Gibbons said that you're not putting in a road - you're putting in a driveway to this place and

Philipstown Planning Board
Meeting Minutes
February 21, 2008

he didn't understand why, especially in this area on Indian Brook Road, he thought they were going to find that it's very narrow and rather steep going in there.

Mr. Meehan asked if the Board was going to do a site visit.

Mr. Gibbons said absolutely.

Mr. Merante said that also the discussion last time was they're not about the length of the waste line. He asked how many hundred feet it was. Mr. Merante asked if there were any other options.

Mr. Watson said that the one other spot they have is small that they needed for drainage.

Mr. Merante asked, how about expansion?

Mr. Watson said that's included.

Ms. Sexton asked Mr. Watson where the well was on the Indian Bridge property.

Mr. Watson said that he did not know, but he knew they had that information.

Mr. Sexton said, and the well on Lot Two.

Mr. Gainer said that the well on Lot Two is shown just of the east or south of the house.

Ms. Doherty asked Mr. Watson if he was saying that the proposed septic area on Lot Two is the expansion also.

Mr. Watson said yes.

Ms. Doherty and Mr. Merante said so it is both.

Mr. Merante asked how that was possible and if it was because the area is big enough.

Mr. Watson said yes. He said that they still have to prove that.

Mr. Gainer said that they will have to illustrate both the primary and reserve areas before the

Board takes action on it.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Gibbons asked if the Board could schedule the site visit for two weeks out.

The Board decided to schedule a site visit on this property for Sunday, March 9, 2008 at 9:30 a.m. at Indian Brook

Mr. Gainer said that the other question is to see if they can tie the driveways together and eliminate access out because the entire lot to access is across steep slopes. He said that it would simplify the design and minimize disturbance. Mr. Gainer said that there are a few other things that are just either comments from the applicant's representative or comments from prior board meetings, but at some point the Board is going to want to see the structural design for the retaining walls and the SWIP still has to be prepared and can certainly trail the site walk.

Ms. Doherty said that she was wondering if he could possibly move the driveway to Lot Two, was there any possibility he could move the septic area further up - closer to the house.

Mr. Watson said that it might be big enough for the primary area, but he doubted seriously it would be big enough for the secondary. He said that he really had to talk with his client.

**Benjamin F. Crane - Approval of a three-lot subdivision - Lane Gate Road, Cold Spring:
Submission of subdivision map set**

Mr. Merante said that the Board went up to the site for a visit and there was nobody there to meet them.

Mr. Bayard said that he mentioned it to his client and was sorry for the misunderstanding. He asked if the Board was able to walk the site.

Mr. Gainer said that the Board would have to reschedule the site walk and start from that point in that process until they can fully appreciate the development concept.

The Board agreed to meet on the site on March 9, 2008.

Mr. Gibbons asked what the applicant owes the Board that's outstanding.

Ms. Doherty said that they haven't even had a public hearing on it and have a ways to go on it. She said that she thought the purpose of the site visit was so that the Board could get a clearer understanding of it because there are a few things going on on the property.

Mr. Meehan said that he did not believe the Planner looked at it either.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Gainer said that he did not see any comments from the Board's prior consultants of any sort.

Mr. Bayard said that he received comments from Bibbo today.

Ms. Doherty said that this application was originally before the Board last July and there were comments then.

Mr. Bayard said that those he thought were addressed and then the Board had a few comments the last month such as a map to show kind of an after subdivision map.

Mr. Merante asked if the Board felt a site visit at this time would be worthwhile.

Mr. Gibbons said that if the Planner hasn't had any input on it, then sure.

The Board agreed to meet at this site at approximately 10:00 a.m.

Mr. Pidala said that the tenant would need to be notified because they have a dog.

Mr. Bayard said that what's been added to the map is the houses and house buildings for the costilian piece. He said that it is showing the configuration of what the custillian piece will look like after the 13.39 acres has been added to it. Lot One is the lot with the tennis court and handball court.

Mr. Merante asked Mr. Bayard why that was segregated out.

Mr. Bayard said because Mr. Crane simply wanted to retain it just for the tennis and handball court.

Mr. Merante said so it's not big enough to put a structure on.

Mr. Bayard said that it is actually - it meets minimum lot requirements and it meets the 255 by 255, but he has no intention of ever building on that lot and there's a note on the plan to that affect. It's a no-build zone. The only activity that can occur on it is to maintain the tennis and handball court. Mr. Bayard said that one of Bibbo's comments was related to this about their find that essentially that the Health Department is o.k. with it. He said that they've discussed it with Putnam County Health Department and they are o.k. with stamping the plans without proving the buildability of this lot. Mr. Bayard said that they could get a letter from the Putnam County Health Department to provide to the Board. He asked if the Board wanted him to go

through the Bibbo comment letter.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Gainer said it wouldn't hurt for the Board's understanding in advance of the site walk.

Mr. Bayard read the comments from the letter. He said that the bulk table should be revised to include existing lots, zoning conditions. Total area should include the 13.39 acres castillion, so they need to add that to the chart. Mr. Bayard said that he was not sure what they meant by comment number three and would ask them. Clarification is needed with respect to the Lands of Castillion Trust - Parcel A the subdivision plat reflects the two lots will become one. The use of all existing structures needs to be determined. Mr. Bayard said that the label the existing house, existing shed and they can differentiate between which one of the structures is houses and outbuildings. He said that they can better label that. The area labeled as septic tank area should be clarified. Mr. Bayard said that he thought he was referring to Parcel A. He said that later in their other portions of the plans, he thought they indicated they are to be abandoned. The house is going to be demolished. The structures are going to be abandoned.

Mr. Merante asked, abandoned and demolished?

Mr. Bayard said that they are going to be abandoned and then demolished. Drainage structure should be shown for treatment of new impervious surfaces as required. Mr. Bayard said that he would have to have some discussions with their engineer to talk to the Bibbo engineers. He said that he can't address that at this time. The well on proposed Lot Two appears to be existing. It's final intended use should be determined. He said that they can simply put a note that the well is to be abandoned because they have a new proposed well.

Mr. Gainer said that on the note, he could just make reference to the required abandonment procedures for Putnam County Health.

Mr. Bayard continued reading the comments. Building setbacks should be shown. He said they can do that. Number nine, he thought Ray Hamill from Bibbo was not understanding the portion about these structures being demolished.

Mr. Gainer said that Mr. Bayard doesn't have to get back there - they don't require any easements.

Mr. Bayard said right, so it's not a relevant note. He continued...the soil testing that has been shown on the steep slopes map should be shown on the site plan. Mr. Bayard said they can do that, although there may be some extraneous soil testing. The additional area associated with Class Three slopes should be shown. He said they can do that. The proposed development

should be shown relative to steep slopes. Mr. Bayard said they can do that. Driveways should

Philipstown Planning Board
Meeting Minutes
February 21, 2008

be labeled on the subdivision plat. Finally, the element of verification that proposed lot can exist as a lot without a principle structure. Mr. Bayard said that's again in the letter that he mentioned. He said that he thought at the last meeting there was a letter verifying the wetlands from David Klotzle. Mr. Bayard said that they also got a letter from the Army Corp of Engineers. Mr. Gainer asked if he filed the verification letter from Army Corp with the Town.

Mr. Bayard said no, he has not.

Mr. Gainer asked that Mr. Bayard provide it for the Board's records.

Mr. Bayard said yes, as well as a validated DEC map that he could provide at the same time and thought that covered the wetlands basis. He said that he thought that covered the comments and asked if there were any more questions. Mr. Bayard asked if it would be possible to set the public hearing for the next meeting.

Mr. Gibbons made a motion to set the public hearing for the March 27, 2008 meeting. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	Absent
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

MHCP Realty LLC (trucking garage) - 3504 Route 9, Cold Spring: Re-adopt Resolution

Mr. Pidala recused himself from the application and left the table.

Mr. Watson said that this is a Resolution of approval and it expired in January. He said that they asked back in December if the Board would re-adopt it. Mr. Watson said that there's been no change in the plans. They did have a new comment letter from Bibbo today and there were a few things on it that need to be fixed up, but the Board's adoption was subject to satisfying their engineering concerns. Mr. Watson said that the big delay they had was getting their DOT permit - a combination of drainage issues both in front of the property and more particularly drainage issues that they had up the street (leaking on Route 9). He said that is in place. Mr. Watson said that they would request the re-adoption of the Resolution.

Mr. Gaba asked what the Bibbo comments were with regard to things they had to clean up.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Watson said that they purposely didn't address the Health Department because they were fooling around with the entry way. When they got that, by that time, their year was just about up. He said that there are a bunch of labeling stuff. The biggest thing is that Bibbo still has to comment about formalizing the connection between the two pieces of property, which Mr. Watson said he thought they had settled with the Board last year that they weren't going to do that, but other than that, they are all technical things - Health Department permit, Statement of Use talks about an existing well, where they are really going to abandon that and put in a new well, a curb detail is mislabeled, SSTS which is not done, has got to be changed.

Mr. Gaba said that they had the Resolution approving this once and Mr. Watson wants it re-adopted.

Mr. Watson said yes.

Mr. Gaba asked if the items were in the original Resolution.

Mr. Watson said no, but he thought the original Resolution was just to satisfy Bibbo with regard to engineering concerns.

Mr. Gaba said, so the re-adoption should be subject to (did not finish sentence).

Mr. Watson said, same thing.

Mr. Gaba asked, all of them in there?

Mr. Watson said no, he didn't think they were spelled out. He said that he thought it was just simply a notation that is conditioned on obtaining a letter from Bibbo that his engineering concerns were satisfied. Mr. Watson said that was in the original Resolution.

Ms. Sexton asked if the approval from the 21st.

Mr. Watson said that he thought it was a general thing. It just says to make sure Bibbo is happy with the engineering and if they come up with something in the interim that he's not happy with, they have to fix that too.

Mr. Gainer said that the phrase in the text of the prior Resolution just says any open engineering concerns raised by Bibbo.

Mr. Gaba said, so they've got to get a sign-off letter.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Gainer said that would cover this certainly.

Ms. Sexton said that it just says, the following be addressed in order to proceed with the application and then it lists fourteen points. She asked if they would all be included.

Mr. Gainer said that they satisfy that condition if it moves on the adoption. He said that the applicant's representative would have to re-file documents or a response letter to illustrate that those have been resolved.

Mr. Gaba said, so they don't need to modify the old Resolution.

Mr. Gibbons said that this is not an extension. It is a re-adoption. He asked if this brought in Mr. Meehan's thing about the new stormwater management plan.

Mr. Gaba said that the Board made them satisfy that

The Board members agreed.

Mr. Watson said that they gave the Board a drainage report and they have erosion control, but they just have to turn it into a slip, but it is under an acre, so it's not a big deal.

Ms. Sexton made a motion that the Board re-adopt the Resolution. Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
George Cleantis	-	Absent
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		Recused
Pat Sexton	-	In favor

Mr. Giachinta said that they just received their DOT permit.

Mr. Pidala joined the table again.

Andrew and Susan Homola - Appeal #826 Special Use Permit: Referral from ZBA

Mr. Meehan asked what the Board was supposed to do with this referral.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Ms. Doherty said that it is just a recommendation.

Mr. Gainer said that the Board may have to act on the issue of the accessory apartment. He said to construct their intended improvement, there are illustrating some improvements to be put within the wetland buffer and his anticipation is that they're likely just looking for some check-in from the Planning Board that it has no technical issues so that they don't act contrary to where the Planning Board might think the development should occur.

Mr. Merante said that they want a response back from the Board.

Mr. Gainer said with what is being proposed.

Mr. Gaba said that a special permit application, a lot of towns have the Planning Board grant special permits because it can do kind of a quasi (did not finish sentence).

Mr. Merante said that is one of the proposals. He asked Mr. Watson if that was right - under the new zoning code.

Mr. Gaba said that they have the ZBA does it and the ZBA doesn't have consultants to discuss these issues with them, so they've referred it to the Planning Board for review and comment. He said that it would have been nice if the Homolas were present.

Mr. Meehan said that he was confused with how much house is there now and how much house is going to be built because they've got a lot of proposed new additions to the house.

Ms. Doherty agreed.

Mr. Meehan said that it is not the Planning Board who denies or accepts their special use permit. He said that he did not know what they are trying to do.

Mr. Gainer said that if you look at Detail A on the left side, it's a blow up of the physical improvements in and around the house. The current house is illustrated as a two-story frame and apparently has a wood deck along the front facing the wetlands with a wood deck on the south end. He said they are removing the wood deck on the south, they're expanding it to create the addition itself. In terms of the front of the house, which is all within the wetlands buffer, they're proposing what appears to be a concrete and stone walk, some improved steps into the front of the house and an eight by ten stone patio on the south end adjacent to the addition. Mr. Gainer said that there is also a variety of work behind the house that's outside of the wetlands per se, but

still further improvements, including a proposed two-car garage.

Philipstown Planning Board
Meeting Minutes
February 21, 2008

Mr. Meehan asked if they would need a wetland permit.

Mr. Merante said that the buffer cuts right across.

Mr. Gainer said right. He said that the buffer is the dash line across the front. It barely touches the existing house, but it will touch the corner of the addition and all of the concrete stone walkway improvements he described earlier.

Mr. Gibbons said that his only thought would be that building in the wetlands buffer should be kept to a minimum. He said that he doesn't have a problem with the proposed concrete sidewalk, but perhaps the patio is really not a relevant aspect and that could be taken out. Mr. Gibbons said that the proposed concrete and stone walkway in the front is basically the handicap access to this place and he doesn't see the reason for a stone patio there where there's plenty of room in the back