

Philipstown Planning Board
Meeting Minutes
March 19, 2009

The Philipstown Planning Board held its regular monthly meeting on Thursday, March 19, 2009 at the VFW Hall on Kemble Avenue in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present: Anthony Merante
Kim Conner
Josephine Doherty
Michael Gibbons
Kerry Meehan
Andrew Pidala
Pat Sexton
Steve Gaba, Counsel
Ron Gainer, Planner

Public Hearing

Philipstown Square - Site Plan Approval Route 9, Cold Spring

Mr. Paggi said that he had a revised EAF, which he worked on with Mr. Gainer and would submit that for the record. He said that he also had photographs and would hand them out. Mr. Paggi said that they were not prepared to ask the Board for a Resolution of Approval tonight as they still had some things they need to work out. He said that they are actually modifying the plans to address the majority of CAC's comments. Mr. Paggi said that they did have one request relative to the CAC comments. One of the comments was to delineate the wetlands by the creek and they are asking that the Planning Board consider waiving that requirement due to the fact that they are not proposing any improvements beyond the existing pavement. He said that they believe that it's an undue cost that could be avoided, so they're hoping the Planning Board would consider that. Mr. Paggi said that at the last meeting, one of the Board's concerns was relative to the sight distance issue with the new sign that was constructed. He said that this is still in the process of the zoning application, but he thought it was pretty clear that the sign does not impact sight distance whatsoever. Mr. Paggi presented photos and said that it showed the full-length of a car and you can barely make out the sign and that hopefully, it would alleviate those concerns.

Mr. Merante said that even aside from that, the size of it is still non-conforming.

Mr. Paggi said that they understand it is still a matter of zoning. He said that they would like to come back to the Planning Board next month with a revised set of plans addressing the balance of the CAC's comments. Mr. Paggi said that they'd be agreeable to closing the public hearing and if the Board felt they could move toward a Negative Declaration, they would be agreeable to that. He asked that the Board consider an approval for the next meeting.

Mr. Merante asked if the Board had any questions.

Mr. Pidala asked a question with regard to the trailers in the back.

Mr. Paggi said that it is going to be one of the things they include in the revised plans.

Mr. Gainer said that's been documented in the revised EAF, it is one commitment that he made clear in the EAF, and will be evidenced on the plan as well.

Mr. Gibbons asked what the revised plans would entail.

Mr. Paggi said that they're going to address all of the CAC's comments.

Mr. Gibbons said, which is really the Clove Creek.

Mr. Paggi said that there are several comments there - they are looking for landscaping, filters, and they had some questions about drainage.

Mr. Gainer said that they also had a question on the sanitary disposal system.

Mr. Paggi said they'd be addressing all of those.

Mr. Gibbons said that the applicant wanted the Board to close the public hearing and it depended on what aspect he's altering.

Mr. Paggi said that they are not opposed to leaving the public hearing open.

Ms. Doherty said that she thought access was still an issue. She asked if the Board went to a Neg Dec, it would mean that the Board was accepting the Part 3.

Mr. Gainer said that the Part 3 does acknowledge that access is proposed for modification. He doesn't get specific in terms of the extent of changes being made. Mr. Gainer said that he does acknowledge that there will be a connection between the sites - the specifics are not resolved and there's an acknowledgment that the frontage will be widened.

Ms. Doherty said that it says the connection to the northern adjacent site will be provided at the rear. She said that at last month's meeting, she thought the Chairman and the majority of the Board wanted it in front, so she did not feel the Board could accept the Part 3 and issue a Neg Dec.

Mr. Paggi said, so that will be a consideration at the next meeting as well.

Mr. Merante asked if then the Board should not close the public hearing.

Mr. Hyatt said that in reference to last month and talking about his concerns with the entrances, he had plans given to him by the Fire Marshall.

Mr. Merante asked when he received them.

Mr. Hyatt said today.

Mr. Merante asked how long he had had them.

Mr. Hyatt said that they were the ones he had given to him that he approved.

Mr. Merante asked if it was in December.

Mr. Hyatt said that he did not know. He said that on the plans, there were three different entrances and exits, and he was curious as to how it went from three to one.

Mr. Merante said that you've got two on the front facing Route 9.

Mr. Hyatt said yes - there's one north, one in the middle and one south. He said that as he said, the Fire Marshall's concern is that he would have never approved the plans as they are now.

Mr. Gainer asked if he planned to respond to the latest plans.

Mr. Hyatt said that the plans he had were the only plans he was given.

Mr. Gainer said that the Board or applicant could provides another set.

Mr. Hyatt said yes, he would look at them.

Mr. Gainer asked if that could be done by the next meeting.

Mr. Hyatt said that he was sure it could be.

Mr. Paggi asked if the Board wanted the applicant to do it directly or go through the secretary.

Mr. Merante said the Fire Company could get them directly from Mr. Paggi.

Mr. Paggi said that they'll do that. He said that the one thing they would like to go away with tonight is the Board's consideration on whether or not to go forward with the wetland delineation.

Mr. Gainer said that the CAC issued a letter some months ago and had a variety of issues raised. He said that at the time it was submitted to the Board just in advance of (he thought) the January meeting, he met with the Wetlands Inspector and reviewed all of his comments with the understanding of the specifics that were being constructed at the site. Mr. Gainer said that he thought he was viewing it as generally new construction as opposed to understanding that the site

existed and there was merely some infill work and a variety of enhancements to that. Their sanitary system is being placed in the front - not in the rear toward Clove Creek and there's no disturbance beyond the historic paved area in the rear. Mr. Gainer said that with that understanding, he recognized that some of his comments didn't require response based on the site merely being enhanced from an existing condition. He said that's not in the record. Mr. Gainer said that he would propose that he'll make contact with the Wetlands Inspector to make sure there's direct communication between the two, but he suspects that he is no longer concerned with the wetlands delineation in the rear, recognizing that the latest site plan application does not propose any further intrusion from what historically existed. Mr. Gainer said that there's a variety of those kind of comments that he's acknowledged to him verbally and they should get that confirmation from him and make sure the applicant can get that resolved. He said that there were a great variety of issues raised but most of them had been resolved in correspondence he'd received. Mr. Gainer said that he was questioning the Department of Health approval on the sanitary disposal expansion that was done. He misunderstood the fact that improvements were actually put in the front parking area of the plaza and not in the rear, and there were various other things.

Mr. Meehan said that the main thing is the maintenance of the wetlands back there. He said that anybody that resides next to the creek should really maintain their property along the creek.

Mr. Gainer said that the Board has previously asked the applicant on the revised drawings to indicate that there will be not disturbance or intrusions beyond the existing pavement. He said that there are various notes that are to be added to address those kinds of concerns.

Mr. Pidala asked if with regard to the landscaping, they were going to keep it at the edge of the parking lot.

Mr. Paggi said yes. He said that they're proposing a combination of both evergreen and deciduous in the back.

Ms. Conner asked a question (inaudible).

Mr. Paggi said it should not - it's really a footprint issue. He said that the impervious area is not changing.

Mr. Shea said that he thought beyond the disturbance or construction that would encroach on the wetland - anything permanent, or the concerns that the CAC had was during construction and making sure that Clove Creek is going to be protected, because there have been a couple of instances where it hasn't been and they want to know that during this process, they're going to do a better job of protecting the creek. He said that may be what brought forth them wanting to delineate the wetland to make sure the applicant is not encroaching on it even during construction. Mr. Shea said that there have been some unfortunate events out there that lead to a heightened sense of concern.

Mr. Paggi said that was certainly an appropriate concern for any sensitive area. He asked if Mr. Shea was familiar with the site.

Mr. Shea said very.

Mr. Paggi said, so he knows that the reconstruction is limited to the facade and re-paving the existing paved area and that work is actually completed, so there has been no disturbance of those areas.

Mr. Shea said that there are things going on in the back. The oil tanks have been moved, which was an unfortunate event, yesterday.

Mr. Paggi asked, yesterday?

Mr. Shea said yesterday.

Mr. Paggi said that he's giving him information that he's not aware of at this point.

Mr. Shea said that the DEC is aware of it, so he was just making Mr. Paggi aware of it now.

Mr. Merante asked if anyone else had any comment.

There were no more comments.

Mr. Merante said that the Board would keep the public hearing open and continue it next month.

Mr. Paggi said relative to the request for the waiver of the wetland delineation then at that point in time...they had made claim that there is no proposed disturbance beyond the existing edge or pavement. He said that if there was an event that occurred there, that's obviously a violation that would be considered separately.

Mr. Merante asked if the Board needed a motion on this.

Mr. Gainer said that he thought he heard the Board suggest to the applicant's engineer that he contact the Wetlands Inspector directly to review and resolve the CAC comments. He said that he'll assure that with subsequent contact with the Wetlands Inspector and that some written document is issued to the Board in advance of next month's meeting, so that they get confirmation from the advisory board that they're satisfied.

Mr. Gaba said at next month's meeting, the Board could adopt a Resolution formally waiving it and hopefully, if everything pans out in terms of their submissions, the Board would be in a position to close the public hearing, adopt a Neg Dec under SEQRA and maybe even conditional approval.

Garrison Station Plaza Inc. - Site Plan Approval - 7 Garrison Landing: Discussion

Mr. Watson introduced himself and stated that the application was for an approval of a site plan to change the existing building from a deli/pub use that was there into an office use. He said that he was not going to speak with regard to the site plan because there is really not very much happening. The major site plan element...there may be two. One is the installation of a sewage treatment system in place of what they believe was just a pipe that went into the river. That's been sized to accommodate the flows that are expected from the office and residential uses in the building, and the construction of a new driveway partly over an existing driveway up to the building. There are some parts of the building that are being removed. Landscaping is not changing very much. Although the site is fairly large, most of its water...there's about three quarters of an acre of upland. Parking is proposed on Garrison Station Road, which is over in Garrison Landing Association and parking will be provided as the Board saw in its application package - there's an interconnect between the two corporations. Mr. Watson said that as was seen at the site visit, from a site plan point of view, not very much has changed - just re-surfacing/replacement of the driveway and neatening up the front. He said that there are several changes that are happening with the building and in that regard, he introduced Jeff Wilkinsen, Architect.

Mr. Merante asked Mr. Watson why the Building Department would have even referred this to the Planning Board.

Mr. Watson said that he thought it was that the change of use changes the parking requirements. He said at least that would be the normal situation where you're not building a new building or doing something like that. Mr. Watson said that the only thing that he could see that would bring the applicant here is the change of use. He said that he didn't do the calculations to know what the previous calculation requirements were, but that would trigger it.

Mr. Merante said that the other thing they mentioned was shared parking and wanted to get into that later on after the Board had seen the presentation.

Mr. Wilkinson said that the existing structure is approximately a hundred year old building. It was a mixed use where a residential apartment on the top floor and the lower section was used as a bar/tavern/deli. He said that they're basically doing a building renovation. The original building had been wood clapboard underneath existing concrete stucco. The stucco will be taken off and they're going to be re-siding it with what's known as fiber cement to give the appearance of a wood clapboard building. Mr. Wilkinson said that the general approach is that they're not enlarging, there's no addition. Basically the footprint will be staying the same. They are adding a porch on top of an existing (inaudible). Windows will be high quality wood windows. Facade will be a copper clad roof overhang. All exterior lighting will be all down rigged or (inaudible) into the soffits, as there's enough lighting at the landing at this point. Mr. Wilkinson said that one of the things that's exciting is that it really will be a fairly green project. They'll be putting in a geothermal system. It will all be spray foamed, so the building will be completely renovated both structurally and cosmetically. He said that it's really being downsized. The existing building had what appeared to be a four to five bedroom apartment up above. It will now

become a two-bedroom apartment. The tavern use will become professional offices.

Mr. Merante asked if there were any questions.

Mr. Pidala asked if the applicant planned on putting gutters in.

Mr. Wilkinson said yes, there will be gutters. He said that at this point, they're just planning to use splash block, which was what was there.

Ms. Doherty said that she had a couple of questions for Mr. Watson. She said that at the site visit, the Board talked about the package plan and he was going to look into the (inaudible) problem or anything special happening and also the buffer zone.

Mr. Watson said that there's no problem with the buffer zone at the river. To do it, it will have to be probably raised a little bit, so you can get the top out of the flood plain/above the flood plain. The (inaudible) are said not to be a problem from what little literature he did read. Mr. Watson said that they wouldn't say tertiary treatment, but at the same time they said that you could drink a glass of water that came out of the system, but he wouldn't do it. He said that they did say it was a very efficient system - it goes through an ultraviolet treatment before it's released.

Ms. Doherty said that another thing they talked about was if Mr. Watson had any way of assuring that the parking spaces that are allotted to the uses in that building will only be used by that building and not by anyone else.

Mr. Watson said that it will be signed and as he mentioned in the beginning of the hearing, there is an interconnect between the owner of the property - Garrison Landing Association he believed owns three quarters of the corporation and they are in the position to provide that, but he would ask the president to expound.

The gentleman (president) said that he is associated with the Plaza and they do have another (inaudible) with the Landing Association permitting to provide parking spaces and (inaudible).

Mr. Merante said that Mr. Watson seemed to indicate he wasn't sure there wouldn't be a problem with the County Board of Health on that.

Mr. Watson said that they've spoken to the County Board of Health and they don't expect that there will be any problems. He said that he wouldn't say absolutely there wouldn't be any problems because there's always something, but they've been out there and have a situation where there is essentially no sewage treatment whatsoever. It's just going into the river and they went out there with a machine and there's no place to put the traditional (inaudible) fields, so this is really a big step up and under the conditions, they believe they will get this approved. Mr. Watson said that of course, they would expect that would be a condition of the Board's approval.

Mr. Gainer asked if the system had formally been designed.

Mr. Watson said that it's just about finished.

Mr. Gainer said that there's not yet been anything submitted.

Mr. Watson said not a submission, but there has been inspection.

Mr. Gibbons asked if this was the same system used in other locations.

Mr. Watson said that he didn't know the answer to that.

Ms. Doherty asked if there was any reason this should go to the CAC.

Mr. Gainer said that he thought there were no site specific notifications being done and could see nothing in the regulations that would suggest it.

Mr. Gibbons asked how close the flood plain came to the building.

Mr. Watson said that he thought it actually touches the building at the southwest point.

Mr. Gibbons asked if the basement from the old establishment had ever been flooded.

Mr. Watson said that he did not know the answer.

Mr. Wilkinson said that it actually seems fairly dry. He said that usually when you go in, you can actually smell signs of that.

Mr. Merante said so there are no plans to move in any mechanicals, heating system, electrical panel, etc.

Mr. Wilkinson said that they are up in the front section, which is a little further away, and some of them will get in the attic, but also with the geothermal, there's a different level of equipment planned.

Mr. Gibbons asked if they were doing geothermal, they were going to be doing the (inaudible).
Mr. Wilkinson said that's what they're looking into.

Mr. Gibbons said that would be in the small side they had and asked if that was correct.

Mr. Wilkinson said right.

Ms. Conner asked a question (inaudible).

Mr. Wilkinson he didn't know the answer. He said that it would probably be a few yards. It's a whole system of design and it's also done on small sites.

Mr. Dan Donnelly introduced himself. He asked if the Board was going to address Item 7 prior to any site approval.

Mr. Merante asked if he meant the Garrison Landing Association water tank.

Ms. Montgomery said that was an initial discussion and the plans have changed for that.

Mr. Donnelly said that he appreciated the opportunity to come and address the Board this evening. He said that Mr. Watson said that the change of use was going to be impacting the number of spaces required, and the function as a Town Planning Board as he understood it is to among other things, determine the impact of a proposal on the community. Mr. Donnelly said that the impact of changing this facility/building to offices from what it was - to what a sizeable number of people in the community want, is going to be very dramatic. He said that this building in the past, has served a number of constituencies in this community. Mr. Donnelly said that he recalled pulling up early in the winter morning as the train was entering the station, blowing its whistle and the doors of Guinan's opened and about thirty people streamed out carrying their coffee, their newspapers, and talking to each other. This was home for them. It was a place where on their way to do their tasks over the next number of hours, they could be friendly with the neighbors. That was one constituency. Mr. Donnelly said that between 6:30 and 8:30 a.m., there are five trains that go down to the city and that process would be repeated five times - perhaps 150 people having an opportunity to get together at the inception of the day. Mr. Donnelly said, and now, we're going to have offices. He said that another constituency was a lunch time constituency, which was always small, except in the summer when the children coming out of the art center would go down to Guinan's. They'd flood into the place. They would be making sandwiches for them. They were going over to the candy rack getting their candies for the day. Mr. Donnelly said that if you could imagine what would happen years later those kids would be talking to each other - "Hey, do you remember the days we used to go into Guinan's during the summer and what a great time we used to be having?" What an impact on the community. Mr. Donnelly said that at the latter part of the day, the guys from all professions and businesses would come into Guinan's and they would mix. He said that Billy "Fitz" (Fitzgerald) was a horn buster. Billy would come in and within the first thirty seconds of his walking into the place, he would attack the first three guys on the bar stools - "why are you wearing that damn blue shirt" and "you damn democrats" and would go on like that for the first thirty seconds he'd be in the place. Mr. Donnelly said that he engendered warmth. He was a war veteran - a silver star, two bronze stars, several purple hearts and he's moving to a slow death. Mr. Donnelly said that there was another fellow who used to come in there, who's wife was dying of cancer and he'd come in just to feel the warmth of this place. This scene was repeated over and over and over. Mr. Donnelly said that was an evening constituency. He asked, "were there others?" There was the Boat Club. There were the west points cadets who'd come over and try to catch a train and they would come in. Mr. Donnelly said that you wonder how many of them are now on active duty. He said that it was very interesting to see people who were

totally from outside the area, driving down, and many of them if they were walking, would be looking for something in Garrison. He said that very frequently they'd ask, "Is this Garrison?" They'd say, "What's that down there?". And we'd say, "That's Guinan's...why don't you go in and have a coffee or a beer". Then you'd meet them coming out after they had done that and they'd love it. It was an impact on Guinan's. Mr. Donnelly said that there was a petition that was circulated - signed by over a thousand people. A lot of the people who signed the petition were people who had an exposure to Garrison by going to Guinan's. One other constituency was the many unfortunate people who would come down. They weren't community members. They were going up to St. Christopher's Inn. They had no ride and no money and didn't know how the hell to get up there. People from Guinan's would step up and say, "Hop in, I'll give you a ride". Same with Walter Hoving Home. Occasionally you would see a young lady there and she didn't know where she was and didn't have money and somebody would give her a ride up to Walter Hoving Home. Mr. Donnelly said that's an impact on the community which he asked the Board to consider and consider seriously. He said that it has a much greater impact than to turn it into a couple of parking spaces.

Mr. John Seekircher introduced himself and said that he listens to this information - a lot of fluff. It sounds really good to use the buzz words - green, geothermal. There's not one word about historic preservation of an old building that's got a history. He said that they're idea of being green was to immediately go in, gut the entire building, throw everything away inside and now they want to rip everything on the outside - rip out the windows, rip off the siding and put in their geothermal. He said that they have no sense of community, no sense of respect for the family. A thousand people may have signed the petition, but there would have been tens of thousands with stories. He said that one of them he would tell (and he's only been here twenty-six years) was when they came to this community - his wife, his daughter and he. He brought his wife into Guinan's because they were putting their boat down at the landing and showed her Guinan's. Mr. Seekircher said that for twenty seven years, they were blessed to be in this community and it's an absolute insult to take a building with the history and stories by the thousands and make it offices. He asked where they were going to be twenty years from now and if they thought they'd have people lined up having a great story about the office building at the bottom of the hill. Mr. Seekircher said that they should be ashamed of the disrespect for these people who have given to the community, for a building and a family who devoted their life to the community.

Ms. Libby Turnock introduced herself and stated that she was the Director of the Garrison Art Center for the past sixteen years. She said that she lived at the Landing ten days a week, 24-7. Ms. Tunock said that she took countless cadets who missed the last boat over to West Point and to not have a community center down by the train station is a crime.

Mr. Gibbons asked if the closing of Guinan's impacted her business.

Ms. Turnock said that it has.

Mr. Gibbons asked in what way.

Ms. Turnock said that she was not there anymore - she resigned, but that she was at the beginning, and the kids have nowhere to go.

Ms. Barbara Feldt introduced herself and stated that she has been here not even three years. She said that two years of it she enjoyed Guinan's a lot and so did her husband. Ms. Feldt said that she had twenty three pages of petition names - 1085 people signed the petition. She stated that she had just one copy and read a section from the Philipstown Comprehensive Plan. Ms. Feldt said that they have a trolley coming down to Garrison. They have a theater. She asked if it wouldn't be great to meet people down there and talk about the play afterwards, beforehand, celebrate, relax, and come together. She said that it's too special to turn it into office space and an office can be anywhere. She said to think of what we have there - a river front. All along the Hudson River, people are cramming to have places to get down to the river. She said that this is a major change of use. Office spaces bring no tradition, no connection, no congeniality to a small community. Ms. Feldt said that the signers of the petition include those known to all of us. She said that once it's changed, it's gone and she asked that the Board please not change the use.

Christine Ashburn introduced herself and stated that she had the petition and read aloud from the petition - "Many local residents feel very strongly that Philipstown needs a new store or a similar public gathering spot on Garrison's Landing. Since the closing of Guinan's, the community spirit that prevailed on Garrison's Landing has dwindled dramatically. Converting the building to offices would deprive the Town of a much needed resource in a critical location. Please sign the petition in support of a new store or a gathering spot on Garrison's Landing before June 14th". She said that they started the petition on June 9th and within four days, they got nine hundred signatures. It's currently up to 1085. Ms. Ashburn submitted a copy to the Board.

Mr. Hank Osborn introduced himself and stated that he is on the Board of both the Garrison Station Plaza and the Garrison Landing Association. He said that he is not ashamed to be on those boards, but was disappointed in himself that he had not been able to help his fellow Board members see that what they are doing is wrong. The current owners of the building, which is them, seek change to the use of the building to limit financial risk and limit liability risk. Mr. Osborn said that he is standing there tonight representing not his Board, but representing his community, because it is in the best interest of their community to have a store like Guinan's and to not change the use. Mr. Osborn said that tonight, he is asking the Board to please deny the change of use of this application.

Mr. Tim Donovan introduced himself. He said that he did believe nostalgia will not change the outcome, but it is not nostalgia that... he actually wouldn't have been able to move here if his train hadn't broken down in Garrison in 1978. He said that he got off the train, looked down to the river and had never seen anything like it. Mr. Donovan said that he went into Guinan's and saw people in suits and other people in muck boots who were standing there talking and that's when he decided he wanted to move here. He said that for him, it's personal, but there is also a business problem and the business problem really stems from the change of use. In 1962, in the purpose of the corporate filing that the Garrison Landing Association made...in fact, the first

purpose is to acquire by purchase, lease, gift, devise, request or otherwise, and other anonymous and legal stuff in there, to preserve, refurbish, reconstruct and protect properties real, personal, including buildings and any sites of aesthetic or historical interests to the community of Garrison, New York and surrounding areas. Mr. Donovan said that's their purpose and he has a hard time seeing how anybody could change the use of the building since it's being protected under the corporate purpose. He said that basically that's their covenant and the Landing Association owns three quarters of the private for profit organization that owns that building. So based upon that, he would imagine it's a business problem to make a decision to change the use and hoped the Board would consider that.

Ms. Shelley Boris said that she's a resident of Garrison and has a food business here. She said that there was a window of opportunity for proposals for businesses, and at the time, she chose not to because she knew Mary Ellen Yannitelli was putting in a proposal and just assumed that once she...things wouldn't change and she didn't want to compete with her. Ms. Boris said that she was taking the opportunity to say that she would be happy to sit down with the viability of a plan.

Mr. Andrew Ford introduced himself and said that he's been in Garrison for nine years, having moved up from Westchester. He said that he came up with Tommy White and they looked at the house at 16 Black Diamond Hill. They went down to Guinan's, had a beer or two...the boat club and trains, a perfect community. He said that he wakes up in the morning, goes down to the train, and can't get a newspaper or a cup of coffee. They stand on the platform and try to stay warm, as opposed to hanging out in the store by the fireplace talking to Mr. Guinan. If they ran a little late for the train, John Guinan would run out and give them the newspaper. All of that is over. When you come home after work, you go in to the bar, have a drink, grab a sandwich for dinner and go up the hill. Once the weather gets nice, grab the dog, walk down to the Landing, and meet people. It was a nice experience. Mr. Ford said that he's got a nine and eleven year old and they would jump on their bikes, go down to Guinan's, bike around the loop, and grab a soda or ice cream. Now there's nothing down there. He said that he's also a member of the Garrison Yacht Club and all summer long, people were stopping up to spend the night and experience Guinan's. Now they come, the store's closed, and they keep going. On the weekend, as a tradition, he and his daughter would go down and have a buttered roll and coffee every morning and that's gone. Motorcycles would come down, store's closed, gone - everybody leaves. Mr. Ford said for some reason they closed the store, but didn't realize that the dirt and leaves and trash were all over the place. He said that they haven't maintained the place at all - it looks like a dump. Mr. Ford said that he woke up Sunday morning, realized he couldn't go to Guinan's for a cup of coffee and newspaper, went to the Garrison Market, which was closed, went to the gas station and that was closed. He had to drive to Cold Spring for a cup of coffee, a gallon of gas. Mr. Ford said to think they have this beautiful property on the water that attracts the cadets, boaters, bicyclists...Guinan's is gone and they are all going to miss it, but there has to be some other viable entity to sell a newspaper, a cup of coffee - a gathering place for the community. Mr. Ford says he feels bad for the community.

Ms. Nancy Burger introduced herself and stated that she's been in Garrison for five years. She

said that she didn't know if anyone had ever been in a community where they've had a major change of use of something that the people used every day and valued. Ms. Burger said it played a part in who they were as they grew up, who their families interacted with, and the word community was used by every person. Yes, they're charged with land uses and rules and laws, but they have to be listening to what's coming out of the heart. Ms. Burger said that she grew up in a small town and it had a beautiful park in the center that was left to the Town by a family to be used only and forever as a park. And it was surrounded by a church, a public school where everybody in that Town had been taught, the Court House, the soda fountain, a bar and teenage center. In 1973, the State of New York said it would be a fine place to put a major highway. It's been thirty-five years and at least once a week, people are moaning that if only the Town still had the park and sense of community it lost when they ripped the heart out of Cornell, New York and put a highway through it. Ms. Burger said that she would hate to see that happen again. She said that it is in the Board's hands and she hoped it would make the right decision because thirty-five years from now, people will still be talking about Guinan's no matter what they do.

Mary Ellen Yannitelli introduced herself and asked if the Town of Philipstown identified the Landing as a mixed use hamlet.

Mr. Gibbons said that at the current time that's in the future zoning proposal, but that is the consideration for that if the future zoning code were passed as it currently is, so she's on the right track.

Ms. Yannitelli said her point being that if this building becomes offices, there are already ten offices down there, so it's not very mixed. She said that with regard to the sewage treatment, she'd like to find out the capacity for that and also wanted to know where the SEQRA Review stood and if it had begun yet.

Mr. Gaba said that the Board is Lead Agency and he thought they typed it an Unlisted Action, but beyond that, no.

Ms. Yannitelli asked if the Board was taking into consideration that it is a one hundred and sixty year old building. She said that she had spoken to a technician at the State Historic Preservation Office and because the property is on the register of historic places, and he was very curious to know about the change of use. The State frowns upon that. If the original use could be continued, they like to see that. Ms. Yannitelli said that he was also very curious to know about the glass, which she could not tell from the plans if the original store front glass was going to be maintained. She asked if anyone could answer that.

Mr. Wilkinson said that he believed that the original apartment (inaudible) plate glass that they'll be (inaudible).

Ms. Yannitelli asked if that was polished glass that they're removing.

Mr. Wilkinson said he didn't believe it was polished glass.

Ms. Yannitelli asked if he could find that out for sure.

Mr. Wilkinson said that he's telling Ms. Yannitelli that it's not.

Ms. Yannitelli said that one of the things she found was the criteria for determining significance and it mentions the creation of a material conflict with the communities current plans or role as officially accrued or adopted. She said that she hoped the Board received her letter with the copies of the Comprehensive Plan that was contained in there and thought it should be considered in this process. Ms. Yannitelli said that it also mentions the impact of the characters or quality of the important historic, archeological, architectural or aesthetic resources of existing community or neighborhood character and she hoped the Board would consider that as well. She said that Mr. Osborn mentioned that the Garrison Station Plaza had some financial and liability concerns. Ms. Yannitelli said that she submitted a proposal to them and Patricia Cloherty came to her and offered to back her proposal for \$256,000.00 - \$126,000.00 for her start-up costs and the Station Plaza also wanted a \$130,000.00 letter of credit, which in today's commercial real estate market, is about four and a half years of rent. Ms. Yannitelli said that Patricia was recently ranked number 63 on Forbes and Midas List for a venture capitalist, so she knows a good thing when she sees it, and she's a big supporter for this community and a lot of organizations within it. Ms. Yannitelli said that she is very disappointed about this project.

Mr. Gibbons asked if Ms. Yannitelli indicated that it was on the National Historic Register.

Ms. Yannitelli said yes, it is.

Mr. Gibbons asked if that had been brought to the Board's attention.

Mr. Merante said that he was not aware of it. He said that it certainly should have been noted.

Mr. Gainer said that there had been a variety of comments that the Board is going to want to further research in the continuing review of the application.

Mr. Merante said that there seemed to be some confusion on the SEQRA Review. He referred to a memo the Board received from its Planner and said that it said it was an Unlisted Action short form EAF that's been filed by the applicant.

Mr. Gainer said and that's called into question if in fact it's a historic structure.

Mr. Merante agreed and said a question about whether they can do a Coordinated Action/Review is up in the air.

Mr. Gainer said the fact that it is historic and then becomes a Type One action, it would be mandatory to have such a review.

Mr. Merante asked if that would change the Board's declaration of itself as Lead Agency.

Mr. Gaba said yes, because the Board said it was going to be basically a responsible agency in an Uncoordinated Review. If it's a Coordinated Review, the Board has to circulate all the involved agencies and say they're going to be Lead Agency and see if they object or not.

Ms. Turnock asked why the Planning Board was in charge of the decision of the Town Board, and said that she wondered if the Town Board had an opinion.

Mr. Shea said that it is appropriate that it's before the Planning Board and he would agree with that. He said that the Town Board's position on it is that it supports the Comprehensive Plan and Barbara Feldt earlier quoted some sections and the overarching theme in the Comprehensive Plan, which is to support authenticity. The Town Board supports that. It was a Shapiro report which is an appendix to the Comprehensive Plan that talks about the economic development. He said that there are sections in there that also talk about authenticity. Mr. Shea said that you talk about a country store, which was Guinan's and a pub...generally not matching a profile of what would be supported in such a small area, but by all reports, these two establishments have their own peculiar reasons for being Garrison Landing. Mr. Shea continued to read from his report. He said that these are documents that the Town has spent a lot of time and a lot of money on. Mr. Shea said that he urged everybody to read the Comprehensive Plan because it sets the course of what's going to happen in this Town over the next twenty years. A lot of things in there have already been adopted. Mr. Shea said that the Town's position is that it supports the Comprehensive Plan.

Mr. Seekircher said that he does historic preservation all over the United States and worked in thirty-four states. He said that he is a little familiar with historic buildings and site line. He said that one, if this is on the National Register, the site lines are very different than even New York State's historic preservation guidelines. Two, if the architect did his homework and saw that it was on there, none of this would change because you can't move doorways. So once again, it just proves the absolute lack of sensitivity not only to the building and the history of the community, but their own professions. Mr. Seekircher said that he was saying if you start out like this, he thought they would be in for even bigger surprises down the road.

Ms. Wendy Bounds introduced herself and stated that she was a resident of Philipstown. She said that she is a tax payer here and gives her money to the charities here all because of a chance encounter at a small place down at the Landing, which they don't have a lot of in this country anymore. They are fast disappearing. Ms. Bounds said that this is not about nostalgia for Guinan's. She said that she cares very deeply about Guinan's as do the people in this room, but it is gone. It is about preserving this Town going forth, and in that becomes the planning for this Town. Ms. Bounds said that she wondered about the use of the building and whether there is not a compromise that suits both what everybody in the room cares for and seems to want and the concerns of the folks at Garrison Station Plaza. There have been residences up above and a business located on the middle floor. She said that she believes they are renovating the bottom floor to also be a business and wondered in the interest of mix use, if there was not a possibility that there could still be residences, some office space in one portion, but also a café or some sort

of a public meeting place that would serve the needs of this Town. Ms. Bounds said that it seemed to her that it should be something under consideration because the day that they don't have these meeting places is the day that random folks like herself and so many others don't just stop in and meet other people and decide they don't want to live in Hastings or Croton and want to come here and this is where they want to spend their money and spend tax dollars. She said that it seemed to her there is the possibility where everybody could have a little bit of what they want if there was some compromise and she hoped that would be considered and that it doesn't get done in a situation where they're at such a crossroads fighting one another, but that they can have what they need, but the Town can also have what it needs.

Mr. Gibbons said that as a Planning Board member and a Garrison resident, he implores the Association to remove these plans and come back with something that meets the guidelines of the Comprehensive Plan. He said that they have over a thousand signatures that have been submitted tonight and are indicating this was a viable community. Mr. Gibbons said that he's been down and the place is deserted. They have lost all sense of that infrastructure there. Mr. Gibbons said that as he said last month, they are missing a golden opportunity to really make this into something unique, yet continue to have the sense of what they all had. He said that they're going to have the same situation here unless we get something in that middle section. He said that as someone indicated, you could have an apartment space upstairs and an office down below and he thought that was really something they should consider. Mr. Gibbons said he would like to get a copy of the historic guidelines for every member of the Board so that this building can be looked at once again with a new, fresh set of eyes.

Mr. Merante said that the Board had received two more letters with regard to this matter. He read both of them aloud and submitted them for the record.

Mr. Gainer said that with the various issues raised, they recommend the Board take no action.

Mr. Merante said, and just continue the public hearing.

Mr. Meehan said that he thought since there was such an outcry from the community, the Board should sit down and consider what's going on here. He said that he wasn't a frequent customer of Guinan's, but that place was unique. Mr. Meehan said that there should be something down there that the community wants and he thought they were telling the Board point blank. He said that he did not know how the rest of the Board members felt, but he did not know if he could vote to change the use. Mr. Meehan said that he's been on the Comprehensive Board for about five years and that's a long time. He said that sense of community kept coming up and there is really a strong sense of community. Mr. Meehan said that the owners had two offers tonight.

Ms. Doherty said that she was sure the Board heard them loud and clear tonight.

Mr. Merante said that as far as factual, the Board can do nothing more tonight and the public hearing would stay open. He said that they will get some of these issues straightened out by next month hopefully.

Noe - Approval of subdivision plat - East Mountain Road North, Cold Spring: Request for 90-day extension

Mr. Merante asked if there were any comments.

Mr. Watson said that the State wetlands permit was issued. They hoped to actually bring it tonight so they're really close, but to be on the safe side, they'd like to have the extension to carry them over in case their friend at the Health Department decided to take a little longer than expected. He said other than that, everything is right.

Mr. Meehan made a motion to adopt the Resolution (copy attached). Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Boscobel - Two-lot subdivision - 1601 Route 9D, Garrison: Request for 90-day extension

Mr. Gibbons recused himself from this application.

Mr. Watson said that essentially, it's the same thing. The final map has been approved by Mr. Gainer's office and is at the Health Department awaiting signature. He said that the recreation fees are still outstanding on that, but other than that, he thought they were all done.

Mr. Merante asked if there were any comments.

There were no comments.

Mr. Meehan made a motion to adopt the Resolution (copy attached). Mr. Pidala seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	Recused
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Mary Ellen Finger - Application for five-lot subdivision - Horsemen's Trail Road, Cold Spring: Letter from Badey & Watson/Resolution

Mr. Watson said that they submitted revised plans the last month or two ago. The EAF was submitted some time ago and the Board adopted a Negative Declaration. He said that he thought

Dr. Finger, with regard to the open issue of the conservation easement, sent a fairly persuasive letter with regard to the restrictions that are already on the property that have to deal with mitigating any impacts with regard to her particular project, so they don't think that's necessary and seek the Board's preliminary approval without that condition.

Mr. Merante asked the Board for comment.

Mr. Gibbons said that there are already restrictions is what Mr. Watson indicated.

Mr. Watson said yes and she sent a letter to the Board last week. He said that essentially, she's pointing out that under today's regulations, the steep slope....the genesis of that idea was to prevent access to the property to the west. Mr. Watson said that's really not an impact to the subdivision, and in fact, the subdivision doesn't facilitate that at all. Today's regulations with regard to steep slopes - and that has class two, class three slopes on it, would prevent the approval of any subdivision or any development that required a road to go across that slope. Mr. Watson said further restrictions that are anticipated by the zoning would make that an even more difficult challenge. That's not her intention. He said that there isn't any impact associated with the subdivision that the conservation easement would actually mitigate, so she sees no point in going through the process, especially since they don't have any (inaudible) with the possible exception of the Town, but the Town has never stepped up to the plate to do that and she's concerned about that process being overly burdensome.

Ms. Conner said that she hasn't asked for the Town to step up and the Town wouldn't step up on its own.

Mr. Watson said no, the Town Board doesn't even know and yes, you would have to seek that from the Town.

Mr. Gibbons said that it's also a way in being able to start the process of selling the properties. He said that it could take three months and could take much longer to get a conservation easement.

Mr. Watson said that land trust groups actually seek a donation for maintaining the easement. He said that there are costs involved and certainly costs involved in being the first one ever, and frankly she spent a lot of money and time. Mr. Watson said that he would say never has he gone through a design process with a client who has had such hands-on involvement in actually doing it and while not technically able to understand some of the issues, from a point of view of concern for what's happening on the land, she was very concerned and cost herself money and professional fees without a doubt, but she wanted it a certain way. When you evaluated those concerns, the kind of concerns that typically go to an engineer or surveyor, but they certainly were concerns that go to environmentally concerned people. Mr. Watson said that she has stuff up there that she wants to keep and wants to keep control of her property without it mitigating any impact that she is creating.

Ms. Conner said that there are tax incentives with regard to conservation easements.

Mr. Watson said that he did mention that to her and he did not think that was a particular advantage to her.

Mr. Gaba asked what the purpose of the conservation easement was.

Mr. Gainer said to assure some independent protection over the steep slopes and the issue of any subsequent possibly future access to adjacent parcels.

Mr. Gaba suggested a note on the plan saying no disturbance of slopes or access from that part of the parcel without further approval from Planning Board.

Mr. Watson said that he could discuss that and it could be a condition. He said that they could certainly talk with Mr. Gaba about that.

Mr. Gaba said he meant if the Board doesn't want to waive it all together, but he'd be satisfied with a note on the plans.

Mr. Watson said that he thought she might consider that, but he couldn't make a commitment without talking to her. He said that it certainly could be a condition on the preliminary approval.

Mr. Gibbons said to rebut that, as long as the guidelines are enforced, then he thought this property...she's maxed out and he didn't see why the Board needed to nitpick this applicant into something that really shouldn't be occurring. He said that all you're really doing is doubling a law that's already there. Mr. Gibbons said that if the safeguards are on the books that would protect this. He said don't keep adding things to add protection when it's already there.

Mr. Merante said that he knows the Board just received the letter tonight, but the applicant makes the point on page two of the letter that the law's already on the books. He said that his concern with something like this is that the land can be sold the day after this thing is granted. Mr. Merante said that she's been here a long time and as responsible as she has been, they don't know what the next person would do. But then there are the laws, and then again, enforcement is the issue. There are laws protecting the steep slopes.

Ms. Montgomery said that she thought maybe the safeguard could be because the adjacent parcel is the most important property on the Open Space Index that they just forgot that and adding an extra safeguard not to hold up anything that Dr. Finger's doing...it's a great subdivision and she's been very careful and conscientious about the land, but the fact is, is that property that she borders is on the Open Space Index.

Mr. Merante said that the Board can, as Mr. Gaba suggested, put a note on.

Mr. Gibbons said that precluding somebody else's property. He said they have to look at the big picture, he understood, but that property isn't going to get access through this.

Mr. Pidala asked what the percentage/grade was.

Mr. Watson said that it's steep.

Ms. Montgomery said, haven't we got recent plans that have gone right through steep slopes. She asked, does this not happen?

Mr. Merante said that it's not supposed to.

Ms. Montgomery said, but it does.

Mr. Watson said that there is a band of class three slopes almost across the entire back. He said that the Board has not approved a site plan with class three slopes on it.

Ms. Doherty said that it just doesn't seem fair or right to penalize Dr. Finger because her property abuts a special piece of property.

Ms. Conner said that she's gotten a lot of use out of this. She said that Mr. Watson said that steep slopes doesn't in certain uses preclude making her (inaudible) - you can go across steep slopes.

Mr. Watson said that you can't put a driveway or road across class three slopes.

Ms. Conner asked if these were all class three.

Mr. Watson said not all of them, but there's a band of class three slopes across that property that really preclude your designing something. He said that the other fact is that it's relatively now...so the trick when you go up steep slopes, you go sideways - close to parallel with the contours and cut off a little each time. Mr. Watson said that you don't have enough room to build the Town spec road and make the turns you have to make. He said that he couldn't say that engineering-wise, it's impossible. Mr. Watson said that right now, our rules preclude building a road through there.

Ms. Conner asked if they were also precluded from cutting off that piece, for example and selling it to somebody else if they have the adjacent piece. She said that this is the consideration...Dr. Finger obviously wants to do the right thing by her land, but at the same time, if she's not...doing the right thing ends with the last owner.

Mr. Watson said that she can trade off ten percent of her land with somebody. Right now, that ten percent would be two acres, because there's no subdivision and she has twenty acres. He said that if the subdivision were being approved, she could trade off one acre because it will be on the ten acre parcel and anything that she would do more than that, would require subdivision approval from the Planning Board.

Mr. Gainer said that the Board knows that the public hearing held on the preliminary application

was previously closed. A Negative SEQRA Declaration was made at the last meeting. The only thing that prevented action to grant preliminary approval at the time was the suggestion from the Planning Board's attorney to have a written Resolution, which has now been presented to the Board and included is a condition relative to the issue of the conservation easement. He said that it can be stricken if that's ultimately the Board's decision. Mr. Gainer said that there's one last item he wanted to present to the Board which was discussed with him formally during a break tonight by the North Highlands Fire Chief. He said that the Fire Chief would desire some ability to review the plat to determine whether it's appropriate to require any storage within the subdivision for fire fighting purposes. Apparently, it's not been referred to him previously. Mr. Gainer said that he's making an indication to him informally that he's apparently written correspondence to the Board to seek the Board to make referral to the Fire Department for subdivisions that fall within the Board's jurisdiction.

Mr. Merante said that the Board got that fairly recently.

Mr. Gainer said that it's for the Board to make a determination whether it wishes to acknowledge that. It is only preliminary approval. He said that the Board still has the approval during final to conduct any further referrals that the Board feels might be appropriate. Mr. Gainer said that the point of obtaining the preliminary approval is just to permit the applicant to now seek formal DOH approval of the individual sanitary septic system designs and that's going to be an extended period just by the nature of things.

Mr. Merante asked if the Board should broach that subject to the applicant from the Fire Department.

Mr. Meehan asked if the Fire Marshall wants a lake out there.

Mr. Gainer said that it could be any number of things. It could be a small, concrete structure - nothing more than a glorified septic tank. Or, recognizing that the design of the project does have storm water management facilities on it, whether they could create any permanent pool that would permit a dry hydrant, which is a very inexpensive thing to do.

Mr. Meehan said that the stormwater runoff....he asked how that would fill the storage tank up.

Mr. Gainer said that again, in lieu of a formal storage tank that would have to be filled, if there were any kind of stormwater detention that could be constructed as a permanent pool that would satisfy storage issues, where he could have a dry hydrant system, that may suffice. He said that he wasn't saying it would, but there are alternatives to providing fire protection.

Mr. Meehan asked what the minimum size was.

Mr. Gainer said that he'd probably seek ten thousand gallons of storage.

Mr. Merante asked Mr. Hyatt if he wanted to comment.

Mr. Hyatt said that being as they're a non-hydrant district, they have no water (inaudible) up there. In a subdivision like this, what he'd like to see if possible in the future is at least a ten thousand gallon water tank buried in the ground. Mr. Hyatt said that when Harold Lyons did his subdivision on Mountain Brook Road, he put a ten thousand gallon tank in the forest.

Mr. Gainer asked if that was a structure that Mr. Hyatt monitors and fills as necessary.

Mr. Hyatt said that he believed it was filled by groundwater. He said that if they're going to put a pond in there, it would (inaudible).

Mr. Meehan said that another place that had that was the Walter Hoving Home.

Mr. Gaba said that he thought the way to address it if the Board was interested in doing that was to add a condition "H" - satisfaction of concerns raised by the Fire District regarding fire safety protection on the property. He said just make it a condition of the preliminary.

Mr. Meehan asked how big of an area Mr. Hyatt would try to cover with this.

Mr. Hyatt said that if you put an underground tank in there, you only carry what you're going to need.

Mr. Meehan said it would just be for that subdivision.

Mr. Hyatt said it would be for that subdivision, yes.

Mr. Gaba said that it wouldn't be for off-site fire safety. He said that there's a big difference between what's necessary and what's desirable.

Mr. Meehan said that he thought you'd want something up at Blue Devil Lane, where there's a factory.

Mr. Merante said that it's encumbering this applicant for somebody else's property.

Mr. Gibbons said not really. He said that Chief Hyatt was discussion protecting the houses in this development. Mr. Gibbons said that it would be a plus that it can safeguard the other area residents, but this is the application before the Board.

Mr. Gaba said that he was not saying it's necessary to put in an in-ground tank, but it's something the applicant should look at and report back to the Board on, to tell the Board what they think is necessary and what they're willing to do with regard to that, and then the Board will make a decision as to whether that's acceptable or not.

Mr. Merante asked if the Board wanted to add that as a paragraph "H" in the Resolution.

Mr. Gaba said yes.

Mr. Pidala said that the Board is almost done with this and asked if the Board was going to have Ms. Finger do this, they were going to change the law.

Mr. Meehan asked if everybody was going to do this.

Mr. Pidala said that you can't start with this applicant, tell her she has to do it and not the next applicant.

Mr. Meehan asked what happens then with the other houses.

Mr. Gaba said that she's built in off the road, so she's far away from hydrants or anything.

Mr. Hyatt said that the closest dry hydrants they have is East Mountain Road South and Route 9 - behind Countryside Motel on Old Albany Post Road.

Mr. Gaba said that if you live up at the end and your house is on fire, you want water to be able to splash on it. That's what it comes down to. He said that he doesn't know what they have to do in order to make sure the water's there, but he was sure they'd look into it.

Mr. Merante asked if the Board had the right to encumber an applicant with something that's not in the law.

Mr. Gaba said that it's a matter of good engineering practice.

Mr. Pidala asked if other Towns do it.

Mr. Gainer said absolutely.

Mr. Hyatt said that in the Town of Putnam Valley, it's mandatory. Anything above a fire division is one thousand gallons in the ground.

Mr. Pidala said that if the Board is going to do it with one, they have to start doing it with every applicant.

Mr. Gainer said and again, it starts he thought, if the Planning Board formalizes referrals to the fire districts during the process.

Mr. Gibbons said that he thought the Board was having a problem with the fact that this is the eleventh hour that they've reviewed this and are ready to sign a Resolution as is, and now this request is coming through the Board. But it's the Fire Chief that is asking the Board this and if the Board says no and one of these houses goes up, he doesn't want to be the one on the Board that said no.

Mr. Gainer said that he thought the suggestion of Counsel was appropriate - if they just merely in the conditions seek to have the applicant respond to the concerns of the Fire Chief and let's see what is offered when the final plat comes in, so that it's not mandatory, but they first understand whether there's a possibility, because again, there's stormwater management facilities on the property - possibly some minimal re-design can afford some protection to these homes. Mr. Gainer said that they're not going to understand that tonight.

Mr. Meehan said that the applicant has a lot of animals up there and he thought maybe if the Board tried to convince her to have some sort of a pond up there where the animals can drink out of, he thought she might go for (didn't finish sentence).

Mr. Gibbons said that knowing the applicant, he thought the idea that the Board request she do (inaudible), they'll come out ahead. He said that he thought the Board would be comfortable in that request and not making it a mandatory action at this point.

Mr. Pidala asked if they get a fire insurance discount too.

Mr. Hyatt said whoever is within a thousand feet of the hydrant, gets better insurance.

Mr. Merante asked for a motion with the revised sentence recommending that the applicant confer with the Fire Chief to see what they can come up with.

Mr. Gaba said Mr. Merante wanted to address 3A too. He asked if the Board decided there is not going to be any conservation easement and going to let it go forward as is, and just strike it.

Mr. Gibbons made a motion that the Board strike the conservation easement. Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Mr. Merante asked for a motion to adopt the amended Resolution (copy attached) with "A" struck and with "H" added to it.

Mr. Gibbons made the motion.

Mr. Meehan asked what does "H" say.

Mr. Gaba said, "satisfaction of the concerns raised by the Fire District regarding fire safety

protection on the property”.

Ms. Doherty seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	Opposed
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Weber - Two-lot subdivision - East Mountain Road South/Horton Road, Cold Spring: Part 3 EAF

Mr. Watson said that they submitted the Part 3 EAF for the Board’s review. He said that he had a brief conversation with Mr. Gainer’s office and the public hearing has been closed. Mr. Watson said that he thought they were ready for the Board’s consideration of the Part 3 that was submitted and hopefully a Resolution.

Mr. Merante asked if the Board had any comments on the Part 3.

Ms. Conner said that she would still like to see the note about no further subdivision that they had talked about.

Mr. Gibbons asked if it could be in the Resolution.

There was no answer.

Mr. Merante asked if there were any other questions on the Part 3.

There were no questions.

Mr. Gainer said that they’ve been through it with the applicant and the revised materials filed were accepted from their office. He said for that reason they’ve issued draft documents for the Board’s consideration.

Mr. Meehan made a motion to adopt the Negative Declaration (copy attached). Mr. Gibbons seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Mr. Merante asked Mr. Gaba if he had any comment.

Mr. Gaba said that the Resolution looks to be in order as far as that goes. He said that he heard a comment on “no further subdivision”. Mr. Gaba said that you can’t add that to this type of Resolution. If the applicant wants to volunteer it, that’s fine, but absent compelling circumstances, you can’t say “no further subdivision”.

Ms. Conner said that they talked about having a note on the plat.

Mr. Gaba said, if they’re willing to do that. He said that the Board can’t if they’re not willing to unless it has some compelling reason that there should be no further subdivision.

Mr. Gibbons said that the compelling reason was the CAC indicated that it was a sensitive crossing.

Mr. Gaba said right, and the Board is required to mitigate that to the maximum extent practicable - that doesn’t allow the Board to say “no further subdivision”. He said that there could be a subdivision that does come in that doesn’t impact that. That’s in the future. You can’t say it. You’d have to be able to say, “under no circumstances could there be any further subdivision”... it’s the only way to do this. Mr. Gaba said that he did not think on these facts they could do that.

Mr. Pidala said that if they do come back in, they’d have to go through the whole process.

Mr. Gaba said they would, absolutely. But then the note would preclude that.

Mr. Watson said that they also outlined that the only practical way that they could ever come back was if that road were to turn into a Town road and they do not have the authority nor any capacity to do that themselves. He said that they submitted the deed to the Board that says there would only be one lot off of that road. Mr. Watson said that it’s a pretty far-fetched idea that they’ll be back in here any time soon for another subdivision.

Ms. Doherty made a motion to adopt the Resolution (copy attached). The motion was seconded.

The vote was as follows:

Anthony Merante -

In favor

Kim Conner - In favor

Josephine Doherty - In favor

Michael Gibbons - In favor

Kerry Meehan - In favor

Andrew Pidala- In favor

Pat Sexton - In favor

Therapeutic Equestrian Center - Special Use Permit - Route 301, Cold Spring: Referral

from ZBA

Mr. Watson said that this application is actually a referral from the Zoning Board of Appeals. He stated that President, Leslie Nice, who was present, was planning to build a riding academy on the Stonecrop Gardens property. Mr. Watson said that the plan is very simple. It involves the construction of a short bit of road so that people from the riding academy can go up and avoid the garden and main house building, and then proceed back onto an existing road and then a new road will be built over to the riding academy area. Mr. Watson presented the plan to the Board, pointed to an area and said that it was on the northwest corner of the property. He pointed out the following: the Cabot's house, the new section of driveway being built (over relatively gentle grade), a new driveway into the facility, stable, offices and connecting buildings for veterinarian service, etc. He said that riding will be in the pastures. A manure transfer facility...the manure will be taken out and used by Glynwood Farm, who will use it in their gardening and farming effort. Mr. Watson said that everything will be pretty well self-contained. He referred to an area on the plan and said that they anticipated there would be a four-bay garage for vehicles, over which there will be a night watchman's quarters. Mr. Watson said that all the roads will be gravel and will feel very countrified and will be well back (a couple of thousand feet back) from any public road and surrounded by uses that it will not interfere with.

Mr. Meehan asked where the parking was.

Mr. Watson said in the back.

Mr. Meehan asked if there were going to be any handicapped buses or anything like that coming up there.

Mr. Watson said that there might be vans, but generally speaking, no. There will be two sessions per day of riding. He asked Ms. Nice if there would be six to eight people per session.

Ms. Nice said that there would be sessions in the morning - usually one or two individuals per session. She said that morning sessions tend to be more individualized, whereas the afternoon sessions tend to be more groups. School children or individuals with special needs from either BOCES or other home-schooled individuals might come in the morning.

Mr. Gibbons said that the Board is trying to ascertain how many buses or vehicles they will have.

Ms. Nice said that there won't be any buses per se. She said there might be perhaps a small van, but no buses.

Mr. Watson said that you come in over the driveway, over the ridge of the hill, and down into the area where they'll have a circular driveway, so that you can get out around the barn. He pointed out the parking facilities. Mr. Watson said that there is parking near the entrance for handicapped parking and that's the only pavement they have for the handicapped parking and that's just simply to facilitate people getting in and out of the vehicles. He said that he thought in the Statement of Use, they said six to nine trips might happen in the most busy hour under

normal circumstance. They did identify, perhaps a couple of times a year, when the clients will have a show, so there will be parents or caretakers in there, at which point they'll maybe have fifty people for a period of a couple of hours.

Ms. Doherty asked Mr. Watson to point out the garage.

Mr. Watson did so.

Ms. Doherty said that there is a note on the plan about a proposed one-story garage.

Mr. Watson said that he may have to correct that, because it's not.

Ms. Doherty asked if there was only one garage.

Mr. Watson said yes, four bay.

Mr. Meehan asked if they said they would have veterinarian (did not finish sentence).

Mr. Watson said on call. He said that there's a stall set aside where horses will be let in to be treated.

Mr. Meehan asked if they needed to have a medical facility.

Ms. Nice said that if there's an accident, then the ambulance can come.

Mr. Watson presented pictures and said that they were artist's renderings of the approach to the barn coming.

Mr. Gibbons asked what they had for fire suppression.

Ms. Nice said that she had conversations with F.J. Spinelli.

Mr. Gibbons said there will be some facility.

Ms. Nice said that they are looking at either a container with a dry hydrant or (did not finish sentence).

Mr. Gibbons said o.k., because this is the ideal location where you're going to need to have it.

Mr. Watson said that they have issues that are being worked through. He said that the original road comes up past the Cabot's house and continues to Jordan Pond, which is maybe a little over a thousand feet away. Mr. Watson said that they are really fairly close to water, so he didn't really think that was a major problem.

Mr. Merante said that the applicant mentioned Mr. Spinelli and in the statement it shows North Highlands Fire Department. He asked if they were talking to Mr. Spinelli just as a matter of course.

Ms. Nice said that he's the Fire Marshall.

Mr. Merante said that the Board was suggesting to talk to the Chief of the Fire District.

Mr. Watson said that they'll be happy to send the plans over for anything they want to comment on. He said that they are very aware of the fire issues and assures the Board they are working with the Fire Department.

Mr. Gaba asked Mr. Watson if this was just on referral from the ZBA and was not a site plan for the Board.

Mr. Watson said it is not site plan review.

Mr. Gaba asked if the reason was because it's agricultural.

Mr. Watson said that it is a special use permit and technically, it's not a site plan approval in a special permit. He said that special use permits do not require site plan approval. Mr. Watson said that it often takes that form.

Mr. Gaba said so they're not a permitting Board, so they don't do SEQRA Review. They just give them a report.

Mr. Watson said that the Zoning Board has already declared their intention to be Lead Agency. In fact, the Zoning Board and the Health Department are the only two agencies.

Mr. Meehan asked if the barns and everything might have fire suppression.

Mr. Watson said yes. He said that they would be very happy if the Board thought this was a wonderful thing and sent them back to the Zoning Board with a positive recommendation.

Ms. Doherty said that it is a wonderful thing.

Several Board members agreed.

Mr. Pidala asked if Mr. Watson would show the handicapped parking.

Mr. Watson did so.

The Board decided to schedule a site visit for Sunday, March 29, 2009 at 9:30 a.m.

Mr. Gibbons asked if the proposed road that they want to put in was tree-lined already.

Mr. Watson referred to the area and said it's second growth wood.

Mr. Gibbons asked if they were only having six or eight cars a day, why they didn't want to get up near the main garden area.

Mr. Watson said that occasionally they're going to have a horse trailered in or out, and they want to keep the two uses a little separated. He said that the Board will see when it gets there that they are not cutting down any birch or bark - it's really second growth.

Mr. Gibbons said that Ms. Conner brought up the idea that they're going to have horse trailers. He asked if they had parking facilities for the trailers.

Mr. Watson said that they're not intending to store any horse trailers there. He said they will be brought to the site and then they'll leave.

Mr. Gibbons said that they also indicated there was an awful lot of (inaudible) along the driveway, but yet the terrain doesn't look that steep. He asked if he was just reading that.

Mr. Watson said that he'd have to check.

Mr. Gibbons said all the buildings had the same dimension.

Mr. Watson said because it's all one floor - it's all level.

Mr. Gibbons said but each building has the same dimension.

Mr. Watson said that there are only two buildings.

Mr. Gibbons said that the dumpster is next to the caretaker's place and asked why it couldn't be moved over to the manure pit.

Mr. Watson said that maybe it could. He said that it's really for office waste and stuff like that. Mr. Watson said that they could look at that.

Minutes

-February 19, 2009

Ms. Doherty said that on the very last item the Board voted on with the Bardes application, she voted against that.

Mr. Pidala made a motion to adopt the minutes. Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante -

		In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	In favor

Correspondence

1. Letter from John Lynch, County Department of Planning regarding Garrison Station Plaza
2. Note regarding Workshop on Zoning Law scheduled for Wednesday, April 1, 2009 at Community Center
3. Letter from Anthony Merante to Town Board regarding Jung - request for Zoning Change
4. Proposed Local Law to amend the zoning map.

Adjourn

Mr. Gibbons made a motion to adjourn the meeting. Mr. Pidala seconded the motion. The meeting ended at 10:00 p.m. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Kerry Meehan	-	In favor
Andrew Pidala-		In favor
Pat Sexton	-	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.

Date approved: _____