

Philipstown Planning Board  
Meeting Minutes  
July 23, 2008

The Philipstown Planning Board held its regular monthly meeting on Wednesday, July 23, 2008 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, Chairman  
Josephine Doherty  
Michael Gibbons  
Kerry Meehan  
Andrew Pidala  
Pat Sexton  
Steven Gaba, Counsel  
Ron Gainer, Planner

Mr. Merante announced that the David Kaiser application had been removed from the agenda and would not be discussed.

**Public Hearing**

**Carlson Construction Management - Torchia Road, Cold Spring: Discussion**

Mr. Watson stated that this project was previously approved. Mr. Carlson elected to construct the road prior to filing the map. That process has been more costly and has taken longer than expected, but at this juncture the road is virtually complete. All of the other requirements are in place. Mr. Watson said that all the fees have been paid and the applicant is up to date with his escrow. He said that they've completed the as-built survey. Mr. Watson said that they have not gotten a report from Stantec regarding the adequacy of the construction. The only thing they need for signature at this point is whatever remedial actions are dictated by that report. Mr. Watson said that the course of this project involved reconstructing Torchia Road and the bridge over it. He said that as part of the arrangement for alternate road standards, Mr. Carlson agreed to replace the bridge and re-construct the first part of Torchia Road, after which he would construct a new road to alternate road standards into the property and off of that, a private road - standard open development road to be able to create five residential lots. None of that has changed. Mr. Watson said that the Health Department approval is in place. All of the approvals are in place. He said that they are not certain that in the remaining time between now and the deadline, which he believed is the beginning of September, they will be able to finish the road in terms of the remedial work. Mr. Watson said that they are asking the Board to re-adopt the Resolution and let them finish the road and be done with the project.

Mr. Merante asked the Board if there were any questions.

Ms. Doherty said that she'd like to know what Stantec's opinion of the road was so far.

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Mr. Gainer said that they sent staff out to inspect the road and had the Highway Superintendent inspect it. There will be some remedial requirements that have to be addressed before they indicate that it's complete. He said that he was anticipating that a technical memorandum will go out with a week.

Mr. Merante asked if the Highway Superintendent had any comments that would preclude the Board from approving this.

Mr. Gainer said no. He said that he thought the intent for tonight was to grant (inaudible) the same conditions as previously existed and they have no objection to that.

Mr. Gibbons said that he wanted Mr. Gaba's opinion on the legalities of what the Board is trying to do tonight. He said that before they do that, he wanted to know if there were any other outstanding pieces of the Resolution other than that road.

Mr. Watson said that he would qualify that once by saying the road maintenance agreement was previously approved and Mr. Gaba may want to take a look at that. He said that other than that, he thought there was nothing outstanding. Mr. Watson said that again, it's pending any remedial action that Stantec's investigation will probably have.

Mr. Merante asked if there were any fees due to the escrow account.

Mr. Watson said that the last he checked, which was about two months ago, there was something like \$150.00 or some very minor amount, which Mr. Carlson paid.

Ms. Julia Scanga introduced herself and stated that she had a letter and asked the Board's permission to read it. Ms. Scanga read the letter aloud (copy on file at Town Hall). She submitted copies for the file.

Mr. Merante asked Mr. Gaba for comment.

Mr. Gaba said that it is a side deal between Mr. Carlson and Ms. Scanga and really isn't part of the subdivision process. He said that it would be interesting to see what Mr. Carlson has to say about it. Mr. Gaba asked Mr. Carlson what the status was.

Mr. Carlson said that the bridge was condemned by Tectonic Engineering. He said that he approached the Scangas. They gave him approval. Then Julia Scanga approached him and said she would like to have compensation for Umberto Salvi, her father, and would like to have their bridge blacktopped and would like him to carry liability for the bridge. Mr. Carlson said that he said fine, he gave her a check, and she accepted it. Mr. Carlson said that he had their bridge

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blacktopped when he did the blacktop on his bridge. He said that at that point, everything was fine. Then she came back to him on the side and asked him where's hers. Mr. Carlson asked what she was talking about. Mr. Carlson said that Ms. Scanga asked where her money was. He said that he told her he paid her father and did everything he agreed to do. Mr. Carlson said that he couldn't believe she asked for twenty thousand in cash. He said that he said he doesn't do that - he doesn't play that game, and Ms. Scanga was so angry.

Mr. Gaba said that she said she wanted gravel on the right-of-way and a gate. He asked Mr. Carlson about that.

Mr. Carlson said that was Kevin Reichard's property and he wants to leave it natural. He said that it was not her property.

Mr. Merante said that he wanted to know how germane this was to the action the Board was trying to take.

Mr. Gaba said that it is not part of the subdivision.

Mr. Merante said that it sounds like it's something between the two of them.

Mr. Gaba said that he could not see getting into it. He said that he's done what he said he was going to do too.

Mr. Merante said that it is he said, she said. He said that to his memory, it was insistent on it to be an alternative crossing of the bridge while the new bridge was being constructed. He said that beyond that, he did not know what agreement was made between the two parties.

Mr. Carlson said that the original concept was to try to work half on the bridge.

Mr. Merante agreed and said that he remembered that.

Mr. Carlson said that as the engineers arrived, the bridge had deteriorated to the point where they said there's no way...the concrete was broken, the wood was rotten, half was wood, half was concrete, and they said you can't (did not finish sentence).

Mr. Merante said aside from that, Mr. Carlson made an arrangement to provide emergency crossing.

Mr. Carlson said that is when he went to the Scangas and said it's insured for....and then conditions.

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Mr. Merante said, but to his recollection that never entered the record during the discussion of giving approvals. He said that as the attorney said, he did not know if the Board could/should deal with that.

Mr. Gaba said that it doesn't even sound like it was part of his proposal for the building. He said that he said they don't want the gate and don't want the gravel.

Ms. Scanga said that she wanted to clarify that the day the bridge came down, the Town stopped work on the project. So Mr. Carlson drafted an affidavit which he presented to Tom Monroe in order to continue work. Ms. Scanga said that she doesn't understand why his problem/project becomes a problem with her father and he signed an affidavit on that day saying that he was going to gravel the right-of-way. She said that Mr. Carlson had promised to do it.

Mr. Merante said that it may or may not be so. He said that he and the attorney was saying that it is ancillary to the application and the approvals that were given for this project. Mr. Merante said that the only relationship to what the two of them were discussing is that the Board at the time insisted that Mr. Carlson have an alternate crossing of Clove Creek. He said that whatever arrangement was made was a private affair that did not enter into the approval. Mr. Merante said that there was nothing the Planning Board could do, as it was out of their jurisdiction.

Ms. Sexton asked what happened to the affidavit and if it was part of the record with Tom Monroe and if it was part of the permit.

Mr. Merante said not that he is aware of.

Ms. Sexton asked Mr. Carlson if he intended to gravel and gate the driveway as he promised in the affidavit.

Mr. Carlson said that it had been a long time and he would have to see a copy of the affidavit. He said that when she called the sheriff, he went to Mr. Monroe and said that he had an agreement with these people. He said that he honored the agreement and they still closed the bridge. Mr. Carlson said that they took the money and then called the police and closed the bridge. He said that first, they took the check and then they shut down the right-of-way. Mr. Carlson said that he went to Mr. Monroe, told him that he had signed an agreement that they would use this temporarily during construction. He said that there was no other discussion between Tom Monroe and him.

Ms. Sexton said that the affidavit does exist somewhere.

Mr. Scanga said that she wanted to respond to her being painted like an extortionist as Mr.

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Carlson was saying she was. She said that the twenty thousand dollars....the figure came about...she said that Mr. Carlson gave Kevin Reichard - the neighbor, who's property Mr. Carlson used, a twenty thousand dollar wall. Her parents are entitled to just compensation. She said that the check that she got in the road closing happened way after June 1<sup>st</sup>. Ms. Scanga said that on May 23<sup>rd</sup>, they still didn't have the certificate of insurance and Mr. Carlson kept saying yeah, yeah, yeah. She said that after June 1<sup>st</sup>, they still didn't have anything and that's when the road was a mess and full of pot holes and mud and that's when they took the check for \$2000.00 to do repairs. Ms. Scanga said that Mr. Carlson did pave a portion of the bridge, but the driveway is 350 feet long, so by paving just a little portion of the driveway, there's a lot of damage throughout the driveway.

Mr. Merante said that it is a private matter and that he thought the Board had to move on. Mr. Merante said that there is nothing the Board can do about that. He said that it looks to him like a civil matter. Mr. Merante asked if the Board had any comments.

There were no comments.

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

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

Mr. Gaba distributed the Resolution. He said that since there's already been a SEQRA determination in regard to this application and all the applicant is really doing is surrendering their existing conditional final and requesting that the Board re-enact it, that SEQRA determination stays in place. Mr. Gaba said that there's a provision in the Resolution reaffirming the prior Negative Declaration. He read the Resolution aloud.

Mr. Carlson said that noone's ever told him what's wrong with it and to him, the road is fine - the lines are on it, all the infrastructure's been done, the drainage, etc. He said that the road is not too steep and it's where it's supposed to be.

Mr. Gaba addressed Mr. Carlson and said that he did not think he understood. He said that he was saying that there's a date that if he hasn't obtained final approval for the road by it, he's going to have to post a bond. Mr. Gaba said that if he makes that tomorrow, everything better be

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in place tomorrow. But if he makes it six months from now, he gives himself a lot of time to make sure things are worked out and he doesn't have to post a bond.

Mr. Carlson said that he won't post a bond as it is his road. He said that it is not their road, they refuse to take it, so he will have to post a bond. Mr. Carlson said that it is his road and is like his driveway. He said that no one is supposed to bond to do their driveway. Mr. Carlson said that he hasn't seen the list of whatever it is he's supposed to....what hoops he's supposed to jump through now. Mr. Carlson asked how high the bar is.

Mr. Gainer said that all he's going to be asked to do is comply with all the requirements shown on the construction plans. He said that no new provisions will be created. He said just make sure to satisfy all requirements from the prior approval.

Mr. Carlson said right. He said that he never realized that there was a time limit on ....he knew they gave an arbitrary time of six months. Mr. Carlson said that he does the best he can with what he has. He said that if he could sell a lot, it would have been very helpful, but since they couldn't get through this process in a timely manner, he missed that moment of opportunity.

Mr. Gaba asked Mr. Carlson if he would suggest six months, eight months, a year.

Mr. Carlson said he didn't have the list and had no idea what the Board was asking him to commit to.

Mr. Gaba asked what was in his plans and said that he had to build the road according to (did not finish sentence).

Mr. Carlson said that he build the road. He's said that he's got it blacktopped, fire retention, catch basins and drainage. Mr. Carlson said that he put in a curb. He said that if the Board had another bar, he'd jump over it. Mr. Carlson said that he has done everything that he felt he had to do.

Mr. Gaba asked the Board if it wanted to make it four months, as the applicant seems to think he's ready to go.

Mr. Gainer said that he thought they could probably pick, just to be as reasonable as one can be, the end of the construction season, which would typically be mid-November. He said that he'd pick 11-15 and if they wanted to say December 1<sup>st</sup>, that would also work. Mr. Gainer said that it gives Mr. Carlson as much latitude as one can get through this construction period for whatever remedial work might remain to be done.

Mr. Gaba said that 12-01-08 will be the date filled in.

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Mr. Gibbons said that his understanding is that there's no where in the Town Code for a provision for a portable toilet to be on the construction site and he would like to see the Board start instituting such language so that when you have such a large acreage like this with surrounding neighbors, these construction workers have a place to go.

Mr. Carlson said that he did during the construction of the bridge.

Mr. Merante said that Mr. Gibbons wasn't asking the Board to include that in this Resolution, as it would require some changes to the Town Code.

Mr. Gibbons said that he realized they'd have to change the Town Code and asked why then they can't put it in a Resolution.

Mr. Merante said that he didn't know how he wanted to put it in this one though. He asked if there were any other comments.

There were no additional comments.

Ms. Doherty made a motion to approve the Resolution (attached). Mr. Gibbons seconded the motion. The vote was as follows:

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

**Boscobel Restoration Inc. - Two-lot subdivision - 1601 Route 9D, Garrison: Revised plans**

Mr. Gibbons recused himself from this application and stated that he is the Putnam County Representative to the State Greenway and receives funding for various projects throughout Putnam County for Town officials. He left the table.

Mr. Watson stated that their application is to divide the property into two lots - one for the existing dwelling and one for a new dwelling. The existing dwelling will end up on about 2.6 acre parcel, and the new dwelling will end up on a 2.8 acre parcel. Mr. Watson said that the property is generally very flat until it gets to the very rear of the property. He said that they've avoided any encouragement to steep slopes of any class, they've tested for septic systems in front of the property and have had good test results. They've tested for expansion system for the existing house and have had good results. Mr. Watson said that the Planning Board had made a

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request that there be no cutting of the stand of trees in front of the new lot and they have provided on their plan a 120 foot buffer before they clear for the septic system. He said that as it is now presented to the Board, there will be a shared driveway - they will both use the existing driveway. There will be no new cuts on Route 9D, however, they have specified that if that is the case, some sight line will have to be cleared, particularly to the south in order to achieve an appropriate sight distance, and that is noted on the plat. Mr. Watson said that during the last meeting and during the site visit, the Board asked if they would consider going out Bell Lane. He said that he said on behalf of his client, who has reiterated it to him, that they would be willing to do that to the extent that they have permission. They do not have any rights-of-way. They know from the title company that they do not have a right-of-way of Bell Lane. Mr. Watson said that they said it is a couple of thousand dollars endeavor to determine who in fact has the fee to Bell Lane and who may issue a valid right-of-way. He said that they are having that search now and represent to the Board that if they are able, they'll do everything in their power to acquire that right-of-way, and if they do, they will alter the plans so that access is taken directly from Bell Lane. Mr. Watson said that there was very little in the way of grading and nothing in the way of encroachment onto steep slopes.

Mr. Meehan asked Mr. Watson how long he thought it would take to find out about Bell Lane.

Mr. Watson said that he would say they'll find out within the next month. He said that work was authorized...it was requested the day after the Board's site visit or thereabouts and they came back having done some preliminary work and said if they go any further, it's going to be a larger amount of money than they would normally charge. Mr. Watson said that money was authorized on Monday.

Mr. Merante asked Mr. Watson if he knew when Bell Lane was built.

Mr. Watson said that he thought in the early fifties.

Mr. Meehan said that would lift the requirement for the sight distance.

Mr. Watson said that he didn't know, but wouldn't be surprised if the Planning Board asked them to keep it on the site plan for the sake of the safety of the first person.

Ms. Doherty said that regarding the same sight distance easement, that vegetation, that cut would have to be maintained.

Mr. Watson said sure, that's not a problem. He said that the site is partly on State property and partly on private property.

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

There were no comments.

Mr. Merante asked if the public had comment.

There was no comment.

Mr. Gainer said that the latest plans address most of the prior comments of the Board . The significant open issue is just that the applicant's consultant describes on resolution of access onto Bell Lane . He said that they are suggesting the Board take no further action until the Board receives some resolution of that.

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

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

Mr. Gibbons joined the table again.

**Mary Ellen Finger - Application for five-lot subdivision - Horsemen's Trail Road, Cold Spring: Revised plans, EAF Parts 1 and 2**

Mr. Watson said that the applicant proposes to construct 750 feet of new road, which will follow her northerly property line. The road reaches a point where a cul-de-sac is proposed. It will be built to Town Road residential road standards. Two lots will be created in the front and will take direct access onto Horsemen's Trail. The two residential lots in the rear will take access off of the new road. The farmstead will remain in its place - it will be located on a ten plus acre parcel, so that it can be operated under the present zoning without any restrictions or limitations other than setbacks, which are special requirements. Mr. Watson said that the road is graded to drain toward the east, where there will be water treatment and mitigation with regard to stormwater, the soils are very good soils for septic systems. There is a question with regard to the driveway and they have looked at alternates. Mr. Watson said that they are trying to maintain the farm without ruining the farm - they feel that's necessary, but it's accomplishable. He said that there has been a lot of effort on the part of Dr. Finger to make this thing work both for her and to produce useful lots.

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Ms. Doherty said that at the site walk, they had some discussion about the access to Route 9 north and south and asked if Mr. Watson would go over that.

Mr. Watson said that he had suggested the possibility of going straight out, across Horsemen's Trail directly onto Route 9. He said that he thought the Board's consultants had considered that and decided that that alternate doesn't necessarily work or make things any better. Mr. Watson said that they are fine with that.

Mr. Merante said that they had the initial discussion about the wavy road. He asked Mr. Watson to briefly describe that.

Mr. Watson said that driveway to Lot Five.

Mr. Merante said right.

Mr. Watson said that there is a steep bend and they have to climb it. There is a house site that Dr. Finger has picked out. It's tough to back up in there. He said that there's no other practical way to go other than to go around and that doesn't get much better. Mr. Watson said that they have avoided any class three slopes and don't expect there will be any difficulty with digging or required blasting. The soils there indicate that they have some depth. Mr. Watson said that they do have from Stantec technical comments, but they have to address drainage and they should be able to stabilize it without any trouble.

Mr. Merante asked what the overall/average grade on it was.

Mr. Watson said that he thought it was probably around thirteen or so. He said that a lot of it is fourteen percent.

Mr. Gainer said most is fourteen.

Mr. Pidala asked if on Lot Four and Five, the utilities would be put underground.

Mr. Watson said yes.

Mr. Gibbons asked how long the fourteen percent grade was on Lot Five.

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

Mr. Gibbons said that he was trying to find a way that either the grade be lessened or if it's fifty feet that's grade fourteen, it wouldn't really be necessary.

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Mr. Watson said that it starts out at a one percent grade and makes a transition to fourteen percent grade. It reaches fourteen percent grade at about station 60. It begins to fall back to a ten percent grade at station 290, so about 235 feet of fourteen percent grade. A transition into it in the beginning, a transition out of it at the end and then it goes to ten percent and then down to three percent. Mr. Watson said that he was going to revise his estimate - it's not thirteen percent, it probably averages out a little bit less than that.

Mr. Gibbons asked if it would behoove the applicant to consider the plan at less than that.

Mr. Watson said that what happens is that as you flatten the road out, you make a deeper cut.

Mr. Gibbons said that it's Mr. Watson's choice.

Mr. Watson said that they have a fair amount at fourteen percent grade, it is legal, it minimizes the disturbance, so that is why they would opt for it.

Mr. Gibbons said that the paperwork indicates that the main residence is going to go from twelve acres down to seven acres.

Mr. Merante and Mr. Watson said ten.

Mr. Meehan asked if they were going to have a retention down at the end. He asked where the water was going to run to.

Mr. Watson said that it is going to be returned to sheet flow with a level spreader and it will be metered out of there.

Mr. Gainer said it is going to flow to the north. He said that they are asking for details on that design to understand it and that's why they're suggesting the Board take no SEQRA action.

Mr. Merante asked if that would be part of the stormwater plan.

Ms. Doherty asked if on Lot Five, there was any way Mr. Watson could pull the house down some so that it wouldn't have that fourteen percent. She said that she saw what looked like a flatter area and asked if they were using that.

Mr. Watson said that the price of that is to give up the pasture land. He said that is very valuable to the farm. Mr. Watson said that they had four or five iterations of it and said that just to the area east of Lot Four is particularly good farm land and they would like to maintain that and that is really one of the main reasons that's driving that decision. He said that it is not an unusually

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long driveway for Philipstown and not unusually steep either actually. Mr. Watson said that with their ability to work with the soil a little bit better there, he thinks it will be a better driveway than normal.

Ms. Sexton said that on page five, there needed to be a correction.

Mr. Watson said that they fixed that already. He said that Mr. Gainer's assistant caught that.

Mr. Deneher of Sky Line Drive introduced himself. He said that he knew that at a previous meeting, they said the road was seven hundred feet and asked if there was any liability to the or anything special about that as compared to an open development road.

Mr. Watson explained that the road will be built to a specification that it would be acceptable - it would meet the minimum standard to be accepted by the Town as a Town road. He said that under most circumstances in most place, he would say that it would eventually become a Town road. There would usually be an offer to dedicate the road submitted at the time the subdivision approval is made. When the road is built and ready to be dedicated, the applicant asks the Town to act on that offer - to pick it up and make it a Town road. Mr. Watson said that he thought that was highly unlikely that that would happen with the present kind of government. They have refused Town roads - they don't want them. Mr. Watson said that they've only had three or four Town roads since he's been in practice, and that's thirty-five years. He said that it is available, it will be offered and it's the Town Board's decision as to whether or not to accept it. Mr. Watson said that the reason Dr. Finger opted to build the Town road was that there was no other way to configure the lot and maintain a ten acre lot for the farm. The way the Zoning works is that you may have a farm as-of-right on a two-acre lot, but you're restricted as to the number of animals you can have and the number of things you can do. Mr. Watson said that as the parcel grows, those restrictions decrease and when you get ten acres, those restrictions disappear. So it was a conscious effort to keep a viable farm with few restrictions that caused the one design change from an open development road with a nine and a half acre farm. He said that in fact, they had requested the Town Attorney for an opinion as to whether or not they could count the right-of-way to satisfy that ten acre requirement so they could still have a private road, and he advised them that he felt that the ten acres could not fulfill the required road, so they had to alter their design in order to accomplish that.

Mr. Deneher asked if Harold would have access to that road also. Is he able to either access those lots or subdivide them after that.

Mr. Watson said that there are three answers to that question. He said that it does really depend. Mr. Watson said that if she builds the road and does nothing else and the Town refuses to take it, the answer is no. He said that if Harold were to encroach Dr. Finger and pay her for a right-of-

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way over that road, he could then approach the Town and say he would like to get approval of access for his subdivision and use the road, so there's a maybe. Mr. Watson said that if the Town were to accept dedication of the road, it would become a public road and Harold would have free and unfettered access to it.

Mr. Deneher said that across the street is the big area being developed. He said that in the report by Chazen Company, they talk about the aquifer and that concerns him. Mr. Deneher said that they're in a situation right now where it's being built - and it's not there yet. He read from a section of the report. Mr. Deneher said he's concerned that something very large is being built across the street and they are now starting to expand and that is not supported...or they don't know. Mr. Deneher said to the Board to be weary of what may happen and to understand how it will impact them.

Mr. William Martin of 121 SkyLine Drive introduced himself and stated that he lives directly behind the applicant. He said that he was worried about the erosion coming down the mountain. He said that Horsemen's Trail floods as it is right in front of her and down at Sky Line Drive, north of her. The drainage is going to go across Horsemen's Trail, down Horsemen's Trail and then out to Route 9. He said that they have open drainage coming down Sky Line Drive and there's an open pit at the corner of Sky Line and Horsemen's and it's always high with water there and there is also a flood area in front of the Garrison's house. Mr. Marin asked, what about the wildlife and how much tree cutting the applicant was going to do for this project. He said that up there, they have beautiful wildlife. Mr. Martin said that the animals have been in his yard a countless number of times. The sheep and goats are always in Harold's lot next door. He said that the applicant had to actually get the goats one time when she thought they were killed by coyotes.

Ms. Doherty asked Mr. Watson to point out the entrance to Sky Line Drive.

Mr. Watson did so. He said that as was stated before, they've already been told that they will require a plan that does not increase the rate of runoff, treats the stormwater and returns it to sheet flow.

Mr. Merante said that there is going to be a stormwater pollution preventive plan that has to go into place, and they have to specify what they're going to do with all this.

Mr. Martin asked if the drainage was going to go underneath Horsemen's and then north to Route 9.

Mr. Watson said that he couldn't answer that right now.

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Mr. Merante said that the plan has to be presented yet.

Mr. Watson said that the design will not be approved unless they demonstrate to the engineer's satisfaction that they will not be increasing the runoff from this property. He said that there are engineered solutions to that - a detention basin being the most typical.

Mr. Martin asked if anything would be done to keep the animals in the farm.

Mr. Watson said that he could not answer the question.

Dr. Finger said that she's had a number of problems with the construction and Expressway Auto Salvage was there (inaudible). She said that when Quarry Pond began construction, there was a big movement of all the wildlife and there was one period of a few weeks when it seemed like they invaded her farm. The dog went off, the goats were chased up. Dr. Finger said that she buys several hundred trees from New York State Department of Forestry and the only issue of tree cutting she had ever had she thought was when Thaile Construction took out about thirty trees and she had an erosion problem. She said that when Mr. Martin built his house, he cut down a couple of her trees.

Mr. & Mrs. Martin said one tree.

Mr. Giachinta said that it was zoned Industrial and asked if that was correct.

Mr. Watson said that's correct.

Mr. Giachinta said that basically developed as Industrial (inaudible). He said that Dr. Finger wants to keep the farm and asked if that was correct.

Mr. Merante said yes.

Mr. Giachinta said that he thought farm land was open space. He said to not forget what could be developed.

Ms. Kelly Martin introduced herself. She asked if there will be trees cut down where the fifth house is going to be.

Mr. Watson said yes.