

SEQ CHAPTER \h\r 1 Philipstown Planning Board

Minutes of the Meeting

September 28, 2006

The Philipstown Planning Board for the Town of Philipstown held its regular meeting and a public hearing on September 28, 2006 at the VFW Hall, Kemble Avenue, Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman, George Cleantis.

Present: George Cleantis

Michael Gibbons

Kerry Meehan

Anthony Merante

Andrew Pidala

Pat Sexton

Tim Miller, Planner

Janell Herring

Tim Pagones, Counsel

Absent: Josephine Doherty

Public Hearing

Carlson Construction Management Company, Inc. - Application for approval of alternate road standards - Torchia Road, Cold Spring: Request for modification to Resolution

Mr. Watson stated that this is a re-application for a previously approved subdivision that ran its term of approval for the full year without fulfilling the conditions of the Board's final approval and they are seeking to have that approval re-instated. Mr. Watson said that it is sixteen acres with access by a private road - Torchia Road, which the applicant is improving to modify town road standards under the alternate road standards section of the Town Code. He said that all of their approvals are in place except for the Town Planning Board approval, so they are seeking that approval to be put back in place. Mr. Watson said that this subdivision was a cooperative effort between the Planning Board, Town Board and Carson Construction Management to make this land available for the applicant for development, where it would otherwise be if he were constructing an alternate road into the property and at the same time constructing a new bridge across Clove Creek. Mr. Watson said that for several years, the bridge was not safe and it got to the point where emergency service vehicles refused to go over the bridge. He said that part of the work has been done. Mr. Watson said that today, there is a new road from Route 9 in, there's a brand new bridge, the road is paved up to and including the bridge and beyond that point, some of the rough work has been done. They are not seeking any new conditions. The only thing they are asking is that the bond amount be reduced to reflect the work that has been completed. Mr. Watson said that the amount of the bond was one of the issues that prevented them from making anything happen within the year, so they are asking the Board's re-approval of this. Mr. Watson said that they have a highway work permit, they have submitted a plat with the Health

Department's signature on it, and the work on the bridge has been completed. He said that yet to be completed is work in the wetlands for the storm water management, so they do need a renewal of a wetlands permit for that purpose.

Mr. Cleantis asked if the Board had any questions.

Ms. Sexton said that there were questions from Bibbo Associates that were referred on July 19th and asked if they had been taken care of.

Mr. Watson said that he believed all of the engineering issues were taken care of.

Ms. Sexton said that it said the grade appeared to be uneven and they question the ability of emergency vehicles accessing the existing road.

Mr. Watson said it is on the area that is rough graded and he did not know if that was taken care of.

Ms. Sexton said that there are three issues on there.

Mr. Merante asked if for the new part of the road - the part that is actually in the subdivision, it would have a maintenance agreement.

Mr. Watson said yes.

Mr. Merante said that the other portion is not brought under that.

Mr. Watson said he believed that all of the owners of the lot within his subdivision will be required to participate in a maintenance agreement.

Mr. Meehan asked if there were any outstanding issues with Clove Creek.

Mr. Watson said not to his knowledge - the bridge is in and functioning and that work is complete. He said that they still have to do the disturbance in the wetland buffer for the stormwater management.

Ms. Sexton said that in one area, it says the catch basins and sediment has not been installed to mitigate the release of the (inaudible).

Mr. Watson said that he did not think any work had happened since July 19th.

Mr. Cleantis said that has to happen.

Mr. Meehan asked if the Wetland Inspector was going to approve it.

Ms. Herring said that she talked to David Klotzle and he said that everything was done except the bio-retention basins, which were pending.

Ms. Sexton said that it said the sediment trap had not been installed.

Mr. Watson said that it probably hasn't been installed yet.

Mr. Cleantis said that it can be added as a condition.

Mr. Watson said that it is among the general conditions already there.

Mr. Cleantis asked what the other item was.

Mr. Watson said stormwater management. He said that it has not been done and is part of the original conditions still to be done.

Mr. Meehan asked if all the utilities were going to be underground.

Mr. Watson said that he did not think so. He referred to the plan and said that he thought there were poles going through and they would go underground from that point on.

Mr. Cleantis asked if that was a note on the map indicating that the poles will be underground. He asked if it was the consensus of the Board that it wanted to include it as a note.

The Board said yes.

Mr. Cleantis asked Mr. Watson to include it as a note and asked if Mr. Miller had any comment.

Mr. Miller said that this project started a year ago. There was a modification to reduce the bond amount in exchange for completion of the road somewhere in the middle of this process.

Mr. Watson said that he did not believe so. He said that he did not believe the bond amount was ever reduced.

Mr. Miller said o.k., it was offered as an alternative.

Mr. Watson said right, but he did not think it ever happened.

Mr. Miller said right, the road did not get completed and he guessed that in part, it was one of the reasons why this thing expired.

Mr. Watson said that to be perfectly frank, there was enough money to build the road and enough money to buy the bond, but there was not enough money to do both. So he built the bridge, did the paving, got to the end of his time, and now he needs more time to finish the road. Mr. Watson said that they believe the bridge is complete and approximately fifty percent of the road is working, so they were hoping that in the Resolution the Board would reduce the bond.

Mr. Miller said that he was at the site today and there is a road there. It is very rough and does not look like there's been any recent activity in terms of forking on the road. Mr. Miller said that he met with Mr. Forget, who has been patiently waiting for the map to get filed. He has sold his house and can't close on it because all this stuff is not happening. Mr. Miller said that a year has gone by and now the plat and the Resolution of approval has expired, and they are asking to start all over with another year and still want the option of either bonding the road or completing the road. He asked Mr. Watson if that was correct.

Mr. Watson said yes.

Mr. Miller asked when Mr. Forget is going to be able to sell his house.

Mr. Watson said that he didn't know.

Mr. Miller said that if he bonds the road, you can file the map.

Mr. Watson said that Mr. Miller is putting blame where blame doesn't belong. He said that frankly, if the applicant hadn't built the bridge, he wouldn't have a chance at selling it. Mr. Watson said that he's been working at these things and getting this stuff done.

Mr. Miller said that he was just asking a timely question and was not putting blame on anyone.

Mr. Watson said that you could certainly incur from his comment that he was, but the fact is that he was telling the truth. He said that the applicant didn't have enough money to do both and ran out of time, so he wants to come in and finish the road. Mr. Watson said that it is to everybody's benefit for him to finish the road. He said that if the bond is reduced to a reasonable number, and he can afford the bond, he'll bond it because that will let him sell a couple of the lots.

Mr. Cleantis asked what the bond amount was now.

Mr. Watson said that it was \$200,000.00 originally, and \$150,000.00 of that was for the road.

Mr. Cleantis asked what Mr. Watson was looking for.

Mr. Watson said that they expect it is about fifty percent - \$75,000.00 at this time.

Mr. Cleantis said for the road.

Mr. Watson said yes.

Mr. Miller said, so if the bond is reduced to \$75,000.00 he could post that bond.

Mr. Watson said that he believed so.

Mr. Miller asked what was left then for Mr. Watson to get his map signed and filed.

Mr. Watson said that once the bond is posted, there is a recreation fee, and he thought they had to get a copy of the DOT permit, which they have and that's it. He said that he'd have to go through the Resolution, but there's nothing that makes them go through another process.

Mr. Merante asked if the recreation fee was the amount of two homes or three homes.

Mr. Watson said that it is five lots and you pay for three.

Mr. Cleantis asked if anyone from the CAC had any comments.

There was no comment.

Mr. Cleantis asked if anyone from the public had any comment.

Mr. Ken Forget asked if there was a time frame as to when the road would happen or if he had any rights to do the road work himself because it's his right-of-way or easement through his property.

Mr. Watson said that he certainly had the right to improve the space on the right-of-way.

Mr. Forget said that he started a year ago and they are willing to help the cause to make it better.

Mr. Cleantis asked Mr. Watson what kind of timetable he had with the information they have in

terms of finishing the property.

Mr. Watson said that Mr. Carlson told him that he wants to finish the road as soon as he possibly can. He said that if he's able to bond the road at this point, he thought he'd go in there and finish it. Mr. Watson said that they are getting into October, so whether he'd be able to get enough done, it is questionable, but certainly by late Spring it should be completed.

Mr. Forget asked if he had the finances, he could do it himself now.

Mr. Watson said that he had a right-of-way to get to his house. He said that he had the right to make improvements to that road to make his right-of-way useful to him.

Mr. Cleantis asked Mr. Forget if there was any way he and the applicant could get together and work it out, so that they are not being double billed.

Mr. Forget said that he was the one who started this whole thing. He said that now it is getting down to the wire and he wanted to know what his options were.

Mr. Cleantis said that they are hearing it would happen by late Spring - May or June, according to their plan.

A gentleman in the audience asked how much a \$150,000.00 bond cost. He said that it is a percentage of the cost of the bond and asked if that was correct.

Mr. Watson said that how much it costs depends on the person and it is somewhere between one and three percent, which was his understanding.

The gentleman said that you are talking about an expensive road and if the bond is three or four thousand dollars...the cost of the bond isn't the way of getting the road down, how can (did not finish sentence).

Mr. Watson said that he had asked the wrong question. He said that the right question is how much surety do they have to post in order to have somebody write the bond - how much of his capital does he have to tie up to guarantee that the bond won't be forfeited, and that is a big number.

The gentleman said that it can't be any more than the face value of the bond.

Mr. Watson said, but it is the face value of the bond. He said that it is real simple math. Mr. Watson said that you have \$100,000.00 to build a road. You need a \$100,000.00 bond. You get the \$100,000.00 and the bank or bonding company says you have to put \$100,000.00 into a cash

flow and give it to us to hold or you have to put down \$95,000.00. Mr. Watson said that he doesn't have a track record. It is not a matter of the three thousand it cost to buy the bond - it is a matter of the surety you have to post and tying up the capital that you can't use to build the road.

Mr. Kevin Cahill of Torchia Road said that he did not want to be part of the Road Association because he doesn't agree totally with the road agreement and he never signed it. He said that he wrote a letter to Steve Carlson's lawyer saying that. Mr. Cahill said that he agreed it was a beautiful bridge and a big improvement, but he didn't feel safe signing something...he contacted an attorney who said that by no means did he have to be part of the association and that was why he was there.

Mr. Cleantis asked Mr. Pagonos if that was correct.

Mr. Pagonos said that he does not have to join and nobody can be forced to join it.

Ms. Julie Scanga said that there is a maintenance agreement for the new subdivision and the other residents were invited to participate. She asked if they were under any obligation at this time or in the future.

Mr. Cleantis said that he did not believe so.

Mr. Pagonos said that she cannot be forced to join it.

Mr. Cleantis asked if there were any other questions.

There were none.

Mr. Pidala made a motion to close the public hearing. The motion was seconded. The public hearing was closed and the vote was as follows:

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

Correspondence

1. Letter dated September 11, 2006 from the Town of Philipstown to the Philipstown Planning Board regarding Quarry Pond Fire Hydrant System.
2. Letter dated April 25, 1991 from Michael Frye regarding Access Drive - Quarry Pond

Estates.

3. Letter dated September 26, 2006 from Bibbo Associates to the Philipstown Planning Board regarding Quarry Pond Site Plan and Subdivision Draft Resolution.

4. Letter dated September 19, 2006 from Bibbo Associates to the Philipstown Planning Board regarding Dello Monaco/Santucci - Approval of Access.

Mr. Merante said that the Board dealt with this application a long time ago. He said that the applicant merged two lots that he bought and an extensive amount of work went on. .

5. Letter dated September 27, 2006 from David Klotzle regarding American Tower Corp. Proposed Site Locations.

Mr. Cleantis asked the Board to take a look at the letter as the application is on tonight's agenda. He said that it appears they will require a wetland permit and handed the applicant a copy of the letter.

6. Letter dated September 27, 2006 from Daniels and Porco, LLC to the Philipstown Planning Board regarding Subdivision for East Mountain Holding, LLC.

7. Letter dated September 21, 2006 from Badey & Watson to the Philipstown Planning Board regarding Vrooman - Request for Release of Bond and Return of Surety (on tonight's agenda).

8. Letter dated September 27, 2006 from Richard Chiris regarding Alfredo DeVido Associates, LLC Foundry Pond Road Development.

Mr. Gibbons said that the above-stated letter was indicating that Mr. Chiris feels there's activity going on as far as perhaps the issuance of permits without coming before the Planning Board and he is asking the Planning Board to be aware that there might be irregularities along with the Building Inspector.

Mr. Cleantis explained that because this application was not on this evening's agenda and the person who wrote the letter was not present, the letter would not be discussed. He recommended that Mr. David Weinpohl resolve the issues with the Building Department.

9. Letter dated September 25, 2006 from David Klotzle to Doug Wassil regarding Wetland Permit.

Carlson Construction Management Company, Inc.: Discussion

Mr. Cleantis asked Mr. Watson if he had anything to add.

Mr. Watson said that he did not.

Mr. Miller said that he would suggest the Board take a couple steps and the first one would be to re-adopt the Part 1, 2 and 3 EAF.

Mr. Cleantis asked if the Board could re-adopt them as they were written since there were no changes, or they had to re-do them all based on the fact that there were as-built issues.

Mr. Miller said that he did not think the Board wanted to re-do them all because the plans haven't been changed. He said that they have done some things out there, but the plans are just as they were when the Board had adopted them originally.

Mr. Cleantis asked for a motion to adopt the Parts 1, 2 and 3 of the EAF as were previously adopted.

Ms. Sexton made the motion. Mr. Gibbons seconded the motion. The motion was carried unanimously and the vote was as follows:

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

Mr. Miller said that the next issue would be granting conditional final subdivision approval and the Resolution the Board had before it was very similar to the Resolution it acted upon. He said that it still references conditions related to the construction of the bridge, but he did not see a problem with continuing to carry that in the Resolution.

Mr. Cleantis asked if he had the two conditions that were left out on tonight's map included in this Resolution.

Mr. Miller asked Mr. Watson if he said there was a note that Mr. Cleantis requested.

Mr. Watson said no. He said that he thinks there is not, but the note regarding the underground utilities (did not finish sentence).

Mr. Miller said that they will add that condition - to place all utilities underground passed the bridge.

Mr. Cleantis asked about the bond amount.

Mr. Miller said that Mr. Watson was requesting the bond for the bridge was \$50,000.00, but the bridge is built, so condition "I" on page 7 can be taken out. He said that for condition "J", which relates to the bounds of the road, if the Board cared to modify it, Mr. Watson is requesting that the bond amount be reduced to \$75,000.00.

Mr. Cleantis asked for a consensus from the Board.

Mr. Gibbons asked Mr. Watson if his client would object to having his road or that right-of-way be (inaudible) constructed from the bridge up toward that area.

Mr. Watson said no. He said that is what they have to do.

Mr. Gibbons said that rather than going to the last house, the criteria would be that the bridge to the gentleman's house be the first thing constructed.

Mr. Merante said that he thought he showed good faith and put a lot of work not only in the bridge, but the road from Route 9 to the bridge.

Mr. Meehan asked if he paved the road over to the other residence.

Mr. Gibbons said yes, he went the entire way.

Mr. Meehan said that this bond did not cover any of that and asked if that was the case.

Mr. Watson said that there was \$50,000.00 specifically for the bridge. There was \$200,000.00 to cover the rest of the road from Route 9 to the (inaudible). He said that's been done, there's been rough draining done, and the catch basins are all in. Mr. Watson said that they took the \$150,000.00 and sort of backed it in to the different parts of constructing the road, and sent an engineer out to inspect it.

Mr. Cleantis said that the consensus was to move it from \$150,000.00 to \$75,000.00.

Mr. Miller said that in order to do it with what Mr. Watson is requesting, in January the Board modified condition "J" to allow either a bond to be placed or the road to be constructed by a certain (did not finish sentence). He said that the Board allowed him to complete it rather than post the bond and asked the Board if that was something it would be amenable to on this \$75,000.00 matter, because that would actually become the condition "J".

Mr. Cleantis and the Board said yes.

Mr. Miller said that the improvements will be completed by September 28, 2007.

Mr. Cleantis asked if the Board could ask for the improvements to be made by May 31st.

Mr. Miller said that it could ask for the improvements and if not, then a bond shall be posted if the Board wished.

Mr. Cleantis said that he did not have a problem with that because they said they'd do it by end of Spring.

Mr. Watson said that he did not think that would be a problem. He said that he thought the applicant would like to use what he can and get what he can done, and he has to come back in six months anyway if he hasn't finished because the 180 days will run out.

Mr. Cleantis said that he has eight months.

Mr. Watson said fine.

Mr. Cleantis said that the reason he said that is because they did say late Spring, he has an issue over there and for all of it to work, they have to cross their t's and dot their i's.

Mr. Miller said that will come off of page two, and will become condition "J". He said that otherwise, it is the same as the prior Resolution.

Mr. Merante made a motion to accept the Resolution (attached) as amended. Mr. Gibbons seconded the motion. The motion was carried unanimously and the vote was as follows:

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

Wheaton-Zelnick - Minor 2-Lot Subdivision - 1524 Route 9D, Garrison: Request for extension on Preliminary Approval

Mr. Cleantis asked if the Board had any comments.

There were no comments.

Mr. Cleantis asked Mr. Miller if he had any comments.

Mr. Miller did not have any comments. He distributed the Resolution to the Board.

Mr. Gibbons asked if this was the first 90- day extension.

Mr. Miller said yes.

Mr. Gibbons made a motion to accept the Resolution (attached) as written. Mr. Pidala seconded the motion. The motion was carried unanimously and the vote was as follows:

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

Holubar - Subdivision Approval - Route 301, Cold Spring: Request for second 90-day extension

Mr. Miller distributed the Resolution. He stated that it should say January 14, 2007.

Mr. Gibbons made a motion to accept the Resolution (attached) as revised. Mr. Merante seconded the motion. The motion was carried unanimously and the vote was as follows:

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

Indian Brook Road, LLC - Approval of a Minor Subdivision - Route 9, Garrison: Request for return of bond

Mr. Cleantis read the letter aloud and stated that it was for the Board's information. He signed the letter that will be forwarded to Mr. Mazzuca and the Town Board.

Vrooman - Subdivision Approval - Fort Defiance Hill Road - Request for return of bond

Mr. Gibbons recused himself and left the table.

Mr. Cleantis said that there were a few typos, but otherwise it was o.k.

Mr. Miller stated that they would revise the letter for Mr. Cleantis's signature.

Mr. Merante made a motion that the Board recommend the release of the bond. Ms. Sexton

seconded the motion and it was carried unanimously. The vote was as follows:

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

Mr. Gibbons joined the table again.

American Tower Corp/New Cingular Wireless PCS, LLC/Omnipoint Communication Inc. - Referral from ZBA #773 - 2661 Old Albany Post Road, Philipstown: Submission from July meeting

Mr. Robert Guidioso stated that he was present on behalf of two of the three applicants - Omnipoint Communications Incorporated and American Tower Corporation, joined by Christopher Fisher of Cuddy & Feder on behalf of new Cingular Wireless.

Part of the discussion was missed (audio tape was changed).

Mr. Gibbons said that the applicant just admitted that his range will not accommodate residences.

Mr. Guidioso said that was not what he said.

Mr. Pagonis asked if this was the Neg Dec issue.

Mr. Guidioso said yes.

Mr. Pagonis said that the applicant is designing their system as a Neg 84. He said that Mr. Comi and the Zoning Board want them to say that at that level they'll get in-building coverage and that they're doing more than they need. Mr. Pagonis said that was something they were dealing with in the last application - the Zoning Board wanted a Neg DBM94, and they were at 84, so it was semantics and what was going to go in the record.

Mr. Fisher of Cuddy & Feder presented plans and said that the green area is the area that Cingular would say there would be reliable in-building service. He said that the blueish area, which is the difference between a Neg 75 to Neg 85, is where Cingular would say there would be reliable in-vehicle coverage, but not necessarily reliable in-building coverage. It doesn't mean that when you're in the blue area it is impossible to make a phone call in the building. So when you look at the design standards from their perspective, the green and blue area is not that much different

when looking at it on a map. He said that they would say that the in the green area, you're going to have reliable in-building. In the blue area, you're not going to have reliable in-building, but you'll have reliable in-vehicle.

Mr. Cleantis asked about the white area.

Mr. Gibbons asked where their pole was.

Mr. Fisher said that 81 is the proposed facility for Cingular. The said that the white areas are areas of even less reliability for purposes of in-vehicle and in-building. He presented a plan, pointed to an area, and stated that it was part of the issue and that they were trying to get reliable service to the community. Mr. Fisher said that he thought it might drop, but the hope was that you could get around the corner and not need another. He said that when you start to go to 147, all of the areas every ten feet shrink. Mr. Fisher said that when you get down to 107 feet at the site, you don't have the coverage on this side (pointed out).

Mr. Gibbons asked about the green side from the pole near Travis Corners Road.

Mr. Guidioso said that was the green house.

Mr. Gibbons said that the address on there is Old Albany Post Road. The alternate sites they are showing are the same alternate sites that they are showing for Upper Station Road. He asked if other than the recycling center of the Town dump, have they tried Cyberchon or other locations for this.

Mr. Guidioso said that what they had looked at originally with the Zoning Board and what was required by the zoning code were existing structures. When there was a site visit, the Zoning Board Chairman and Consultant recommended the recycling center, so that is where they focused their efforts. He said that if there are other properties that the Planning Board thinks would be better alternatives for a new tower, they would be happy to look at those.

Mr. Gibbons asked with regard to Upper Station Road who recommended the Garrison School, and the Highlands Golf Club. He asked if it was the ZBA or Planning Board.

Mr. Guidioso said not the Planning Board, but Mr. Fisher was handling it at that time.

Mr. Fisher said that on the Upper Station Road site, when they were at the initial site visit with the Chairman of the Zoning Board and Mr. Comi, he thought it was indicated to him at that time that the application might be controversial, which they were aware of. He said that a suggestion was made by them that not only should they be looking at whether there are any alternative

structures in the area, which his clients looked at, but also those other properties, where none of them thought there were viable alternative structures because of the height, but they might accommodate a tower site. Mr. Fisher said that they talked about those and were told they should look at those, but nobody made an endorsement from the Zoning Board that it would be a better alternate. They just said they should look at it, so they went out and studied them to see if they were viable or not.

Mr. Gibbons suggested they look at other properties in the area to get this coverage, because they are on a historic road. He said that he does not care where they go with this - they were not going to convince him that it is the right thing to do. Mr. Gibbons said that they are in a wetlands too.

Mr. Fisher said that they are not in a wetlands - it was designed specifically out of the wetlands. He said that the alternative sites between his client and Mr. Guidioso's client, going back to dealings with the Town Board about two or three years ago, they determined it was not going to work because it gets blocked by the hill in getting down to Route 9. He said that his client looked at the pizzeria and some of the other properties.

Mr. Guidioso said that if there is a specific location that the Board or Mr. Gibbons personally would like them to look at, they'd be happy to take that with a recommendation to the ZBA and do an extensive review on them. He said that they have no objection to that.

Mr. Gibbons said that he would give some thought to that because he does not feel he should be the one telling the applicant where they should go. He said that he thought that was up to them - not him. He said that his last comment was that the applicant did understand that it is an historic road.

Mr. Guidioso said yes.

Mr. Gibbons said that in the EIS, they had it marked as a historical site. He said that he could not find a letter to the State Historical Review Committee or a response from them pertaining to this site. Mr. Gibbons asked how he could give a recommendation if the State isn't giving an opinion on this.

Mr. Guidioso said that will be part of the SEQRA process with the Zoning Board. He said that they also have a separate mandate as two carriers involved here are federally licensed. Mr. Guidioso said that not only do they fall under SEQRA, but they also fall under the National Environmental Policy Act. Based on some documentation, etc., they have to put a special filing into them and part of that filing is the visual renderings. Mr. Guidioso said that there is a little bit more of a process for them under NEPA than a typical applicant under SEQRA for filing.

Mr. Gibbons asked if they happened to take any photos of that.

Mr. Guidioso said absolutely.

Mr. Gibbons asked if the Board could see them.

Mr. Guidioso said yes, they are actually preparing a full report with visual renderings including the alternative designs suggested by the Town Planner at the last meeting on the other site.

Mr. Gibbons said, but they didn't have them available tonight.

Mr. Guidioso said that he did not have them this evening.

Mr. Meehan asked if it was 150 foot.

The applicant said correct.

Mr. Meehan asked how high to how low with the antennas.

Mr. Guidioso said that it is Cingular at the top. He said that the centerline of the antennas is 147 and the antennas go right up to the top to 150. Omnipoint is ten feet below that. Mr. Guidioso said that then they are showing the ability to put future carriers at ten foot increments.

Mr. Meehan said that you can't come too low because they have a minimum.

Mr. Guidioso said that was an excellent point, but they had to keep in mind the surrounding sites, and different carriers are at different heights and also the different carriers operating at different frequency ranges.

Mr. Meehan asked why American Tower can't present a projection of future cell towers in the Town.

Mr. Guidioso said that they've done that. He said that American Tower is the infrastructure building, whereas the carriers are the ones that actually have those plans. He said that he believed Omnipoint did show the need for other sites in the Town and he could confirm that because it was about a year and a half ago.

Mr. Meehan said that it would be nice to see what other sites they are considering.

Mr. Merante said that he was wondering when they were going to start doing something about moving technology ahead. He said that they had a discussion last time they were here about

putting the “whip” antennas on the telephone poles. Mr. Merante asked how many of these 150 foot (inaudible) will be put along Route 9 to get all the light spots filled up.

Mr. Fisher said that he thought they looked at it and Route 9 with this site, and it’s fairly well covered. He said that there may be some spots, but going from Schubert down to Mckeel’s and down to the green house is a pretty good stretch.

Mr. Merante said that they’ve been hearing this for ten years - since this whole thing came up. He said that he was on the Town Board when they drew up the telecommunications law regarding this. Mr. Merante said that they heard all those arguments then and he was wondering when they were going to start looking at new technology. He said that there’s got to be more...especially with the nature of Philipstown, which is all hills and valleys and Route 9 and Route 9D cutting through. He said that he did not see how the 150 feet is going to have any coverage worth investing in the structure itself.

Mr. Guidioso said that he thought Omnipoint and Cingular do believe that because it is a very busy road, there are surrounding residences and businesses and those are important customers.

Mr. Gibbons said that they just put up that tree. He asked what the distance was from the ground to the first set of branches.

Mr. Fisher said that from the ground to the first carrier is 110 feet. He said that from the ground to the first set of branches would probably be at a point where the other canopy surrounding that site would occur - forty feet, fifty feet - it can vary.

Mr. Gibbons said that site is very open.

Mr. Fisher said that he thought the visual renderings will help flush out some of those issues.

Ms. Sexton said that at one meeting they said they would be willing to get together and give a presentation with both of them present so they could battle it out and she asked when they would do that.

Mr. Guidioso said that they are still happy to do that and they were hoping to do that in conjunction with trying to place the tower at the recycling center, and they were surprised and very disappointed that their willingness to work with the Town was not accepted. He said that he agreed with Ms. Sexton and if there was anyway they could speak to the Town Board so that they could have an open dialogue with respect to the recycling center and alternatives, he thought that would be in everyone’s best interest.

Ms. Sexton said that and at that time, they said they weren't aware of any of the (inaudible) assistance in place.

Mr. Fisher said that they actually reached out to the two companies/systems that were shown at that meeting. He said that one was in Brookville, Long Island by Crown Communications. He said that they checked with (inaudible) Communications who had a system in place in Somerset, New York, which they know is actually Somers, New York and they have no plans for there. Mr. Fisher said to bear with them because they have two pending applications and have to preserve their record and put information on the record as part of the administrative process.

Ms. Sexton said that they do use the assistance in Japan and Europe.

Mr. Fisher said that they use the assistance in America in places where the capacity is very high and they try to cover very limited areas in places like New York City where you have one owner of a light pole, as opposed to a utility company that owns the utility poles here in Putnam County. He said that if they can point to one in Putnam or a similar community here in New York, he'd love to see it.

Mr. Meehan asked Mr. Cleantis if the Planning Board could send a letter to the Town Board requesting that (inaudible).

Mr. Cleantis said yes, it can.

Mr. Gibbons asked if the ones in Chicago and New York were because of the tall buildings.

Mr. Fisher said the tall buildings and the capacity. He said that it is a completely different type of design. Mr. Fisher said that the design of the networks in New York City are completely different than the design and networks in suburban and urban areas. They have really different properties with the way the signal reflects and the way the signal will drop off a building as opposed to trees and mountains. He said that it is also capacity driven in places like New York City. Mr. Fisher said that there are also regulatory issues. New York City makes their own light poles available, which is different than going to a third party and dealing with a utility company to go on their utility poles. He said that there are many factors that go into it.

Mr. Cleantis said that he had a list of items and read them aloud. He said that the applicant needs to follow through on the wetland (inaudible), and do research on some other viable sites.

Mr. Fisher asked that again if the Board had a site-specific, to please let them know.

Mr. Cleantis said yes, and asked that the applicant do it as well. He said that another thing was

the historical site letter from the State regarding information on Old Albany Post Road, a location of other projected sites in the area so that the community can get an idea of what the other sites would be, and more information on the DAS technology from the applicant's end with regard to how it would work in Philipstown.

Mr. Fisher said that they are not in the position to present that to the Planning Board.

Mr. Cleantis said that the Board needs a visual rendering of the proposed tower. He said that he supposed the Planning Board could send a letter to the Town Board asking for a DAS dialogue.

Mr. Fisher said that they want a dialogue on the recycling center.

Mr. Cleantis said that those are two different issues. He said that the Planning Board could send a letter to the Town Board asking them to elaborate as to why they did not go for the recycling center, and the other is a DAS dialogue so that they can have these people together face to face.

Mr. Fisher said that with regard to the DAS dialogue, when the Town Board (inaudible), they asked to speak at the meeting and were denied. He said that now they are at the position that he is not willing, on behalf of Omnipoint to have that dialogue (inaudible) to their zoning application. Mr. Fisher said that they will submit materials to the ZBA in response to Mr. Comi's letter.

Mr. Cleantis said that is fine. He said that the Board is sending a letter to the Town Board asking for DAS dialogue.

Mr. Meehan said that maybe the Town Board should conduct that meeting, rather than the Zoning Board.

Mr. Cleantis said that is something the Planning Board can ask the Town Board but cannot make that decision for them. He asked if Mr. Miller had any comment.

Mr. Miller said that the other question he had, which related to what he thought was a very big issue, was the height of this tower. He asked if the balloon tests were done by the applicant's people. Mr. Miller said that he did not know who did these.

Mr. Fisher said no, they did not take the photographs. He said that they have a Consultant that did the balloon tests, took the photos and will be preparing a visual analysis.

Mr. Miller said, so this was not any of Mr. Fisher's material and it was attached to the letter from the Old Road Society.

Mr. Fisher said correct, and he asked if they could have a copy of that.

Mr. Miller referring to the info, said that it towers over it.

Mr. Cleantis asked Mr. Miller to point out what he was referring to.

Mr. Miller did so.

Mr. Cleantis asked if the letter was sent from the Old Road Society.

A gentleman in the audience said that it was sent by him.

Mr. Cleantis asked for the gentleman's name.

Mr. Kaplowitz introduced himself.

Mr. Cleantis asked Mr. Kaplowitz if he took that photo or had anything to do with that photo.

Mr. Kaplowitz said yes. He said that it was taken from different directions on the day of the tests. Mr. Kaplowitz said that it might not even be the highest height because it was a very windy day. He said that the Board could see that in terms of a camouflaged tower, at that height there is a real gap there and there is no way it can be camouflaged.

Mr. Miller said that based on this perspective, it would seem that the 147 foot high tower is really going to be freakish.

Mr. Guidioso said that he thought they had to wait for the full report. He said that he thought the Board should give them an opportunity to submit their materials before jumping to a conclusion.

Mr. Miller said that he would adhere to his request. He said that the 147 foot tower has a propagation that covers a certain area shown on the chart. Mr. Miller said that if they have a propagation at 147 feet and a propagation at 107 feet, a forty foot reduction reduces the area of coverage, but it also has a much more substantially lower visual impact on our community. He said that it would require on the part of the providers to have more sites with lower towers and he did not know if that was an alternative that they are evaluating as part of their efforts here. Mr. Miller asked them if it is.

Mr. Guidioso said that if Mr. Miller was asking that the question would come up as far as the SEQRA process and part of the variance process, he would suspect it would.

Mr. Miller said that he was asking the question here with the Planning Board as part of its process.

Mr. Guidioso said that the Board's process is a referral to the Zoning Board. He said that they have a certain obligation under the SEQRA process to respond to comments of the Lead Agency.

Mr. Cleantis said that the Board's Planner is asking the applicant to look into the concept of more, but lower towers.

Mr. Fisher said that Mr. Guidioso and he had some further information he wanted to show the Board. He said that when he was asked before about where the other site alternatives came from, that was from the site visit with the Chair of the Zoning Board. Mr. Fisher said that on this particular site, they went out, met with the Chairman, Mr. Cronin and Mr. Comi. He said that they explained the objectives. Mr. Fisher said that they asked them to give examples of alternative sites. He said that they drove down the entire road. There was Papa John's pizza, which his client looked at for several years. There's a small building on the right and beyond that, there's nothing. Mr. Fisher said that when you get down to where it winds around and there is no easy access and no other alternate site, which is why when they did their coverage analysis, they said at 147 feet, they were hoping to make that curve and not have to go to another site. If you drop that down to 107, there's no question they'd have to go to another site and when they drove that, there was nothing obvious out there. He said to the Board members that they know the Town better than he does and he drove the whole thing.

Mr. Miller asked how big of an area he required in terms of placement of the tower.

Mr. Fisher said that if you look at the plans, it is fifty- five fifty in terms of a multi carrier solution and you'd have to have access, be able to bring in and construct the site.

Mr. Cleantis said that he thought what the Planner and the rest of the Board is suggesting is that this is both a historic and very sensitive site. He said that this is going to be a very imposing tower, and the Planning Board is telling them to look for other alternatives including the DAS technology in order to minimize the visual impact in the area.

Mr. Meehan asked Mr. Miller if he was going to present a report to the Planning Board that it could look at. He said that the Planning Board owes the Zoning Board a report.

Mr. Cleantis said that the applicant has to come back before the Planning Board before it sends anything to the ZBA and they have to satisfy the Planning Board with the various things it is requesting of them.

Mr. Miller said that his report right now would just have questions. He asked Mr. Meehan if he wanted the questions answered here or at the ZBA.

Mr. Meehan said that the ZBA issued a special permit, so he would assume that if the Planning Board had questions, they should be presented to the Zoning Board and the Zoning Board should make the decision as to whether they want the questions answered or not. Mr. Meehan said that he would assume they shouldn't want these questions answered since they're coming from another Board.

Mr. Miller said that the Planning Board has typically in the past, when they've had these special permit requests, asked the questions and asked to have them answered here, so that it knew that they were first of all tended to, and then make its recommendation.

Mr. Meehan said that they could be disregarded.

Mr. Gibbons asked how they could make a recommendation if they didn't have the answer to all the questions.

Mr. Meehan said that he knew what they were saying, but the Zoning Board doesn't have to listen to anybody.

Mr. Miller said that he would provide the Board a report and would be able to make a much better report if he had the information.

Mr. Cleantis said that the applicant would come back and provide the Board with all the answers to its questions and then it will make a report.

Mr. Gibbons said that he would like (inaudible) so that the Board would know the addresses, etc.

Mr. Guidioso said that he did not have any objection to that and asked when the next Planning Board meeting would be held.

Mr. Cleantis said October 26th.

MHCP Realty, LLC - Site Plan Application - 3504 Route 9, Cold Spring: Submission of revised materials

Mr. Pidala recused himself and left the table. He stated that he was related to the applicant.

Mr. Watson said that they applied for a variance to reduce the setback and the variance was granted on Monday of this week. He said that they were hopeful the Planning Board would now

accept the application as complete and set a public hearing.

Mr. Cleantis asked if the Board had any questions.

Mr. Meehan asked if most of the stuff was done.

Mr. Watson asked when they revised it. He said that the last revision was at the end of June, so they haven't seen that.

Ms. Sexton said that this was July 20th.

Mr. Watson said that he hadn't revised it.

Mr. Meehan asked if he could get it done before next month.

Mr. Watson said sure, it was not a problem. He said that he would not have all the permits - the Health Department Permit will (inaudible).

Mr. Cleantis asked if he could answer the Bibbo questions before next month.

Mr. Watson said the majority of them.

Mr. Cleantis said that Mr. Gibbons was looking at the memo from Bibbo and asked if there were any concerns that he did not feel Mr. Watson could answer or specifics he needed to answer.

Mr. Gibbons said that the big ones are to provide the total area of site disturbance, substantial increase in impervious surface (inaudible) the pre-development conditions, and the design engineer may want to consider a higher level of treatment. He said that he couldn't find a well.

Mr. Gibbons said that Bibbo was talking about what kind of trucks.

Mr. Watson said that they could certainly address them and get them back to the Planning Board.

Mr. Miller said that the building is four to eight feet higher than the existing grade and they would like to see plantings in the front to soften the building facade. The northern corner of the property actually is in front of Pidala Oil and they would either like there to be no disturbance in that area or show some new planting where any disturbance might take place. Mr. Miller said that they'd like to see a note on the plan indicating that the existing evergreens will be undisturbed in the southwest corner. He said that he saw no impediment in getting a public hearing going on this.

Mr. Gibbons made a motion that a public hearing be held next month. Mr. Merante seconded the

motion. The vote was as follows:

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

Mr. Pidala joined the table again.

Wassil - Access permit - 64 Crest Road, Philipstown: Letter from Bill Florence/discussion

Mr. Cleantis asked if the applicant got a wetlands report.

Mr. Florence said that he didn't, but Mrs. Wassil received one today.

Mr. Cleantis said that the essence of this is the location of the driveway. He asked Mr. Florence to flag the location where the Wetland people want him to put in the driveway on the main road and flag where the alternative was that the Board had suggested the last time. He said that he would recommend then that the Planning Board take a look at the two of them, do a site walk, and see which one it felt was more appropriate, because apparently there seems to be a difference between the Wetland Committee that wants him to put it in a certain place and the Planning Board that appears to think it should go closer to Esselbourne Road.

Mr. Florence said that he needs some assistance from Mr. Cleantis and Mr. Miller. He said that they know by the drawing where to flag the recommendations by the old Wetlands Commission, but they don't know exactly where the Planner or the Board suggested.

Mr. Cleantis asked Mr. Miller to give Mr. Florence a location as to what the Board suggested last time.

Mr. Miller did so.

Mr. Gibbons suggested the Board go out to the site.

The Board agreed to meet at the intersection of Esselbourne and Crest on Sunday, October 15th at 9:30 a.m.

Mr. Florence said that they will be back to the Planning Board on October 26, 2006.

Joseph Tuana - Subdivision Approval - 996 Old Albany Post Road, Garrison: Letter from Tom Monroe/discussion

The applicant stated that they were in front of the Planning Board a few years ago for a subdivision approval for a subdivision that was done by deed with the approval of the Town and they were advised that the subdivision needed to go before the Planning Board. They came before the Planning Board and were advised to go before the Zoning Board to get approval of the side yard variance for pre-existing shed. He said that they have gone before the Zoning Board and they've gotten the variance for the side yard setback for the pre-existing shed. Now they are returning to the Planning Board to complete the approval of the subdivision which was done by deed.

Mr. Pagonis said that the Mr. Monroe's letter was stating that they got their variance and it should go back to the Planning Board.

The applicant said that they are trying to revise the application for a subdivision. He asked to go over the history again, because he felt it was important. He said that a few years ago, the then owners wanted to sell the property and subdivide it. They checked with the Town, showed them the map of what they wanted to do and the Town advised them it was fine. It was subdivided by deed and the properties were sold and closings took place. Subsequently, (inaudible) went to the Town for a building permit and was advised that they needed to go before the Planning Board to get subdivision approval. About that time, someone in the Building Department noticed that the side yard setback for the existing studio was insufficient and the building was too close to the property. So when they went to apply for subdivision approval, they then had to get the variance for the existing building for the side yard setback. The Zoning Board granted that variance and they are back to the Planning Board to revise that application and continue that application for subdivision approval.

Mr. Cleantis asked if the applicant had maps, etc.

The applicant said that the Board should have all that from a couple of years ago.

Mr. Cleantis asked if Mr. Pagonis had a memo on this matter.

Mr. Miller said that the Board has a memo, but there are some errors in the memo.

Mr. Cleantis asked to go over the memo, as there were no maps/other information.

Mr. Miller asked if the Board received a subdivision map in the packages.

Mr. Cleantis said that the Board did not get any of this in the package.

Mr. Miller suggested that the Board move the matter to the next agenda.

Mr. Cleantis said that the Board is requesting the applicant to send in maps and any other information possible.

The applicant said that he submitted it three years ago.

Mr. Miller asked the applicant to submit the maps to the Board.

The applicant asked how many copies were needed.

Mr. Cleantis and Mr. Miller said that he could get that information from the Building Department.

Mr. Miller asked the applicant to re-submit everything he submitted several years ago so that the Board has a complete package of his EAF, subdivision application, and plat.

**East Mountain Holdings - Minor Subdivision - Hustis Road, Town of Philipstown:
Submission of application**

Mr. Ron Wegner said that they were there for an open development area subdivision on the south side of Hustis Road. He said that they are proposing the first lot as a conventional meeting the zoning requirements and the second two lots for an open development area subdivision. There is an existing fifty foot right-of-way to access the parcel and it is essentially graded and in place. He said that they have their required buildable area and required lot squares. Mr. Wegner said that they do not have any issues with wetlands or steep slopes. He said that there is a slight impact with Lot 3 - class one slopes. The access driveway will follow the existing grade. There is one house adjacent to Lot 1, which currently has its driveway. He said that they are going to follow existing grade to maximum grade coming in - six percent on the existing portion of the driveway, and five percent in between the cul-de-sac. (Inaudible) disturbances of about three acres and it is going to be served by wells and septic.

Mr. Gibbons said that he only saw one well for all the properties.

Mr. Wegner pointed out the wells on the plan.

Mr. Pidala asked if the electric would be underground.

Mr. Wegner said that he would put a note on the plan.

Mr. Meehan said that the right-of-way does not look like it is part of the subdivision.

Mr. Wegner said that it is existing.

Ms. Sexton asked if there was also an existing house on the other side.

Mr. Wegner said yes.

Ms. Sexton asked where their septic and things were located.

Mr. Wegner said that the wells are located on the map and the septic locations are in the front portions of the lot.

Mr. Miller asked if the right-of-way was shown on a filed map somewhere - the right-of-way that exists off of his property and extends on the lands of formerly of Norris and apparently the lands of Charles Pinkus.

Mr. Wegner said that he had a copy of the deed for Norris, which describes the easement and he believed there is a filed map going there. He asked if Mr. Miller wanted a copy of it.

Mr. Miller said that Mr. Wegner was making an application that involves other people's property, so he needs to demonstrate that he has the right to include that land as part of his proposed action.

Mr. Wegner referred to the map, pointed to an area and said that the property was purchased from the Pinkus's and this was created at that time. He said that he also had a copy of the deed from the Norris's.

Mr. Miller asked if Mr. Wegner was proposing a sixteen foot wide travel way through the center of the right-of-way and improving it to better than the oda standard.

Mr. Wegner said he believed so - the oda is fourteen foot.

Mr. Miller said that Mr. Wegner has six percentage of maximum grade.

Mr. Wegner said yes.

Mr. Miller asked if with regard to the property on Hustis Road, Mr. Wegner had viable frontage, proposed to take his frontage off of Hustis Road, and can develop a driveway from Hustis Road.

Mr. Wegner said yes.

Mr. Miller said, so that is a waiver decision on the Planning Board's part to allow Lot 1, which is in an R-40 district to take its access off of the right-of-way so long as the applicant is able to demonstrate he has viable access directly from Hustis Road in the alternative. He asked Mr. Wegner if there were any drainage issues on the property.

Mr. Wegner said that he did not see them. He said that the grade comes down, they are working on the high point, and they are not going to be seeing any creating of impervious areas.

Mr. Miller said that in the center of the site on Lot 3, it looked like a low spot and he asked if it was wet.

Mr. Wegner said that it is a small wet area and falls below the threshold of Town jurisdiction. He said that it is approximately 737 square feet. Mr. Wegner said that he had submitted a letter to the Wetlands Inspector.

Mr. Cleantis asked if Mr. Wegner got a response from him.

Mr. Wegner said no.

Mr. Miller said that a maintenance agreement will be necessary. He said that there is no provision for drainage from the oda road and asked how Mr. Wegner was intending to accommodate drainage from the road.

Mr. Wegner said that the oda road is essentially existing up to this point (pointed out).

Mr. Miller asked if it was fourteen feet wide.

Mr. Wegner said no, it will have to be widened, but they are following the existing grade.

Mr. Miller asked if anybody else takes access off of that right-of-way.

Mr. Wegner said this house (pointed out).

Mr. Miller asked Mr. Wegner to show where that is and the location of the driveway on his future maps.

Mr. Wegner said yes.

Mr. Gibbons asked if there was only one residence on the left.

Mr. Wegner said correct.

Mr. Cleantis asked what was in the space (on plan).

Mr. Wegner said that he believed it was actually something that belongs to Hudson Highlands Land Trust.

Mr. Miller asked if it still does.

Mr. Wegner said that it still does.

Mr. Cleantis asked if there was going to be controversy over this project.

Mr. Wegner said that he did not anticipate any.

Mr. Miller asked where the Pinkus Credit Trust take its access.

Mr. Wegner pointed it out and explained that a section was purchased from the Pinkus Land Trust and the other side - Barrett Pond Road, he believed.

Mr. Miller said that he was looking at the tax map.

Mr. Wegner said that it goes off of the map.

Mr. Miller said, so the property goes all the way through to Barrett Pond Road - Lot Four.

Mr. Wegner said yes, there is frontage on the other side.

Mr. Pidala asked if the driveway was a (inaudible).

Mr. Wegner said yes.

Mr. Pidala said that in the beginning, it needs to be (inaudible).

Mr. Cleantis asked if the Board had any other requirements it wanted to see.

Mr. Gibbons said that he wouldn't mind taking a walk at the site.

Mr. Cleantis asked that this be added to the first site visit and be scheduled for October 15th at 10:00.

Ms. Sexton said that they were asking where the septic plans were for the adjoining properties, since it doesn't show it on the map. She said that it just says existing septic areas.

Mr. Wegner said that is where the fields would be.

Mr. Cleantis asked Mr. Wegner to delineate it better.

Mr. Miller said that he would suggest this application be referred to Bibbo for just the drainage reviews because the road basically goes up and down, but at the cul-de-sac it's going down, so the water is headed towards the cul-de-sac and there's a septic area right next to it.

Mr. Cleantis said that being the case, he was not quite sure the Board wanted to go ahead with a public hearing at the next meeting.

Mr. Miller suggested the Board wait until after the site visit.

A member of the audience asked if the Board would be taking comments from the public.

Mr. Cleantis said no.

The person said that she was told a letter would be given to the Board.

Mr. Cleantis explained that the applicant had to come back before the Board because the Board has not said that application is complete. He said that she was welcome to go to the site on Sunday, October 15th. Mr. Cleantis said that if he comes back after that and all is complete, the Board will schedule a public hearing, which is when she would most likely be able to express any concerns/questions.

Garrison Golf Club, LLC - Site Plan Application for Modification - Route 9, Garrison: Submission of application for approval of modification and request for 1-year extension

Mr. Cleantis said that the Garrison Golf Club is essentially looking for an extension.

Mr. Watson said that they are looking for two things. They want to modify the site plan within the court area as allowable under the PDD. He said that essentially they are proposing to eliminate a prior storage building that was put up in the extreme north corner of the court area. Mr. Watson said that they are looking to eliminate the prior storage building or tent that they originally proposed, which was an above ground concrete tank, and they are proposing to install a pool in the area in front of the building and, in fact, in the same location as the previous pool. The pool won't be a legitimately functional pool, but it will supply the water storage. Mr. Watson said that is the change and they are running close to the end of the first year's approval of

the site plan, so they are asking for a year's extension.

Mr. Cleantis asked if the Board had any questions.

There were none.

Mr. Cleantis asked if it met all the requirements with regard to the storage tank and for the pool to be used in its place.

Mr. Watson said that he would correct himself. He said that they are not (inaudible) with regard to the fire code issues. Mr. Watson said that there are engineers that are doing it.

Mr. Cleantis asked if they had a letter to that effect.

Mr. Watson said that he could get that for the Board.

Mr. Gibbons asked if that was why this is being done.

Ms. Agello said that it is a safety issue.

Mr. Gibbons asked if it was at the recommendation of the Fire Marshall.

Ms. Agello said that he is aware of it.

Mr. Gibbons asked again if this was at his recommendation.

Ms. Agello said no, it is not.

Mr. Cleantis said, but he's aware of it and approves of it and they are going to get a letter to the Board with regard to that.

Ms. Agello said yes.

Mr. Meehan asked if they would need another public hearing on this matter.

Mr. Watson said that he believed they do.

Mr. Gibbons asked if this opened up the whole project.

Mr. Watson said that he did not believe that. He said that he believed that they need a public

hearing and they have a SEQRA decision to make, but he probably gave the Board a short form.

Ms. Herring said not in the latest submission.

Mr. Miller said that in the letter dated September 13th, Mr. Watson asked for an extension and that's it.

Mr. Gibbons asked how much they were taking out.

Mr. Watson said it was in the range of thirty by sixty feet. He said that it was going to be a concrete (inaudible) for the roof, built above ground.

Mr. Gibbons said that it had no road access.

Mr. Watson said that there was a road that was going out to it. There was an internal service road. He said that the pump house is staying out there.

Mr. Merante asked with regard to the pool, what the capacity was.

Mr. Watson said forty thousand gallons.

Mr. Meehan asked what the capacity was of the old thing.

Mr. Watson said about the same.

Mr. Cleantis asked if the Board needed SEQRA information or forms to be filled out before it can do anything.

Mr. Miller said that there was a short form EAF filled out, but this is a change to the site plan. He said that he guessed a public hearing for a site plan is actually optional.

Mr. Cleantis asked if the Board was comfortable with this, it could accept the one originally done and not require a new one.

Mr. Miller said that was an interesting question. He said that these are pretty modest changes, but require an amendment to the Board's action. Mr. Miller said that he thought they needed to revise the findings, acknowledging that this has been looked at.

Mr. Watson said that if it doesn't complicate it, he obviously did not have an objection to it.

Mr. Miller said that it clearly complicates it compared to writing a neg dec, but he thought that

was how they had to do it.

Mr. Cleantis asked who writes it.

Mr. Miller said that they did it originally. He said that he also wanted it noted that the original Resolution for this project was set up in sort of two stages. It said that the Resolution - the Board's actual decision to grant site plan, expired in twelve months and because of all the conditions, it was really calling for the site plan to be signed, he had twelve months to get the site plan signed and if he didn't, it expired. Then if you got the site plan signed, it was good for another twelve months. So, the Board really kind of gave them two years. Mr. Miller said that the site plan has never been signed and it is a little bit of a dilemma because the Resolution expires in October if the site plan is not signed.

Mr. Cleantis said, so they need to sign the site plan.

Mr. Miller said that there has been a considerable lack of performance on the applicant's part in satisfying the conditions. He said that none of them have been satisfied to his knowledge - hardly any. Mr. Miller said, so they spend years evaluating these things, you get to an approval and no performance bonds have been filed and a lot of stuff has not happened if he's not mistaken. He asked Mr. Watson if he was correct.

Mr. Watson said that he was correct.

Mr. Miller said, so let's get the site plan signed and the bonds filed. He said that they have until October, because he thought the Resolution expires.

Mr. Cleantis said, so if they sign the site plan, then they don't need to do the extension.

Mr. Miller said no, if they sign the site plan, they don't need to do the extension, but would need to do the modification the applicant is asking for, because the site plan is good for another twelve months.

Mr. Cleantis said, let's get the site plan signed and the bonds in.

Mr. Watson said that the Resolution permits the extension.

Mr. Miller said on the site plan. He said to keep in mind that there is really no such thing as a conditional site plan under New York State Law. Mr. Miller said that you are really supposed to have everything squared away when that thing is signed, and they can do it that way from here on out if that would be easier than this confusing situation. He said that they set this up so that there

would be some performance and people would get their stuff done in a timely fashion, especially when there are so many conditions that are associated with this action that had not been done prior to them getting a decision from the Planning Board. Mr. Miller said that he did not know if it was a good idea or a bad idea, but that is how they did it. He asked Mr. Watson if he could get their conditions satisfied in the next month.

Mr. Watson said that he doubted it.

Mr. Miller asked if there was a reason why nothing has happened. He said that there is some construction taking place out there.

Mr. Watson said that some of the construction is done - yes.

Mr. Miller said that is how the Resolution was drafted and he asked Mr. Pagonis if he thought the applicant could extend the site plan Resolution.

Mr. Cleantis asked if he meant without having signed the site plan.

Mr. Pagonis said that he did not know and would have to (did not finish sentence).

Mr. Miller said that he did not think one was really connected to the other. He said that there are really two items that were in the Resolution - one was to give site plan approval by Resolution and it set forth conditions under which the site plan needed to be signed. They had a year to do that and then if they got the site plan signed, they had another year to get it implemented. Mr. Miller said that he thought it was very generous.

Mr. Cleantis asked Mr. Miller what they were asking for and if it was another year before they had to get the site plan signed.

Mr. Miller said that he did not know what they were asking for. He said that he was looking for a solution to this.

Mr. Cleantis said that the Planning Board is very willing to help, but it needed to know (did not finish sentence).

Mr. Watson said that they (inaudible) the Resolution granting site plan approval.

Mr. Meehan asked Mr. Miller what the down side was.

Mr. Miller said that the down side is that these projects sit out there forever and bonds don't get

posted and people start their construction projects.

Mr. Meehan said that if he gets the site plan signed, he's got to start all over.

Mr. Miller said that he did not want anybody starting over after a grueling process. He asked Mr. Watson how much time they needed to get the conditions squared away.

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

Mr. Miller suggested the Board look at the conditions. He said that he understood the fees to the Town were paid.

Mr. Watson said yes.

Mr. Miller said that there was a list of engineering issues and a letter from Bibbo dated August 5, 2005.

Mr. Watson said that he believed those were satisfied.

Mr. Miller asked if there was a letter from Bibbo indicating they've been satisfied.

Mr. Watson said that he believed so - yes.

Mr. Miller said that they need Health Department approval for the water treatment.

Mr. Watson said that is not done.

Mr. Miller asked how long it would take and if it had been submitted.

Mr. Watson said that there's been a preliminary submission and there are some management decisions they are waiting on.

Mr. Miller asked if they were management decisions from the golf course.

Mr. Watson said yes.

Mr. Miller said, and stream disturbance permits from the DEC.

Mr. Watson said they've been issued.

Mr. Miller said, thirty thousand dollar cash performance bond for landscaping near Philipse Brook.

Mr. Watson said that it's not been submitted.

Mr. Miller said that was easy to do. He said that the only open issue is the Health Department and he asked if Mr. Watson had any sense of how much time they'd needed on that.

Ms. Agello said a good six months and the reason for that is that the water treatment has been sized in conjunction with the future hotel rooms, which at this point, they can't accommodate, so it has been a conflict. She said that otherwise, they have to put one separate system into the club house and then a secondary system into the hotel rooms.

Mr. Cleantis asked when the extension runs out.

Mr. Watson said that the first approval runs out in October.

Ms. Agello said that for the record, with regard to the swimming pool, she went to the Town and tried to just get a permit. She said that she knew going for the PDD process kind of locked her into not being able to go through what would have been a customary thing for the Board of Health in going through the Town, etc. She said that this is a fire safety issue and is not anything they are trying to do out of the ordinary or cosmetically. Ms. Agello said that it is going to end up being cosmetically nice.

Mr. Cleantis said that he is not seeing any problem with any of the modifications on the plan. He is seeing that they cannot seem to get a consensus or idea of how to resolve a technical issue here. Mr. Cleantis said that he wondered if the Board could be given a little more time and asked if there was any way of postponing this until the next meeting.

Mr. Miller said that maybe it was Mr. Watson who suggested that the Board could re-adopt the Resolution and if the Board re-adopts it, did they want to do it for a year, six months, etc.

Mr. Cleantis asked if the Board re-adopted the Resolution, what other things would it have to do with regard to the modification.

Mr. Miller said that he did not think the Board could deal with the modification tonight. He said that re-adopting the Resolution as sort of an extension is probably o.k. to do without a public hearing. Mr. Miller said that he could not recall anything in the Code that would require that.

Mr. Cleantis asked if the Board adopted a six month extension, the applicant would be able to get

a further extension at the end of six months.

Mr. Miller said that it was really up to the Board. He said that the ball is in the Board's court in terms of the time frame for dealing with this. Mr. Miller said that if the Board is open to granting an extension, he would say to get it out of the way and do it for six months. If the applicant says that he can get the conditions squared away in that time period, then they sign a site plan and it's got twelve months.

Mr. Cleantis said that it sounds reasonable.

Mr. Gibbons asked what the difference was if it ran out next month and at next month's meeting, the Board then adopted a new Resolution - kind of like what they did with Mr. Carlson. Mr. Gibbons said in that way, the whole project gets re-evaluated.

Mr. Miller said that their code does not really address this issue. He said that the Board has allowed subdivisions and site plans to expire, applicants haven't come in and they've extended it retroactive to the date of expiration. Mr. Miller said that the code provides for the extension for two ninety day periods or a year, so it's pretty clear. He said that this was written with the intention that there was going to be performance on the conditions of a site plan and that was the reason why it was set up in two stages, and that hasn't happened.

Mr. Meehan asked if it would depend on the applicant as to whether he could meet it.

Mr. Cleantis said that it is basically what the Board wants to do.

Mr. Meehan said sure, let's give him six more months.

Mr. Watson said that he thought Ms. Agello's answer - six months to the Board, was when they're going to get the decision that is going to give them the direction of what they have to literally present to the Health Department. So six months is probably not enough. Mr. Watson said that they've designed a system. He said that they can't put that in because they don't have management's permission to put it in because of other conflicting situations. Mr. Watson said that is what's going to take six months to get them in that direction, then they'll need to go through the Health Department, so they really do need the year.

Mr. Miller asked what was taking place in the six months to get a management decision. He said that he was having a hard time understanding that.

Mr. Watson said that frankly, he had the same problem. He said that he did not know - they are not getting the decision they are asking for.

Mr. Cleantis said that he didn't have a problem with a year either as long as there is a fire on the burner.

Mr. Watson said that there is certainly fire. He said that he just wrote a report to them. Mr. Watson said that they not only have the Board's fire under them, they have a three year limitation on the PDD.

Mr. Miller said that on the three year limitation on the PDD, if he was not mistaken by the language of the code, says (inaudible).

Mr. Watson said, you'd be up and running.

Mr. Miller said yes, and that basically gives you a year.

Mr. Watson agreed.

Mr. Miller said that they can extend that too.

Mr. Cleantis asked if there were any visible scars or anything on the site.

Mr. Watson said that the lower remote parking behind the fire house at the very back of the property has been built, and there have been many other infrastructure improvements.

Mr. Cleantis asked Mr. Watson if he projected any visible scars over the next year.

Mr. Watson said that they've advised them to finish the drainage system and to get the detention pond for which they have a State permit in, which means they have to post a bond.

Mr. Gibbons said that he wouldn't be opposed to a year, but he did not want to see it renewed again after that.

Mr. Miller said that he did not understand how parking lots are getting built and infrastructure is getting installed as there is not a signed site plan. He said that he did not get how the Town works. Mr. Miller said that there should be no work taking place out there subject to this approval that the Board has granted that hasn't really been approved.

A motion was made to grant a one year extension on this application. Mr. Cleantis seconded the motion. The motion was carried unanimously and the vote was as follows:

George Cleantis - In favor

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

Mr. Watson asked if they needed to have a public hearing.

Mr. Cleantis said that he would prefer to think not, as they had gone through a public hearing when this project was reviewed.

Mr. Miller said that he guessed they now had a year with this approval to do their thing. He asked if they anticipated any other changes. Mr. Miller said that they are talking about a water system that might go into a building somewhere, and that is not in his plan right now.

Mr. Watson said yes it is. He said that it was not on the particular sheet (the Board had), but there is a plan.

Mr. Miller asked if it was the same one that was on the plan.

Mr. Watson said yes, it has not been changed.

Mr. Miller said that he was of the impression that he needed to do something bigger.

Mr. Watson said that it is an internal issue. He said that they may have to change that, yes.

Mr. Miller asked if he wanted to figure that out or wanted to move on with an amendment.

Mr. Watson said that he thought they needed to move on with an amendment because they don't want to have to be obliged to build the other tank. They'd rather build the pool.

Mr. Miller said that he hadn't looked at the amendment package because they didn't get it and he would say to hold a public hearing just to be safe and they can make a Resolution.

The Board and applicant agreed.

A public hearing will be held on October 26, 2006.

Quarry Pond - Application for approval of Site Plan - Route 9, Cold Spring: Submission of Revised Plans

Mr. Miller and Ms. Herring recused themselves and left the table.

Mr. Cleantis said that the public hearing was closed in June. He asked if Mr. Green or Ms. Bogenschultz was present and stated that the reason he asked was because they had some serious concerns last month and he was not sure if they were completely satisfied with the answers. Mr. Cleantis said that he would have invited them to join the Board this evening..

They were not present.

Mr. Balter stated that they were there for the subdivision Resolution and site plan Resolution. He said that they looked at the Resolution that the Planning Board had in front of them and they were fine with everything. He said that as far as the traffic concerns discussed at the last meeting and what was heard at the public meeting was that the traffic work that was done was done during the environmental review process and they made no changes. Mr. Balter said that in fact, the development was reduced.

Ms. Sexton said that with the affordable housing, it went from three bedrooms to two bedrooms and asked why that happened.

Mr. Balter said that as one of the Planning Board members pointed out after one of their submissions, the PDD Law required that all of the units including the (inaudible) units be two-bedroom units.

Mr. Merante said (inaudible) from people who are really concerned about congregating on Route 9. He said that he knew he had the revised (inaudible) and asked if they had addressed that.

Mr. Balter said that they had seen letters and they also met with the neighbors on Horton Road two different times with about twenty neighbors each time. He said that they talked to them and obviously their number one desire would be that it not have access for development through Horton Road. Mr. Balter said that he talked about what they can do if it has to come in there. He said that in the draft Resolution, it has certain things they offered to do and they are put in the Resolution as requirements - one is to put a right turn off of Horton Road and another is getting rid of the passing markings in front of Horton Road.

Mr. Merante asked in his best estimate, what time frame he would say.

Mr. Balter said that they've done this before on Route 6 in Cortlandt. He said that they've just finished a million dollar intersection.

Mr. Merante asked how long that took.

Mr. Balter said that it really didn't take that long. He said that the only thing different on the Board's plan, which came recently as a result of a meeting they had about three weeks ago, is that they are now putting in a pull-off for cars/kids waiting for buses.

Mr. Gibbons said that he wanted to point out that during the thirty day reply period after they closed the public hearing, they did receive several letters. One stated that there was confusion that Tim Miller Associates had prepared a traffic study back in 1989, so the traffic study to his project is not seventeen years old. He asked if that was correct.

Mr. Williams said that it was his understanding that the DEIS re-evaluated (inaudible) the past couple of years and had to be done as part of the adoption of the PDD which was done on January 11, 2006, so it was probably re-evaluated at a year or two approximately, before that. He said that updated measurements for the lake house were taken on June 2, 2004 to further verify the analysis. Mr. Williams said that everything else was looked at in 2003 and then the (inaudible) conditions were 2007.

Mr. Gibbons said that his issue has been the school bus stop. He asked how many cars would be able to (did not finish sentence).

Mr. Karis said that it goes from the proposed intersection of Horton Road all the way out to where the radius turns out (did not finish sentence).

Mr. Gibbons said, so it is about forty feet.

Mr. Karis said yes, it is long - you could probably stack four or five cars there.

Mr. Gibbons said that he would prefer more, because he had seen five or six parents' cars sitting up there.

Mr. Balter said that they could make it two hundred feet. He said that they kept it on their side of the street, their side of the entrance, and didn't go passed that because it would impact the neighbors.

Mr. Karis said that it is on the Horton side of the road that they are on. He said that it goes from their entrance all the way up to Route 9 - about a hundred feet long. Mr. Karis said that they also provided a 10x25 paved area for children and parents to stand off of the road while waiting for the school bus.

Mr. Gibbons said that it would be delineated.

Mr. Balter said yes, absolutely.

Mr. Gibbons said that with regard to the pump house that is right on the two hundred foot boundary line, it was outside the buffer zone, and he asked if there was a way to pull it back further.

Mr. Balter said what they have complies and as they get the final engineering, it will travel around.

Mr. Gibbons said also that one fishing stand doesn't make a fishing hole.

Mr. Karis said that there is actually two - one on either side.

Mr. Gibbons said that they really didn't want it in the park area, because he hadn't heard anything from the Town on what's going on there and now they've got sixteen parking spaces.

Mr. Balter said that it has spun up in kind of...the bare minimum that they have to do is follow on the Resolution (did not finish sentence).

Mr. Karis said that there's a reclamation of the entire property and stabilization according to the DEC. There is the improved park access road, which will be paved and the grade will be softened to twelve percent. There is the improved park entrance onto Route 9 with curbing and sight distance and drainage. There are sixteen parking spaces. There is a hand pump on the existing lot for water supply. There's two gazebos proposed. There are walking trails, fitness stations - primary around the lake and then a secondary walking trail. There are the two improved fishing points, a dry hydrant with the emergency access turnaround. There's also a fire water main being installed in three hydrant locations in the facility. There is a fenced dog run area and then the general clean up of the entire park area. He said that the vision for the park has to come from the Town if it is going to be expanded beyond that.

Mr. Balter said that from the Board's perspective, it should want to know that the applicant is doing what they say they're doing. He said that they are showing/talking about parts of the Town, but ultimately the Town Board and (he assumed) the recreation committee...they'll work with them and others that are interested. Mr. Balter said that this is something that they are doing to give to the Town and the nicer it is, the better it is for the Town, but also from their perspective and from a marketing standpoint, it is good for them.

Mr. Gibbons asked if there was any change with the lighting.

Mr. Balter said that one of the neighbors made a suggestion to eliminate street lights wherever

possible, which he thought was a great idea and in lieu of that, to use light ballots and use a lot of them. Mr. Balter said that another thing they were thinking about was having the lights on motion sensors after a certain time at night. Mr. Balter referred to the site plan Resolution and stated that he needed to clarify one item. He asked the Board to look at the bottom of page 3 and the top of page 4, letter “g”. Mr. Balter said that they had volunteered to the Board that they would snow plow the road. He said that he thought that was the intent of the wording, but they are going to build a road and would be responsible for snow plowing and salting, but they are not responsible for repairing it.

Mr. Williams went through the site plan Resolution with the Board. He said that the applicant has three years after the decision of the Board to initiate construction.

Mr. Balter said that he wanted to add with regard to the bond, letter “n”, it should say, “to secure the completion of the future Town Park improvements” so that it is clear what it is for.

Mr. Cleantis asked if the Board had any comment.

There was no comment.

Mr. Merante made a motion to accept the Site Plan Resolution (attached) as amended. Mr. Pidala seconded the motion. The motion was carried unanimously and the vote was as follows:

George Cleantis - In favor

Josephine Doherty - Absent

Michael Gibbons - In favor

Kerry Meehan - In favor

Anthony Merante - In favor

Andrew Pidala - In favor

Pat Sexton - In favor

Mr. Balter said that with regard to the subdivision approval, they had to get an amendment to the Town Law and that amendment has been done.

Mr. Williams went through the Subdivision Resolution with the Board.

Mr. Cleantis asked if the Board had any comment.

There was no comment.

Mr. Cleantis made a motion that the Board accept the Subdivision Resolution (attached) as written. Ms. Gibbons seconded the motion. The motion was carried unanimously and the vote was as follows: George Cleantis - In favor

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

Mr. Miller and Ms. Herring joined the table again.

Proposed Local Law - Chapter 93, Section 93-9 Permit Procedure: Referral from Town Board

Mr. Gibbons read the letter from the Town Clerk aloud. He said that it went from 21 days to 28 days.

Mr. Meehan said that he did not know why they gave an extra week.

Mr. Gibbons said that he hoped it doesn't delay any action on applications in front of the Planning Board. He said that he thought the Planning Board needed to coordinate the Planning Board meetings to their (CAC) meetings.

Mr. Meehan said that was hard and that the minutes of their meetings are (inaudible). He said that he thought the last set of minutes were from July.

Mr. Gibbons said that they need to at least respond to the applications the Planning Board is sending to them. He said that he would recommend to the Town Board that somehow the CAC arrange its schedule to coincide with the Planning Board schedule. Mr. Gibbons said that the Planning Board needs the fourteen days for submissions.

Mr. Cleantis asked Ms. Herring to write a letter to the Board.

Local Law to Amend Zoning Law - Chapter 175, Schedule A: Referral from Town Board

Mr. Cleantis asked if the Board had any comment with regard to the above.

Several Board Members stated that they did not receive the correspondence.

Mr. Cleantis asked if Mr. Miller would lead the Board through it.

Mr. Miller said that the law was changed last year and it prohibited soil processing anywhere. He said that there were some people who had ongoing activities or who needed to do soil processing, so they went to the Town Board. Mr. Miller said that the concern was that the sites would be large enough. It was felt that a one and two acre site in the I-zone wouldn't provide enough

setback opportunity, so this really says that you can process soils in an I-zone if it is five acres or larger. Mr. Miller said that there is only a handful of places that it could really take place. He read aloud what was added to Line 36.

Mr. Cleantis asked if it was legal before then on lots less than five acres.

Mr. Miller said that it was not legal at all. He said that 37 is just the same as 36, except it doesn't have a limitation of a ten thousand square foot floor area and 38 relates to warehousing and wholesale businesses, building contract yards, and garages. Mr. Miller said that this is basically saying that those things are still prohibited, but you can process dirt if it is greater than five acres.

Mr. Meehan asked if five acres was sufficient.

Mr. Miller said that it requires a site plan approval, so you can make satisfactory setbacks.

Mr. Meehan asked if it would be reasonable to say that the processing should be done towards the center of the five acres.

Mr. Miller said that he would get to say that when he sees an application.

Mr. Cleantis asked how this would affect for instance, the Polhemus application that wants to crush rocks with the house next door. He asked if he had five acres there and it would impact him.

Mr. Miller said that he did not know.

Mr. Polhemus said that he had seven acres.

Ms. Sexton asked if this was in a B-2.

Mr. Miller said B-2 and I.

Ms. Sexton asked why you'd want to do that in a B-2 with places all along Route 9 that are right next to homes.

Mr. Miller said that B-2 does permit manufacturing and processing of goods. It permits warehousing and contractors yards - it is a heavier business district.

Ms. Sexton said that she would like to see where the areas are.

Mr. Miller said that the Board had sixty days.

Mr. Cleantis said that the Board would not answer this particular application until at least October when everyone has had a chance to review the material.

Local Law to Amend Town of Philipstown Town Code - Accessory Apartments: Referral from Town Board

Mr. Cleantis said that they requested the Planning Board's input, however, it seemed the Board just sent three letters of its recommendations. The first letter was sent, the second letter did not change in substance at all. Mr. Cleantis said that his recommendation is that the Planning Board send another letter saying that essentially the recommendations were sent, and the Board told them what it thought and what it wanted to do.

Mr. Gibbons said that he noticed they have put in limitations, illegal secondary apartments and everything else in there, and that they will go to the Code Enforcement Officer for some type of action, but there are no penalties listed and he would like to add that. He said that as discussed previously and because he didn't fully agree with the comments the Planning Board made with regard to this law, he would like to see the letter stating that the majority of the Planning Board feels that way. He said that this was discussed and he didn't want the Town Board feeling that everything is coming unanimously out of the Planning Board.

Mr. Cleantis said that he and Mr. Gibbons sat across this very table from one another and had gone through this.

Mr. Gibbons said that Mr. Cleantis agreed with him.

Mr. Cleantis said that he agreed with Mr. Gibbons that there is a tacit understanding...he did not agree at all that there was a tacit understanding that whenever you write an opinion, it is the majority opinion - "the Planning Board feels that...". He said that once it becomes four to three, it is "the Planning Board" - all for one, one for all, that's the way it goes. You have to stand behind the vote. Mr. Cleantis said that if you don't, then as a private citizen, you say, "well, I didn't do it", but he was not in favor of saying the majority from his standpoint. He said that if the other Planning Board members think he should write the majority, then put the majority.

Mr. Merante said that when the Supreme Court comes down with a decision, it is the decision of the Supreme Court.

Mr. Gibbons said that he was right...he is willing to go along with what the Board has to say, but if it is the majority of the Supreme Court....it is seven to two (did not finish sentence).

Mr. Cleantis said that they don't say that it is the majority of the Supreme Court. They say the Supreme Court and then if you want to write an addendum, then they say this was the majority opinion.

Mr. Gibbons said that they don't say that it is the majority. They say the vote is seven to two - this is how it stands.

Mr. Cleantis said that this is a singular body and when this singular body makes a decision, it is the decision of the body.

Mr. Gibbons said that it is giving the impression to the Town Board that it is a unanimous decision.

Several of the Board members disagreed.

Mr. Cleantis stated that he did not believe it is. He said that these people are smart enough to realize that with the number of seven, they are going to have discussion, people are going to disagree, then they are going to take a vote and then once you take a vote and make a decision, you present it as one unified Board. That is what teamwork is all about and that's what it tells the world and the public. Mr. Cleantis said that is what a democracy is - a democracy is based on the vote of a majority. And when you have the vote of the majority and the majority has made a decision in good faith, then everybody stands behind that majority - good, bad or indifferent.

Mr. Miller said that one of the concerns that had been talked about by the Planning Board has to do with the growth potential for the accessory apartments and he thought in particular, school children generated. He said that these apartments can be 1800 square feet and up to two bedrooms. But it doesn't appear as though there's been any evaluation of the growth that could occur associated with this and the school children that could be generated and the impacts upon our school district in terms of its infrastructure and in terms of its taxing and fiscal circumstances. Mr. Miller said that it just seems like this has never been fully evaluated and may warrant at least a referral to the school district for a consideration and opinion on it, because they would be the ones potentially deeply affected.

Mr. Cleantis said that in any letter the Board sends they had indicated they had sent them letters previously indicating that the Board thought this should be further thought out, which certainly includes that.

Mr. Merante commented (tape was changed). He said that it was said it was almost a non-issue, unless you aggressively pursue people from (inaudible), don't even get involved.

Mr. Meehan asked where upstate he was talking about. He asked if it was some rural town that

people don't have a desire to move to.

Mr. Merante said that he would get the details. He would find out the information.

Ms. Sexton said that in one of the letters to the Town Board, if the Planning Board members remembered, the Board recommended a one-bedroom apartment. She said that the letter was signed. But then (inaudible) to make it two. Ms. Sexton asked if (inaudible) would make a difference.

Mr. Pagonis said that he thought the question was whether or not the Planning Board wanted to respond to the Town Board saying that they've done it before, we're tired of writing and you're not listening and ask if they want to write a letter to the school district.

Mr. Cleantis said that the Planning Board's response has not changed.

Ms. Herring said right. She asked if the Board wanted to ask that question on one of the violations/penalties for violations.

Mr. Cleantis asked if the Board was in favor.

Mr. Gibbons said that he disagreed with that.

Ms. Sexton asked what Cold Spring and Nelsonville does as far as the limitation on square footage and the size of the apartment.

Mr. Miller said that there is no limitation.

Mr. Merante said that in Nelsonville, all residential areas are two-family by right. He said that everyone knows in Philipstown that there are a lot of illegal apartments. Mr. Merante said that one of the things they talked about this evening was to grant one year's grace to make these things come into compliance.

Mr. Gibbons asked if this would possibly eliminate a lot of those accessory apartments that are illegal.

Mr. Merante said that as Joel stated, the law can always be changed. Mr. Merante said that once it is written, it doesn't mean that it is in stone.

Miscellaneous

Minutes of July 2006

-Mr. Gibbons made a motion to approve the minutes. Mr. Pidala seconded the motion. The vote was as follows:

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

Adjourn

Mr. Meehan made a motion to adjourn the meeting. Mr. Pidala seconded the motion. The meeting ended at 11:20 p.m. The vote was as follows:

George Cleantis - In favor
Josephine Doherty - In favor
Michael Gibbons - In favor
Kerry Meehan - In favor
Anthony Merante - 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: _____