



TARA K. PERCACCILO  
TOWN CLERK AND TAX COLLECTOR

## TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

RICHARD SHEA, SUPERVISOR

(845) 265-3329

JOHN VAN TASSEL, COUNCILMAN  
JASON ANGELL, COUNCILMAN  
ROBERT FLAHERTY, COUNCILMAN  
JUDITH FARRELL, COUNCILWOMAN

November 9, 2021

NYS Dept. of State  
Div. of Corporations,  
State Records & Uniform Commercial Code  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231

Re: Local Law #2-2021

To whom it may concern:

Attached is Local Law #2-2021 for the Town of Philipstown which was adopted at the Monthly Town Board meeting of November 4, 2021 to be filed in your office. Thank you.

Sincerely,

Tara Percacciolo  
Town Clerk

Encl.

cc: file

# Local Law Filing

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Philipstown

Local Law No. 2 of the year 2021

A local law To Add A New Section 175-18.2 entitled 'Upland Drive and Ridge Road Development  
*(Insert Title)*  
Districts'.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Philipstown

as follows:

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

TOWN OF PHILIPSTOWN  
LOCAL LAW NO. 2 OF THE YEAR 2021

A Local Law entitled "A Local Law To Add A New Section 175-18.2 entitled 'Upland Drive and Ridge Road Development Districts'".

Be it enacted by the Town Board of the Town of Philipstown as follows:

**Section 1. Purpose:**

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Town of Philipstown Zoning Code to add a new Section 175-18.2 entitled "Upland Drive and Ridge Road Development Districts" establishing additional development standards for real property therein in light of the topographic and road access limitations on such properties.

**Section 2. Municipal Home Rule Law:**

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with the State Cannabis Law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

**Section 3. Amendment of the Town Code.**

I. Chapter 175 of the Town Code of the Town of Philipstown, entitled "Zoning" is hereby amended to add a new Section 175-18.2 which shall read as follows:

"§ 175-18.2 Upland Drive and Ridge Road Development Districts  
(UDDD and RRDD).

A. Findings and purpose. Large tracts of land along Upland Drive, Cliffside Court, and Ridge Road in the southeastern portion of the Town remain undeveloped for a variety of reasons, including environmental restraints such as steep slopes, lack of municipal roadways, and ownership by government entities. The recent demand for real estate for housing development as well as the County of Putnam's actions in placing a number of such properties up for public sale, has created a likelihood of substantial development of these environmentally sensitive properties. The purpose of this section is to enact additional development regulations to ensure that any development of the said lands is done in a safe and environmentally sound manner.

B. Boundaries.

- (1) The Upland Drive Development District ("UDDD") shall consist of an area beginning at the westerly point of the intersection of Winston Lane and Upland Drive, continuing then in a northeasterly direction along the northerly side of Upland Drive, encompassing all properties fronting on that side of Upland Drive or having access drives connecting to it, to the intersection with Old Albany Post Road; the UDDD boundary shall then run along the westerly side of Old Albany Post Road to the intersection with the southerly side of Upland Drive; the UDDD boundary shall then continue in a southwesterly direction along the southerly side of Upland Drive, encompassing all properties fronting on that side of Upland Drive or having access drives connecting to it, back to the intersection with Winston Lane; the UDDD boundary shall then run in a straight line back to the point of beginning.
- (2) Additionally, the UDDD shall consist of an area beginning at the southerly point of the intersection of Upland Drive and Cliffside Court, continuing then in a northerly direction along the western side of Cliffside Court, encompassing all properties fronting on that side of Cliffside Court or having access drives connecting to it, to the end of the road; the UDDD boundary shall then run in a southerly direction along the eastern side of Cliffside Court, encompassing all properties fronting on that side of Cliffside Court or having access drives connecting to it, back to the intersection with Upland Drive; the UDDD boundary shall then run in a straight line back to the point of beginning.
- (3) The Ridge Road Development District ("RRDD") shall consist of an area beginning at the westerly point of the intersection of Aqueduct Road and Ridge Road, continuing then in a northerly direction along the westerly side of Ridge Road, encompassing all properties fronting on that side of Ridge Road or having access drives connecting to it, to the end of Ridge Road at the forked intersection with Nova Street and Sky Lane; the UDDD boundary shall then run in a straight



line to the easterly side of Ridge Road and then in a southerly direction along the easterly side of Ridge Road back to the intersection with Aqueduct Road; the UDDD boundary shall then run in a straight line back to the point of beginning.

C. Regulatory effect on land uses. Within the UDDD and RDDD, all of the underlying land use district regulations remain in effect, except that:

- (1) The maximum density (conservation) shall be two (2) acres;
- (2) The minimum lot size shall be two (2) acres;
- (3) The maximum impervious surface coverage shall be 10%.
- (4) The maximum footprint (in square feet) for nonresidential structures shall be 4,000.
- (5) The steep terrain and ridgeline protection regulations of Code § 175-36 shall apply, and in addition, disturbance of slopes of 30% or greater for a purpose other than those listed in Code § 175-36B(1) shall require grant of an area variance from the Zoning Board of Appeals."

II. A new map depicting the UDDD and RDDD, entitled "Town of Philipstown Upland Drive and Ridge Road Development Districts" shall be prepared and added as an attachment to the Town Zoning Code.

#### **Section 5. Severability.**

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

#### **Section 6. Effective Date.**

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2021 of the (County)(City)(Town)(Village) of Philipstown was duly passed by the Town Board on November 4 2021, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Lara L. Percaccio*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 9, 2021

(Seal)



**RESOLUTION ADOPTING A LOCAL LAW CREATING THE UPLAND DRIVE  
AND RIDGE ROAD OVERLAY DISTRICTS**

WHEREAS, heretofore the Town Board has considered the adoption of a local law entitled: "A Local Law To Add A New Section 175-18.2 entitled 'Upland Drive and Ridge Road Development Districts'", and

WHEREAS, following due notice the Town Board held a public hearing on the proposed local law,

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town Board does hereby adopt the above local law which said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany.

Councilman Van Tassel presented the foregoing resolution which was seconded by Councilman Flaherty,

The vote on the foregoing resolution was as follows:

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting \_\_\_ AYE \_\_\_\_\_

John VanTassel, Councilman, voting \_\_\_ AYE \_\_\_\_\_

Robert Flaherty, Councilman, voting \_\_\_ AYE \_\_\_\_\_

Jason Angell, Councilman, voting \_\_\_ AYE \_\_\_\_\_

Richard Shea, Supervisor, voting \_\_\_ AYE \_\_\_\_\_

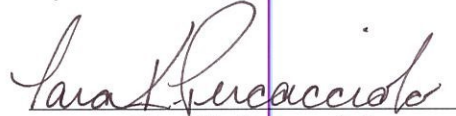
**CERTIFICATION**

I, **Tara K. Percacciolo**, the duly qualified and acting Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on November 4, 2021, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.



**I FURTHER CERTIFY** that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

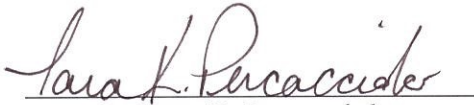
**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the said Town, this 4<sup>th</sup> day of November, 2021.



Tara K. Percacciolo  
TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on November 4, 2021.



Tara K. Percacciolo  
TOWN CLERK

RESOLUTION MAKING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, the Town Board has before it a proposed local law entitled "A Local Law To Add A New Section 175-18.2 entitled 'Upland Drive and Ridge Road Development Districts'; and

WHEREAS, this is an action subject to SEQRA, and

WHEREAS, the Town Board as Lead Agency has caused to be prepared an Environmental Assessment Form ("EAF") Parts I and II; and

WHEREAS, following due notice the Town Board has conducted a public hearing on the proposed local law and heard all persons interested in the subject matter thereof; and

WHEREAS, the Town Board, as assisted by its consultants, has considered the potential environmental impacts of the proposed action;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board accepts and approves the said EAF Parts I, II and III and the Supervisor is hereby authorized to sign the same; and
2. That after considering all of the information presented to it, including the EAF, the Town Board adopts the Negative Declaration attached hereto.

Councilman Flaherty presented the foregoing resolution which was seconded by Councilwoman Farrell,

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting AYE

John VanTassel, Councilman, voting AYE

Robert Flaherty, Councilman, voting AYE

Jason Angell, Councilman, voting AYE

Richard Shea, Supervisor, voting AYE

**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

November , 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Philipstown Town Board as Lead Agency has determined that the proposed action described below does not present any potential significant adverse environmental impacts and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** The adoption of a local law entitled: "A Local Law To Add A New Section 175-18.2 entitled 'Upland Drive and Ridge Road Development Districts'"

**Action Type:** Type Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** The Town of Philipstown is adopting a local law to amend its Zoning Code to create the Upland Drive Development District and the Ridge Road Development District, which districts will encompass the properties located on and along Upland Drive, Cliffside Court, and Ridge Road. The new districts leave the existing zoning regulations in place, except that the following changes are made:

- (1) The maximum density (conservation) is decreased from one (1) acre to two (2) acres;
- (2) The minimum lot size is increased from one (1) acre to two (2) acres;
- (3) The maximum impervious surface coverage is decreased from 20% to 10%.
- (4) The maximum footprint (in square feet) for nonresidential structures is decreased from 5,000 sf to 4,000 sf.
- (5) An additional requirement is added providing that the steep terrain and ridgeline protection regulations of Code § 175-36 apply, and that in addition, disturbance of slopes of 30% or greater for a purpose other than those listed in Code § 175-36B(1) shall require grant of an area variance from the Zoning Board.

**Contact Person:** Richard Shea, Supervisor, Town of Philipstown, Town Hall, 238 Main Street, Cold Spring, NY 10516.

**Location:** Upland Drive, Cliffside Court, Ridge Road in Philipstown New York.



**Reasons Supporting Negative Declaration:**

As per review of the EAF and Parts II and III, which are incorporated herein by reference, and as has also been discussed, the Town Board has determined that no potential significant adverse environmental impacts are associated with the proposed Local Law and, therefore, an Environmental Impact Statement will not be prepared.

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?  b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

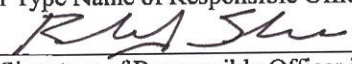
Project: Overlay Districts

Date:

### **Short Environmental Assessment Form Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Through investigation undertaken during the course of a lengthy moratorium and after consultation with the Highway Department, the Town Planning Consultant and the Town Attorney, it has been determined that the lands accessed by Upland Drive, Cliffside Court and Ridge Road are environmentally sensitive and that the roadways they are accessed by are substandard. The local law at issue does not change the permitted uses along these roadways, but addresses these issues by up-zoning the bulk requirements to make potential development less dense and less impactful. The proposed changes to bulk requirements do not present any potential significant adverse environmental impacts because they will lessen the environmental impacts of any potential future development.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town Board Town of Philipstown</u>	<u>November , 2021</u>
Name of Lead Agency	Date
<u>Richard Shea</u>	<u>Town Supervisor</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



**CERTIFICATION**

I, **Tara K. Percacciolo**, the duly qualified and acting Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of the Monthly Meeting of the Town Board of the Town of Philipstown, held on November 4, 2021, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

**I FURTHER CERTIFY** that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the said

Town, this 4<sup>th</sup> day of November, 2021.

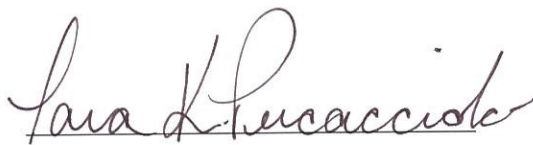


Tara K. Percacciolo

TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on November 4, 2021.



Tara K. Percacciolo

TOWN CLERK