

Statement in Support  
of the  
Application  
of  
**N. Scott Johnson (JRP 143 LLC)**  
for a  
**FRESHWATER WETLANDS PERMIT**  
to conduct  
REGULATED ACTIVITIES  
within a  
REGULATED AREA  
as required under  
CHAPTER 93  
of the  
CODE of the TOWN OF PHILIPSTOWN

Prepared and respectfully submitted by:

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**Project Location**

The applicants, Scott Johnson and Bruce Rinderman, are the owners of six (6) adjacent parcels with a combined area of 50+ acres in the Towns of Philipstown and Fishkill. The properties where the proposed construction activities will take place are in the Town of Philipstown only, designated on the Putnam County Tax Map for the Town as Sheet 16., Block 1, Lot 34 and 56. The two properties are located at the terminus of Mountain Brook Drive in Cold Spring. The other property in Putnam County is tax map lot 6.-1-1, which has the pond on it. The other portion of this pond lot is in Dutchess County, having Tax Map No. 6154-00-400355. The other two lots in Dutchess County are 6154-00-423430 and 6154-00-385440.

**Regulated Activities Involved (§ 93-5)**

The permit sought will allow the construction of a residential driveway and a stream crossing over a town-regulated intermittent stream. The proposed driveway is 1,430 linear feet, approximately 1,060 feet of which is in the town-regulated 100'-stream buffer. Permission was granted at the July 2020 Conservation Board meeting to install a curtain drain discharge associated with the septic system. That work was completed, the curtain drain is functioning as designed, and a septic system construction permit has subsequently been granted by the Putnam County Department of Health.

The construction involves the following work:

- Construction of a 12'-wide gravel driveway with swales.
- Construction of stone retaining walls and headwalls.
- Installation of cross culverts and rock aprons.
- Relocation of intermittent stream to original course before artificial diversion.
- Installation of buried service cables from road to house along driveway.

More specifically, the following Regulated Activities are involved:

- Excavation of soil (§93-5A.)
- Deposition of soil, stones, and gravel (§93-5B.)
- Construction and installation of a driveway and pipes (§93-5C.)
- Diversion of flow of a watercourse (§93-5D.)
- Installation of drainage pipes (§93-5K.)
- Installation of open swales (§93-5L.)
- Installation of service lines, cable conduits, and utilities ((§93-5I.)

The proposed area of controlled area affected is approximately 39,000 square feet. The total limit of proposed soil disturbance for this activity is approximately 87,000 square feet.

**Comparison of the proposed activity to the Criteria for Approval § 93.8**

Section 93-8, *Criteria for approval* sets forth eight (8) criteria that the Conservation Board and Permitting Authority must consider before a permit may be recommended or

issued. The following is a list of them with a discussion of how the project compares to each criterion.

*The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourses as set forth in §93-2B.*

The activity is consistent with the existing development and access to the property. The proposed road is designed to minimize grading, drainage, and removal of vegetation.

*The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.*

The activity will not substantially alter surface runoff drainage characteristics. The crossing of the intermittent stream will relocate it to its natural drainage course.

*The activity will not result in the degrading or pollution of waters.*

The activity does not substantially increase sources of pollution, and utilizes the existing site development which was used in a similar manner. Additionally, post-construction stormwater mitigation shall be provided.

*The activity will not increase the potential for flooding.*

The activity will not substantially increase impervious area of the site, and does not restrict the flow of water or decrease natural storage volumes.

*Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity.*

The activity proposes temporary and permanent erosion and sediment control both during and after construction.

*No practicable alternative location is available on the subject parcel.*

The site can only be accessed in the manner proposed, and generally utilizes the existing development corridor. Access to the site is not possible without the permit sought.

*No additional technical improvements or safeguards can reasonably be added to the plan or activity, which would minimize the impact on a controlled area.*

The plan proposes sound construction techniques, using the existing site improvements.

*The activity will alleviate or remove a hazard to the public health or safety.*

The activity will allow for the applicant's reasonable access to and use of the property, a safe and healthy place to live, and the ability to repair damage and maintain the property.

Respectfully submitted on behalf of Mr. Johnson,

**BADEY & WATSON,**  
*Surveying and Engineering, P.C.*