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TO: Town of Philipstown Planning Board DATE: November 16, 2021
FROM: Ronald J. Gainer, PE SUBJ: Sadlon - Wenske Residential Site Plan; Route 9D

Project Scope: Construction of a Single-Family Residence
Zoning District: "RR" (Rural Residential Zoning District)

We have reviewed the following information prepared by Badey & Watson Surveying & Engineering, PC, all dated October 18, 2021, which was received on the above project:

- "Property Survey of Open Space Institute Land Trust, Inc."; dated April 22, 2021
- "Site Grading & Drainage Plan"; last revised November 4, 2021
- "Site Section & Profiles"; last revised November 4, 2021
- Short Form EAF; dated November 4, 2021

This application proposes the development of a residential dwelling on an existing 20.00 acre vacant parcel located along the west side of Route 9D, just south of the Town Recreation Center parcel. The Applicant is proposing to construct a one-story 3,600± sf, 4-bedroom single-family residence on the property. A pool and a separate detached structure which will include a garage/workshop (1,100 sf) and accessory apartment (790 sf) are also proposed on the property.

The property was purchased from OSI, and includes a specified 40,000 sf "permitted building area" in which all new structures must be sited. The property includes portions of "Benedict Arnold's Flight" historic path and is encumbered by multiple public access easement areas along the northerly and westerly portions of the tract (which are noted on the Site Plans). The existing trails will remain accessible to the general public

The entire site lies within the Town's "Scenic Protection Overlay" zone, whose standards and requirements are enumerated in §175-15 which the applicant must comply with. Both the structure's size and these SPO regulations mandate that Site Plan approval be obtained. The tract also contains significant regulated steep slopes, although the only disturbance expected to occur in such slopes will involve the construction of the proposed utility line from the well to the residence (which is permitted under §175-36B(1d) – "essential utility corridors").

Based upon review of the materials filed, the following comments are offered:

PRELIMINARY CONSIDERATIONS/Site Plan Application - Initially, the Board should address the following procedural issues:

1. **Classification of the Project** – The Board should first classify the project, pursuant to the requirements of **§175-60C**. This will establish the procedures and requirements under which the application will be processed. Pursuant to prior Town policy, residential projects for which Site Plan review is required shall be treated as a "Minor" project by the Planning Board and so this should be classified as such at your upcoming meeting. Therefore, the applicable procedures specified in **§175-67** (involving "minor" site plans) should be followed.

RE: Sadlon-Wenske Residential Site Plan; Route 9D

2. **“Completeness” of Application** – The November 18, 2021 Board meeting will offer the Board an ability to offer their initial comments on the application.
3. **Site Inspection** – The Board should determine whether they wish to conduct a site inspection on the application early in your review process, should any site-specific issues be identified which may warrant further study and review.

SEQR – A Short Form EAF (Environmental Assessment Form) has been filed by the applicant. Pursuant to the New State Environmental Quality Review Act (SEQR) Title 6 NYCRR Part 617 Regulations, as specified in 617.5c(11) construction or expansion of a single-family, two-family or three-family residence on an approved lot, including extension of utility services, are classified as “Type II” actions. Such actions are not subject to any environmental review, as they have been determined not to have a significant impact on the environment. Therefore, the Planning Board should merely classify the matter as such upon your initial review of the application, and this will conclude your SEQRA responsibilities.

REFERRALS – It would appear that the project should be referred to the following agencies:

- Putnam County Department of Planning (GML 239m referral; parcel lies along NYS Route 9D)
- Town Conservation Board (per §175-36B(4) concerning the steep slope disturbances)

Further, while not required, the Board often chooses to make a courtesy referral to the local Fire Department, should they wish to comment on the proposal.

PLANS –Based upon review of the subdivision plan, the following preliminary comments are offered:

- As the site is heavily wooded and existing residential dwellings lie immediately adjacent to the southerly property line, it would be beneficial to obtain a tree survey of the area to be developed to establish the extent of tree removals which will be required for the site improvements planned, so as to evaluate potential impacts to the nearby property owners.
- Given the public access trails which traverse the site and the easements granted by OSI, landscaping/ screening should be considered in order to minimize visual impacts from “publicly accessible spaces”.

In order to approve a "minor project" site plan, the Planning Board must find that the proposal is generally consistent with the criteria in § **175-65D** and will not adversely affect neighboring properties. Procedurally, a Public Hearing is discretionary for “Minor” projects.

Given the preliminary nature of the application, we suggest that the Board initially determine whether a site inspection of the proposal is necessary to evaluate any potential environmental concerns. Further, the necessary referrals should be accomplished by the Board’s secretary. Thereafter, once any Board concerns are resolved, it should be determined whether a public hearing should be considered.

Therefore, in summary the following actions may be considered for the application at your meeting:

- Declare the project as a “minor” site plan
- Classify the project as a “Type II” action, thereby concluding your SEQRA responsibilities
- Make referrals to outside agencies
- Determine whether a site walk should be performed
- Establish whether any waivers from the plat information normally required should be considered in this



RE: Sadlon-Wenske Residential Site Plan; Route 9D

instance (this action could await a site inspection, if one will be accomplished)

- Establish whether a public hearing will be scheduled on the matter.

We trust that these comments are adequate for the Board and applicant's consultant. Should you have any questions, please don't hesitate to contact us.

c: Carl Frisenda, Highway Superintendent
Greg Wunner, Code Enforcement Officer
Max Garfinkle, NRRO
Stephen Gaba, Esq
Applicant (c/o Badey & Watson, PC)



RE: **Sadlon-Wenske Residential Site Plan; Route 9D**

Technical Comments:

General

1. Required plat information which should be added to the plat include:
 - All wells and SSTS's within 200 feet of the tract should be shown, or a note added specifying that none exist.
2. The Board should determine whether granting waivers may be warranted for plat information specified in §112-24 that is normally required but not presently included on the plat, given the minor impacts expected from the lot line adjustment being proposed. This would include:
 - Rock outcrops, etc.
3. The following outside agency approvals must be obtained for the project:
 - New York State Department of Transportation (access driveway)
 - Putnam County Department of Health approval of the on-site SSTS & well
4. In order to grant Site Plan approval, the Planning Board must find that the proposal is generally consistent with the criteria in **§175-65D** and will not adversely affect neighboring properties.

Technical Issues

5. Stormwater run-off from the impervious surfaces proposed should be illustrated, to assure that no off-site impacts result. It has been Board policy to infiltrate building roof areas, wherever possible. This should be investigated, and such mitigation shown if feasible.
6. The following matters it should be added on the plan submittal:
 - A grading plan should be developed, to illustrate all disturbances planned.
 - Necessary construction details of all required site improvements should be added to the planset.
 - As noted earlier, since the site is heavily wooded, a tree survey should be prepared, along with identification of all tree removals required to accomplish the site development planned.
 - Compliance with all applicable requirements of the SPO (§175-15) should be confirmed, and necessary landscaping/screening identified to minimize views into the site from "publicly accessible places".
7. Should any drainage facilities along the site driveway be required, their sizing and materials should be specified, and calculations provided to establish their required sizing. Further, a detail of such improvements should be included in the planset.
8. The location and details of any proposed exterior site lighting planned along the driveway or on the dwelling should be provided, so the Board may evaluate whether any mitigation/shielding may be warranted. If planned, they should encompass "Dark Sky" guidelines, to minimize light pollution and to assure that no off-site impacts will result.

Further comments could be forthcoming, as the project plans are refined.

