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TO: Town of Philipstown Planning Board DATE: September 11, 2018

FROM: Ronald J. Gainer, PE SUBJ: Barpor Corp commercial property; 201 Old West Point Road W.

As provided in Section 175-66B of the Town Code a pre-application meeting was held today concerning improvements planned by the owner of properties along Old West Point Road West to determine applicable code requirements.

In attendance were the following:

Neal Tomann	—	Planning Board Member
Greg Wunner	—	Code Enforcement Officer
Tara Percacciolo	—	Planning Board Secretary
Ron Gainer	—	Town Engineer
Sean Barton	—	Applicant

The following matters were discussed:

Purpose of Application:

Barton has purchased 3 adjacent parcels along Old West Point Road West, just off the NYS Route 9 intersection. The specific parcels are noted below:

<u>Tax Parcel No.</u>	<u>Address</u>	<u>Size</u>	<u>Zoning Classification</u>	<u>Improvements on lot</u>
71.20-1-4	201 Old West Point Rd W	0.4± ac	HC (Highway-Commercial)	Vacant
71.20-1-6	1629 Route 9	1.12 ac	HC (Highway-Commercial)	Res. Dwelling + garage
71.20-1-7	203 West Point Rd W	0.4± ac	RR (Rural Residential)	Residential Dwelling

Barton operates a landscaping business, and he is proposing to relocate his business activities to these commercial properties. Today's meeting was set up as a result of a "Stop Work" order issued by the Building Department to Barton, concerning work he has been performing on tax parcel 71.20-1-6 without permits. Specifically, he has already removed the former garage, and re-graded an area around the garage.

Greg advised the applicant that Parcel 71.20-1-7, the residential property Barton owns along Old West Point Road West, since it is not part of his development plans for the commercially zoned parcels listed above, is not affected by the "Stop Work" order. Therefore, Greg explained that any plans he may have to renovate or improve this property alone only requires a building permit from his office. Further, Greg advised that Barton should immediately file a demolition permit with his office, along with fee payment of \$190, to cover the garage demolition already performed.

Barton explained that the larger commercially zoned parcel originally included both a residential dwelling and a garage. The property has access from Old West Point Road West. The garage has since been torn down. The residential dwelling remains. Various re-grading of the site in the area of the garage has also been done, in anticipation of the construction of a larger garage for his commercial business.

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He is proposing a 60' x 40' commercial garage. He indicated that the exterior would be board and batten in appearance. He advised that he would want to place the garage further back on the parcel than where the original garage was situated, and so it would likely extend over the property line onto lands of the vacant property in the rear (tax parcel 71.20-1-4). Therefore, he was advised that this would require that he merge the two parcels, and extinguish the common lot boundary between them. This would likely be a condition of any approvals that may be granted by the Town. He also advised that his landscaping equipment and vehicles (trucks, chopper, etc.) would be stored on the site, in the area he has re-graded.

Barton also noted that the parcel (71.20-1-6) wraps around the Garrison Garage property, and has limited frontage on NYS Route 9. However, this sliver of property is steep, and so it wouldn't appear to be feasible to construct a separate access into the site. Further, he noted that the Old West Point Road West intersection with Route 9 has poor geometry, making left turns onto Route 9 with any major equipment difficult if not impossible. This has been an issue to date with the construction vehicles which have accessed the site to date. He felt that this would be a lesser problem, although still a concern, once construction was concluded and only his landscaping vehicles and equipment were operating.

Zoning District Information & Use:

As noted above, the properties which would be the subject of an application are located in the "HC" (Highway Commercial) Zoning District. From a review of permitted "uses", it appears that the intended landscaping activity represents a "retail business" and so is permitted in the HC zone.

Site Plan Review Required:

Any commercial uses in the HC zone is permitted pursuant to Site Plan approval from the Planning Board.

Classification of Project as "Major" or "Minor":

With the building size and overall site disturbance expected, per the provisions of Section 175-60C(1) of the Town Code, it would appear that the proposed activity will exceed the following threshold criteria:

- Alteration and active use of 10,000 square feet of land, with or without structures.

Therefore, given the project as described above, the project would appear to represent a "Major" project. It is noted that a public hearing for "Major" projects is discretionary is mandatory.

Site Plan requirements and review procedures:

The application package which must be filed with the Planning Board must include an application form, EAF, Site Plan complying with all plan requirements of §175-65B and required fees. The site plans should include the survey plan of the overall property, and should show all "existing" (including the recently demolished garage) and "proposed" structures planned, square footage of the structures, and overall site disturbance to understand SWPPP requirements.

It was noted that the applicant should discuss the geometry problem which exists at the Route 9 intersection. This would likely be evaluated during any site inspection the Board may accomplish, subsequent to the receipt of a "Site Plan" application.



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Waivers: None were discussed during the pre-application conference.

Overlays:

The site abuts NYS Route 9, which is a delineated "scenic corridor" showing on the Town's Scenic Protection overlay mapping. However, as the scenic boundary ends at the northerly property line of the subject parcel, this tract IS NOT in this overlay zone.

The property does not appear to fall within any other Town overlay districts.

Fees: As described above, it would appear that the following Planning Board application fees would apply:

"Site Plan, Major"	-	\$1,000 + \$20 per parking space, + escrow
Full EAF	-	\$300
Public Hearing	-	\$250
Final Site Plan Approval	-	\$250
Escrow	-	\$5,000 (un-used monies returned to applicant)

Therefore, in summary the overall application fee payment totals \$1,800, + \$20 per parking space, plus the escrow to be posted. It should be noted that the application fees and escrow deposit should be posted with separate checks.

Expected Referrals:

As a portion of the site abuts NYS Route 9, the application will require referral to the Putnam County Department of Planning pursuant to GML 239m.

If any bathroom facilities were planned within the proposed garage, the Putnam County Department of Health would also be involved in reviewing the application.

No other referrals were readily apparent, although it is the Board's usual practice to make referral of Site Plans to the local fire department, should they wish to comment on any issues relating to site access for emergency responders.

At the conclusion of these discussions, the meeting ended.

c: Greg Wunner, Code Enforcement Officer
Stephen Gaba, Esq.
Applicant

