

November 4, 2020

Kim Conner, Vice-Chair  
Town of PhilipsTown Planning Board  
238 Main Street  
Cold Spring, NY 10516



RE: Heitmann & Fleming – Site Plan Approval  
Angels Hill, Garrison  
Tax Map No. 71.-3-15

Dear Vice-Chair Conner and Members of the Planning Board:

This office has received and reviewed a Technical Memo issued by the Town's Consulting Engineer, dated October 13, 2020; regarding the captioned property. The plans and supporting documentation have been revised accordingly. Please be advised of the following in review of this material:

**Roadway Access** – The right-of-way maintenance obligations shared by each owner in this 3-lot subdivision are outlined in the Declaration of Covenants and Restrictions, filed in the Putnam County Clerk's office. As the applicant in this matter is a Putnam County licensed contractor, and a Certificate of Occupancy can be conditioned upon restoration of the road surface, we hereby request that the board forego a performance bond requirement.

**Environmental Conditions/Lot Development** – The earthwork (cut and fill) required for the proposed site development has been quantified on the plan. Any excess soil shall be used to reclaim the area in front of the house, where a driveway was cut in by the previous owner. The solid rock shall be used to construct the site retaining walls. No earth material shall be hauled off-site.

A partial full-height basement is planned. The final location/extents to be determined on-site, with the intent to minimize rock removal, based on field conditions. The location/extents of exposed ledge rock are illustrated on the site plan. For clarity, these areas have been hatched on the 20-scale inset. They appear from our standpoint to be accurately represented.

The centerline of the proposed driveway is labeled with stationing, and profiled on the detail sheet. The centerline profile of the driveway leading up to the detached garage has been added to the plan to show the 3% landing at the apron. Also, please be advised that although a driveway is rough-cut into the site, it is currently at a grade over the 14% maximum, and would have to be re-aligned. Based on the location of the proposed septic system with respect to the proposed house and existing driveway, using this existing driveway alignment to access the

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first-floor level is not a viable option. The proposed driveway re-alignment/switchback offers the best option of flatter driveway grades, access to both the house and detached garage, and low visual impact.

The temporary soil stockpiles and construction staging areas are not proposed on regulated steep terrain areas.

**Referrals** – A separate submission set was provided to the Town’s Consulting Engineer for distribution to the Town Conservation Board and the Garrison Volunteer Fire Company. The applicant has met on-site with the Natural Resource Review Officer, and it is understood that his review memo was sent directly to the Board. We have not received correspondence, or heard of any comments, from the fire department.

**Town Overlay Districts** – Similar to the Town’s scenic ridgeline and hillside protection regulations, the two existing conservation easements over the property seek to maintain the scenic beauty and rural character of the Town as viewed from the Hudson River Valley, Appalachian Trail, Denning Hill and various other publicly accessible scenic overlooks.

The easements limit the use, number of structures, location of structures, and their exterior appearance. The holders of these easements have both issued letters indicating that they have reviewed the site plans, and have found the proposed development to be in conformance with the purpose and restrictions therein. In the same light, we trust that the Board will find the site plan conforming to similar standards as outlined in the steep terrain and ridgeline protection regulations.

The plan set prepared by the applicant’s architect clearly demonstrate the proposed building height, and compliance with the “hillside protection” area height restrictions. Regarding the “steep terrain” section of the ordinance, all proposed structures and associated disturbance has been proposed on slopes less than 20%. The proposed limit of disturbance and tree clearing is illustrated on the plan. The small amount of additional tree cutting required for site development will not significantly impact views from publicly accessible places as described previously. The trees which must be cleared for construction of the septic system are very small, and cannot be replanted based on required separation distances. There is no plan to re-vegetate any of the cleared areas. Only the trees which must be cut, will be cut. The surrounding landscape is heavily wooded, and there is no significant density of trees that could be planted which would enhance screening as viewed from north, south, or east.

The proposed architectural plans and elevations previously mentioned identify the exterior building materials/colors; these are common residential building materials, and there is no potential glare associated with them. Please note that Open Space will be inspecting the site following construction to ensure compliance with their easement, including the use of non-reflective exterior surfaces.



**Stormwater Management** – The proposed plans outline the total area of soil disturbance, and total impervious area created as a result of this development. The limit of disturbance line is illustrated on the plan, which also represents the limit of tree clearing. The proposed area of soil disturbance is less than 1 acre; there is no Town or State stormwater pollution prevention plan requirement. The impervious area associated with a construction activity does not necessitate nor negate the need for preparing a SWPPP. A stone-lined swale and level-spreader has been proposed at the now-existing driveway culvert; the culvert was installed to repair damage to the road shoulder that occurred during one of the last rain storms.

**Limits of Disturbance** – A conservation easement restricting further site development and tree cutting/clearing already exists over the entire property; a copy of that easement has been included herewith. The owner/applicant does not wish to add restrictions on the use of the property beyond what is already regulated under the Town Code, the two Conservation Easements, and the Declaration of Covenants and Restrictions.

**Erosion & Sediment Controls** – The site plan proposes temporary and permanent erosion and sediment controls. The only area with soil suitable for subsurface infiltration is reserved for the septic system.

**Conservation Easements** – Please find enclosed herewith the 2 conservation easements that encumber this property. Also, included are letters from the holders of these easements, Scenic Hudson and Open Space, confirming their review of the site plan and endorsing the proposed development.

We trust that all comments with regard to the most recent memo have been addressed. Thank you in advance for your continued review and consideration.

Yours truly,

**BADEY & WATSON,**

*Surveying and Engineering, P.C.*

by 

Jason R. Snyder  
Project Engineer

enclosures

jrs

cc: Roland Heitmann (email)  
Susan Rodriguez (email)