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TO: Town of Philipstown Planning Board DATE: October 5, 2021
FROM: Ronald J. Gainer, PE SUBJ: Golinczak Residential Site Plan; Crest Road

As provided in Section 175-66B of the Town Code a pre-application meeting was held on October 5, 2021 concerning site improvements planned on residential property located along Crest Road (off Esselborne Road).

In attendance were the following:

Adam Golinczak	–	Property Owner/Applicant/Architect
Jason Snyder	–	Badey & Watson PC (Applicant's Consultant)
Dennis Gagnon	–	Planning Board Member
Heidi Wendel	–	Planning Board Member
Greg Wunner	–	Code Enforcement Officer
Ron Gainer	–	Town Engineer

The following matters were discussed:

Purpose of Application:

The property is located along the south side of Crest Road, a private road off Esselborne Road. It is currently vacant. The Applicant is proposing to construct a 3-level, 4-bedroom single-family residence on the property. The property comprises 12.1± acres; tax map no. 17.-2-39.

The applicant advised that the house has a 2,300± sf "footprint" (portion of the building with foundations and enclosed with walls). However, as designed, one side of the premises will include a 46-foot cantilever, with available space below suitable for vehicular parking. A future art studio is also contemplated.

Snyder advised that a SSTS was proved out on the lot for a former property owner; however, a new SSTS approval is currently being sought for the current owner and house design.

The property contains significant regulated steep slopes (illustrated on the Site Plan reviewed during the meeting). Further, an identified ridgeline on the Town's resource protection mapping lies immediately adjacent to the southwest property corner. A small pond lies in the northwest corner of the property, which should not be impacted by the site development planned.

Zoning District Information:

The property is located in the Rural Residential ("RR") Zoning District.

Code Considerations:

a) Building Footprint –

Because of the unusual, cantilevered house configuration, Greg Wunner questioned the applicant's estimated square footage of the building's "footprint". Per §175-74 ("Definitions") -

FOOTPRINT: Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings and covered by roofing. (emphasis added)

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Therefore, in his view the cantilevered portion of the residence above grade (approx. 1,100 sf) would also represent a part of the footprint and so should be included in the calculation. This, then, would increase the overall building footprint to approx. 3,400 sf. Wunner explained that if the applicant disagreed with his determination, he could request an interpretation from the Zoning Board of Appeals.

- b) Number of lots on a private road – The need for “access approval” from the Planning Board was reviewed. As Crest Road is a private Open Development Area (ODA) road, the issue of the number of lots on the roadway was discussed. In discussing the matter, Snyder and Wunner determined that there are currently 7 residences on the road, making the Golinczak lot the eighth that would be developed. Per §112-60A(1a) (“ODA Exceptions for existing R.O.W.”) of the Land Development regulations, no more than 8 lots could obtain access from a private road existing before August 5, 1960, unless access approval is obtained from the Planning Board. For roadways existing after this date, the maximum number lots is four (4), after which Planning Board action is necessary. This will require research to establish what criteria applies. In these discussions, Snyder advised that an adjacent lot on the private road was required to obtain “access approval” from the Planning.

[Ron Gainer subsequently researched Putnam Count Real Property Tax Service records to determine when the existing structures on the roadway were built. As none were found to have been built any earlier than 1969, it is believed that the four (4) lot limitation would apply. Therefore, the applicant should seek “access approval” from the Planning Board for the development of this lot.]

- c) Disturbance of Steep Slopes – The Site Plan reviewed at the meeting identified regulated slopes on the property. It was apparent that while the proposed building will be in flatter slopes, the proposed driveway access will traverse slopes between 20-35%, and also areas over 35%. The applicant was advised that the criteria specified in §175-36 (“Steep Terrain and Ridgeline Protection”) must be complied with. And, while driveways are permitted in >20% slopes, per §175-36(B)(7), disturbances of slopes >20% requires a “Special Permit” from the Planning Board.

However, to satisfy §175-36B(7) this permit may only be granted if the applicant can document that the site development would cause less impacts to soils, vegetation, scenic views and water resources than would occur if the driveway was constructed on other, flatter (non-regulated) areas.

Additionally, these regulations prohibit even driveways in slopes >35%. Therefore, if the applicant wished to pursue his present design concept, relief from the Zoning Board of Appeals (ZBA) would be required. Even then, it was likely that the ZBA would require the applicant to analyze other driveway layout alternatives which could avoid or minimize disturbance of such steep slopes.

Lastly, it was noted that both the Planning Board (in processing the “Special Permit” required) as well as the ZBA would make referral to the Conservation Board for comment. In their review, the CB, too, would want the applicant to analyze access alternatives that would not require disturbance of regulated slopes.

- d) Scenic Ridgelines – As noted above, an identified ridgeline lies immediately east of the tract, and may intrude into the site. The “ridgeline and hillside protection area” consists of all land lying 50 feet downslope, measured vertically, below the identified ridgeline. Therefore, the applicant should evaluate the surrounding topography to determine whether the mapped ridgeline extends into the site. The Site Plan should identify this nearby ridgeline, and then illustrate the limits of this protection area to confirm whether the house location lies within it. Looking at the elevations from the Site Plan, the applicant was confident that the house location lies well outside any regulated area. Nevertheless, the limits of this protection zone should be shown if they extend onto the property.



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Site Plan Review Required:

In summary, the following review/approval procedures would apply to apply to this development proposal:

- Per Greg Wunner's interpretation, the structure's "footprint" is approx. 3,400 sf. The Town of Philipstown "Use Table" contained in the Zoning Ordinance, **Site Plan approval** from the Planning Board will be required as the proposed structure will exceed 3,000 sf. Should the applicant wish to question this determination, they could make application to the ZBA for an interpretation of this Zoning Code definition.
- Since the proposed driveway will traverse slopes >20%, a **Special Permit** must be obtained from the Planning Board.
- If the applicant wishes to pursue the driveway layout as currently shown, a ZBA variance must be obtained to allow disturbance of slopes >35%.
- Both the "special permit" and ZBA processes will require that the applicant evaluate alternative driveway locations which avoid, or otherwise minimize, disturbance of Town-regulated steep slopes.

"Major/Minor" Classification:

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. Therefore, the procedures specified in §175-67 should be followed.

Waivers: No waivers were identified by the applicant during the pre-application meeting.

Overlay Districts: This property falls within, or adjacent to:

- Mapped Ridgeline adjacent to site
- Town-designated steep slopes (>20%)
- Regional Aquifer Overlay District

Site Development issues:

The Site Plans should identify all regulated slopes and ridgeline protection areas on the property, to determine whether all requirements of §175-36 are complied with.

As noted above, given that the site development is proposed within and/or adjacent to regulated steep slopes, and the potential impacts to a mapped ridgeline, referral to the Town Conservation Board should be performed.

The Site Plans should specify the amount of impervious coverage, as well as overall site disturbance planned, to confirm what SWPPP requirements will apply. Further, it should be verified that run-off from such areas can be infiltrated, which has become a standard practice for roof areas.

If there are any stone walls on the property, the site development should preserve such walls, wherever practical.

Site Plan requirements and review procedures:

The application package to 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. Because of the steep slopes to be disturbed, it is suggested that the **Full EAF** be filed, to assist the Board in evaluating any potential adverse impacts of the project. The site plans should include the property survey, show all proposed improvements



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(including the future studio), square footage of all proposed structures, and overall site disturbance to understand SWPPP requirements.

It is noted that a Public Hearing is discretionary for “Minor” projects. However, the Planning Board often decides to hold a public hearing even on projects deemed “minor”, so as to allow the opportunity for public comment. This is determined by the Planning Board on a case-by-case basis.

Expected Referrals: It would appear that the project should be referred to the following agencies:

- Town Conservation Board (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. Any recommendations that may be offered by the Fire Department should be addressed by the applicant.

No other referrals were readily apparent.

Fees: It would appear that the following Planning Board fees would apply:

“Special Use Permit & Site Plan, Minor Project”	-	\$500 + escrow
“Full EAF Form” review	-	\$300
Escrow	-	\$5,000 (un-used monies returned to applicant)

It should be noted that the application fees and escrow deposit should be posted with separate checks.

The above appears to summarize major Code issues relating to the residential development proposed for the site.

As the conclusion of these discussions, the pre-application meeting concluded.

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

