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TO: Town of Philipstown Planning Board      DATE: September 28, 2021  
FROM: Ronald J. Gainer, PE      SUBJ: Johnson Residential Site Plan; Mountain Brook Road

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As provided in Section 175-66B of the Town Code a pre-application meeting was held on September 28, 2021 concerning site improvements planned on residential property located at the end of the Mountain Brook Road cul-de-sac (off Old Albany Post Road, in the north end of town).

In attendance were the following:

Scott Johnson	–	Property Owner/Applicant
Jason Snyder	–	Badey & Watson, PC (Applicant's Consultant)
Peter Lewis	–	Planning Board Member
Neal Tomann	–	Planning Board Member
Ron Gainer, PE	–	Town Engineer

The following matters were discussed:

*Purpose of Application:*

The property is located at the end of Mountain Brook Road (off Old Albany Post Road). The property is currently vacant. The Applicant is proposing to construct a 4-bedroom single-family residence on the property. The properties on which the dwelling and access will be situated comprises 12.25± acres; tax map nos. 16.-1-34 & 56. Other adjacent properties are also owned by the property owner (see attached plan).

The proposed dwelling will be approx. 4,250 sf. The home comprises 2 sections, connected by a lap pool extending between them. The dwelling's northerly side would include 1 bedroom and represent the "main" structure where the owner will reside. The southerly section will contain 3 bedrooms, a second pool and a 2-car garage. This southerly portion of the residence will be most often utilized as a studio, and also used by visiting family members. Both portions of the dwelling will have exterior decks. The garage will be <1,000 sf, to comply with §175-10D(5), which specifies that the maximum footprint of a garage may not exceed 1,000 sf.

The driveway is approx. 1,450 long, and will wrap around the lower (lake) side of the premises, then curve up around the lower section, extending between the two sections of the house (and under the lap pool) to access the garage in the first floor of the southern portion. Near the driveway's access out onto the Mountain Brook Road cul-de-sac, a small garage/storage building (14' x 24'; 336 sf) is proposed, which could be used to garage a vehicle during periods of inclement/snowy weather.

The SSTS is proposed to the east of the residence. Soil testing has been performed, with the applicant currently pursuing Putnam County Department of Health for the system. To prove out the system, it was necessary to previously install an underdrain around the south and east sides of the SSTS area, to lower groundwater levels. This necessitated the applicant having obtained a wetlands/watercourse permit from the Town's NRRO, which was necessary prior to installing this piping (which is now in place).

While the topography around the proposed dwelling is relatively flat, the property contains areas of regulated steep slopes (illustrated on the Site Plan drawings reviewed during the meeting). The applicant advised that the height of the building, at maximum, will be approx. 35 feet (below the Code's 40-foot height limitation).

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*Zoning District Information:*

The property is located in the Rural Conservation ("RC") Zoning District.

*Site Plan Review Required:*

Per the Town of Philipstown "Use Table" contained in the Zoning Ordinance, **Site Plan approval** from the Planning Board will be required as the proposed dwelling exceeds 3,000 sf.

*"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:

- Town-designated steep slopes (>20%)
- Lands identified on the Town's "Open Space Overlay" District mapping (this includes OSI property & the nearby Hudson Highlands State Park lands)
- Regional Aquifer Overlay District

*Site Development issues:*

While the property does not fall within the Town's identified "Ridgelines", as noted above the property abuts lands utilized by the public for recreational activities. Therefore, the applicant should evaluate whether the proposed building will be visible from known "publicly accessible spaces". The architectural plans should indicate the composition and color of all exterior materials, and also evaluate potential window glare.

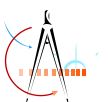
As noted above, given that the site development is proposed within and/or adjacent to regulated steep slopes and the nearby lake and watercourses, referral to the Town Conservation Board should be performed.

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. The applicant noted that "green roofs" will be utilized throughout the residence to reduce stormwater runoff impacts.

Further, as noted above, the property contains a 5-acre lake (the former Fishkill Reservoir, since abandoned as a water supply). The lake's inlet stream is designated as "Class A", while the outlet stream is Class "C". The outlet stream flows easterly, through a ravine to the north of the driveway, and discharges into Clove Creek west of Route 9. Lastly, there are some intermittent streams which traverse the property. These should not be impacted by the project. Nevertheless, since one of these streams cross under the driveway, another wetlands/watercourse permit will be necessary to permit these disturbances.

The classification of the dam which forms the lake was not known. It was merely recommended that this be determined, so that the Owner is aware of any such guidelines/inspections that may be necessary under the NYS DEC Dam Safety regulations. However, this should not have any impact on how the Town processes the project's Site Plan application, whenever it is filed.

Lastly, it is noted that the Town's ridgeline and hillside protection regulations (§175-36) mandate that only driveways may cross slopes >20%, unless a "Special Permit" is obtained from the Planning Board. So as to



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avoid the need for a “Special Permit”, it is recommended that the slope analysis be further reviewed so that the small garage/storage shed at the driveway entrance does not intrude into any regulated steep slopes. Further, to minimize the disturbance/regrading within these slopes, consideration should be given to utilizing a retaining wall in this area.

*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. In the EAF to be filed, the estimated amount of site disturbance expected should be identified. The site plans should include the survey plan of the overall property, should show all “proposed” improvements, square footage of the proposed structures, and overall site disturbance to understand SWPPP requirements.

A tree plan should be provided to illustrate all tree removals (>8” DBH) required. Further, if there are any stone walls on the property, the site development should preserve such walls, wherever practical.

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:

- Putnam County Department of Planning (per NYS §239m; parcel’s proximity to the County Line, & NYS Hudson Highlands State Parklands)
- Town Conservation Board (regulated steep slopes, and nearby lake and watercourses)

Further, while not required, a courtesy referral to the North Highland Fire Department was felt appropriate, given the dwelling’s remoteness and its location at the end of a long gravel driveway. The North Highlands Fire District could seek to have the property owner install a dry hydrant into the nearby lake for drafting purposes, to assist the Department in the event of a fire. This may well be a recommendation of the Department in this instance, when the Board makes outside agency referrals. This would benefit the property owner through reduced insurance rates, and so should be given serious consideration. It is noted that the Site Plans developed to date do include multiple widened areas along the driveway to permit emergency vehicles to pass, which the Fire Department usually requests.

No other referrals were readily apparent, although the applicant noted he has been in discussions with HHLT, given the preserved lands surrounding the tract. All utilities will be buried.

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

“Site Plan, Minor Project”	-	\$300 + escrow
Escrow	-	\$5,000 (un-used monies returned to applicant)

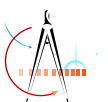
It should be noted that the application fees and escrow deposit should be posted with separate checks.

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  
Stephen Gaba, Esq.

Max Garfinkle, NRRO  
Applicant (c/o Badey & Watson, PC)





**50.57 Acres in total**

Nathan Ellis  
61540000540440  
95.5 Acres

Scenic Hudson Land Trust Inc  
61540000245425  
50 Acres

Peter Morris  
61540000170325  
24.2 Acres

14  
51.97

KW bought from  
Lawrence Downey  
61540000385440  
15.94 Acres  
(15.59) Survey

**6**

7.02  
5.077  
17.16

**5**

KW bought from  
Eric Berend  
61540000423430  
5.88 Acres  
(5.59) Survey

21.9 acres

KW bought from  
Lawrence Downey  
61540000400355  
9.1 Acres

**4**

7.19 = 174.35  
5.32 = 1029.30

KW bought from  
Downey, Lawrence J  
Tax ID: 6.1-1  
7.4 Acres  
232.46

**3**

KW bought from  
Downey, Lawrence J  
Tax ID: 16.1-34  
6.33 Acres  
169.42

**2**

KW bought from  
Downey, Lawrence J  
Tax ID: 16.1-56  
5.92 Acres  
401.22 (2020)

**1**

BMR Funding LLC  
Tax ID: 16.1-55  
63.48 Acres

12/2012  
2/2013  
7/2013

Town of Fishkill, Dutchess County  
Town of Philipstown, Putnam County  
14.68 acres  
Philipstown

Ellis, Nathan A  
Tax ID: 6.1-2  
23 Acres

