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TO: Town of Philipstown Planning Board DATE: February 7, 2022
FROM: Ronald J. Gainer, PE SUBJ: DePaolis/Cedar Hill Landscaping Site Plan;
E. Mountain Road North

Project Scope: Change in use of residential property to Commercial Use
Zoning District: “HC” (Highway Commercial Zoning District)

On Sunday, February 6, 2022, the Town of Philipstown Planning Board conducted a site inspection of the above-noted project to evaluate potential concerns that may warrant further study for the Site Plan application being processed by the Board. The site visit was attended by the following persons:

- Neal Zuckerman – Planning Board Chair
- Kim Conner – Planning Board member
- Peter Lewis – Planning Board member
- Laura O’Connell – Planning Board member
- Neal Tomann – Planning Board member
- Heidi Wendel – Planning Board member
- Bob Flaherty – Town Councilman (Planning Board liaison)
- Margaret McManus – Badey & Watson, PC (Applicant’s Consultant)
- Ron Gainer – Town Engineer

During this site walk, the Site Plans prepared by Badey & Watson, PC (dated January, 2022) were utilized to evaluate the development proposal.

PROJECT OVERVIEW

The application concerns a 3.31-acre parcel located along the south side of East Mountain Road North in the Highway Commercial (HC) Zoning District. The subject lot contains an existing residential dwelling and detached garage (with a second-floor accessory apartment). The applicant is proposing a change in use, to occupy the property for their landscaping business.

SITE COMMENTS/OBSERVATIONS

The following summarizes observations and matters discussed over the course of the inspection:

1. **Site Development** – The site represents a flag-shaped residential lot, with residential uses to the east. The properties to the west involve properties which front on NYS Route 9, and which also lie in the “HC” zone. These parcels either contain existing commercial development or have been approved for commercial uses. The applicant will relocate his landscaping business to the site, utilizing the existing apartment as their business office, and also maintain the residential use on the property in the current dwelling. A 48’ x 80’ (3,840 sf) one-story garage (with separate 12 foot shed/dormers extending from each end) is also proposed in the rear of the tract for equipment and material storage. A new gravel driveway will extend to the proposed garage from the existing driveway, with associated parking and outdoor material storage bins on the site.

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Phragmite vegetation was observed along the westerly property line, suggestive of a wet area. However, the design engineer advised that no wetlands are identified on either NYS DEC or Town wetlands mapping.

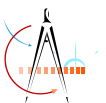
- 2. Site Entrance/Access/traffic movements** – As noted above, site access is derived from an existing driveway from E. Mountain Road North. A mortared stone wall extends along the north side of the drive, in good condition. A laid-up stone wall (in disrepair) exists along the Town road, from the driveway entrance easterly.

Since commercial vehicles with trailers will be routinely entering and exiting the site, the design engineer should illustrate turning templates on the site plan to illustrate whether any widening of the existing driveway should be performed to accommodate such vehicle movements. Further, as sight distance to the east is poor, the east side of the driveway entrance will require widening/re-grading to make egress safe. This will include re-grading and removal of a portion of the stone walls along both the driveway and the Town roadway.

- 3. Landscaping** – Since the adjacent parcel to the east is residential, spruce trees are proposed along a portion of the lot line with the adjoiner (Frisenda). However, these trees should also be extended along the balance of this lot line. Further, if views into the area of the proposed garage and material bins on the site from N/F Holdam, similar screening along this boundary should likewise be considered.
- 4. Compliance with Bulk Dimensional Regulations** – It was noted that the property represents a “flag lot”, with the lot’s frontage less than the 200 feet required (86.07 feet provided). Per §175-22 (“Flag Lots”), this is permitted. However, per paragraph “C” of this section, the minimum setback from all property lines must be 50 feet. The applicant’s consultant felt that since the lot was created prior to the current zoning, it should be termed a flag lot and so this Code section doesn’t apply. She advised that she would contact the Town’s Zoning Administrator (Greg Wunner) to get his determination. Ron Gainer advised that he would also research the matter, and would contact the Board’s Attorney for their opinion. If it is confirmed that these regulations do apply, it would be necessary for the proposed garage to be relocated slightly to the east so as to achieve a minimum 50-foot setback from the side property boundary.
- 5. Site Grading/Drainage/Stormwater Runoff** – Re-grading showing along the slope to the east of the proposed rear garage was discussed with the design engineer. It was felt that this re-grading wasn’t necessary and could reduce overall site disturbance while, at the same time, maintaining the proposed drainage swale needed along the base of the slope. The design engineer agreed, and will modify the drawing to reduce, if not totally eliminate, this re-grading.

Appropriate mitigation for the stormwater run-off from all cleared areas and proposed impervious surfaces should be illustrated, to assure that no off-site impacts result. It has been Board policy to infiltrate roof areas, wherever possible. This should be investigated concerning the proposed garage and shed roofs, and such mitigation shown (and detailed) if feasible.

- 6. Site Improvements** – The existing mortared stone walls along the drive entrance, and along the driveway leading to the existing residence, should be shown and labeled on both the “Existing Conditions” and “Site Plan” drawings, and them labeled as “to remain” (except whatever limited portion may have to be removed to correct the poor sight distance at the project entrance).
- 7. Project Details** – The following should be addressed on the Site Plan drawing set:
- The handicapped parking spaces should be provided on a hard surface, to permit appropriate maneuverability, including paths of travel, and allow stripping of the spaces.



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- Details of the material storage bins should be provided, and their dimensions/materials/heights identified
 - Appropriate turning radii for the business's commercial vehicles, trailers and expected material delivery trucks should be shown at the proposed driveway connection to the existing driveway, to confirm that they can conveniently access the facilities proposed on the property.
 - The existing garage, which is to be converted for vehicle storage and business office, should be re-labeled as such on the "Site Plan" and "Landscape" plans and reference to the "Apartment above" removed.
 - A "Construction Sequence" should be provided, and include reference to having a pre-construction conference prior to the initiation of construction involving the applicant or his representative, the Town Engineer, Highway Superintendent, Building Inspector, Site Contractor, and/or any additional outside agencies that may have jurisdiction to review all facets of construction and required inspections.
- 8. Utilities** – As no water or sewer facilities are proposed for the new garage, no water or sewer service is proposed.
- 9. Other Comments** –
- a) *Exterior Lighting* – While the proposed exterior lighting shown for the proposed garage is acceptable, they should be labeled as "Dark Sky" compliant to make this clear, should any other lighting be substituted during construction.

The applicant's consultant was advised that the matter is on the February 17, 2022 agenda for further discussion of the Board's site observations, and then consider scheduling a public hearing for the March meeting. At the conclusion of these discussions, the site meeting ended.

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

