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TO: Town of Philipstown Planning Board    DATE: January 17, 2022

FROM: Ronald J. Gainer, PE    SUBJ: DePaolis/Cedar Hill Landscaping Site Plan  
18 E. Mountain Road North

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Project Scope:            Commercial Business  
Zoning District:        "HC" (Highway Commercial) District

We have reviewed the following information which was received on the above project:

Prepared by Badey & Watson Surveying & Engineering, PC (all dated 1/6/2022)

- "Existing Conditions Plan"
- "Site Plan"
- "Landscape and Erosion & Sediment Control Plan"
- Full EAF – Part 1

The property involved in this application lies along the south side of East Mountain Road North, just east of the NYS Route 9 intersection, comprising a 3.31-acre parcel located 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. They will utilize the existing apartment for the business, and also maintain the residential use on the property. A 48' x 80' (3,840 sf) one-story garage (with 12 foot shed/dormers extending from each end) is also proposed in the rear of the tract for equipment and material storage, with a new driveway to the garage and with associated parking and outdoor material storage bins on the site.

The landscaping "use" is similar to that recently approved on the adjacent Downey parcel ("3622 Route 9 LLC"), which was determined to comply with the definition of a "Service Business" by the Town's Code Enforcement Officer and which is listed as a permitted use in the HC zone. The mixed commercial/residential use on the tract is likewise permitted, subject to compliance with the Town's bulk dimensional regulations.

It is noted that the property lies adjacent to, but falls outside the limits of the Clove Creek Aquifer (CCA) Subdistrict of the Town-wide Aquifer Overlay District (AQO), and so these regulations (Section 175-16E of the Zoning Code) do NOT apply to the site.

As the Board has not yet conducted any detailed review of the proposal, we wish to offer the following preliminary comments on the matter. The applicant should recognize that as the project design elements are refined through the Board's review process, further comments will be forthcoming. It is also recognized that many of the issues raised below may not actually be resolved until later in the review process. However, we wish to make this initial assessment as detailed as the present design information permits, to assist the design professional as much as possible. In this context, we offer the following:

**PRELIMINARY CONSIDERATIONS** – Initially, the Board should address the following procedural issues:

1. **Classification of the Project** – The Board should first classify the project, pursuant to the requirements of §175-60C. This will establish the procedures and requirements under which the application will be processed.

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Given the overall extent of site disturbances proposed, per the provisions of Section 175-60C(1) the proposed project would therefore appear to represent a "Major" project and so should be classified as such at your initial meeting.

2. **"Completeness" of Application** –The January 20, 2022 Board meeting will offer the Board an ability to offer their initial comments on the application. Further, the Board should also determine whether they wish to conduct a site inspection on the application early in your review process, should any site-specific issues be identified which may warrant further study and review.

**SEQR** – The Application appears to represent "Unlisted" action pursuant to SEQR. A Full EAF (Environmental Assessment Form) has been filed by the applicant, to allow the Board to evaluate any potential environmental impacts of the proposed project.

For "Unlisted" actions procedurally the Board has the discretion of whether or not to conduct a coordinated review. Upon receipt of the required EAF, if the Board chooses to perform a coordinated environmental review, they should initially declare their intent to become Lead Agency and notify other involved agencies. After 30 days has elapsed, the Board may then consider making a SEQRA Declaration of Significance. However, if a non-coordinated review is decided, the Board can make a SEQRA Declaration as soon as they believe they have all of the information required to arrive at this decision.

In this instance, since the only outside agency involves a limited review to be performed by the Putnam County Department of Health concerning the property's change in use, the Board may wish to conduct an un-coordinated environmental review. If so, you may make a SEQRA declaration once you are satisfied that all technical concerns have been addressed.

**REFERRALS**- The project should be referred to the following agencies:

- Putnam County Department of Planning (GML 239m referral), as the parcel lies within 500' of NYS Route 9
- Putnam County Department of Health (change in use of property)

While not required, the Board should determine whether they wish to refer the application to the Conservation Board for their review and comment, given the various landscaping products which are planned to be stored outside on the property. Finally, as the Board typically does, you should formally determine whether a referral to the North Highlands Fire Department should also be issued, for their information and comment.

**TEHNIICAL COMMENTS** –Initial comments are offered on the enclosure for the applicant's attention.

Finally, and as the Board is aware, in order to approve a project site plan, once the Planning Board is ready to consider action on the application they must find that the proposal is generally consistent with the criteria in §175-65D and will not adversely affect neighboring properties.

Given the preliminary nature of the application, we suggest that the Board initially consider the following actions:

- Formally acknowledge and classify the application as a "major" site plan
- Necessary referrals should be accomplished by the Board's secretary.
- Determine whether a site inspection of the proposal should be conducted to evaluate site-specific issues and potential environmental concerns.
- Once the Board is satisfied with the project's layout, a public hearing must be scheduled on the application (which is mandatory for "major" projects, per §175-67D).



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We trust that these preliminary comments are adequate for the Board and applicant's consultant. Should you have any questions, please don't hesitate to contact us.

c: Carl Frisenda, Highway Superintendent  
Greg Wunner, Code Enforcement Officer  
Max Garfinkle, NRRO  
Stephen Gaba, Esq.  
Applicant (Badey & Watson, PC)



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## **TECHNICAL COMMENTS**

### **General**

1. Outside agency approvals required:
  - PC Department of Health – change in use for the property

### **EAF**

2. The following EAF responses provided that should either be corrected or clarified, for the Board’s knowledge:
  - Item D1(e)(i) – the expected period of construction should be identified
  - Item Di(g)(ii) – The proposed height of the structure is not specified. Given the issue raised (see comment below) concerning the proposed building’s height, this should be identified.

### **Plans**

3. To comply with the requirements contained in §175-65B, the following information should be added to the Site Plan (unless waived by the Board) -
  - The “existing conditions” map should include all existing natural features that may influence the design of the proposed use such as rock outcrops, trees ≥8” DBH, etc.
  - Any proposed drainage facilities and piping should be added to the site plans.
4. It is also noted that the property represents a “flag lot”, with the property having only 86.07 feet frontage along East Mountain Road North. Per §175-22, this is permitted. However, per paragraph “C” of this section, the minimum setback from all property lines must be 50 feet. Therefore, the proposed garage should be relocated slightly so as to achieve a minimum 50 foot setback from the rear property boundary.
5. The applicant should provide calculations to establish the extent of runoff from the proposed building, access drives and parking areas, identification of all existing and proposed surface water drainage patterns, and any stormwater treatment facilities which may be required to attenuate run-off from the impervious surfaces to be created, with calculations provided for the Town’s review and acceptance. It has been Board policy to infiltrate building roof areas, wherever possible. This should be investigated, and such mitigation shown if feasible.
6. The applicant should include an estimated maximum employee count and number of vehicle trips per day, to permit the Board to evaluate potential environmental impacts of the proposal. This would include an estimate of commercial vehicular activity into and out of the site expected, so the Board may understand issues of traffic and vehicular movements into and through the site.
7. All dimensional information and sizing necessary to properly lay out the improvements on the site should be specified (required building setbacks, all construction layout information, available sight distance at the driveway entrance, widths, curb radii, etc.).
8. A table should be included, specifying the following information:
  - Number of “required” parking spaces for the intended uses.
  - Identify the estimated water supply and wastewater generation requirements for the intended use.
9. The landscaping plans should incorporate a planting schedule to identify species, sizes, height at planting, planting details, etc. Further, since tree removals are expected, these should all be identified. Lastly, since



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the site lies within an area identified as habitat for the Northern Long-eared bat and timber rattlesnake, the NYS limitations, guidelines and/or mitigations (as appropriate) should be identified by plan notation.

10. To comply with Site Plan requirements, the building elevations provided should indicate materials of construction and color of exterior finishes to be utilized for the Board's review.
11. As areas behind the site are residentially zoned, consideration should be given to having the building's architecture also be aesthetically pleasing from both the property frontage as well as the portions facing the adjacent residentially-developed properties. Landscaping enhancements should be considered for screening for the nearby residential zoning districts.
12. The site plans currently identify that all new driveways and parking areas are to be gravel. However, any areas where construction/landscaping equipment are to be parked, as well as the handicapped parking spaces proposed, should be on a paved surface and a detail provided. Further, the areas where any outdoor overnight parking is planned should be identified.
13. The location, type, and screening details for all waste disposal containers should be shown.
14. To comply with Site Plan requirements, the building elevations should illustrate the height and all design features and indicating materials and exterior colors to be utilized for the structure, for the Board's review.
15. If any signage is planned, the location, height, size, materials, design and illumination of all proposed signs should be shown, and must comply with §175-39 of the Town Code.
16. If any outdoor salt storage is planned, this should be covered (with appropriate details included). Otherwise, a notation should be included to specify that no exterior salt storage will occur on site.
17. It is noted that the "Zoning Data" table provided specifies that the both the "existing" and "proposed" building heights will exceed 40 feet, which is the maximum Code limitation. Since this in all likelihood is erroneous, this should be corrected on all sheets. Otherwise, a ZBA variance will be required.

As the plans are refined, more detailed comments may be forthcoming.

