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TO: Town of Philipstown Planning Board      DATE: December 6, 2021  
FROM: Ronald J. Gainer, PE      SUBJ: Cedar Hill Landscaping; E. Mountain Road North

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As provided in Section 175-66B of the Town Code a pre-application meeting was held on December 3, 2021 concerning commercial site improvements planned on a residential property located at 18 E. Mountain Road North, just off Route 9.

In attendance were the following:

Nick DePaoli	–	Cedar Hill Landscaping (Applicant)
Margaret McManus	–	Badey & Watson, PC (Applicant's Consultant)
Kim Conner	–	Planning Board Member
Peter Lewis	–	Planning Board Member
Greg Wunner	–	Code Enforcement Officer
Cheryl Rockett	–	Planning Board Secretary
Ron Gainer, PE	–	Town Engineer

The following matters were discussed:

*Purpose of Application:*

The 3.3-acre property lies along the south side of E. Mountain Road North, 500± feet east of Route 9 (tax parcel 17.-1-42). The property presently contains a 1,600 sf, 2-bedroom residential structure and detached garage (which includes an apartment above). The residence is currently vacant. The applicant proposes to occupy the property for his landscaping business, and also will maintain the existing dwelling as a residence.

Associated employee parking and new outdoor product storage bids are proposed. The storage bins will be utilized for storing wood chips, organic (trees, leaves, etc.) materials, mulch and sand. No processing of wood products will occur on site. He also plans to construct a 48' x 80' (3,840 sf) storage garage in the rear of the tract (see attached sketch), which will also be used for vehicle storage, repair, etc.). However, this proposed structure will not be constructed initially. The structure will be concrete slab on grade, one-story in height (20' interior clearance) with a peak roof, and comply with the Town's building height limitation.

The extension of the existing driveway to the rear of the site will be gravel. The existing garage will be re-sided with natural board and batten siding or cedar impression planking. The proposed storage garage exterior will match this. His commercial fleet includes a 16-CY dump truck, 4 pick-up trucks, and 2 landscaping trailers. All commercial vehicles will be housed within the existing garage, while the landscaping trailers will be stored outside. He indicated that his normal business activities involve staff arriving on site at 7:30 am, then leaving the site to perform their daily assignments, and returning to the site around 3:30 – 4:00 pm.

McManus advised that, in reviewing the applicable bulk zoning regulations, they will comply with all requirements. During our discussions, we suggested that the employee parking showing on the sketch plan be moved further to the rear of the site, so that the residential appearance of the site be maintained along the roadway frontage.

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*Zoning District Information:*

The property is located in the Highway-Commercial ("HC") Zoning District.

*Discussion of Zoning Code Uses:*

The proposed use would be deemed a "contractor's yard". This use would be very similar to the business uses proposed for the 3622 Route 9 site which abut this parcel. Since "contractor's yards" are not listed as a permitted use on the Zoning Code's "Table of Uses", it was noted that the 3622 Route 9 Site Plan applicant was initially referred to the Code Enforcement Officer for review. From his discussions with the applicant, as well as review of the "Statement of Use", the Town's CEO determined that those uses complied with the definition of a "Service Business" which is listed as a permitted use in the HC zone. As a result, it is expected that this current applicant's proposal would be processed in the same way by the Planning Board.

Additionally, as the applicant proposes to also maintain the existing residential use on the site, the Town Attorney was consulted with respect to the multiple uses planned for the property. It was confirmed that single family dwellings are allowed in the HC zone, as is the "service business" proposed. Since both uses are allowed, the proposed "mixed use" project is permitted so long as all bulk requirements for both uses are met. Therefore, it will not be necessary for the applicant to obtain relief from the ZBA to create a mixed use UNLESS the proposed development does not meet the Code's bulk requirements for each use.

Greg Wunner confirmed that the 2 accessory structures (1 existing + 1 proposed) are permitted by Code.

*Site Plan Review Required:*

A "Site Plan" application and associated fees will be required for the change in use to the commercial activities proposed, and would follow the Planning Board's usual Site Plan procedures.

*"Major/Minor" Classification:*

Per the provisions of Section 175-60C(1) of the Town Code, the proposed activity would exceed the following threshold criteria:

- Alteration and active use of 10,000 square feet of land, with or without structures.

Therefore, the project would therefore represent a "Major" project. It is noted that a public hearing for "Major" projects is mandatory.

*Waivers:* No waivers were identified by the applicant.

*Sensitive Environmental Areas/Overlay Districts:*

It is noted that neither the Town's Scenic Protection Overlay Zone and Clove Creek Aquifer Overlay District (which impact adjacent parcels) extend into the site.

*Site Development issues:*

The Plans filed should comply with all requirements of Section 175-65, include a Site Plan application, Long Form EAF, a "non-violations" letter from the Town CEO, and include fees. The plans also specify the amount of impervious coverage, as well as any overall site disturbance planned, to confirm what SWPPP requirements will apply. Required drainage facilities should likewise be shown, and it determined whether infiltration of roof areas could be infiltrated, if at all possible.



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Color & material samples of the exterior finishes proposed should be provided for the Board’s review and acceptance.

It was noted that all existing natural buffers along the property lines should be maintained, to the maximum extent possible. Further, enhancing landscaping may be appropriate for screening of nearby residential uses.

*Site Plan Fees:* The following “Site Plan” fees would appear to apply:

“Site Plan, major”	-	\$1,000 +\$20/parking space + escrow
Full Environmental Assessment Form	-	\$300
“No Violations” letter from Town CEO	-	\$175
Public Hearing fee	-	\$250 (mandatory for “major” projects)
Final or Conditional Final Approval fee	-	\$250
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. Further, the fee for the “No Violations” letter is paid directly to the Town Building Department.

*Expected Referrals:*

- Putnam County Department of Planning (GML 239m referral; within 500’ of Route 9)
- Town Highway Department (to evaluate increased commercial traffic using existing driveway)
- a courtesy referral to the North Highlands Fire Department is often performed for any active applications, to permit them to comment should they wish.

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)

