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TO: Town of Philipstown Planning Board DATE: March 16, 2022; Revised 3/17/22
FROM: Ronald J. Gainer, PE SUBJ: Hunt-Potter Residential Amended Site Plan; 201 Moog Road

Project Scope: Modifications to decks & patios in rear of dwelling approved in 2019
Zoning District: "RC" ("Rural Conservation") District

We have reviewed the following information that was received on the above project:
prepared by The LaurelRock Company (all dated February 13, 2022)

- L0.00 "Site Plan – Comparison Plan"
- L2.01 "Layout - Enlargement"

prepared by Badey & Watson Surveying & Engineering, PC (last revised September 9, 2021)

- Survey of Property prepared for William Potter & Jolie Hunt"
- Full EAF, part 1; dated August 17, 2020

The application concerns a residential property at 201 Moog Road, lying at the roadway cul-de-sac, involving a developed 11.859-acre site. In December 2019 the Planning Board granted "Special Permit" and "Site Plan" approval for the construction of an in-ground pool and spa area, and related site improvements in the vicinity of the residential dwelling on the lot. As no new disturbances of $\geq 20\%$ slopes are currently proposed, only "Amended" site plan approval is required for this latest application.

At this time, the pool, spa, outside patios in the pool area and related improvements (retaining wall, fencing) and all landscaping originally proposed are now in place. However, the applicant wishes to modify some of the previously-approved improvements relating to decks and patios in areas immediately adjacent to the residence, and so the applicant has filed an Amended Site Plan application to authorize the changes now being planned. In summary, the following modifications are proposed:

- 19' x 42' cantilevered deck/patio (a 20' x 27' Lounging Deck was previously proposed in this area)
- 22 x 30' combination deck & patio (a 24' x 24' Dining Deck was previously proposed in this area)
- Provision of a 12' x 12' bath house (in the vicinity of the pool patio now in place)
- Repairs to an existing stone wall, and construction of a new retaining wall to support the expanded decks

Upon review of these new materials, the following is offered:

PRELIMINARY CONSIDERATIONS –

Site Plan Application - Initially, the Board should address the following procedural issues:

1. **Applicable review procedures** – As an "amended" site plan application, the project should be processed in accordance with the procedures outlined in §175-68D. Therefore, the following determinations should be initially be considered:

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- a. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable approval, and does not represent a substantial change from the approved site plan, it may grant the amendment without a hearing.
 - b. If the Planning Board determines that the proposed amendment is consistent with the terms of the prior approval but is a substantial change from the approved site plan, it shall follow the procedures for site plan approval contained in § 175-66F and hold a public hearing if the amendment would be considered to be a major project.
2. **Site Inspection** – The Board should determine whether they wish to conduct a site inspection for this amended Site Plan application, should any site-specific issues be identified which may warrant further study and review. However, it is recognized that a site inspection was performed for the original application in 2019, and the latest modifications concern only the decks and patios to the rear of the dwelling. Therefore, the Board may not consider this necessary.

SEQOR – While the original application was deemed an “Unlisted” action, SEQRA regulations have since changed and this latest project now represents a “Type II” action. Such actions are not subject to any environmental review, as they have been determined not to have a significant impact on the environment. Therefore, the Planning Board should merely classify the matter as such upon your initial review of the application, and this will conclude your SEQRA responsibilities.

REFERRALS – No outside agency referrals are required for the project.

Procedurally, In order to grant approval to the project the Board must find that the proposal is generally consistent with the criteria in § 175-65D (“Site Plan”), and will not adversely affect neighboring properties.

Therefore, in summary the following actions may be considered for the application at your meeting:

- Classify the matter as a “Type II” action, thus concluding your SEQRA responsibilities
- Review the criteria contained in §175-68D to determine whether the amendment can be approved without a public hearing
- Determine whether a site inspection of the proposal should be conducted to evaluate site-specific issues and potential environmental concerns
- If it is determined that a Public Hearing should be held on the matter, it should be scheduled for an upcoming meeting of the Board

We trust that these 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
Stephen Gaba, Esq.
Max Garfinkle, NRRO
Applicant (c/o The LaurelRock Company)

