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

FROM: Ronald J. Gainer, PE SUBJ: Kingsley Commercial Site Plan; Old Albany Post Road

Project Scope: "Mixed Use" Commercial Business

Zoning District: "OC" (Office/Commercial/Industry Mixed Use) District

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

Prepared by Badey & Watson Surveying & Engineering, PC

- "Site Grading & Drainage Plan"; last revised May 5, 2022
- "Construction Details and Erosion & Sediment Control Notes"; last revised May 5, 2022
- "SSTS Plan"; last revised June 4, 2021
- Full EAF – Part 1; dated April 7, 2022

The property involved in this application comprises 4.71 acres, located on the east side of Old Albany Post Road (just across from its intersection with Mountain Brook Road). The property is currently vacant, currently wooded throughout and lies just north of the parcel that contains the Countryside Motel and Happy Wine & Liquor store. While the parcel also has frontage on Route 9, Clove Creek runs through the parcel and so access can only be along Old Albany Post Road. Residential properties exist across Old Albany Post Road from the site.

The applicants are proposing to relocate their tree/landscaping/horticulture businesses to the site. They plan to construct a "mixed use" 3,200 sf (80' x 40') 2 story structure, with the first floor comprising a 4-bay garage and two 2-bedroom apartments above. Construction apparatus at the site will include a chipper and equipment trailer. No other outside storage or construction activities (products, chipping, etc.) will occur. As a multiple dwelling is proposed, this is subject to receipt of both "Special Permit" and "Site Plan" approvals from the Board.

NYS DEC-regulated wetland WP-17 exist in the rear, along Clove Creek. Further, while construction is planned adjacent to the 100-foot control zone of the stream or wetlands, no intrusions into this area are expected.

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. Given that the proposed project involves a "mixed use" structure >3,000 sf, per the provisions of Section 175-60C(1b) the proposed project would therefore appear to represent a "Major" project and so should be classified as such at your initial meeting.

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2. **“Completeness” of Application** –The May 19, 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 to conduct a coordinated review. 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 the information required to arrive at this decision.

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 (proposed well & SSTS)

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 project’s location adjacent to wetlands WP-17 and Clove Creek. Finally, as the Board typically does, you should formally determine whether a referral to the North Highlands Engine Company No. 1 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).

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: Adam Hotaling, Acting 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. As an SSTS was previously approved for an earlier planned residential dwelling on the property, the required review to be performed by the Putnam County Department of Health concerns the property's change in use to commercial use.

EAF

2. The following EAF responses should either be corrected or clarified, for the Board's knowledge:
 - The project's address should be given on page 1 (not the consultant's location)
 - Item D2d should be checked "YES" (questions following are corrected answered)
 - Item D2d(iv) should be checked "NO"
 - Item D2n(ii) – as existing trees/vegetation will be removed to accomplish the site development planned, this should be checked "YES" with it noted that the applicant's intent is to provide replacement trees along the frontage as mitigation
 - Item E2h(iv) the overall size of WP-17 should be specified

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., as appropriate
4. Fill will be brought into the site to achieve the finished grade elevations proposed throughout the parking area. Further, a redi-rock retaining wall (<4 feet high) along the frontage will be constructed to contain the fill. The volume and type of these fill materials should be provided.
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 confirm the sizing of the stormwater treatment facilities required to attenuate run-off from the impervious surfaces to be created, for the Town's review and acceptance. The field testing performed to confirm the ability of the on-site soils to infiltrate these volumes should be provided, as well.
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 confirmation of expected commercial vehicular activity into and out of the site, 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.



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9. The landscaping plan specifies a staggered row of 5' high trees along the frontage. This should be further reviewed by the Board should a site inspection be performed, to establish whether any additional screening should be considered for the residential properties along the street. Lastly, since 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 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. Further, as areas across from the site are residentially zoned, consideration should be given to having the building's architecture 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 (as noted above).
11. Construction Detail issues –
 - The areas where any outdoor overnight parking is planned (if any) should be noted.
 - The "Driveway" detail should be re-labeled "Driveway & Parking area"
12. The location, type, and screening details for all waste disposal containers should be shown.
13. 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.

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

