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TO: Town of Philipstown Planning Board      DATE: March 30, 2022  
FROM: Ronald J. Gainer, PE      SUBJ: Kingsley Tree & Landscape Site Plan; Old Albany Post Road

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As provided for in Section 175-66B of the Town Code, a pre-application meeting was held on March 29, 2022 concerning the development of a commercial building along Old Albany Post Road. In attendance were the following:

Ian & Forrest Kingsley	–	Applicants
Jason Snyder	–	Badey & Watson, PC (Applicant's consultant)
Kim Conner	–	Planning Board Member
Dennis Gagnon	–	Planning Board Member
Greg Wunner	–	Code Enforcement Officer
Cheryl Rockett	–	Planning Board Secretary
Ron Gainer	–	Town Engineer

The following matters were discussed:

*Purpose of Application:*

The property comprises 4.71 acres, and is located on the east side of Old Albany Post Road just across from its intersection with Mountain Brook Road. The property is currently vacant, 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. The site is currently wooded throughout.

The applicants are proposing to relocate their tree/landscaping/horticulture businesses to the site. They plan to construct a 3,200 sf (80' x 40') 2 story structure, with the first floor comprising a 4-bay garage and two 2-bedroom apartments above. Commercial vehicles at the site will include a few pickup trucks, a chipper, and trailer. With the exception of the vehicles, no other outside storage or construction activities (products, chipping, etc.) will occur.

A site plan of the proposal was reviewed during the meeting. It was noted that extent of clearing of the site extended beyond what would be necessary for the intended development. It was felt that this should be reduced/reduced on both the north and south sides of the property, to retain as much existing trees/vegetation as possible for screening purposes.

Residential properties exist across the street from the property, and so landscaping/screening along the roadway will be an item of interest to the Planning Board in their deliberations on the application.

The premises will be served by a proposed well and SSTS. Snyder noted that the property previously received Putnam County Department of Health approval of an SSTS for a 5-bedroom residence (750 gpd). Due to the commercial activity now being proposed, PCDOH review will be required for this change in use. However, as the estimated wastewater demanded for the currently proposed use is only 500 gpd, this should not be an issue.

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*Zoning District/Zoning Issues:* The property is in an “OC” (Office/ Commercial/Industrial/Mixed Use) Zoning District.

*Site Plan Review Required:*

In reviewing the Town of Philipstown "Use Table" contained in the Zoning Ordinance, each of the mixed uses proposed are permitted in the OC zone. As a multiple dwelling is proposed, this is subject to receipt of “Special Permit” approval from the Planning Board.

*“Major/Minor” Classification:*

As the proposal involves a non-residential use covering a building footprint of more than 3,000 sf, the project represents a "Major" project. It is noted that a public hearing is mandatory for “Major” projects.

*Waivers:*

No waivers were identified by the applicant during the pre-application meeting.

*Sensitive Environmental Areas/Overlay Districts:*

As noted above, Clove Creek runs through the parcel. Further, per the NYS DEC mapper, there is a NYS-regulated wetlands (WP-17) along this area of the stream corridor. The applicant should have these regulated wetland boundaries staked. Additionally, the extent of any 100-foot wetlands control zone should be denoted on the Site Plan drawings prepared, to confirm that all disturbances planned with not intrude on such environmental constraints. Otherwise, additional permitting will be required.

*Site Development issues:*

The necessary application documents and Site Plan drawings required by §175-65 (“Site Plan review”) & §175-66 (*procedures for “major projects”*) must be submitted & followed in full in order for the application to be deemed “complete”. This would include a Full Environmental Assessment Form and a “no violations” letter from the CEO.

The Site Plans should specify the amount of impervious coverage, as well as overall site disturbance planned, to confirm what SWPPP requirements will apply. Stormwater management facilities will likewise be required to attenuate run-off from the impervious surfaces to be created.

Given the nearby residential uses along Old Albany Post Road landscaping enhancements would likely be required by the Planning Board. The building’s architecture should also be aesthetically pleasing.

*Site Plan Fees:* As described above, it appears that “Site Plan” fees would apply. Based upon review of the Town's fee schedule covering “major” projects, the following fees would apply:

“Special Permit & Site Plan, major”	-	\$1,500 + \$20/parking & loading space + escrow
“No Violations” letter from Town CEO	-	\$175
“Full Environmental Assessment Form”	-	\$300
Public Hearing fee	-	\$250 (mandatory for “major” projects)
Final Approval or Conditional Final Approval fee	-	\$250
Escrow	-	\$5,000 (un-used monies returned to applicant)



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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:*

Due to the site's frontage along Route 9, referral to the Putnam County Department of Planning (per GML 239m) will be necessary, which will be done by the Town Planning Board. Further, the applicant should initiate communications with the Putnam County Department of Health to discuss the change in use from the formerly approved SSTS for the site.

As the conclusion of these discussions, the pre-application meeting ended.

c: Planning Board  
Greg Wunner, Code Enforcement Officer  
Max Garfinkle, NRRO  
Stephen Gaba, Esq  
Applicant (c/o Badey & Watson, PC)

