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TO: Town of Philipstown Planning Board DATE: June 13, 2022
FROM: Ronald J. Gainer, PE SUBJ: Kingsley Commercial Site Plan; Old Albany Post Road North

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

On Sunday, June 5, 2022, the Town of Philipstown Planning Board conducted a site inspection of the above-noted project to evaluate potential concerns that may warrant further study for the Site Plan application being processed by the Board. The site visit was attended by the following persons:

- Neal Zuckerman – Planning Board Chair
- Dennis Gagnon – Planning Board member
- Neal Tomann – Planning Board member
- Heidi Wendel – Planning Board member
- Jason Snyder – Badey & Watson, PC (Applicant's Consultant)

As I was unable to attend, I subsequently visited the site on Wednesday, June 8, 2022 with the design engineer. While on site the design engineer and I evaluated the location of the wetland control zone boundary, proposed building, and the areas of the driveway/parking area and SSTS. During these site walks, the Site Plan prepared by Badey & Watson, PC, last revised May 5, 2022 was utilized to evaluate the development proposal.

PROJECT OVERVIEW

The property comprises 4.71 acres, located on the east side of Old Albany Post Road (just across from its intersection with Mountain Brook Road). The applicants are proposing to relocate their tree/landscaping/horticulture businesses to the site. They plan to construct a "mixed use" 3,200 sf 2-story structure, with the first floor comprising a 4-bay garage and two 2-bedroom apartments above.

The property is currently vacant, wooded throughout and lying just north of the parcel that contains the Countryside Motel and Happy Wine & Liquor store. Clove Creek runs through the east side of the parcel, with a NYS DEC-regulated wetland (WP-17) along the stream. Residential properties exist along Old Albany Post Road North across from the site.

SITE COMMENTS/OBSERVATIONS

The following represents a compilation of observations and matters discussed over the course of both inspections:

1. **Zoning** – The property is zoned "OC" (Office/Commercial/Industry Mixed Use). The OC zone encompasses all properties along the east side of Old Albany Post Road North. Properties on the west side of the road lie in a residential ("RC"; Rural Conservation) zoning district. A Special Permit is required for this mixed-up proposal. Landscaping to screen views of the site improvements from these adjacent residentially developed properties will be a consideration as the site plans are refined.

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2. **Environmental Conditions/Lot Development** – The intended development comprises the 2-story building, associated parking area (7 spaces provided) to the south of the building, and the SSTS lying to the north of the building and entrance drive. The driveway is proposed generally across from the Mountain Brook Drive intersection.

The structure itself sits askew from the property line, as the on-site wetlands and its associated 100-foot control zone encumbers most of the property. The rear of the structure lies 10 feet off the wetlands control area boundary. After the driveway enters the site, it immediately turns to the right (south) to provide access to the intended parking area. Due to the drop in grade coming off Old Albany Post Road North, a 200+ foot long retaining wall is proposed adjacent to the roadway to achieve the elevations proposed for the improvements.

3. **Visual Considerations** – Extremely dense vegetation/trees presently exist along the frontage and within the entire property. Between the development planned for the site, and the removal of all vegetation from the proposed SSTS area, clear views into the site along much of the property frontage will result. It is recommended that the applicant provide a tree plan within the areas of the tract to be developed. This should identify the extent of tree removals necessary to construct the improvements intended and illustrate the area of the frontage which must be maintained clear to achieve required exiting sight distances, as well as the applicant’s plans for buffering/screening of the planned development. Reducing the site clearing required, so as to preserve the existing vegetation wherever practical should be considered to the maximum extent possible, with new in-fill landscaping added as necessary for screening purposes.
1. **Referrals** – Referrals were previously sent out to the Town Conservation Board, PC Planning Department, and the local Fire Department. Due to the DEC wetland on site, the applicant’s design engineer has already had the Town’s Natural Resource Review Officer (NRRO; Max Garfinkle) to the site. The NRRO has agreed with the control zone limits staked in the field and has advised that, provided that no disturbances intrude into this area, he would not have any concerns and so no permits would be required from the Conservation Board (CB).
2. **Alternate Design considerations** – The structure itself sits askew from the property line, as the on-site wetlands and associated control zone encumbers most of the property. The southwest corner of the building will only be 40 feet from the property line. Further, by placing the parking to the south of the building, in an area where the wetlands control zone boundary angles toward the Town roadway, this design forces almost the entire area between the roadway and the control zone boundary to be disturbed/cleared, from the driveway entrance and building in a southerly direction.

It is recognized that soils testing has already been performed, and the layout of the SSTS “primary area” has generally been fixed. However, it is suggested that consideration be given to the following design issues, in order to lessen overall site disturbances and visual impacts:

- Relocation of the structure northerly, towards or possibly slightly into the SSTS “reserve area” showing on plan. It is acknowledged that this would require further on-site soils testing to assure that the area north of the primary system would also be suitable for the reserve system.



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- Reconfiguration of the required parking to the north side (or possibly on both sides) of the entrance driveway, to eliminate the parking area and access aisle to the south. SSTS components capable of supporting vehicular loading could also be considered to allow parking along this side of the driveway.

In total, if these design modifications were accomplished, the disturbance/tree removals/retaining wall/re-vegetation currently necessary could be reduced and so lessen possible effects to the site's environmental constraints and visual impacts to the neighbors, to some extent.

3. **Building Architecturals** - Architectural plans should be provided, which should identify colors of the building exterior wall and roof materials. These should be developed with consideration of the nearby residential properties and its visual impact in mind.
4. **Town Overlay Districts** – While the west side of Old Albany Post Road North in the area of the project frontage is within a Town Scenic Protection Overlay (SPO) District, the east side (including this parcel) is not.
5. **Stormwater Management** - The plans must identify the overall site disturbances which will result from the site development planned, as well as the extent of the impervious area to be created, to verify the extent of details necessary to satisfy applicable SWPPP requirements. The plans propose to infiltrate the new impervious areas to be created, which has become a standard practice for roof areas. Calculations of the soils testing performed and for the infiltration design proposed should be provided for review.
6. **Erosion & Sediment Controls** – All necessary erosion control measures to be put in place during construction should be identified and detailed. The design engineer advised that, based upon the NRRO's guidance, orange construction fencing will be placed along the entire wetland control zone boundary, with a filter sock placed against it and staked in place. The filter sock will remain in place after construction, as permanent identification that no disturbances may occur beyond this line.

During site development, soil stockpiles should not be placed adjacent to, or within, the wetlands control zone.

At the conclusion of these discussions, the site meeting ended.

- c: Adam Hotaling, Acting Highway Supt
Greg Wunner, Code Enforcement Officer
Stephen Gaba, Esq.
Applicant (c/o Badey & Watson, PC)

