

September 1, 2022

Neal Zuckerman, Chairman  
Town of Philipstown Planning Board  
2 Cedar Street  
Cold Spring, NY 10516



Re: Kingsley – Mixed-Use Building  
Major Site Plan and Special Permit Application  
Old Albany Post Road North, Cold Spring  
Tax Map No. 17.-1-72.2

Dear Chairman Zuckerman and Members of the Planning Board:

This office has received and reviewed the latest memorandum issued by the Town’s Consulting Engineer, dated July 17, 2022; regarding the captioned project. The site plan set and supporting documentation have been revised to address these comments, as well as the previous memos. Please be advised of the following in review of this submission:

**SEQR** – Part I of the Full Environmental Assessment Form has been revised to reflect the current proposal, as well as to address the previous review comments from the Engineer. Pages which have been modified are followed by a “mark-up” sheet and an explanation of the change(s).

**Architectural** – Based on comments presented at the last regular Planning Board meeting, an alternate roof-line has been presented herewith. This Option ‘B’ projects a fascia and reveals roof shingles toward the front of the building. It also reduces the overall height of the structure by 3’-4½”. Please be advised that while the applicants have presented this alternate option, their preferred design is Option ‘A’, and is the one they continue to propose. They prefer the aesthetics of this plan, and it also minimizes design and construction costs. Additionally, please note that regardless of where the roof lines pitch, all the downspouts are collected and re-routed to the front of the building into the stormwater infiltration system. While the color and material of exterior finishes have not yet been finalized, the applicants intend to incorporate a combination of vinyl siding with stained hemlock in the forest color palate.

**Traffic** – The trip generation for this project is based on the maximum “employee” count of six (6) for the commercial side, and the dwelling unit count of two (2) from the residential side. From this, it is estimated that each of the employees/owners will drive their own car to their place of business, and will leave in one of the company vehicles. While both of the owners intend to inhabit both dwelling units, the assumption in the long-term is that they will be leased to someone not associated with the businesses. There are 2 separate companies associated with the service business garage. Kingsley Tree Care LLC is owned by Ian Kingsley, who has 2 associates and 2 company vehicles. One Ford F-550 which tows a wood chipper, and one Chevy Express (full-size cargo van). They will be arriving early in the 7 o’clock hour, leaving the garage at 7:30 am, and returning at 4:00 pm. His brother, Forrest Kingsley owns Rita Jo Riehle Horticulturalist LLC, and similarly will have 2 associates arriving to the garage. This company also has 2 company vehicles, a commercial-grade pick-up truck and a full-size cargo van. Their schedule is approximately 20-30 minutes behind that of the other company. The number of vehicular trips generated in both the AM and PM hours has been plainly estimated and summarized in the tables below.

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Table 1 – Trip Generation Summary, Morning

AM Hour, 7:00 am – 8:00 am			
Vehicle Use	Arriving Vehicles	Departing Vehicles	Total Vehicles
Tree Care	3 passenger	2 commercial	3 passenger 2 commercial
Horticulture	3 passenger	2 commercial	3 passenger 2 commercial
Residential	-	3 passenger	3 passenger
Combined	6 passenger	3 passenger 4 commercial	<b>9 passenger</b> <b>4 commercial</b>

Table 2 – Trip Generation Summary, Afternoon

PM Hour, 4:00 pm – 5:00 pm			
Vehicle Use	Arriving Vehicles	Departing Vehicles	Total Vehicles
Tree Care	2 commercial	3 passenger	3 passenger 2 commercial
Horticulture	2 commercial	3 passenger	3 passenger 2 commercial
Residential	3 passenger	-	3 passenger
Combined	3 passenger 4 commercial	6 passenger	<b>9 passenger</b> <b>4 commercial</b>

Annotated Response to Technical Comments –

**General**

1. Putnam County Department of Health approval of the proposed SSTS is required.

The approved plan from the Putnam County Department of Health for the septic system and potable water well is enclosed herewith.

**Plans**

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 along the frontage will be constructed along the paved area in front of the building and adjacent vehicle parking. As the wall height will exceed 4 feet, a formal design by a NYS- licensed Professional Engineer must be provided for the Town’s review and accepted.



The proposed retaining wall is a pre-engineered, Mechanically Stabilized Earth (MSE) retaining wall. A signed and sealed certification shall be provided by Redi-Rock® International, LLC. We respectfully request that this certification remain a condition of the building permit review.

5. *The applicant should provide calculations to establish the extent of runoff from the proposed building, access drive and parking areas to confirm the sizing of the stormwater treatment facilities (dry well) proposed 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.*

A stormwater infiltration system has been proposed to treat the Water Quality Volume (WQv). Sizing calculations and soil testing has been provided on the Erosion & Sediment Control Plan.

6. *The applicant should include on the site plans 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.*

The estimated maximum employee count is 6. The calculated residential parking space count is 3. A brief, simplified traffic analysis has been provided above.

7. *All dimensional information and sizing necessary to properly lay out the improvements on the site should be specified (construction layout information, curb radii, etc.).*

The proposed site improvements (septic, well, building foundation, driveway, etc.) must be surveyed by a Licensed Surveyor. General dimensioning of the building and pavement areas have been provided for the Board's review.

8. *A table on the drawings 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.*

The number of parking spaces and estimated quantities of water/wastewater generation has been tabulated on Site Improvement Layout Plan.

9. *The earlier drawing submission included proposed landscaping for the site, which is not included in this latest plan set. While the overall disturbance along the frontage has been somewhat lessened, it would still appear appropriate to incorporate new plantings along the top of the retaining wall proposed to provide some screening of the building and parking area. Other opportunities for screening elsewhere should also be considered, given 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.*

Per discussions with the Board and applicants, screening along the top of the retaining wall, along the road line, would require the removal of existing vegetation in order to plant new vegetation. This concept has been eliminated here. Maintaining a vegetated buffer along the frontage has been maximized to the extent practical with the positioning of the building and driveway/parking area.

The required buffer from the residential neighbor to the north has been maintained at the minimum 20'. The minimum at the side was maintained in order to push the building as far north as possible, allowing the building to be set back as far as possible, which allows for a greater buffer at the front. Notes regarding tree clearing and ground disturbance with regard to the presence of the Northern Long-eared Bat and Timber Rattlesnake, respectively, have been added to the Construction Details and E&SC Notes sheet.

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.*

See above "Architectural" section.

11. *Construction Detail issues –*

- *The areas where any outdoor overnight commercial parking is planned (if any) should be noted.*

There is no proposed outdoor overnight commercial parking. All commercial vehicles and equipment are to be parking/stored within the garage.

- *Parking lot striping details and layout information should be included.*

Pavement striping and layout details have been added to the plan.

- *The "Typical Driveway Section" detail should be re-labeled "Driveway & Parking area"*

The proposed driveway detail has been re-labeled as instructed.

12. *The location, type, and screening details for all waste disposal containers should be shown. If none are planned, this should be so stated by notation on plan.*

The location, size and enclosure details for the proposed dumpster has been added to the plan.

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.*

There is no proposed sign, for the businesses or otherwise.

In closing, there are a few questions about the business side of this project that have been raised, the answers to which are worth reiterating. Although the applicants are in the tree maintenance and gardening/planting businesses, there will be no processing of wood (chipping, chopping, etc.,) on-site, nor the outdoor storage of business-related equipment or material. All vehicles and equipment will be stored within the 40'-deep by 80'-wide garage. There will be no semi-trailers, or other similarly sized heavy-duty vehicles visiting the site, or to be used by these businesses. They employ light-duty trucks and vans, with the largest being a medium-duty (Ford F-550) with a dump body. There is no proposed signage, or free-standing site lighting or other fixtures. They propose a couple of lights under the garage door overhang, which will be directed downward.

We trust that all the technical comments from the Town's Consulting Engineer, and the questions and concerns raised by the Board have been satisfactorily addressed at this time. Thank you in advance for your continued review and consideration of this project.

Yours truly,  
**BADEY & WATSON,**  
*Surveying & Engineering, D.P.C.*

*Jason R. Snyder*

by,  
Jason R. Snyder, CPESC  
Project Engineer

jrs

enclosures

cc: Forrest Kingsley – Owner/Applicant  
Ian Kingsley – Owner/Applicant  
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