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

FROM: Ronald J. Gainer, PE      SUBJ: Dain's Lumber Site Plan; NYS Route 9

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Project Scope:            Commercial Business  
Zoning District:        "HC" (Highway Commercial) District

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

Prepared by Insite Engineering, Surveying & Landscape Architecture, PC (all dated 10/6/2022)

- EX-1 "Existing Conditions Plan"
- CP-1 "Concept Plan – Phase 1"
- CP-2 "Concept Plan – Phase 2"
- Short EAF – Part 1

The property involved in this application lies along the east side of NYS Route 9, south of E. Mountain Road North and immediately north of Nicola's Restaurant, comprising a 4.5-acre parcel. The property is located in the Highway Commercial (HC) Zoning District and presently contains an existing building previously utilized for contractor offices and storage, with a separate garage/shed. As the Board will recall, this site was previously granted Site Plan approval by the Board in October, 2021 concerning a larger development proposal for contractor office space and storage for the site that encompassed the following:

- removal of the existing buildings, associated drives and storage areas
- construction of two new buildings (15,400 SF and 10,500 SF), new outdoor storage enclosures and associated parking.

The current applicant, Dain's Lumber, seeks to amend the conditionally approved site plan for use as a lumber storage and retail facility, for the purpose of expanding their existing business currently based in Peekskill. This application proposes a two-phase development concept for the site:

- Phase 1  
Construction of a 7,000 sf storage building in the rear of the property, along with outdoor material storage areas, associated parking, stormwater management practices and landscaping. In this initial phase the existing building, well and septic system will be maintained, to be rented for residential use.  
  
The new site access would be installed as was previously shown on the prior approved Site Plan that has received Design Approval from NYS DOT, except the primary driveway to the rear of the property would now be the northern driveway entrance, while the southern driveway would represent a secondary entrance.
- Phase 2  
In this phase, the existing residential building will be removed and a new 10,500 square foot building constructed in the same general area. Per the applicant, approximately 5,500 square feet of the new building would be dedicated to retail space, with the remaining 5,000 square feet dedicated to storage.

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The "Phase 1" use appears to qualify as a "Warehouse/ Wholesale Business", which is a permitted use in the HC zone. However, the specific materials to be stored on site should clearly be delineated, and may not include storage of trucks, trailers or equipment. It is noted that the property also falls within the Clove Creek Aquifer (CCA) Subdistrict of the Town-wide Aquifer Overlay District (AQO; Code Section 175-16) and, based upon the applicant's representations to date, no uses prohibited by Section 175-16E are planned. However, the "Phase 2" retail use proposed requires further definition in order to confirm whether it is permitted in the HC zone.

The Board should recognize that the current plans are conceptual in nature and intended only to obtain the Board's initial comments on the proposal. The applicant advises that a more complete planset will be submitted for their next appearance.

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 the building sizes and overall extent of site disturbances proposed, per the provisions of Section 175-60C(1) the proposed project would therefore appear to represent a "Major" project and so should be classified as such at your initial meeting. This is similar to the manner the prior site plan application for the parcel was processed by the Board.
2. ***"Completeness" of Application*** – The October 20, 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. However, it is recognized that the Board had inspected the property at the time the prior site plan application for 3522 Route 9 LLC was processed, and so this may not be warranted at this time.

**SEQR** – The Application appears to represent "Unlisted" action pursuant to SEQR. While a Short EAF (Environmental Assessment Form) has been initially been filed by the applicant, the design engineer acknowledges that a Full EAF will be filed with their next submission to the Board

As the Board may recall, since a coordinated SEQRA review was performed for the prior application, this should again be accomplished for this latest development proposal once the Full EAF is provided. After the SEQRA Lead Agency notifications have been issued to other involved/interested agencies and the required 30-day comment period has ended, procedurally, once the Board is satisfied with the level of detail provided, to accomplish the required SEQRA review Part II of the full EAF form should be reviewed/answered. Thereafter, a SEQRA determination could be made.

**REFERRALS**- The project should be referred to the following agencies:

- Putnam County Department of Planning (GML 239m referral), as the parcel lies along NYS Route 9



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- New York State Department of Transportation (NYS Route 9 access)

Further, as the Board typically does, you should formally determine whether a referral to the North Highlands Fire Department 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
- Authorize the Board's secretary to make the necessary referrals upon receipt of formal site plans and Full EAF.
- 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, Highway Superintendent  
Greg Wunner, Code Enforcement Officer  
Max Garfinkle, NRRO  
Stephen Gaba, Esq.  
Applicant (Insite Engg)



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## **TECHNICAL COMMENTS**

### **General**

- Outside agency approvals required:
  - NYS DOT – Highway Access Permit for the site access proposed
  - PC Department of Health – for the SSTS and well proposed to serve the commercial buildings
- A “Statement of Use” narrative should be provided, to provide a detailed explanation of the applicant’s intended use and occupancy of the site. This should include the expected number and type of vehicular activities planned, types and quantities of construction materials to be stored, and indication of the “retail use” proposed within the phase 2 development planned for the property.

### **Plans**

It is recognized that these initial conceptual plans are intended to obtain the Board’s initial comments on the proposal. As a result, they are informal in nature, and do not contain all information normally presented on a complete Site Plan drawing set. However, to assist the applicant in moving the applicant along, the following comments are offered:

- To comply with the requirements contained in §175-65B, the following information must be provided on the Site Plans drawings (unless waived by the Board) -
  - The source of the site topography showing should be identified.
  - Any proposed drainage facilities, piping, etc. should be added to the plans.
- The Site Plans should specify the amount of impervious coverage, as well as overall site disturbance planned, to confirm what SWPPP requirements will apply. The applicant should provide calculations to establish the extent of runoff from the building, access drives and parking areas, and the sizing of all stormwater treatment facilities required. Infiltration of the proposed storage building should be evaluated, which has become the Board’s standard practice.
- The applicant should evaluate an estimated maximum employee count and number of vehicle trips per day for the development phases proposed, to permit the Board to evaluate the proposal’s potential environmental impacts. This would include an estimate of commercial vehicular activity into and out of the site expected, so the Board may understand issues of traffic and vehicular movements into and through the site, for comparison with the previously approved site plan vehicular movements expected at the property.
- The drawings should illustrate construction details for all site improvements proposed. Further, if any exterior storage or waste disposal (i.e.; dumpster) is planned, these areas should be shown and properly screened.
- All dimensional information and sizing necessary to properly lay out the improvements on the site should be specified (construction layout information, DOT entrance design information, widths, curb radii, etc.).
- A table should be included, specifying the following information:
  - a. Estimated maximum number of employees;
  - b. Number of “required” parking spaces for the intended uses.
  - c. Identify the estimated water supply and wastewater generation requirements for the intended use.



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- A formal landscaping plan should be provided, and incorporate a planting schedule to identify species, sizes, height at planting, planting details, etc. Given the Board's efforts to screen the previously approved project, this latest proposal should likely incorporate similar landscaping, as may be appropriate.
- To comply with Site Plan requirements, elevations illustrating the height and all design features of the storage building and indicating materials and color of materials to be utilized for the structure, should be provided for the Board's review. Further, any enhancement/rehabilitation of the existing structures on the site should likewise be indicated. Lastly, as areas behind the site are residentially zoned, consideration should be given to the storage building's visual impacts from both the property frontage as well as the portion facing the adjacent residentially developed properties. Landscaping enhancements should be considered for screening along both the corridor and nearby residential zoning districts.
- The site plans should delineate and detail the different driveway materials proposed (NYS DOT entrances, on-site).
- Any exterior safety and security lighting should encompass "Dark Sky" guidelines, to minimize light pollution and to assure that no off-site impacts will result. All appropriate lighting/illumination details should be provided, so the Board may evaluate whether they may require mitigation/shielding.
- 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.
- The specific areas planned for "outdoor storage" should be better defined by location, lateral extent, stored material heights, etc. for the Board's understanding.
- As the plans are refined, more detailed comments may be forthcoming.

