

RONALD J. GAINER, P.E., PLLC
31 Baldwin Road, Patterson, NY 12563
Mailing Address: PO BOX 417, Pawling, NY 12564

office 845-878-6507

cell 845-527-1432

TO: Town of Philipstown Planning Board DATE: November 16, 2022
FROM: Ronald J. Gainer, PE SUBJ: Dain's Lumber Site Plan; NYS Route 9

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

The following information has been reviewed which was recently received on the above project:

Prepared by Insite Engineering, Surveying & Landscape Architecture, PC (all dated 11/3/2022)

- EX-1 "Existing Conditions Plan"
- SP-1.1 "Phase 1 – Layout & Landscape Plan"
- SP-1.2 "Phase 1 – Grading & Utilities Plan"
- SP-2.1 "Phase 2 – Layout & Landscape Plan"
- SP-2.2 "Phase 2 – Grading & Utilities Plan"
- D-1 "Details"
- D-2 "Details"
- D-3 "Details"

Prepared by Joseph G. Thompson, Architect, PLLC (all dated 11/3/2022)

- AR-1 "Architectural Elevations"
- Full EAF – Part 1
- Statement of Use

As the Board is aware, 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 lying in the Highway Commercial (HC) Zoning District. 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). The applicant previously appeared at last month's Board meeting. However, no action was taken due to the very preliminary nature of the materials provided. At this time, a more comprehensive submittal has been made by the applicant's design engineer.

The site currently contains an existing building previously utilized for contractor offices and storage, with a separate garage/shed. The 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. 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 - will entail construction of a 7,000 sf storage building in the rear of the property, along with outdoor material storage areas and associated improvements. The existing building, well and septic system will be maintained, with the structure rented for residential use. All access improvements proposed under the prior Site Plan (3622 Route 9, LLC) would be constructed.

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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. 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.

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 (most of which was outlined in our earlier memorandum last month), the following is offered:

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 size 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 November 17, 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 may not be warranted at this time.

SEQR – The Application appears to represent "Unlisted" action pursuant to SEQR. The design engineer has now filed a Full EAF for the Board's review.

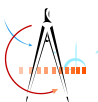
Since a coordinated SEQRA review was performed for the prior application, this should again be accomplished for this latest development proposal. Therefore, the Board should initially declare their intent to become Lead Agency. After the SEQRA Lead Agency notifications have been issued to other involved/interested 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
- 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 – Preliminary technical comments are offered on the enclosure for the applicant's attention.



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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
- Classify the project as an "Unlisted Action" and declare the Board's intent to act as Lead Agency in the required SEQRA review
- Authorize the Board's secretary to make the necessary referrals
- 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 – possibly for the change in use, and for the SSTS and well serving the future commercial building

Plans

- The site plans should include the following:
 - As the “applicant” is listed as Dain’s Lumber, a letter of authorization from the property owner (3622 Route 9, LLC/Downey) is required to permit the application to proceed.
 - identification of all existing vegetation on site, as well as the extent of any removals required to develop the site as intended, should be provided, for the Board’s understanding.
 - The rear building should be labeled as “warehouse/storage building”.
 - The well & SSTS which will serve the phase 2 commercial building, and all utility layouts, should be identified.
 - The type of “outdoor storage” materials proposed should be specified, to confirm whether any materials/products regulated or otherwise prohibited by Section 175-16 are planned. If any regulated products are involved, a “Special Permit” from the Planning Board will likewise be required.
- The applicant should provide calculations to establish the extent of runoff from the developed site, and the sizing of all stormwater treatment facilities required for the different phases. Infiltration of the proposed storage building should be evaluated, which has become the Board’s standard practice.
- The drawings should incorporate construction details for all site improvements proposed, and incorporate a formal Erosion and Sediment Control (E&SC) Plan for each phase. This would also include all details of the proposed DOT access improvements planned. The site plans should delineate where, and detail, the different driveway and curbing materials are proposed (NYS DOT entrances, on-site).
- 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.).
- The table identifying the employee count and parking requirements should also include the estimated water supply and wastewater generation requirements for the intended use, as well as the adequacy of the existing on-site utilities to accommodate the maximum expected site occupancy.
- The phased landscaping plans should incorporate, to the extent appropriate, the landscaping scheme developed for the former 3622 Route 9, LLC.
- Architectural plans identifying any appropriate enhancement/rehabilitation of the existing structures on the site deemed necessary should likewise be included.
- Any exterior safety and security lighting for the individual phases 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.



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- 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.

