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TO: Town of Philipstown Planning Board DATE: December 13, 2022
FROM: Ronald J. Gainer, PE SUBJ: Horton Road LLC Subdivision; NYS Route 9

Project Scope: Proposed "Conservation" Subdivision

Zoning District: "M" & "RR" (Industrial/Manufacturing & Rural Residential Districts), and encompassing Soil Mining (SMO), Open Space Conservation (OSO), Scenic Protection (SP0) & Clove Creek Aquifer (CCA) Overlay Districts

The project sponsor for the above application has formally applied to the Philipstown Town Board for approval of alternative roadway standards for the project's entrance road into the site from Route 9, with the Town Board having recently referred the matter to the Planning Board for its study and advice. At the Board's direction, my office has analyzed the applicant's request. These findings are presented below.

Project Overview

As the Board is aware, the project entails multiple tax parcels along the east side of Route 9 that total 210 acres, where a subdivision involving 24 new residential lots, a commercial lot fronting on Route 9, and a common ("open space") lot to be owned by a Homeowners Association (HOA) is proposed.

The most developable lands within the project lie in the center portions of the property, where flatter grades exist. This is where the residential lots are proposed. The areas between Route 9 and these more level slopes, as well as the balance of the site to the easterly project boundary contain steeper topography, with grades up to and exceeding 35%.

Project access is proposed from Route 9. The entrance road is proposed at a maximum 12% grade, while all other project roadways (that will provide access to all residential lots) will comply with Town road grade requirements. This steeper grade along the entrance roadway was developed during the project's design in order to obtain access from Route 9 while minimizing, to the extent practicable, the extent of cuts and fills along its profile and its overall site disturbance.

Applicable Town Code Provisions

Roads proposed in any development project in Philipstown must meet the Town's roadway construction/design standards. Town Code §112 ("Land Development") specifies roadway construction standards. Per §112-34J, this includes the requirement that the maximum grade of local roadways be no greater than 10%. Additionally, it is noted that under Town Code §150-19 ("Streets & Sidewalks"), the permitted maximum grade for a residential street is likewise specified as 10%.

However, under §150-16 ("Alternate Standards"), the Town Board may by resolution approve alternate standards for construction of a particular road, street or highway in a subdivision plat whose approval is pending before the Planning Board, upon consideration of the review criteria set forth in Town Code §150-16C.

It is under this Code section that the applicant is seeking authorization for construction of the entrance roadway at 12% grade. Criteria to be considered require that the road, street or highway constructed to alternate standards must provide convenient traffic circulation, reasonable safety for vehicular traffic, adequate access for fire protection and other emergency services, and address reasonable maintenance responsibility, so as to substantially conform with the purpose and intent of Chapter 150.

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Site Access Considerations

It should be recognized that the primary consideration in evaluating any subdivision application is initially determining the most reasonable point of access into the property. The subject property has frontage on four (4) roadways:

- Route 9, a major north/south vehicular corridor maintained by the New York State Department of Transportation.
- East Mountain Road North, Horton Road, and East Mountain Road South, all roadways maintained by the Town of Philipstown Highway Department. However, it is noted that the project frontage along East Mountain Road South is separated from the more developable lands of the project by significant steep slopes which were initially deemed of “High Conservation Value” and so have always been proposed for conservation. Therefore, this frontage does not offer any feasible means of access into the project.

Early in the Board’s review of the project, it was established that each of the local Town roadways had severe limitations in terms of either their geometry, narrowness, available sight distance, were un-paved and/or otherwise presented significant environmental constraints with respect to their ultimate access onto Route 9. Therefore, from the earliest iterations of the project’s design, access was always proposed from NYS Route 9. This would permit the design of the proposed site access driveway to be designed to achieve all current standards of the NYS DOT.

Further, recognizing the traffic volumes which utilize this corridor, the new intersection’s design would also include a dedicated southbound turn lane into the site, providing a safe means of access into the property while not adversely affecting commuter traffic on the heavily traveled corridor, which does not exist at the existing town road/Route 9 intersections. Additionally, it is also noted that the public, who have been involved throughout the course of the Board’s processing of the application, have long opposed any Town road access.

This, then, was the genesis for the project’s site access design and fully evaluated throughout the course of the Planning Board’s SEQRA review, which included both Draft and Final Environmental Impact Statements and a Findings Statement.

Discussion

As the Board recognizes, the most developable lands lie in the flatter areas of the property, generally between East Mountain Road North and Horton Road. While this could suggest that access into the property may be possible through either or both of these two local roads, the significant constraints outlined above with respect to these potential alternative routes eliminated them from consideration.

Therefore, as was identified in the Board’s SEQRA Findings Statement, the Route 9 access point was deemed to be the most desirable access point into the property.

Given this, the entrance roadway’s layout and grade represent the most significant criteria in establishing the best fit in getting access to the most developable portions of the property. Its proposed 12% grade was studied in depth throughout the Board’s review process to understand its potential environmental impacts. This road grade was utilized since there are other existing Town roadways which contain similar (or steeper) slopes, is only slightly above the Town’s standard, will provide safe travel for vehicular traffic and emergency services, and is not intended for access to any of the individual lots in the project.



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Given the topography to be traversed, slopes exceeding 20% must be crossed by the entrance road. The project mapping developed (illustrating Town-regulated slope categories of 0-20%, >20-35%, and over 35%) was utilized to lay out its most appropriate route and, to the extent possible, minimize disturbance of these slopes. The route chosen involves the following considerations:

- Proposed entrance roadway length 1,540± feet
- Length within Town-regulated slopes 900± feet
- roadway length at ≤10% grade 600± feet
- roadway length at >10% grade 940± feet
- maximum cut (at centerline) 32± feet
- maximum fill (at centerline) 30± feet

As a further mitigation, significant retaining walls are proposed adjacent to the roadway in the areas where Town-regulated slopes are encountered, to minimize the sideslope re-grading required and therefore the overall disturbance needed for the roadway's construction, to the extent practicable.

Conclusions

It is believed that the Planning Board has done their due diligence in the evaluation of potential access locations for the project's entrance road. Due to the physical limitations and environmental constraints outlined elsewhere concerning local roadways which abut the site, and the rigorous environmental review which has been performed on the project's layout and design, the Route 9 access has been deemed most appropriate. Additionally, the 12% grade appears to represent the most reasonable maximum grade for the project's access, while still conforming to the criteria mandated in Chapter 150 for consideration of alternative roadway standards.

Therefore, in my professional opinion, the Town Board's authorization of this alternate roadway standard should be supported by the Planning Board.

I trust that these comments are adequate for the Board. Should you have any questions, please don't hesitate to contact me.

c: Stephen Gaba, Esq.

