

**Philipstown Conservation Advisory Committee
Town Hall, 238 Main Street, Cold Spring, New York 10516
October 9, 2007**

The CAC held its regular monthly meeting on Tuesday, October 9, 2007 at the Town Hall. The meeting was opened at 7:30 p.m.

Present: David Klotzle, Wetlands Inspector
Mark Galezo
Lew Kingsley
Eric Lind
M.J. Martin
Absent: Tim Donovan
Andy Galler

Regular Meeting

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Bentkowski – 17 Fenichel Lane – Tax Map #27.-12-1 – Application

Mr. Martin began explaining that they were moving along but understood the CAC wanted modifications to the retaining wall.

The CAC agreed.

Mr. Lind said that they would first discuss the wall construction and said that Mr. Galezo had mentioned thoughts regarding the original plan – and said that the sleepers be placed in now to strengthen the retaining wall and that that was very good.

Mr. Galezo stated that the map was stamped by the engineer therefore it must be right.

Mr. Kingsley asked how long the concrete will last.

Mr. Martin said that treated would last 40 to 60 (years?) and that cedar would last 20 to 25. He also added that Mr. Galler had suggested cement and the CAC was concerned about the difficulty of the installation – and Mr. Martin asked what the CAC thought of (inaudible), the ones where they can actually be built by oneself.

Mr. Klotzle said like Lincoln logs, yes. They lock in.

Mr. Bentkowski stated that there was also vegetation at the base if that helps with stabilization itself.

Mr. Galezo stated that he personally did not have a problem with that.

Mr. Lind asked Mr. Kingsley if there were comments on the planting plan. The plan looks pretty densely planted and though that that would really help stabilize it over time. There are new products coming out, treated lumber products that have eliminated arsenic and copper and they are a little more environmentally friendly and the applicant may want to look into that.

The applicant said right and asked if the CAC meant a 6x6 timber.

Mr. Klotzle said that he wasn't sure what size, but that there may be some options.

Mr. Galezo said that there were also items on the green web site that show where are certified organic products.

Mr. Bentkowski asked if that was similar to recycled products.

Mr. Galezo explained that was real yellow fine timber and would probably be around the same cost but that they were certified.

Ms. Martin said the treatment process (did not finish sentence).

Mr. Galezo continued regarding the treatment process. The cca is gone and is all replaced by acq and added that that had copper in it and said that there are other things that are supposed to be much cleaner.

Mr. Bentkowski asked if Mr. Galezo would provide the name of the product for him.

Mr. Galezo said he would find that out for the applicant.

Mr. Bentkowski stated that he would prefer to modify (a little bit) some of the vegetation at the top of the hill, but if that would prevent some of the erosion, then he would leave it. There is a lot of flow down the driveway and it does prevent any erosion. It is probably smart.

Ms. Martin said that that would probably filter.

Mr. Lind said he didn't know because the plan looked pretty dense.

Mr. Kingsley said that the applicant could plant real close without a problem.

The applicant explained that there is a steep incline down the driveway.

Mr. Klotzle said the applicant is going to use a re-vegetation blanket which he thought was a good idea.

The applicant said yes.

Mr. Klotzle requested the applicant leave the specs with the committee. Outside of that Mr. Klotzle said he was alright with that once it was determined what the retaining wall would be made of – particularly these sleeper beams, soldier beams.

The applicant said that he preferred something that looked like wood versus the look of a highway.

Mr. Klotzle said that there was recycled stuff you could build with but said he was not quite familiar with that.

Ms. Martin said if the applicant is looking for longevity he should look into the product that Mr. Galezo had recommended.

The applicant said that he would because he did not want to repeatedly have to replace it.

Mr. Lind said he didn't think the recycled stuff would be the best choice.

Mr. Klotzle said okay and again said that he was not really familiar with that.

Mr. Lind said he didn't feel that the applicant needed to come back again next month.

Mr. Klotzle said if the applicant could find the material that Mr. Galezo suggested then the CAC could agree with inclusion of that and your application that it could be approved at that point.

Mr. Kingsley asked about the brush pile.

Mr. Lind said that it was decided to leave as is.

Mr. Lind made a motion to approve this permit. Ms. Martin seconded the vote. The vote was as follows: 5:0.

Mr. Lind asked that the applicant keep the CAC informed with updates.

The applicant said that he would.

Rossouw – 15 Ox Yoke Road, Garrison – Tax Map #90.8.2-6

Mr. Lind said that Mr. Rossouw was not present.

Mr. Klotzle said that he had spoken to Larry about it and he said that he had asked Michael Priano to do the work on the stream. Mr. Klotzle said that he had received a call from Michael and said that he was willing to do the work on the stream and had taken a look at the site and had some comments to make about the damp area where the septic has to go and suggested that the CAC ask for a core or two or three to see which soil had been placed on top of what. Mr. Klotzle said that he had agreed with Michael and will require that before the CAC went any further so that they could see if it was filled wetland and when it was filled.

Mr. Lind said that the CAC also wanted to see the conditions of part of the septic expansion area and might want a perc test.

Mr. Klotzle said that was correct.

Flaherty/Percacciolo, 3284 Route 9, Cold Spring – Tax Map #27.-8-1-4

Not present at this meeting.

Mr. Klotzle said that he spoke to Glen Watson and Mr. Watson said that he had almost finished both of their maps. Mr. Percacciolo is still in court. This is the Northern section and Mr. Percacciolo is actually both Northern and Southern section.

Butler, 54 Lyons Road – Tax Map #2689-027-007

Not present at this meeting.

Mr. Klotzle said that he had spoken to Jerry Butler and he was not aware that there was a meeting tonight. Mr. Butler said that he would come to the November meeting. There is no great hurry because he plans to cut vegetation in July at Barrett Pond.

Ms. Martin said that Mr. Butler wants to do a weed cut not a chemical kill.

Ochsenchlagar Subdivision – Planning Board Referral

Mr. Klotzle said that Mr. Ochsenchlagar did not think he had needed a wetland permit initially and the CAC was just going to look at the site in general for environmental purposes and that now they are crossing. There is an existing driveway and a bridge and they examined the bridge and structurally it appeared to need replacement, so Mr. Watson said that he wouldn't be ready and that they would come hopefully in November with the specs of plans. It will be a wetland permit and that the CAC could ask questions needed at that time.

This is also landing for a referral so the CAC still needed to visit the site and get comments not only on the wetlands issue, but also any other side issues.

Mr. Klotzle said they were following the map of content.

Mr. Lind said that the CAC also needed someone else to explain what should be done before actually visiting the site. Mr. Lind asked if that would be in November.

Mr. Klotzle said Mr. Watson said he thought he would be able to attend the November meeting.

Mr. Lind said and following that there could be a site visit after that.

Mr. Klotzle said yes.

Mr. Lind said that he hadn't heard anything from the Planning Board about the timeframe on this but that it had been a couple of months now.

Karen L. Parks, 82 Lake Surprise Road – Tax Map # 27.1-31

Mrs. Parks said she was there for Simon Climie and that he lived on 82 Lake Surprise Road and the property is adjacent to a watercourse in proximity to wetlands #70 and that it was not a wetlands being affected but that it was within a 100ft buffer. The best plans to refer to (All are looking at the plans, etc.) Basically, there is a single-family residence on the property and some other building that are not being affected by this project. The single family residence is an old farm style house that at one time had an existing front porch which was removed and in place is a solid stone and slate patio. We would like to remove portions of this patio and rebuild a covered porch similar to what was a part of the original house plan (refers to plan).

Ms. Martin said that this is very thorough.

Mrs. Parks said there is an existing patio which falls under the outline of the porch, and if possible they would like to maintain the portion of the stone patio which would fall under the new proposed porch and were aware that they would have to dig under it in four locations to put in pier footings under the porch that would support the porch roof because the existing stone patio didn't go down to the cross line. The hatched area is also a solid stone patio, which they would like to remove and have foundation plantings and

grass in that area. To the side of the house there is existing patio by the side back door which they would like to keep.(pointing to plan) Elevations help illustrate the amount of roof area that would be added to the house, to improve on the scale of the building. That is the extent of the building construction. There are also other site improvements they would like to make. (referring to plan). On the left hand side of the house near the chimney there are two air conditioning condenser units and they would like to screen that with a 4ft. high picket style fence that would follow with the 100ft buffer, in addition we would like to install a 4ft. high picket fence in the front of the house to create a transition area from the house to the outside yard area. Right now the driveway encircles the house completely and we would like to remove almost half of that and the driveway would continue up behind the house to the red barn behind the house. Rather than have the driveway continue and circle around the house we would like to eliminate that and just simply plant grass, in front of that driveway area there is a fairly steep slope down to another flat lawn area and then the stream is out to the road and can be seen that it's clearly within the 100 ft. so it is just below house. (again refer to plan) It is all lawn.

Mr. Kinsley said that this was all lawn now.

Mrs. Parks said yes. The stone steps that are proposed are to access the upper yard to the lower yard. Basically built into the slope she was not talking about high stone retaining walls – it's something that would sit 6 inches above the finished grade and allow one to walk down the slope in a comfortable manner. This is not to scale but she imagined it would cover about 16 ft. 8 inches with a transition area in the middle and if anything it may be less than 16ft 8 inches.

Ms. Martin asked how close to the stream that the stairs would end.

Mrs. Parks said approximately 45 feet from the stream. To the right of that proposed stair there is an existing concrete retaining wall and they would like to keep that in tact but make it look more attractive by facing it with a dry laid stonewall. Probably the largest area of impact is the creation of a parking pad for two cars, the reason for this is the main parking area is well behind the barn and the access to the house is very inconvenient. There is an existing concrete well, no longer in use but they would like to keep that and reface it to make it more attractive and that would be the anchoring point in which to start the planning of this driveway as well as the plants and hedge along the driveway. Above the hedge is the grade level where we would start this parking area. We want to minimize the digging of the slope. Mrs. Parks said her calculations as far as the amount of soil to be removed from the site, based on that area and an average of a 2ft depth is approximately 90 cubic yards. Any topsoil that can be reused would be. Regarding the stair, the approximate amount of soil to be removed is about 7 and 1/2 cubic yards. Mrs. Parks said she had spoken to an engineer regarding the plans for the walls, and as long as the retaining walls were kept to three feet or lower the dry-laid rubble wall would be sufficient. Mrs. Parks said that that was really the goal and minimizing excavating this area, they really didn't want to go beyond three feet depth on the upper side of that hill. In a nutshell that is it.

Mr. Klotzle said he would need Mrs. Parks to have some of that written down in a construction scenario which wasn't included in the permit including the amount of material being removed, where you will dig into the soil, what will be done first and second etc.

Mrs. Parks said okay. So an outline?

Mr. Klotzle said yes. The amount of soil that will be removed, just delineate that whole thing because your permit will be based on that if it will be granted. Mr. Klotzle said that he hadn't been out there but will get out there this week. Mr. Klotzle asked if there was a lot of water coming over the ground due to the steepness.

Mrs. Parks said she hadn't been there during a heavy rain.

Mr. Kingsley said that it wasn't a lot of flush like runoff situation and was pretty well broken up and that would be seen once the site is visited.

Mr. Klotzle said the CAC does not like (inaudible) bills. He suggested Mrs. Parks use a metal wire backed silt fence with stakes every ten feet buried 6 to 8 inches in the ground. Possibly a double row depending on what is seen after the site is visited.

Mr. Kingsley said it has all been reconstructed and packed.

Mr. Lind said he thought it looked as though it goes under the road.

Mr. Kingsley said yes it does.

Mr. Klotzle asked if Mrs. Parks had a timeline assuming an approval.

Mrs. Parks said yes and that she would love to get it going this fall. Especially the porch footings, if we can do the whole thing before it starts freezing and gets messy, that that would be great.

Mr. Klotzle said the footings would be important before frosting.

Mr. Lind asked about the 3rd structure on the property and wasn't part of the work plan – and asked what that was.

Mrs. Parks said that that was a care takers cottage. (explains the plan)

Mr. Lind asked about the abandoned well and where the new well was.

Mrs. Parks said she would have to confirm with Mr. Glen Watson.

Mr. Klotzle asked if she knew where the existing septic field was.

Mrs. Parks said there is an existing septic tank just off the house and given the age of the house we can just hope there are fields. (refers to plan)

Mr. Klotzle asked if there would be any work done on the septic.

Mrs. Parks said she was not proposing any, and that they do not plan to change the amount of bedrooms in the house and therefore that would not put any further demand on the septic.

Mr. Klotzle asked how many bedrooms existed now.

Mrs. Parks said she honestly did not know.

Mr. Klotzle said he would like to know.

Mrs. Parks said okay.

Mr. Lind said (pointing to plan) that this is strange, and asked if it was just a swale.

Mr. Kingsley said it comes out of the woods and then cuts (inaudible) and then it goes under the road.

Mr. Lind said the CAC must visit the site and then Mrs. Park can come back the following month, then the CAC will be further informed and have observations and comments regarding the work site. Mr. Lind asked the CAC if it was necessary to have the work areas flagged.

The CAC said that they did not think so.

Mr. Lind explained that the reason the CAC asked about the septic field is because they needed to be sure there wasn't heavy machinery traveling over existing fields.

Mrs. Parks said there is no need for heavy machinery for what they needed.

Mr. Klotzle said fine, and that the CAC would communicate via e-mail.

Hopkins, 341 Avery Road – Tax Map #49.1-68

Mr. Klotzle said he had put them on the agenda because he had expected that they would have obtained a fresh application, it was expected as soon as possible. The CAC was there a week ago and had met with the Hopkins engineer from the Board of Health as well as Richard Shea, Ms. Martin, Mr. Klotzle and Mr. Monroe. They had discussed the various problems on the site, the existing septic field, where the new septic tank came from and who had known about that and when. The answer to that question was that no one had known about that, ever, until it was disclosed to them that day (the week before Mr. Lind was there) and they were told that the field was having problems because the

new pump and the new tank were overwhelming the old septic lines, so apparently there wasn't a permit for the septic tanks, two new 1500 gallon tanks Mr. Klotzle believed.

Mr. Shea said it was two 1250s.

Mr. Klotzle said that Mr. Shea kind of directed the conversation and the CAC was concerned that the existing fields were unable to hold the septic effluent, it could be seen coming right up the hole when they flushed inside the house and saw it go back down as if the fields were maintaining it. As the CAC examined the area where it was thought that there were fields, the soil was wet, there were sedges growing there and wetlands plants being established in probably one of the driest summers Mr. Klotzle had ever seen around here and the soil was wet to the touch.

Mr. Shea said yes that soil should have been dry.

Mr. Klotzle said it was totally saturated.

Mr. Lind asked where the sedges were growing.

Mr. Klotzle said it was out into the driveway, out towards Avery Rd. After the CAC discussed that, they decided it was an emergency at that point that it was necessary to put in the other three lines that were required and Mr. Klotzle said he had been able to come up with a plan that the Health Dept. had approved of an aerobic tank to add to the system. Mr. Hopkins agreed to that after Mr. Klotzle had run the idea by him.

Mr. Galezo asked if it would have to be maintained.

Mr. Klotzle said yes. There are lights and buzzers that would go off if it were not maintained and that they could be seen from the road, therefore the CAC would be able to be sure it was maintained. At Ms. Martins' suggestion the CAC would ask for an Escrow account to cover town inspections, wetland inspections and other inspections, at least \$3000.00.

Mr. Shea asked about levying a fine because it was not an accident.

Ms. Martin asked if they had already been issued a violation.

Mr. Klotzle said that they had been stopped. How the CAC would issue a violation would depend on whether or not a fine would be issued and this would be worked with Mr. Monroe since he is the code enforcement officer.

Ms. Martin asked if Mr. Klotzle had asked Mr. Monroe if the Hopkins had a C of O.

Mr. Klotzle said yes that the Hopkins did have a C of O.

Mr. Lind asked if the Dept. of Health could issue a violation?

Mr. Shea said that they would have to issue a violation.

Mr. Lind asked if they have any ability to fine.

Mr. Shea said he was not sure.

Ms. Martin said she would go on record supporting vigorously a fine be enforced in this instance.

The CAC agreed.

Mr. Lind said it would be interesting to see the archives for the project.

Mr. Klotzle said fine and that he would keep Mr. Lind posted on that.

Minutes of August 14th, 2007 and September 11th, 2007 Meetings.

To be discussed once the CAC has had a chance to review.

Ethan Gallagher - Application

Mr. Klotzle explained that Mr. Gallagher was not added to the agenda because the application was not complete.

Mr. Gallagher asked what it was that the application was missing.

Mr. Klotzle said that he needed a list of adjoining properties (which was distributed at the meeting) and a designed professional map of what was to be done so that Mr. Gallagher would be able to come tonight and ask the CAC if he would be able to use some other kind of map and Mr. Klotzle had brought Mr. Gallagher's application with him to show the committee what was being proposed in the application.

Mr. Gallagher asked if the list of adjoining was alright.

Mr. Klotzle said yes that the list of adjoining owners was fine.

Mr. Gallagher said he had hoped to avoid hiring a designer map professional in what he thought would be a fairly minor project and hoped that he could work with the CAC to get an inspection and the CAC would concur or let him know if he needed to go further. He said that it was a rather small pond that is on the property and over the years one side of it had filled up with sediment and the stream had eroded itself back to its original level and said that his intentions were to scoop that silt and sandy deposit from one side and just back fill the dam which had some erosion from previous storms. The area is fairly small, approximately one or two feet in depth and 25ft long by 18ft wide in that area.

Mr. Kingsley asked if it was bone dry at the time of the meeting.

Mr. Gallagher said yes and he had been drying it for over a year now and he wasn't sure what documentation would be needed. In order to control the silt, he would prefer not to

use a pump around system because it would disturb the stream in some cases and was hopeful that he could just reach close to the stream and not have to even touch the stream and remove the deposits away from it and said that he could do a pump run system and a drawing for that if the CAC insists on that.

Mr. Klotzle said there is no pumping necessary now, there is no run in there.

Mr. Gallagher said that actually there was a little bit of water.

Mr. Klotzle said that if it rained part way through when Mr. Gallagher was working on it, then what happens then. There is very good drainage and it would drain rapidly into the stream and then into the pond area.

Mr. Gallagher said he would be very careful not to do that in order to avoid a mess. He said it would be done when there is no rain forecast. Mr. Gallagher said he had planned on the Lyon's to do that with their excavator and that it would be completed in two to four hours.

Mr. Lind said that he thought that the CAC needed to visit the site.

Mr. Klotzle said he had been there.

Mr. Lind said that he still would like to visit the site also.

Mr. Kingsley asked if it was staked and if not could it be.

Mr. Gallagher said fine and that he would stake it immediately. The application is in with the DEC and they thought the drawings would be okay.

Mr. Klotzle explained that the CAC wouldn't be able to proceed with a permit without the DEC permit.

Mr. Gallagher said that he understood but just wanted to make sure everything else was in line.

Mr. Lind asked what was missing from the original application.

Mr. Klotzle said the list of adjoining properties and that it didn't meet the code for a map.

Mr. Gallagher added that he was told by the DEC that the maps that he had provided seemed to be fine but that there hadn't been an official ruling as of yet.

Mr. Lind explained that the CAC normally required a professional plan.

Mr. Gallagher said he was sorry to hear that because it's such an astronomical amount of money for such a little job.

Mr. Lind said that there was an alternative but the amount Mr. Gallagher is proposing to remove is more than is allowed for that.

Mr. Gallagher said okay but the cost of everything just seemed to be driven up and asked that the CAC just consider his request. Mr. Gallagher said he does not want to disturb anything.

Mr. Lind said that the plan is a home-based document and there was a reason to use it.

Mr. Gallagher asked if the committee planned to still take a visit to the site.

The CAC said yes and it would probably be in November.

Chairman's report:

Mr. Lind said he had a few items to be discussed. Mr. Lind said that he had received an e-mail report from Mr. Galler and that the Town Board meeting went well and presented the index.

Mr. Lind asked if Marlo Kovacs had also attended the meeting and presented (unfinished sentence)

Ms. Martin said yes she (Marlo) had presented first the natural open spaces protection plan.

Mr. Shea said that the board will get together and review them and then (unfinished sentence). Mr. Shea said that he didn't expect a major overhaul and that he just needed an agreement to pass this possibly at the November meeting.

Open discussion of the ways of funding the removal and control of common reed at Manitou Marsh

Adjourn

Mr. Lind motioned to adjourn. Mr. Kingsley seconded the motion. The meeting ended at 9:15 p.m. The vote was as follows:

David Klotzle - In favor
Tim Donovan - Absent
Mark Galezo - In favor
Andy Galler - Absent
Lew Kingsley - In favor
Eric Lind - In favor
M.J. Martin - In favor

Respectfully submitted,

Christine Muscat

Note: These minutes were prepared for the Philipstown Conservation Advisory Committee and are subject to review, comment, emendation and approval thereupon.

Date approved: _____