

**Philipstown Conservation Advisory Committee  
Town Hall, 238 Main Street, Cold Spring, N.Y. 10516  
December 11, 2007**

The CAC held its regular monthly meeting on Tuesday, December 11, 2007 at the Town Hall. The meeting was opened at 7:30 p.m.

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

**Regular Meeting**

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**Guest Speaker: Mary Anne Thiesing, Ph.D. Regional Wetland Ecologist  
USEPA Region 11  
Dr. Thiesing spoke on various wetland subjects and answered  
questions from the CAC and the public.**

**(Due to tape and recorder malfunctions, the provided information by  
Dr. Thiesing, the open discussion, and the question and answer session  
were unfortunately inaccessible and therefore could not be  
transcribed.)**

Although the tape was destroyed, information regarding this topic can be found on the DEC website.

The following are some of the topics that were discussed:

- Legal Obligations
- Discussion of recently visited areas in the Philipstown area.
- Discussion of Federal regulation, etc.
- Actions taken against a violator.
- Informing the public to avoid violators and be more protective rather than an enforcement act.
- David Klotzle introduced himself and said that he and Dr. Thiesing had spoken many times in the past and then discussed general permits which they had also spoken about in the last five years.
- Mr. Klotzle said he would be in touch with Dr. Thiesing.
- Discussed chain of action as far as an application was concerned.

Mr. Lind said that in closing, Philipstown had their own wetlands ordinance and regulated wetlands down to a quarter of an acre and a 100ft. buffer.

Thank you very much for a wonderful presentation.

**Julia Frazier- Philipse Brook Rd. – Tax Map # 61.-3-52**

(Not present)

Mr. Glen Watson presented a map to discuss east of Route 9, 2.6 acres. The entire frontage had Philipse Brook land. Found an area for the septic system and an area for a house and said they had the areas on the wetlands flagged. Need to construct a crossing and the driveway leading into the property and to the house and that was what they were to talk about.

The CAC had visited the site on Friday and aside from the brook and the buffer of the brook that there had been two flagged sites.

Mr. Klotzle said yes and that one was a site flagged down by the road.

All refer to the map to discuss the flagging, etc.

Mr. Lind said to Mr. Watson that one of the things he had thought about when visiting the site was that it looked like it had an inlet and evidence of moving water upstream which may indicate a temporary stream that flowed into it and of course this small wetland held the water and then it drained ultimately in a short little run down into Philipse Brook. One of the things that needed to be confirmed is whether or not it was a temporary stream that comes in somewhere here. (Referred to map)

Mr. Lind asked if Mr. Huddleston was present in reference to the project.

Mr. Huddleston said yes.

Mr. Lind said again that it must be confirmed whether or not the stream is temporary because that could possibly change the way things were laid out on the map.

Ms Martin said that she thought it seemed clear when they were walking in a stream bed, possibly an intermittent stream.

Mr. Lind said when he had visited on Friday it was not running but that he had seen exposed sand and evidence of moving water at some point in the recent past – it must be confirmed.

Ms. Martin said that the CAC had also seen skunk cabbage.

Mr. Klotzle said yes and that there was definitely wetland vegetation. The only thing Mr. Klotzle had ever seen running, after visiting the site three times, was the intermittent stream that sort of cascades over the rock ledge down to Philipse Brook.

Ms. Martin said so it seemed they needed to address the issue of the 100ft. buffer and asked if that was correct.

Mr. Lind said yes for an intermittent stream that was correct.  
A CAC member said that it was also hard to tell exactly where the septic was.

Mr. Watson said that that would be a problem and had thought that had been addressed before and would have to go back and talk more to the consultant about that.

Mr. Klotzle asked if it would be possible to swap the house with the septic.

Mr. Watson said he didn't know what the test results were or if any had been done.

Mr. Klotzle said that there were some holes there. (Referred to map)

Mr. Watson said that that was steep.

Ms. Martin said yes that it was much higher there, (inaudible).

Mr. Galezo asked how many bathrooms and the CAC said there were three.

Mr. Lind said that this needed a closer look because it wasn't clear if there was an inlet.

Ms. Martin said that that included the reserve area.

The CAC decided that the site needed to be looked at again.

Mr. Lind suggested they meet with Mr. Watson at the site if that would be helpful.

Mr. Watson said he would have to get (inaudible) and take another look at that.

Mr. Lind said thank you.

Ms. Martin said that the adjoining list was an old list and asked if that had been updated.

Mr. Watson said yes and that the list was replaced with a new list.

Thank you.

#### **Application of Rossouw, 15 Ox Yoke Road - Tax Map #90.8.2.6**

Mr. Klotzle said that they had received a new map from Larry and that Mr. Rossouw wanted to be put on next months' agenda.

Mr. Lind and other CAC members said okay.

Mr. Davis did want to go on record stating that he had not been notified as an adjoining property owner of the fact of a permit application. It had happened by chance that he had found out, without being notified at all that an application had been submitted. When he had looked at the application he saw that he was not included as an adjoining property

owner and he did not understand how that had happened and wanted to know how an adjoining property owner is identified.

Mr. Klotzle said that the engineer would have a current list of the adjoining property owners, but in that certain case it had been Mr. Watson's firm and apparently someone had looked at the incorrect sheet. That sheet had had the previous owner from whom Mr. Davis had purchased the property.

Mr. Davis said that he had understood that Mr. Watson had a lot of work in Philipstown and said he had hoped that this did not happen often. He said he believed that it was critical to have updated lists. He also stated that complete applications should be available at the Town records and in this case that was not the case and he hoped that a process would be followed so that this did not happen again.

The CAC agreed and said thank you.

**Flaherty/Percacciolo**

Not present and therefore not discussed.

**Mr. Butler – 54 Lyons Road – Tax Map #2689-027-007**

Mr. Butler explained that a couple of years ago the CAC had approved hydro raking in Barrett Pond, several acres. He said that the logistics of that made it impossible and that machinery was not able to get into the pond without doing significant damage to the shore line. He said that within the day of starting the project, he stopped so that was never accomplished and said that now he had he reverted to a machine from Jenson Technologies which is a kind of weed cutter. It can be put on a row boat, etc. He said that it could cut the weeds as you go and there is a weight attachment that is on the front and pushes onto the shore water where he would be able to have it removed for fertilizer or just have it disposed of. The application here is for anywhere from two to six acres of the pond depending on which (inaudible) owners planned to participate for several years because Mr. Butler wanted to keep the Lily pads below the surface and make them thin themselves out because they wouldn't be able to get sunlight and try to maintain some deep water habitat in this pond so that it does not disappear completely. That is where he was and that was his application.

Mr. Lind said that they (CAC) did visit the pond but he had been a little confused because it hadn't appeared that there was deep water habitat, it did seem very shallow, virtually the whole surface area of the pond, so he questioned if this would really help.

As you get 100 feet or so into the shoreline, it goes as far as 6ft deep and said that there were trout and bass in there. Local kids fish in it. This year there were only a few turtles that had laid their eggs.

Mr. Lind asked if his effort would be focused in on that deeper area.

The applicant asked if the CAC had been on the property to look at it.

Mr. Lind said that they had looked at it from the road.

The applicant asked from Barrett Pond road.

Mr. Lind said yes.

If the CAC had gone 50 feet or so within my property, it does get deep.

Ms. Martin asked how many other owners around the pond have riparian rights.

Mr. Butler said that there was a map and explained.

Ms. Martin asked if they all agreed to this.

Mr. Butler said no not all.

Mr. Klotzle suggested that the applicant use other kinds of vegetation other than lily pads in order not to remove the nutrients. Mr. Butler might consider using some kind of cover on the bottom of the pond. There are materials Mr. Butler could essentially get that he could roll out and prevent sunlight after the pond was mowed so to speak.

Ms. Martin asked if this would have to be done annually.

Mr. Butler said he would do it monthly to keep the pads below the surface.

Mr. Klotzle said he thought that Mr. Butler would have to in order where the sunlight doesn't reach them very much because they form right on the bottom and they work their way up and form larger and larger as they get closer to the surface.

Mr. Klotzle asked if the DEC had any interest in this.

Mr. Butler said they generally have no interest and nor did they acknowledge receipt of the permit on August 20<sup>th</sup> and that was why he asked about statutory time frame as to when they should have responded. It had been four months without any further response.

Mr. Klotzle said the protection of water permit is not required.

Mr. Lind asked if anyone had a history on this pond.

Mr. Butler said yes and that someone had said that they had skated on that pond and added that no-one can skate on that pond anymore.

Mr. Klotzle said Mr. Butler would have to get permission (inaudible) owners.

Mr. Butler said that he could do that.

Ms. Martin said that she would like to have the neighbors notified.

Mr. Butler said okay and that he could have registered receipts to show that all of the neighbors had been notified.

Mr. Galler asked why the CAC could not issue a conditional permit now.

Mr. Lind said that if the applicant did do what Mr. Galler had suggested, then Mr. Butler would not have to return for another meeting.

The applicant said he would be happy to accommodate the CAC's request.  
Mr. Kingsley asked when this work would begin.

All agreed that the work would have to begin around May.

Mr. Kingsley asked if Mr. Butler would use an electric or gas cutter for this project.

Mr. Butler said he planned to use an electric cutter and showed pictures of the equipment he planned to use.

Mr. Lind motioned to approve the conditional permit.

Mr. Galezo seconded vote. The vote was as follows: 6:0.

### **Ochsenschlager - Subdivision Planning Board Referral**

Mr. Lind said that some of the CAC members had visited the site today.

Mr. Watson said that the bridge needed to be replaced and that they would like to design a new bridge, regardless of whether or not Mr. Ochsenschlager received an approval on the subdivision being requested. Mr. Watson showed the plans.

Mr. Galler said he had looked at the plans and asked what the width of the bridge was.

Mr. Watson said 24 ft. would be the span and the width would be approximately 12 ft.

Mr. Klotzle asked about the time frame.

Mr. Watson said that this would be regulated by the State permit that they had received.

Mr. Klotzle said that essentially the applicant would leave most of the stream floor untouched because the DEC is very thrilled with that idea and Mr. Klotzle said he agreed with that.

Mr. Watson said that everything would just get wider. Mr. Watson also said that this would be a short cut to the drainage calculations. All the activity would be kept to the edges. (referred to map).

The CAC asked if it was correct that the entire existing bed would be protected regarding this project.

Mr. Watson said that was correct.

Mr. Lind asked if the committee was comfortable with the project.

Mr. Galler said he would like to see a little more information but in the meantime provide a provisional permit.

Mr. Watson said that this is the CAC referral back to the Planning Board so the CAC could say that the applicant would be required to demonstrate that the pressure treated lumber wouldn't be harmful and would be appropriate for bridge decking.

Mr. Klotzle said Mr. Watson would most likely have to do some homework on that and give us a little (sentence unfinished).

Mr. Lind said that that was a good idea.

Mr. Shea said a lot of the treated lumber is not supposed to be above ground right now.

Ms. Martin said that when they were up there today (referred to map) that they were looking at the map and wanted to make sense of the subdivision because it was a Planning Board referral and that the CAC just wanted to thoroughly understand what they were going to propose. Ms. Martin asked Mr. Watson if this was two parcels.

Mr. Watson said that this originally started out as two parcels but that the applicant was advised that he would save some tax money if he merged them. The applicant did that and later decided he wanted to build a second house which the applicant would not be able to have done. Therefore; he would have to re subdivide and this would be an attempt to put back the original division line from about five years ago. When they had first gone to the Planning Board there was an area, actually two areas for the septic system (referred to map) over here, one was the reserve for this house, someday that septic system would fail and that is the reason they went up here (referred to map) and found enough soil to put in a septic system under today's conditions but obviously the big problem would be crossing the stream, it would have to be pumped, etc. but if the septic system failed they would not be able to put it in here so we wanted to be sure we had an alternate septic space and located that up here (referred to map). Hopefully, they wouldn't have a situation where it would fail anytime soon but that they wouldn't want to cut off this land for an alternate septic system. It is not an issue that would have to be decided with regard to the subdivision.

Mr. Lind said that the next step would be a report from the CAC to the Planning Board.

All agreed.

## **Vamco Rt. 9 – Tax Map #27.16-01-16 – Planning Board referral**

Vamco presented the plan.

Mr. Lind said that if he understood the proposal correctly that the big change would be the connection of the two buildings but it would also be asked that the black top be removed here.

Vamco said that the Planning Board had suggested that they try to get as far back from both creeks as possible and as long as some of the storage is back here (refer to plan) and Vamco added that he had tried to be sensitive to that. Vamco said that the Planning Board had also suggested at their last meeting putting some sedimentation basin in here for the basement only and had said that the roof drained. The Planning Board did not have a problem with putting that into the woods.

A CAC member asked if this area would be new and the things that were being stored here would be moved here.

Vamco said that most of the outdoor storage would be moved here. (refer to plan)

A CAC member asked where the fuel tank would be placed.

Vamco explained that the fuel tank would be moved inside and a natural gas tank would be added above ground.

Mr. Klotzle said that that would be good.

Ms. Martin asked what the surface was on the plan.

Mr. Vamco said that the surface was blacktop but that he could make it gravel and was open for suggestions.

Ms. Martin showed where there was a wetland area.

Vamco said that the wetland here was accepting runoff from the road and that although he had not seen it that there must be a way for the water to get back into the brook. Vamco said that he thought that it was buffering the roads and sediment. He showed where the flagging was while he referred to the plan.

Mr. Kingsley asked about the materials that would be stored on that.

Vamco said sheet metal and therefore it would be picked up after being placed into a dumpster.

Mr. Kingsley asked if it was all galvanized.

Vamco said he had thought galvanized and/or stainless.

Mr. Klotzle said that they had talked about removing the blacktop and plant planting that would be beneficial to wildlife which would make it more natural.

Vamco said that those improvements basically would move forward 50ft. to the south. There is some cutting and filling to be done as well and said that there was as an existing pipe going under the road that would remain in place. He had recently been asked by the Planning Board that some sort of sediment control be put on the (?) side of the pipe to catch some of the fill that would cause water that to be caught before it would migrate into the wetland.

**Tape malfunctioned after the above statement. The following is taken from handwritten notes.**

CAC will write a recommendation.

Vamco asked if he needed to submit the standard eight copies.

CAC answered yes.

**Louis Lanza-Nelson Lane-Tax Map #71.-2-95-1 – Planning Board Referral**

Mr. Watson presented plan.

Mr. Lind said that the CAC had visited the site in May.

Mr. Watson explained the map/plan.

Mr. Klotzle said that that would be a report.

All said good night.

**The following discussions and topics are items not listed on the agenda.**

Mr. Lind said that there were three reports that had to be written for the Planning Board and said that he would write two reports.

Mr. Galler said he would write the Vamco report.

Mr. Lind said he had a few more items. Marlo Kovac had sent copies of a drill down to some of the CAC members.

It was decided that it should be discussed at a further time when all the members had had a chance to review the material.

Mr. Lind said that an annual report needed to be done. He said that he would work on that and would like the rest of the CAC members to review them.

The CAC said that would be fine.

Mr. Klotzle said that the Planning Board had declared it-self the lead agency on the County Line Equities and gave him a long form.

Mr. Lind asked if there were any updates on Gagnon.

Mr. Klotzle said yes. The big septic tank which was replaced right in the back of the house was supposed to lead to a field which they were told would lead up the hill but actually led to the front of the house – right on Indian Brook Road. At some time we the CAC should sit down and discuss this.

Mr. Lind said that from now on for every application that is vague regarding vital information for such things as locations of septic tanks or fields that it must be made clear by the CAC to the applicants that the locations must be accurate.

The CAC agreed.

Mr. Lind made a motion to adjourn. Mr. Kingsley seconded.

The meeting ended at 10:30 p.m. The vote was as follows:

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

Respectfully yours,

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: \_\_\_\_\_

