

## **CONSERVATION ADVISORY COUNCIL MINUTES**

May 8, 2007

### **PRESENT:**

Andrew Galler, Acting Chairperson  
Mark Galezo, CAC Member  
Lew Kingsley, CAC Member  
David Klotzle, Wetlands Inspector  
Eric Lind, CAC Member  
M.J. Martin, CAC Member  
John Sussmeier, CAC Member

### **ABSENT:**

Tim Donovan, CAC Member

### **GUESTS:**

Alice George – Applicant  
Laurence Belluscio – Consulting Engineer  
Richard Shea – Town Council Liaison  
Glennon Watson – Consulting Engineer

The regular meeting of the Town of Philipstown Conservation advisory Council was held on the above date at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The meeting was called to order by CAC Acting Chairperson Andrew Galler at 7:36PM.

Applicant: Bunzel  
Representative: Laurence Belluscio  
Tax Lot: 90.1.1-4  
Permitting Authority: Wetlands Inspector

Mr. Belluscio summarized the project:

- (a) Construction of a tennis court within the 100-foot wetland buffer zone.
- (b) This project is similar to one submitted and approved last year or the year before for a swimming pool, because there's no alternate location for the tennis court.

Mr. Belluscio said that if the applicant "came today and wanted to build a house here, I'm sure it would have been denied, but he's there, it exists, and he can't get a tennis court there without moving into the buffer.

CAC Member Kingsley said that the proposed project site should be restaked and flagged, because the existing ones are old and, in some places nonexistent, making it impossible to be sure that the proposed location is not within the wetland itself. He also noted that there several huge trees that would have to be removed.

CAC Member Galezo said that, based on the existing staking/flagging, the project appeared to be touching the wetland itself, and that this made up-to-date flags/stakes very important. He said that he did not think it would be possible to construct the court without disturbing the wetland itself.

WI Klotzle said that rotating the tennis court and moving it toward the septic -- which it appears could be done without 'doing any disservice to the field' -- would impinge upon the wetland less than the currently proposed location.

Acting Chairperson Galler said a grass court would be more environmentally friendly than a paved on.

Mr. Belluscio said that the applicant wanted a paved court.

CAC Member Lind asked whether anyone knew about the leaching properties of new asphalt, since the proposed site is so very close to the wetland.

Mr. Belluscio said that the court would be slightly pitched to shed water. He added that roads/driveways are built next to wetlands.

CAC Member Kingsley said that roads are a necessity but a tennis court is not.

Mr. Belluscio said there was a material, Hard-True, which might be more environmentally appropriate, and that he would investigate this possibility.

Acting Chair Galler asked Mr. Belluscio whether his client would consider a clay court.

Mr. Belluscio said that he thought Hard-True is the U.S. Open standard, and is more porous than asphalt and easier to maintain than clay.

Acting Chair Galler asked how much fill would have to be brought in, because he was concerned about the possibility that the fill would contain invasive species.

Mr. Lind said the wetland looked very pristine.

Mr. Belluscio said he could use washed stone and would discuss alternate surfaces with the tennis-court contractor.

CAC Member Lind said he thought if there were no alternative to asphalt, it's probably most environmentally damaging when it's new but that eventually the oily residue rinses out.

WI Klotzle said that painting would seal the top of the court and that while it's not great for oil to go into a wetland, it's not the worst thing because it biodegrades.

CAC Member Galezo said hay bales or coir logs might be emplaced while the tennis court was new..

WI Klotzle said that a non-asphalt surface would be environmentally kinder than asphalt.

Acting Chair Galler said that a drainage plan that would direct drainage away from the wetland should be considered.

Several CAC members and Mr. Belluscio discussed whether drainage into the wetland could be limited with a drainage plan.

Mr. Belluscio asked whether the following items were what the CAC was looking for:

- Drainage plan.
- Pitching of the tennis court.
- Consideration of non-asphalt surface.
- Restaking.

CAC Member Martin said she wanted to visit the site because the potential for environmental damage concerned her.

CAC Member Kingsley asked whether the proposed tennis court will be higher than the wetland buffer.

Mr. Belluscio said it would be a little higher than the surrounding ground.

CAC Member Sussmeier asked WI Klotzle's opinion re the advisability of a porous tennis-court surface.

WI Klotzle replied that a porous surface would be better.

Acting CAC Chair Galler said that a platform court might be another acceptable alternative, although it's more expensive.

Mr Belluscio said that such a raised court is not used for olympic-style tennis.

Mr. Galler said that he thought all possible options ought be considered and that a raised court would have less environmental impace.

Mr. Belluscio said he wasn't sure a raised court would be environmentally any better, because runoff still would be a problem.

WI Klotzle observed that, given the court's proposed location, he saw no way to keep runoff out of the wetland.

Acting Chair Galler said the CAC wanted:

- Consideration of alternate surfaces.
- Consideration of rotating the court away from the wetland.
- Staking/flagging of the proposed location.
- Consideration of moving the court closer to the house.
- Use of wire-backed silt fencing during construction.
- Plantings in the space between the court and the wetland.
- Construction narrative on the drawing.
- Consideration of a raised court.

The matter is to be considered again at next month's meeting.

Applicant: Kaiser

Tax Lot: 17.2.76-78

Representative:

Permitting Authority: Wetlands Inspector

The applicant's representative noted that the application is not complete. Therefore it is to be considered at next month's meeting.

Applicant: Rossouw

Tax Lot: 90.8.2-6

Representatives: Laurence Belluscio

Permitting Authority: Wetlands Inspector

Mr. Belluscio describe the project:

- 1-acre lot in Continental Village.
- Stream bisects the property.
- Because of the small lot-size and the stream location, the septic would have to be within the stream buffer.
- Piping the stream is being proposed in order to satisfy the County Board of Health's setback requirements for the septic system.

WI Klotzle noted that the site is downstream from the Gainer/Segarra site and that he believed that the stream is perennial and has an associated wetland of about 1/8 acre.

CAC Member Kingsley asked whether Mr. Belluscio was proposing to pipe the entire stream.

Mr. Belluscio said that most of it would be piped.

CAC Member Sussmeier asked for clarification regarding the need to pipe the stream.

Mr. Belluscio said piping was needed because the stream was too close to the septic system, which needed to be 100 feet from a free-running stream. Piping is a Board of Health-approved way to protect the stream.

CAC Member Kingsley asked what the pitch is from the parking area to the stream.

Mr. Belluscio said the pitch is 10 percent.

CAC Member Lind asked the length of the stream for which piping is proposed.

Mr. Belluscio said 120 feet.

Acting Chair Galler asked whether the road on the map is town or private.

Mr. Belluscio said that it's a town road and that town permission would therefore be needed.

Acting Chair Galler said he would like to make a site visit; that he was not thrilled by 120 feet of piping, and that the proposed construction should be staked.

CAC Member Lind asked if -- when a septic is located so close to a stream -- the County Health Department requires that it's design to be altered/enhanced to better protect the stream; e.g., with a clay berm

Mr. Belluscio said that if they felt there might be a problem, they would make such a stipulation but that he no such a requirement had been made in this case at this time.

Acting Chair Galler asked whether Board of Health approval for the septic had been granted yet.

Mr. Belluscio said it hadn't been made yet, and was in part dependent upon a Wetland permit's having been granted.

The matter will be considered again at next month's meeting.

Applicant: George

Tax Lot: 71.-2.31

Representative:

Permitting Authority: Wetlands Inspector

Ms. George reviewed her application for a kitchen extension to a house located in the 100-foot buffer of a seasonal stream. She noted that items requested by the CAC at its

previous meeting had been provided, except for the list of adjoiningers, which she had forgotten. She added that there was no alternative to the extension's proposed location.

CAC Member Lind asked what the stream looks like after a storm.

Ms. George said she'd been in the house during storm and that the stream doesn't overflow.

CAC Member Lind asked whether this meant that the proposed extension would not be at risk during and after a storm.

Ms. George responded that it wouldn't.

WI Klotzle said he had no problem with the project because the extension would be significantly away from seasonal stream which, anyway, was above the location of the proposed construction.

Acting CAC Chair Galler said he thought a construction narrative should be supplied.

WI Klotzle agreed and added that the permit would specify that siding be removed from the site asap and that wire-backed silt fence be erected to protect the stream during construction.

Acting Chair Galler asked for a motion to approve the application.

CAC Member Lind so moved. [Inaudible] seconded.

The CAC voted unanimously to approve the application.

Applicant: WB Phillipstown LLC/Quarry Pond Road

Tax Lot: 16-1-38

Representative:

Permitting Authority: Planning Board

WI Klotzle noted that:

- The area of the project about which the Planning Board requested CAC input would intrude on Clove Creek wetland buffer, but that the proposed area is on the other side of the ridge from Clove Creek and wouldn't impinge on the Creek again
- One or two edges of septic fields would intrude into the buffer but that there is a 40-50 foot rise in elevation between the septic fields and Clove Creek; that therefore the creek would be protected; that the septic fields are outside the buffer.

CAC Member Lind said the map is not unclear.

Acting Chair Galler agreed but that it seemed that some of the construction would be in the 100-foot buffer.

[Because of repeated map/paper rustling and a cassette-recorder malfunction, the details of the meeting were not fully recorded.]

CAC Member Lind added that the Southeast corner of the project is particularly problematic and listed the following items as requirement before the CAC could render an opinion:

- Provision of a legible map, with sufficient detail to clearly show the project's impact on the buffer.
- CAC site visit in the company of the project engineer.
- Extreme environmental sensitivity of the slope behind the berm.
- Possibility of relocating one part of the project to move it out of the buffer.
- Septic expansion areas are not noted on the map and should be added to it.
- A profile of the septic is needed in order to see how high they are and the grade.
- Construction narrative detailing how the creek will be protected during construction.

The matter is to be considered at the next CAC meeting.

Applicant: Tyjan Corporation

Tax Lot: 49.4-22

Representatives: Glennon Watson

Permitting Authority: Planning Board

Summarizing the problem, Mr. Watson said that Cold Spring Mirror and Glass (aka Tyjan Corporation) needs to construct safe driveway access off Rte. 9 for large trucks with minimal disturbance to the wetland and the buffer. He emphasized that the site's location creates serious highway safety issues and that this, in turn, means that some wetland disturbance is unavoidable. Mr. Watson said that the configuration shown on the latest map was the fruit of repeated iterations and was the minimal needed for safe entry and exit for 73-foot tractor-trailer trucks as well as for access to the buildings on the property. He added that the plan embodied protracted consultations with the Planning Board and the NYS DOT.

WI Klotzle said that the wetland buffer that would be impinged upon contained mowable plantings.

Mr. Watson agreed, reiterated the serious safety issues involved and said the applicant would undertake any measures recommended by the CAC.

CAC Member Kingsley asked whether stakes were needed to clarify the area to be disturbed.

CAC Member Galezo asked where oil and other materials will drain after a storm.

WI Klotzle said they would drain into the stream.

Mr. Watson said he did not know of a permanent solution to this problem but thought that absorbent fabric and an oil sump could provide a temporary solution.

CAC Member Kingsley said that something should be used to prevent hard-surface runoff.

Mr. Watson said he would be happy to look into possible solutions.

WI Klotzle said that riparian plantings should be used to limit intrusion into the buffer.

CAC Member Kingsley said he would like the road-edge to be staked/flagged in order to provide a clearer picture of how the wetland would be affected.

Applicant: Kim  
Tax Lot: 27.12-1-3  
Representatives: None  
Permitting Authority: Wetlands Inspector

Neither the applicant nor her representative appeared. The matter will be on the June agenda.

Applicant: Flaherty/Percacciolo  
Tax Lot: 27.-8-1-4  
Representatives: None  
Permitting Authority: Wetlands Inspector

Neither of the applicants appeared. The matter will be Listed on the June agenda.

The April minutes were unanimously approved, with minor corrections.

**The Meeting adjourned at 9:45 PM**