

Philipstown Conservation Advisory Committee
Town Hall, 238 Main Street, Cold Spring, New York 10516
August 14, 2007

The CAC held its regular monthly meeting on Tuesday, August 14, 2007 at the Town Hall. The meeting was opened at 7:30 p.m.

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

Eric Lind introduced Christine Muscat as the new Recording Secretary.

Regular Meeting

Gainer/Segarra - 32 Winston Lane - Tax Map No. 90.8-2-9: Request to renew out-of-date permit

Mr. Klotzle stated that the property is down to the steep hill. It has a stream on one side of the lot and the challenge was to get the septic housed at the end of the lot without affecting the stream, which was finally accomplished after at least six or seven times. Mr. Klotzle said that he thought they did it, but the permit lapsed, so he cannot grant her an automatic renewal unless they let him know thirty days in advance. He said that he asked Ms. Segarra to come in and said to her that he did not know what she wanted to do. Mr. Klotzle said that he would have no problem in re-granting the permit, as they did all the work on it. He said that he did not think that anything had changed on the lot since they were there last.

Mr. Kingsley asked if they ever straightened the driveway out.

Mr. Klotzle said no...the only way you could get that driveway in was...

Mr. Kingsley asked if they moved it.

Mr. Klotzle said that they moved it around a number of times and re-balanced it and everything.

Mr. Lind said that he had not seen the site recently, and asked if anything had happened.

Mr. Klotzle said not a thing - it looks just like it did last year.

Mr. Lind said that his feeling was that if they could get the applicant on the agenda, since the plan hadn't changed at all and they approved it last year, there's a chance to kind of...if the committee feels similarly, they could renew it and not delay it any longer.

Ms. Martin said that she went to see it today with Mr. Klotzle . She said that she was not around when it was originally approved so she feels a little behind the current. Ms. Martin said that the driveway bothers her a lot, but she would bow to your...you guys have done a lot of work on this.

Mr. Galler said that he wasn't thrilled by it, but thought the applicant made every effort possible.

Mr. Lind said that he felt it was the best they could do in really tough situation.

Mr. Galler commented (inaudible).

Mr. Lind asked if the Committee members had any further comment.

There were no further comments.

Mr. Klotzle suggested Mr. Lind ask for a vote to grant a new permit exactly the same as the permit that just lapsed. Mr. Galler seconded the vote. The vote was as follows: 6:0.

Mr. Klotzle asked that the applicant let him know when they plan to start. He said to make sure they get in touch with him and not just call and leave a message on his machine or send a letter.

Ms. Segarra asked a question (inaudible).

Mr. Klotzle asked if she had a copy of the Board of Health.

Ms. Segarra said yes.

Mr. Klotzle asked the applicant for a copy of it as he did not want to take the original. He asked her to mail him a copy of it and to make sure it was a clear copy. Mr. Klotzle said again that she needed her or Steve to call him and make sure they get in touch with him five days before they start. He said that he will be away the last week of August.

Ms. Segarra asked if Mr. Klotzle was just going to mail her a new one.

Mr. Klotzle said yes.

William Scherer - 104 East Mountain Road South - Tax Map Number 24.3-5-2: Request to renew out-of-date permit

Mr. Lind asked the applicant to fill the Committee in on when the permit lapsed and where they are.

Mr. Klotzle asked if it lapsed about three weeks ago.

Mr. Scherer said 7/20/7.

Mr. Klotzle said that everything has been going on the project according to (inaudible) and then

a couple of weeks ago when he went over, there was a tremendous amount of silt coming off the site against one of the silt fences where the septic field is eroding down in and it has eroded much more severely since his last visit. Mr. Klotzle said that they were there today and yesterday. He said that they are very concerned about that. Mr. Klotzle said that the applicant was going to have to move the material behind the silt fence and has to put another row of silt fence along there.

Mr. Scherer said that it is going to be handled this weekend, as he has had an eye injury.

Mr. Klotzle said he wanted the silt fence right up by the road on either side.

Mr. Scherer said that he wanted to show the map and describe...he knew a "u" was mentioned to him, but he wanted to make sure.

Mr. Klotzle said yes, he needed to come around the septic material and up on to the high side, so that no silt can possibly run around it - even though he is now outside the buffer zone. Mr. Klotzle said since he can see that is going to run inside the buffer zone and come into his jurisdiction anyway, that is what he's going to require. He said to double the fence up where it is taking that heavy load of silt as well as removing the silt from the fence. Mr. Klotzle said that it is going to be metal wire backed silt fence. He said that if the Committee votes to give him a new permit on this, he won't give it until he sees that work starting. Mr. Klotzle said that he will be around next week.

Mr. Scherer said that he'll give Mr. Klotzle a call on Monday.

Mr. Galler asked the applicant to show on the map where the problem is.

The applicant and Mr. Klotzle did so.

Mr. Klotzle said that there were reports of silt getting into Clove Creek and there is silt in Clove Creek and it has nothing to do with the applicant's site. It's that there are four or five cuts uphill from his site off of the road where water coming down the road has run off into the Creek. Mr. Klotzle explained to the applicant exactly where to place the silt fencing.

Mr. Lind said that they had discussed the quarry/cory logs behind it because it is very rocky, so they're going to have to bury it.

Mr. Klotzle said that in several places, you can't bury the silt fence. You may have to use the coconut fiber logs. He said that you would only need four or five core logs as far as he could see.

Mr. Galler asked if the applicant had laid the pipes yet in the septic field.

Mr. Scherer said no. He said that it was before the winter so...

Mr. Galler said, so he put in over two and a half feet of fill.

Mr. Scherer said yes.

Mr. Klotzle said that he had suggested that it be seeded and mulched with straw.

Mr. Galler said that it would help because there's been so much rain.

Ms. Martin said that she was wondering if there was any sort of a permanent fix for erosion at this point. She asked if planting was the solution or if there would be some sort of a barrier put in that would be more permanent.

Mr. Galler asked how steep the grade was.

Mr. Klotzle said on the field, it is a fairly gentle grade.

Ms. Martin said, but it drops off.

Mr. Klotzle agreed and said that it drops in two directions - it runs parallel to the stream and also somewhat toward immediately perpendicular to the stream.

Mr. Scherer said that eventually, they're going to bring in four inches of topsoil after the approvals are put in and the whole thing will be seeded with (inaudible).

Mr. Galler said, so the fill and the (inaudible) is in.

Mr. Scherer said that there is a clay barrier wrapped around the bottom as well.

Mr. Galler said that he didn't know if that was an issue of it not being seeded.

Mr. Klotzle said that he didn't know if the Health Department had a problem with that or not. He said that the applicant could ask.

Mr. Scherer said that he could always give them a call.

Mr. Klotzle said that the applicant had two rows of silt fences and thought he should be alright, along with trying to stabilize the fill for the septic.

Mr. Lind said that the Committee's decision to make now is if they issue the renewal and actually formally give (inaudible) that they've just discussed or hold off on the renewal and the vote until the work takes place. He asked for comment from the Committee.

Mr. Donovan asked the applicant if he would be "hurt" if the committee held off on the vote

until the work is done.

Mr. Scherer said that again, it would be done this weekend unless they have torrential downpours.

Mr. Galler asked if the applicant was almost done with the required settling period on the (inaudible) for the County.

Mr. Scherer said that he believed it is. He said that he thought it was six months.

Mr. Galler said, so he's basically past that.

The applicant said yes. He said that he was basically probably going to come back with a machine in the next two months - probably the end of September.

Mr. Lind asked the Committee again if it wanted to vote for a renewal tonight and is satisfied that the work is underway.

Mr. Galler made a motion to that. Mr. Kingsley seconded the vote. The vote was as follows: 6:0.

Mr. Lind asked the applicant if he needed a list of what was discussed.

Mr. Scherer said no - he was pretty clear now.

Rossouw - 15 Ox Yoke Road, Garrison - Tax Map Number 90.8.2-6: New application

Mr. Rossouw asked if Larry submitted the new plans to the Town.

Mr. Klotzle said that he received them, but too late to pass them around to everybody. He distributed copies to the Committee members. Mr. Klotzle asked the applicant if the proposal was to move the stream.

Mr. Rossouw said correct.

Mr. Klotzle said that he spoke with the applicant's engineer. The proposal was to move the stream so that the stream itself was more than 100 feet away from the septic, the applicant, with the obligation of having to pipe the stream for the Health Department.

Mr. Lind said that there were two issues on the particular plan. One was the location of the stream and also on the other end, he thought the expansion area of the septic was very close to some wet soils at the shoulder of the road.

Mr. Rossouw said that issue he'd solve with the neighbor. He said that he directed water way up on the hill because he had a depression in his lawn and it creates problems. The applicant said

that the issue was solved.

Mr. Lind suggested looking at the stream first - the new plans and the change of the stream and then would talk more about the location of the septic. He asked if Mr. Belluscio relocated the stream.

Mr. Rossouw said right. He said that right now, the work can be done - it is not running now. There is no water there, so it would be very easy to do right now.

Mr. Klotzle said that he and Ms. Martin were there today and there is water in the stream.

Mr. Rossouw said damp.

Mr. Klotzle said that you couldn't flow a canoe down there but it was trickling along. He said that it was running.

Mr. Kingsley asked what the grade/pitch was and if Mr. Klotzle saw it.

Mr. Klotzle said that he spoke to the engineer and asked him questions like pitch, estimated flow and what the ground is like - was there ledge there, because you can see the map calls out ledge in a number of locations and in relocating the stream, to what effort would they have to get down to get a new stream channel, and Larry didn't seem to know.

Mr. Rossouw said that the stream is very shallow. There's hardly any depression there. He said that if the CAC wanted him to move it over, he was sure there wouldn't be a problem. Mr. Rossouw said that there is enough dirt above the ledge to get it in.

Mr. Klotzle said that he didn't think the channel would work quite the way it's drawn and he thought it could be worked with, but they would want to know what the nature of the stream that would be once it's relocated.

Mr. Rossouw asked if he was referring to the base of the stream.

Mr. Klotzle said yes.

Mr. Rossouw said that he discussed it with Larry and he suggested putting some new rocks on it to slow the water down.

Mr. Galler said there are two ways to look at the moving of the stream bed. It needs to be looked at from an engineering standpoint as well as someone that does habitat assessment to see if it's being used by wildlife and is still viable.

The applicant said that down the road someone is going to create a three bedroom house anyway and he thinks that should be taken into consideration.

Mr. Galler said that he didn't think that anyone was arguing that. He said that he was saying that he thought they needed an engineering assessment. Mr. Galler said that he did not think it was a big deal - someone looking at the viability of this being a wildlife corridor and what can be done if the stream is moved to make sure it's still a viable (inaudible).

The applicant asked what qualified as a wildlife corridor.

Mr. Galler said that intermittent streams have a great value. It is more than just a drainage channel. He said that an engineer is going to look at it as a drainage channel handling the watershed. Somebody who's doing habitat assessment is going to look at what is the best way to mitigate the removal of this existing streambed and try to replicate something that would be usable by wildlife.

Mr. Rossouw said that as he said, the stream is barely a depression with rocks on it.

Mr. Klotzle said, but it isn't up in back and he knows it from where it comes off the road - Winston Lane. He said that he's seen it when there's quite a bit of water flowing through it and he's seen it like today when it's almost drying out.

Mr. Donovan asked how far the stream was being proposed to move.

The applicant said maybe fifty feet or so.

Mr. Galler said that they're moving the stream about fifty feet.

The applicant said that whatever the CAC wants him to build in the streambed, he will build.

Mr. Donovan said that he thought that was the best possible suggestion considering how wet it was. He said that he did not know what the applicant's experience was with the kind of novel approach. Mr. Donovan said that it gives him more space to do the work.

Ms. Martin said that the septic is completely out of the buffer in this proposal.

Mr. Galler said as well as they now have an open stream rather than something that's closed, which he thought from a maintenance standpoint is a nightmare for a homeowner.

The applicant asked what the CAC would suggest he do.

Mr. Galler said that he thought he could speak for everybody when he said that they are happy with this, but are asking for basically two assessments - Larry to just to an engineering and probably mark this out to make sure it will work and then get a habitat consultant who will make sure that it works.

The applicant said that he could move the stone with a backhoe, but if you bury the stones fifty percent below grade, the water is not going to move.

Mr. Klotzle said that Mr. Donovan's saying that what exists right now is what's called glacial till and that is large and small boulders that are locked in there.

The applicant said that the CAC wants the water slowed down.

Mr. Donovan said that he thought it ran pretty hard.

Mr. Klotzle agreed.

The applicant said that he could replicate the stream.

Mr. Klotzle said that he is going to need some kind of specialist in wildlife biology of some sort to go in the stream corridor that is going to be able to come in and say, "yes, this man can do it on the backhoe and this is how he should do it", because the applicant doesn't have that expertise.

The applicant said that again, he can replicate a streambed and he will make the CAC happy.

Mr. Klotzle said that he thought everyone was saying that they are going to ask the applicant to have someone that's certified one way or another who can do this.

Mr. Lind said that they are going to need to be sure that the new streambed can accommodate stormwater after heavy rains, perhaps a native planting scheme, etc.

The applicant said that he will make a list. He said that he will do what they are asking, but didn't see why he would have to hire an expert for something as simple as that - unless (inaudible) delay and waiting for winter.

The CAC members said that they did not think that was the idea at all, but rather wanted their concerns addressed.

The applicant said that it is not rocket science - there's a streambed, he'll make it. This is what he'll replicate.

Ms. Martin said that she thought it was more sensitive than that if you consider the wildlife.

The applicant said that there is no wildlife there - no fish, no frogs.

Mr. Klotzle said that there are other kinds of wildlife that people are talking about - not deer. Vertebrate and invertebrate life in the stream.

The applicant said there is no wildlife in the stream.

Mr. Donovan said he thought their idea works.

Mr. Klotzle said he is not an expert but there are people whose opinion I would value in talking about that, there is a lot of information on that on relocating streams and things like that. DEC has some information.

Ms. Martin asked if there is anyone we can recommend?

Mr. Klotzle said not off the top of my head specifically, maybe people like Priano and people like that.

The applicant said that he knew the people of the DEC really well.

Mr. Klotzle said he didn't believe the DEC would care at all. One of the reasons we're being cautious about this too is because if the drainage goes into Cortland Lake which has enough problems and we don't want to give it any more. I doubt the DEC has anything to do with it either, unless there's a trout in there or something.

Mr. Klotzle said to the applicant to have Larry call him about it next week before he goes away.

Mr. Lind said that he had one more idea about the stream. He asked if it would be any better/worse if they left the pipe idea and had a Wetlands mitigation work of some size at the inlet of the pipe, so they would regain the habitat lost from the piping in a small wetlands recreation (pointed out on plan) instead of re-routing the stream. Mr. Lind asked if that would be something worth exploring.

Ms. Martin said that she worried about the maintenance issues about that pipe.

Mr. Galler said as well as the septic field in the buffer.

Mr. Klotzle said that he could tell the members how much it is per acre to develop new wetlands.

Mr. Lind said there is another issue that he thought needed to be discussed and that would be at the opposite end and I know the source of the water from your neighbors' property, I'm familiar with that so we don't need to discuss that but what we do need to discuss is this very short distance of septic trenches to surface water. That to me is really close so this, the drainage, needs to be addressed. This distance here is much too close for me to be comfortable.

The applicant asked how does the CAC suggest he do that.

Mr. Lind said he did not know and asked the applicant if he had the perc test done here.

The applicant asked what did Mr. Lind mean, Larry did the perc test.

Mr. Lind said the expansion area.

Mr Klotzle said it was Sean O'Connor and Ms. Martin agreed.

Mr. Klotzle said these triangles and circles are percs and deep holes. There isn't one in the area that Eric was just talking about.

The applicant said the Health Department require that you can fill when you do a (inaudible) up that you can bring your bank on there. That conforms with the Health Department requirements. You the CAC members are saying that the water that comes down there right now on the left hand side of the property is what concerns you.

Mr. Lind said the distance between that and the surface water concerns me because let's just say there is a flood advance and this water backs up and you've got septic here, that's going to short circuit the treatment aspect....it's going to contact surface water...it's too close.

The applicant said but if the Health Department requires I bring whenever, twenty five years down the road, when the septic system is expanded you bring a background and you look to it two or three feet and it's not a problem.

Mr. Galler said what do you mean when the septic system is expanded.

The applicant said well when the septic system dies, but you can put a septic system in the same spot for a thousand years or if it's contaminated, two inches of dirt, you can dig it out, it's clean dirt, you can put it in the same spot.

Mr. Lind said but the fluid needs a certain necessary depth below the field that treats the....

The applicant said yes but when the septic system has died if two inches of soil around the trench and once that is dug out, you have a brand new septic system again, so the expansion area, if it's ever going to be utilized is way down the road - if ever.

Mr. Lind asked if he was saying the trench is really going to end up down there.

The applicant said it will end up down there but...(did not finish sentence)

Mr. Galler said it's a septic field minus the heights, I don't know if I necessarily agree or disagree with the whole theory of the expansion area, but the idea is if the system gets super saturated that you have the expansion area, that you can lay pipes in immediately where these people are living in a house within days have a septic field versus yes, you can rebuild one that's super saturated most of the time, but it's a lot more timely. So that's the few behind it, the disadvantage is it's more space that's being disturbed.

The applicant said the solids that go into the water that contaminates the water and seals it, that's when it dies and then you dig about two inches of dirt down out around the edge of the septic system and it is fine.

Mr. Lind said that there is no soil test down there so they don't know the condition of the ability of the soil to do the work.

Mr. Galler said that he thought it was a fair question to ask Larry.

Mr. Lind agreed that maybe that is what to do.

The applicant said I can stick to the plan without moving the stream and get a two bedroom house. He asked if that was the idea. The applicant said that it is pre-approved lot.

Mr. Klotzle said no that is not the idea because his septic is still going to be one hundred feet away from the stream if he doesn't move it and the Board of Health is still going to require he put it in the pipe and the CAC is saying they'd rather it not be put in a pipe.

Mr. Galler said that he thought the applicant was almost there - there are a few little odds and ends, and the CAC is asking to make sure the i's are dotted to make sure everything is fine.

The applicant said that he would take a two-bedroom house and be done - it is too much of a hassle. He said that this is not America - it was not built like this.

Mr. Galler said that in his opinion was that this type of attitude makes them feel the applicant is not going to comply.

The applicant said that he was, but if he could get a two-bedroom house (did not finish sentence).

Mr. Galler said that they are there to try to protect the well-being of the public as a whole. He said that he did not think they were asking a lot.

The applicant said again that he would comply. He said that rather than go through the ringer, he'd build a two-bedroom house and be done with it. The applicant said, go with the original plans as Larry drew it up. Those are his options. The applicant asked the CAC if they wouldn't ask the same questions.

Mr. Galler said the original plan that was drawn up was probably not permitted.

The applicant said it's original sub-division.

Mr. Galler said the applicant would have to get a wetlands permit and this is the process.

Mr Lind agreed with Mr. Galler and explained to the applicant that the CAC does this every month with every plan, there are long discussions, Wanda was here six or seven times. This is the process now and he knows this is difficult.

The applicant said he is not trying to make a fortune - he just wants a house to live in.

Mr. Lind said and we are trying to do it the right way for the protection of the wetlands.

The applicant said there are no wildlife there, there is a trickle there, the septic system is on the slope, the slope is away from the stream - it is not going to contaminate anything, the leak is a problem because once in a while the (inaudible) in the lake drops to zero, there are a thousand septic systems ten feet away from the lake, but this is not going to cause a problem - it is too far away.

Mr. Klotzle said why doesn't the applicant have Larry talk to him and Mr. Klotzle said he would summarize what the CAC said and we'll see what we can work out.

Mr. Klotzle said if Larry is around have him call him tomorrow or the next day.

Ethan Ruby-46-59 Horton Road-Tax Map #17-1-66 - Request to amend permit

Ted Barns (speaking for the applicant) said we got the wetlands permit and based upon not having to move the septic system, we want to put an addition in and we were told where the septic was. The wetlands permit was the first permit we got. He said that the Board of Health was requiring them to dig up the leeching fields to make sure they can put the new tank in and tie into the existing system that's there now. He said that it was pretty cut and dry. Mr. Barns said that the tank was where they put the new addition, but they actually never found the tank - there were some remnants of some metal in the ground and that was it. There was never a tank there. He said that when they dig this up, they could find another tank - it was supposedly put in around thirty years ago. But they are proposing to put in a new tank no matter what as long as we can tie into the leeching fields. He said that they are right there on that hundred foot buffer zone and they want...the CAC gave them a permit with those stipulations that they did dig the driveway up and now they are going to dig some of it up, even though they are outside the buffer zone.

Mr. Ruby said that he told them they had to do that because the Board of Health has now told them, "look, if you want our stamp, you gotta do it".

Mr. Lind thanked the applicant and said that the information helps make the process work.

The applicant said that he'd like to make sure that everything stays as pristine as possible.

Mr. Lind said that he did not know if the Health Department discussed the drive...(did not finish

sentence).

Mr. Klotzle said that it may be under what the drive is now, so their hope is that the drive will be moved if this is where the septic field is because trafficking on a septic field as he recalled is a no-no.

The applicant said exactly. He said that was one of the things John had talked about from Badey&Watson - that being that they've already built the addition, (pointed out the garage) and there is no other way to put a garage entrance for him to be able to get in and out of the house during the winter. They had originally planned on using the septic system that was there - they fulfilled all those obligations, but when it came time to get their permit, it was like "now you have to come back and dig it up". He said that as far as they can tell it is a leeching field, however, the way the grade is around the property, they start treading on that whole taboo of the fifteen percent grade creeping in encroaching into all the wetlands, which they don't want to do. It was one of the reasons John put the tank on the outside of the driveway. He said that he guessed from the Board of Health's point of view, they said that as long as the field lines were good, they were content.

Mr. Klotzle asked, even with the driveway going over it?

The applicant said yes.

Mr. Klotzle asked, even if it's an active driveway?

The applicant said yes. He said that their concern was that they had to make sure they were working, there was air, and if they are, they required them to put in the new concrete tank on the outside of the driveway and that would be it.

Mr. Klotzle said that he thought it was a Board of Health problem and not their problem. He said that all they'd ask is to make sure the silt fencing protects any work they do there. The applicant said that the original silt fence is still in tact. He said that they wanted to make sure when they started digging this up...he knows on here (plan), it says it is a gravel drive. He said that it is gravel, but there's actually an asphalt below it, but only in parts. The applicant said that he knows from when they dig up all the way to the addition, they're going to put in a stone, so that when any water...it does an act of filtration versus being force fed to the house or being diverted to the stream.

Mr. Klotzle said that he didn't even think this requires an amendment then. He said that he thought they were alright - everything is going to stay outside the one hundred foot buffer and he wasn't going to amend the permit to give them permission to do something that he has no right to give them permission to do. Mr. Klotzle said to let the Board of Health do it.

One of the Committee Members asked, "even with them digging up that driveway?"

Mr. Klotzle said as long as they're not going passed the buffer. He said that if they're going to go inside the buffer...

The applicant said that the original digging is going to be just inside the buffer when they start to dig up that driveway.

Mr. Klotzle asked if he meant they were going to dig it up from the garage out.

Mr. Galler suggested putting extra small piece of silt fencing on both sides.

Mr. Klotzle said alright so I'll amend it to say that.

The applicant asked if the CAC meant a small fence in front of the addition?

Mr. Galler said no here off to the side (pointing to plan).

The applicant said it was uphill, a gentle slope to pool area. He doesn't have a problem putting the silt fence up and that is not an issue if that will make everyone happy.

Mr. Lind said that the current fencing is really in good shape.

Mr. Klotzle said so the CAC agree to his amending it and he will amend it and send it to the applicant in a few days.

Donald Heinze - 2 Ferris Drive - Tax Map # 90-8,2,11 - New Application

Mr. Klotzle said that the applicant's was a violation that was reported to him from the Building Department a while back. It is a matter of placing fill next to an intermittent stream. Mr. Klotzle said that it was not flowing today (when they were out there). He said that of the three times he was there, twice it was flowing and once it was not. Mr. Klotzle said that when he got in touch with Mr. Heinze, he went right down and put up silt fence by the stream. He said that he wanted to bring the (inaudible) up to grade, but not up to grade with the house, but up to the grade that it is near the house.

Mr. Heinze agreed. He said that there is no lawn - everything is rock. He said that he just wanted some lawn.

Mr. Klotzle said that he explained to the applicant what he needed to do and he was quite concerned about getting a surveying map done by an engineer and the cost. He has a violation on the property. Mr. Klotzle asked if the applicant wanted to re-finance.

Mr. Heinze said yes.

Mr. Klotzle said that he couldn't move on the property if he violates it. He said that there is a lot

of work to do to get permit. It would be a minor permit if the CAC voted for Mr. Klotzle to grant it, but it is still something that has to be done with some exactness - in terms of the stream. Mr. Klotzle said that it is not that minor - too many yards of fill have been moved. We have a couple of little loop holes in the law where you can do a little filling for a driveway for example next to but not in a wetland. I think it is five yards of fill or something and I think you're way past that. It's hard to tell where you're work started and you're dads' work stopped.

Mr. Heinze agreed.

Mr. Klotzle said the CAC would want some kind of a plan a little better than this that shows how you are going to protect the stream from anything running into it from the fill that you are going to put in because you are eventually going to want to put top soil on it and that is the easiest to erode into the stream and we want to protect the stream and the lake in Continental Village.

Mr. Heinze said it was suggested to him to put in rock on the side.

Mr. Klotzle said yes. Large pieces of rock.

Mr. Heinze said he would do whatever is recommended. And that he had no idea what was going to be something like this.

Mr. Lind said they will work with Mr. Heinze and get it figured out. Mr. Lind said he had a very poor understanding of the drainage, he referred to the plan, and pointed to a specific location and stated, there was a swale.

Mr. Heinze pointed to a location and stated that it is where the actual pipe is, the person next to him had put fill in here and actually altered the course of the stream and diverted fill down to his property a little bit.

Mr. Lind asked if it was running now.

Mr. Klotzle said that it was running the first two times he had visited it and not running the last two times. When it does run (after heavy rain) it runs along the side of the side of the road for a while and then it comes down for a couple of yards further up.

Mr. Heinze said that then there is a pipe under the road and that is where it comes out of. It's very overgrown and hard to see.

Mr. Lind said so the main thing is that we wouldn't want to effect the hydrology.

Mr. Klotzle said to let it do what it is doing,

Mr. Lind said it didn't look as if there was any wildlife in there.

Mr. Klotzle said there are some wetland shrubs that grow in along there. He said that he didn't see any cabbage. He thought he saw some touch-me-nots, etc., other plants that grow kind of in damp, but not necessarily wet areas.

The applicant said that it is not really a very active thing as far as he's concerned. He said that he did not know where it originates from either as he did not know where the pipe goes to on the other side of the street.

Mr. Klotzle said that he would like it done intelligently to fill the side of the embankment with large pieces of rock before any more material is put in. Then when the fill is put in, it needs to come to grade with the rock and not above the grade of the rock. Mr. Klotzle said that then he's going to need to seed and mulch. He said that September is a good time for planting. Mr. Klotzle said that he basically didn't have any problem with it, except the violation of the law and that he does it under a permit and he inspects it through the various stages.

Mr. Lind said that there was a lot of broken asphalt that was used as fill and he was curious about the information Mr. Klotzle had on it.

Mr. Klotzle said that he did not bring it as he forgot to get it today.

Mr. Lind said that it is an oil-based product and is laying right there. He was curious on other people's thoughts.

Mr. Donovan asked what kind of fill it was.

The applicant said that there's cement, bricks, stone, dirt.

Mr. Donovan said it's construction fill.

There was some discussion between the Committee members as to what to do. One of the members (inaudible) suggested to put an application in.

Mr. Klotzle asked the applicant if he came to the Town Hall as he had asked him to and pick up the paper work.

The applicant said that he did.

The papers were retrieved downstairs and circulated to all CAC members

Mr. Lind said that they will see him at the next meeting.

Discussion of Open Space Inventory

Ms. Martin said that they met last Tuesday. It was Ms Martin, Mr. Galler and Mr. Galezo. They

met with Marla at the Land Trust Office and basically (inaudible) the open areas.

Mr. Klotzle said a new green file will be made.

Ms. Martin presented a bigger version of the map - Ms. Martin said they actually got a lot accomplished. They worked through a preliminary prioritization of the areas that we had already worked on together. The (inaudible) areas that are listed in the legend. Ms. Martin was not sure if it was a natural resource (inaudible).

Mr. Galler said what they tried to do was file, the left would be level A and the right would be level B and would try to do a way of adding a path to a somewhat lesser extent to restore a recreational value to the path, also what is to pass the brook.

Mr. Klotzle (pointing to map), said this column is with higher priority than this column.

Mr. Galler said that is right, and Lake Valhalla.

Ms. Martin said it starts from top to bottom.

Mr. Galler agreed, and said so perhaps the sheer side is of higher priority.

Ms. Martin said there is correspondent open areas inventory that will help the committee that basically gives us under the characteristic summary of each of these areas and that's also a priority based on their two phase meeting. That can be looked at as well and see the rationale used.

Mr. Donovan mentioned the Appalachian Trail. Mr. Donovan said he knew the trail and asked if where Old West Point Road is part of the land Ms. Martin is talking about. Between route 9D.

Ms. Martin said that does traverse 403 and 9.

Mr. Klotzle said the idea behind that was not so much the Appalachian Trail as much as providing a wildlife corridor.

Ms. Martin said they tried to accomplish that as much as they could connecting the bigger sections of open space.

Mr. Donovan asked about the golf course and if it was the Garrison golf club.

Ms. Martin said yes.

Mr. Donovan commented that he thought that was also a plan developing district, and if that is correct?

Ms. Martin said it made the top ten.

Mr. Donovan again said it is a plan developing district though.

Ms. Martin said yes it is.

Mr. Galler said yes that was partially a mile away from that (inaudible) column B (inaudible) from where people are playing golf.

Mr. Donovan said right its already (inaudible).

Mr. Klotzle said no, maybe Mr. Shea can speak about that. Mr. Klotzle added it was in the plan development but that he wasn't sure if it was done before the Garrison Golf course (inaudible) and Mr. Klotzle wasn't sure if it was part of a trade off.

Mr. Shea said he didn't think it was a trade off but right now there is nothing proposed for that area but Mr. Shea said he was not saying that it would be brought up again in the future or not.

Mr. Klotzle said he had brought the same question up and thought there were alot of areas around it that meaning outside of the planning development district within the golf course.

Ms. Martin said when you look at the current use it has significant recreational use for the community, as a golf course it provides a certain level of community character rather than it being a condo complex.

Mr. Shea said he has a hard time wrapping his mind around the idea of a golf course being a natural or passive use area. They're exclusion area just by their nature, you meet the member, the people there and if you are not playing golf there, you cannot just go strolling in the golf course or hike etc. Mr. Shea also said he was not just singling out golf courses. That being said one of the goals is to help large institutional land holders that maintain some open space, so there is some considerations on both sides.

Mr. Klotzle said the discussion can continue at the next meeting.

Mr. Donovan agreed, and added it would allow more time for (inaudible) to take a look at it.

Mr. Shea said yes this needs serious consideration. Mr. Shea also said he has not seen the revised list and asked if it was before the rain change was made.

A member said if not prior it wasa couple of additions to it.

Mr. Galler agreed and added that for instance, the Beacon (inaudible) reservoir that was not on it, the fresh air fund was not on it. He thought those were the two big ones that were not on it. Mr.

Galler said he thought the (inaudible) trail may have been on it.

Ms. Martin thought that was on it and added at least it was on the time before.

Mr. Galler mentioned (inaudible) really look to up the drive and Ridge Road where we fill with multiple rocks.

Ms. Martin said they added that fairly early in the workshops, and believed it was at the first workshop.

Mr. Shea said that something else that needs to be resolved is.. one of the large institutional landholders that came to the floor during some of the discussions when the comprehensive plan was being finalized was Surprise Lake camp.

Mr. Kingsley said yes was Surprise Lake camp interesting.

Mr. Shea said that is a considerable piece of land and a big watershed through there.

Mr. Galler said the reason it did not come up is because they were under the impression that recent conservation was recently protected and the majority of the camp and other lands had been sold off to the state.

Mr. Kingsley said that was true it was a big transaction.

Mr. Shea said okay.

Mr. Kingsley and Mr.Galler agreed it would be worth checking into.

Mr. Shea said there is always a chance that it could be on the cusp of falling into the hands of the developer.

Mr. Galler said that Graymoor ended up moving way up the list particularly where they are located, they have access to the New York City aqueduct.

Ms. Martin said in the beginning of the discussion they started much further down as we talked about it we moved them further up in terms of interest to the town.

Mr. Shea said again what's left of Surprise Lake Camp, but there is that corridor there.

Ms. Martin said she would find out what the disposition is of that right now.

Mr. Shea said that it also feeds into the Village of Cold Spring's water supply.

Mr. Galler said that was actually at the lower down, actually very, very low down on the list.

Ms. Martin agreed and said it was at the bottom and was the last on the list.

Mr. Galler continued because we felt that alot of that (inaudible) really needs to be the responsibility of the villages that feed off of it.

Mr. Shea said there will be some discussion between the town folks and the village also in regards to the Divito project because that is still very much in flux because of the right of way. The village has access to them and the fact that if he doesn't actually own that property he can't be included, so there will be some discussion about that area too. The village seemed pretty (inaudible) to have it turn into any aggressive discussion with the property owner - but this position of this old building, it has never been abandoned. Once the group gets this further along it probably would be interesting to have this discussion with the village or to just give them a copy of it and even at this point I can just give a copy to Seth Gallagher as he is always interested in this.

Ms. Martin said if it okay with CAC, she would just e-mail Mr. Shea a copy.

Mr. Shea said that would be great.

Ms. Martin asked if the committee agreed.

The committee agreed.

Mr. Shea said it is an opportunity to start working more closely with the village.

Mr. Klotzle said now is the time to finalize it, really get finished and be sure nothing is missing.

Ms. Martin said if the CAC really wanted to move forward in terms of ratifying it next month we may want to have discussions by e-mail if anyone has comments we can try to sort them out for the next four weeks rather than save them for the next meeting. The Town Council wants to move forward with this.

Mr. Shea said he could maybe bring it to the Wednesday night workshop and move it onto that meeting, maybe as early as October.

Ms. Martin said great.

Mr. Klotz explained the July 2007 meeting minutes would not be discussed at this meeting.

Mr. Shea stated the Inspectors' Report is not on the agenda.

Mr. Klotzle said that was correct. We have a couple of referrals from the Planning Board here

more or less, one is again on this Crane property off of Lane Gate and Mr. Klotzle said he did not get a complete set of minutes, he received one set of minutes. Also we received a communication (Mr. Klotzle did not have with him at the time of this meeting) from the Environmental Protection Agency Wildlife director from New York City regarding some violations in the Town of Philipstown of Army Corps regulations. Mr. Klotzle said that he called Mary Thehan and had a long discussion with her. It seems under current law, the Army Corps seeks to regulate any wetland that drains into anything that drains into anything that drains into a navigable waterway, ie; (inaudible) in the town of Philipstown if it is not a perched wetland and has no outlet. Many of these are covered by what is called a National permit which is an overall cover permit and everything that she saw on her inspection here which Mr. Klotzle guessed had to do with East Mountain Road or East Mountain Road South or both that everything she saw there was minor, she did not find any problem with it in her capacity and felt it was probably already covered in the overall permit. Mr. Klotzle said that she is sending him a copy of that. Mr. Klotzle said he had a huge amount of information he had downloaded as PDFs on the Army Corps regs, the EPA involvement and when Mr. Klotzle had a chance he would ask Tina Merando to print whatever is necessary for the CAC to read. Mr. Klotzle added that Tina Merando would like to do a presentation here. Mr. Klotzle stated that he thought she hit gold and that he could possibly get her into Carmel and then half of Putnam County would be covered. Mr. Klotzle didn't believe there had been an Army Corps permit in Putnam County ever.

Mr. Kingsley asked if the Chief could override anything.

Mr. Klotzle said that he had all the language but when talking with Mary Meehan, she said it would be better for her to come up to explain due to the fact of a lot of double talk that could be explained more easily.

Mr. Donovan asked if encouraging deer hunting was an issue the CAC would handle if such a request was to be made.

Mr. Shea stated the DEC regulates hunting and in order to open properties for hunting, one would need DEC approval.

Mr. Donovan stated that he was looking at it as the CAC being a conservation advisory and hunting as a means of conservation.

Mr. Lind stated the committee has a communication outlet such as a letter to the editor, a newspaper article or something like that - that would be something that the CAC could do. He stated that he did know that the comprehensive plan in the Natural Resources Protection tries to cover that and encourage that.

Mr. Donovan said really.

Mr. Gibbons stated he is on the Board of Directors for the Garrison Fish and Game and at one

point there were over 18,000 acres here in town privately owned and a lot of hunting of the community members particularly in either the Nelsonville Fish and Fur or the Garrison Fish and Game club. That number has been reduced to 800 acres. Two years ago he stated they were able to secure through Fahnstock Park 500 acres to open it up for shotgun hunters on Jacobs' property. A lot of the park was open to turkey hunting with bow and arrow. Westchester is strictly bow and arrow so shotgun is now about 800 acres within the community, plus approximately 500 that was secured. That is not only for Philipstown but is open for anyone from Brooklyn to the Adirondacks can come to Fahnstock and hunt. There is one type of permit that is issued 30 days before the season and said Mr. Lind is correct in that the outdoor portion of the current acreage span does list hunting as one of the priority things that should be looked at. Whatever the CAC can do for the Garrison Fish and Game club for hunting itself would be fantastic. Mr. Gibbons said one thing they did do several years ago was a television show, we had check wire and (inaudible - name of person) to talk about forest management and Mr. Gibbons said he could obtain a copy of the tape if that would be helpful.

Discussion regarding Oshsenschlager

Mr. Lind referred to correspondence and said that it was from the Planning Board dated July 27, 2007. He read the letter aloud (copy on file at Town Hall).

Mr. Klotzle referred to the timeframe (of the next Planning Board meeting) stated within the letter and said that there wouldn't be a chance then for the CAC to get any information back at this point.

Mr. Shea disagreed and said that the Planning Board can refer it back to the CAC for comment.

Mr. Lind said, so there's been nothing sent.

Mr. Klotzle said that he brought it up because it is a matter of how the CAC is communicated with. He said that he ended up with it and there is a rotating Chairperson. The Planning Board secretary, present at the meeting, explained that what happened was that Mr. Watson wanted her to give the CAC a "head's up". She stated that usually, he submits the material with the letter.

Mr. Klotzle asked that the Planning Board secretary submit all correspondence to the CAC secretary in the future.

Mr. Lind stated again that so far, the CAC has not submitted anything.

Mr. Klotzle said that when he wants to communicate with the Planning Board, he sends an email to the Planning Board, care of Tina Merando.

Mr. Shea asked if Mr. Lind wanted to formalize the above discussion.

Mr. Lind said that he thought the CAC needed to respond formally. He asked if he or the secretary should do that.

Mr. Shea said that he thought as the Chair, he could write a quick memo.

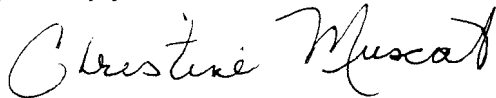
Mr. Lind said that he would draft a simple reply.

Adjourn

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

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

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:

