

**Philipstown Conservation Advisory Committee
Town Hall, 238 Main, Cold Spring, New York 10516
September 11, 2007**

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

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

Regular Meeting

Table of Contents:

- #1 Heather Hopkins - Pages 3 to 9
- #2 Sara Brown and Stephen Wallis - Pages 9 to 10
- #3 Paul Tomizawa - Page 10 to 11
- #4 Mr. Bentkowski - Pages 11 to 14
- #5 Mr. Ochenschlager - Pages 14 to 15
- #6 Mr. Butler - Pages 15
- #7 Mr. Gallagher - Pages 15 to 16
- #8 Mr. Cussick - Pages 16 to 20
- #9 August minutes - Page 20
- #10 Wetlands Inspection Overview - Pages 20 to 22

Heather Hopkins:

Mrs. Hopkins said that they have been under renovation for a couple of years now and what we finally have secured is two permits: one from the Council and one from the state.

Mr. Klotzle said that the applicant has a permit from the DEC recently acquired for them to place a 6 inch diameter 120 ft long curtain drained pipe with 4ft wide rut splashed (inaudible) at the located on the bank of Indian Brook and Mr. Klotzle said he believed that this is to dry out the back yard.

Mrs. Hopkins agreed and said the previous owners had had a hand dug well. When they decided to renovate the home and make a more permanent home, we also decided to put a permanent well in place. And there is ground water coming up from the previous hand dug well and this is just a solution to just eliminate that. (water coming up to the surface).

Mr. Klotzle said they also have a recently granted Board of Health approval to repair the existing septic. And this is all about within 100 ft of Indian Brook or less .

Mrs. Hopkins informed the committee that she did receive final clearance from the DEC. The previous owner had allowed an under ground oil tank to leak into our front yard and we had around 150 tons of dirt removed before we started construction on our property and that may have disrupted our septic field because we are not getting the correct drainage now, this is to alleviate that. We did get final clearance from the DEC in June that all of the oil has been removed, so that's been remedied but now we're left with a repair that's needed for the septic field that is kind of adjacent to where this oil tank was in the front yard. And we secured a permit from the county, which she believed Mr. Klotzle had a copy of.

Mr. Klotzle said yes he did have a copy of that. Derek, Mrs. Hopkins' husband, had supplied this to me by letter just two days ago and when I looked up the permit, I saw the permit had lapsed and these items weren't on the permit.

Mrs. Hopkins said that Mr. Klotzle was correct.

Mr. Galler said correct him if he is wrong , we had originally given a permit for expanding the construction.

Mrs. Hopkins said yes, for the construction for the house.

Mr. Klotzle said we then amended it to include some work done around the old pump house because when it had been used something broke and almost like an artesian well had formed in there and it was leaking into the back yard.

Mr. Lind asked if this is a correction for that.

Mrs. Hopkins said that is correct.

Mr. Galler said but now there has to be work done on the septic there.

Mrs. Hopkins said and now there has to be work done on the septic again under the original permit due to the discovery of an oil leak from the previous under ground heating oil tank and as a result of that remediation there is kind of a trouble with the leeching of the septic field and this is (inaudible).

Mr. Galler said he believed that it would need a separate application.

Mr. Klotzle told the committee that he said he would leave it to them to advise him on they wanted to handle this.

Mrs. Hopkins said that again they are under a little bit of pressure with the backyard because our state permit is through Sept. 30th and they had been trying to kind of tie this up together because we have one excavator working on both projects. But the Putnam County permit from the Board of Health took a lot longer than we had anticipated.

Mr. Lind asked if this was covered under the existing permit.

Mrs. Hopkins replied that it was covered by a State permit.

Mr. Klotzle said yes, not covered by our (inaudible).

A committee member asked what was the amendment again?

Mr. Klotzle answered that the only thing that they had added to the original permit was work to be done to drain the area around the well house.

Mrs. Hopkins said it was the digging of the new well.

Mr. Klotzle said yes that is correct.

Mrs. Hopkins said they amended the permit to add the digging of the new well and the attempt to cap the old well that this problem occurred.

Mr. Klotzle said so the DEC has granted them a permit for this 120 ft. pipe that drains the old well area into Indian Brook.

Mrs. Hopkins said yes.

Mr. Klotzle said it is acting as a curtain drain for the back yard.

Mrs. Hopkins said that that permit will expire as of Sept. 30th, and that they won't allow any kind of digging around the creek to be done or new drainage to be put into the creek from Oct. 1st to April 30th. Mrs. Hopkins said that they hope to get that accomplished so we can get our silt fence down before the deadline for the fall.

Mr. Klotzle asked if they were living in the house.

Mrs. Hopkins said yes they had been living in the house for just under a year.

Mr. Lind asked why they weren't (sentence unfinished).

Mr. Klotzle said there was no septic.

Mr. Lind said not of the septic but of the oil information.

Mr. Klotzle said he didn't know.

Mr. Lind asked if there was any correspondence.

Mr. Klotzle said he only had two letters, one is dated April 20th and there is no mention of that in here. Mr. Klotzle said he may have had a verbal conversation with Joel Greenburg .

Mrs. Hopkins said that this was going on in early 2006, back when the initial work was being done on the foundation in order to construct and that began on May 1st.

Mr. Klotzle said he remembered problems involving the foundation because the original foundation wasn't healthy and it had to be replaced.

Mrs. Hopkins agreed.

Mr. Klotzle said he never received anything in writing regarding the oil situation.

Mr. Lind said that the committee did receive some reports that there was excavation on the property but we never really knew what was happening with the contaminated soil and that's unfortunate.

Mrs. Hopkins said that they had gone through the DEC and their architect and that she wasn't sure what kind of correspondence they had with the town.

Mr. Lind said he just wanted to reconfirm that this new septic is all within a 100 ft. buffer.

Mrs. Hopkins said it wasn't a new septic that it was just a repair being done. We are just digging down a little deeper so that it drains correctly - it's not being moved any closer to the creek, in fact it's probably better...it's pushing it further away from the creek.

Mr. Klotzle asked if there was a scale on the map because it was the first time he had seen that map. He said he could estimate from the size of the house that it is within 100ft., it may not all be within 100ft. But most of it would be within 100ft.

Mr. Galler asked if it was the proposed septic or the existing one.

Mr. Klotzle said it was the existing septic which has to be repaired.

Mr. Galezo asked what it was right now, and if the applicant was going to dig the entire thing out and truck all the pipe and gravel off site and rebuild a whole new septic or just add to the existing trenches.

Mrs. Hopkins said she didn't know and that she was sorry.

Mr. Klotzle explained that Mrs. Hopkins' husband was away.

Mr. Lind said that if some of it is within 100 feet then a new application is needed because it is too much work (inaudible).

Mr. Galler agreed.

Mrs. Hopkins asked if Mr. Klotzle knew how the county permits worked and how long they were good for.

Mr. Galler said two years.

Mr. Klotzle agreed and added that he thought Mrs. Hopkins was okay on the county permit.

Mrs. Hopkins asked if they would be allowed to work in the winter and asked if there was not a deadline with November or (sentence unfinished)

Mr. Klotzle said he thought they would see it in here if there was.

Mrs. Hopkins said it expires on 8/21/09.

A committee member said Mrs. Hopkins needed a DEC permit with the septic being that close.

Mr. Klotzle said no, that they wouldn't because it would be 50ft from a stream.

Mr. Galezo pointed out a scale on the map.

Mr. Lind said normally what they ask for is a plan that will show for our own education and other folks that may want to look at the plan in the future; the 100ft.buffer as well.

Mrs. Hopkins asked if Mr. Lind meant where the 100 line mark was from the creek.

Mr. Lind said that was right so that anyone that reads the plan can understand the distances etc. more easily. Mr. Lind addressed the committee and asked if they thought that Mrs. Hopkins needed a new application for this.

Mr. Galezo said yes.

Mrs. Hopkins asked what that process would be. And added that her husband is more up to speed as far as how this has worked in what had been done in the past than she is.

Mr. Klotzle said that Mrs. Hopkins had to get an application at the Building Dept. and prepare a better site plan than the current that will show the setback from the creek and verbally describe and physically show what is going to happen to the septic field. Also, must talk about where the material is going to go, where it will be taken and what material will be put in, and a timeline of when each element will take place.

Mr. Lind said in the application there is a checklist of things Mrs. Hopkins will need.

Mr. Klotzle added for Mrs. Hopkins to feel free to call him.

Mr. Lind asked if this was more of a time issue.

Mrs. Hopkins said yes it is a time sensitive issue and it has to be done by Sept. 30th or they have to wait six months and have it done again. That is just a simple laying of a pipe to alleviate some groundwater. It is a little bit closer to the work that was done with the original permit

Mr. Galler asked where exactly is the pipe (on the map).

Mrs. Hopkins (pointing on map) showed where the creek was and set back from the creek is the old ground well and added they are draining that old hand dug well and (inaudible) pipe that works on a 45 degree angle, parallel to the creek. To take the groundwater to the creek.

Mr. Klotzle asked if the goal was to dry the leaking ground water away from the lawn.

Mrs. Hawkins said that was correct because as of now it is creating standing water.

Mr. Galezo asked if it was a shallow dug well and all ground water.

Mrs. Hopkins said yes it is all ground water from the previous well.

Mr. Lind said that it sort of falls in the middle because it is not part of the existing permit and will not be part of the new permit unless we linked it to the new permit. Mr. Lind added that he would like to go look at it fairly quickly - and asked how the committee could link that to a permit and not delay it.

Mr. Klotzle said that they'd have to amend the existing permit to include that - since it was already amended once to include some work to drain the area around - this is just a better method of draining it. He guessed the digging of the new well was supposed to alleviate the problem and apparently it had not.

Mrs. Hopkins agreed and added it did not quite alleviate the problem enough.

Mr. Galezo asked if it was a dug well and not a drilled well.

Mrs. Hopkins replied that it was a drilled well.

Mr. Galler asked if the pipe that's going into the stream is above the water or below.

Mr. Klotzle asked if the water has come up in the stream since Mrs. Hopkins lived there.

Mrs. Hopkins replied that last April during the northeaster it had, that was the closest it had ever gotten to the pipe.

Mr. Galler said that the pipe must be substantially above the water.

Mrs. Hopkins said yes and that it took seven inches of rain in one day to even get to that area.

Mr. Galler asked how big the pipe was.

Mr. Klotzle said it was a 150, 20 foot long, six inch diameter curtain drain pipe with 4 foot wide rock splash pad located on the bank of Indian Brook.

Mr. Galler asked if it could be either hand dug or with a very small machine.

Mr. Klotzle said sure.

Mr. Galler said if it is above (inaudible) water than they really weren't disturbing the bank.

Mr. Lind said he would really like to take a look at the property and thought the CAC could amend the existing permit but before could not amend without seeing it first and also didn't think the drawing was adequate.

Mr. Galler said it would be nice to have flags also particularly where the outlet (inaudible).

Mrs. Hopkins was concerned about the time of this being done.

Mr. Galler said that the committee members could probably get someone out there in a day and by the weekend the rest of the members would be able to look at it and no work can be done right now anyway.

Mr. Klotzle, Mr. Lind and Mr. Kingsley agreed to see the property tomorrow 9/12/07 at 3:00.

Mr. Galler said he would be able to view the property Friday or Saturday.

A committee member said that it won't be flagged yet.

Mr. Klotzle said unless Mrs. Hopkins could have her excavator flag it.

Mrs. Hopkins said she would try to have the excavator there tomorrow to flag it.

Mr. Galezo asked if Mrs. Hopkins had a DEC approval.

Mrs. Hopkins said yes.

Mr. Galler said that the CAC should have a proper plan.

Mrs. Hopkins said that due to the oil spill they may have been out to look at the site and that her husband may have shown them what he intended.

Mr. Klotzle said usually the committee requires this is a documentation.

Mr. Kingsey asked who drew the plan.

Mrs. Hopkins wasn't sure but it was most likely the engineer that worked with the excavator.

Mr. Lind asked if they needed to make a motion now for this amendment with the stipulation that the committee do a site visit.

Mr. Klotzle said that first it would have to be recommended to him that the existing permit be renewed essentially - it's all been done - then recommend that it can be amended. Permits can be amended from time to time. Mr. Klotzle said he can amend them with the advice of the committee which is why Mrs. Hopkins was told to attend the meeting.

Mr. Galler asked if all the work had been completed on the existing permit.

Mr. Klotzle and Mrs. Hopkins both said yes.

Mr. Galler said he did not feel comfortable amending the permit due to the fact that all the work is done. The permit is sort of history.

Mr. Lind asked if the permit had expired or if it was up for renewal.

Mr. Klotzle said it had expired on 2/2/07.

Mr. Lind said we can't really amend an expired permit

Ms. Martin said it had to be a new permit.

Mr. Klotzle said if the committee wanted to help them get this done then they would have to give a new permit for this one activity only with an approval and then amend it to put the septic in. Or give two permits.

Mr. Galler said he thought it should be two permits. Mr. Galler also added that he would feel more comfortable if the drawing was a stamped drawing by an engineer or another licensed professional.

Mrs. Hopkins asked if the pipe should be flagged where it begins and where it ends.

Mr. Galler said yes.

Mr. Klotzle suggested Mrs. Hopkins call her guys first thing in the morning.

Mrs. Hopkins said okay. And said she would pick up the applications on Thursday and she would have one or both permits filled out and e-mail or fax them to the appropriate party.

Mr. Klotzle said it is an application for a wetlands permit and that Mrs. Hopkins should get two. Maryann Landolfi could fax them to her and the phone number to call is 265-5202.

Mr. Galezo pointed to plan and asked if this was just a cap on the end of that and really should also be flagged.

Mrs. Hopkins said she would have the site flagged at three points.

Mr. Lind so we will give the final approval by phone and e-mail.

Mrs. Hopkins said okay.

Mr. Galezo asked if anyone could see the depth of the pipe on this. (pointing to plan)

Mr. Klotzle said that there was not one on the permit. Four foot six inches is the depth of the trench with one to two inches clean stone and filter fabric so it is down four feet.

Mr. Galezo said that couldn't be dug by hand.

Mr. Klotzle said to the applicant that if the design professional could meet with the members tomorrow at the site that that would be ideal.

Mrs. Hopkins said okay.

Mr. Lind asked if Mrs. Hopkins had Mr. Klotzles' contact information.

Mr. Klotzle gave Mrs. Hopkins his contact information.

Mr. Lind said that the plan looked like all the information needed was there it just is not legible.

Mrs. Hopkins said okay.

Mr. Lind said thank you.

Mr. Klotzle told the applicant to call him if she needed to.

Sara Brown & Stephen Wallis - 544 East Mountain Road North - Tax Map Number 17.-2-89 Permit Renewal

Mr. Klotzle said that Mr. Wallis' permit had lapsed by just a few weeks and said the applicant and he had spoken on the phone and that the applicant had written him a letter. Mr. Wallis is finished essentially, the only thing needed to do is put some wetland plants in along the sides where the core logs are. Mr. Klotzle said that he had been to the site and inspected it the other day and that it was pristine, so he has no problem in granting Mr. Wallis a renewal on this.

Mr. Lind asked if that was just a completion of the planting plan.

Mr. Klotzle said yes.

Mr. Wallis said yes and that they just had some logs that they were taking out now but it is being done way out of the wetland and that he is not burning anything.

Mr. Klotzle said that Mr. Wallis is working up on the hill.

Mr. Galler said that on the whole, the whole time it was compliant except at the very beginning.

Mr. Klotzle said that's right - there was a misunderstanding between the contractor, Mr. Wallis and myself but everything was cleared up within a week.

Mr. Wallis said that everything that was a problem was handled right away.

Mr. Lind said that last month the CAC renewed a couple of expired permits and this seems to be a similar situation to that and if we can go ahead and he can make a motion for the renewal under Mr. Klotzles' supervision.

Mr. Klotzle said that he would have to rewrite the permit so that the top said that the permit is good for twelve months and must be renewed because it is buried back in the (inaudible) text on the second or third page.

Mr. Lind said the CAC had considered extending the length of the active permit (didn't finish sentence)

Mr. Klotzle said yes up to two years to come along with everybody else because the DEC is two years.

Mr. Cusick, a person in the audience asked if he could address the council.

Mr. Klotzle said he needed to wait until they were finished with this. This is not a public hearing.

Mr. Cusick asked if he could at the end of the meeting.

The committee discussed taking comments at the end of the meeting.

Mr. Lind made a motion to renew the permit under Mr. Klotzles' supervision so the completion of the planting plan goes forward.

Mr. Galler 2nd the motion.

In favor 5-1, Mr. Kingsley abstained.

Mr. Klotzle thanked the applicant and said the CAC will get it off to him in about a week.

Paul Tomizawa - East Mountain Road South - permit renewal

A committee member explained that the applicant is or nearly is finished with all the work as well but that there is still a few things to do and that the applicants' permit had expired as well.

The applicant replied yes.

Mr. Klotzle said he was out there and everything had been done correctly, one thing Mr. Tomizawa has left to do was the landscaping along the edge of the lake with (inaudible) plantings that is required and it would be wise to wait until fall and like some other people in the last three or four months Mr. Tomizawa didn't see that the permit was up for renewal.

Mr. Tomizawa agreed and added that the construction time hill just kept on sliding and thought they would be in by early May/June or so forth but they had just gotten in a few weeks ago.

Mr. Klotzle said he had left word and Mr. Tomizawa and he called Mr. Klotzle right up today so he told Mr. Tomizawa to come to the meeting and discuss this with the other members.

Ms. Martin said this is not on the agenda.

Mr. Klotzle said no that it is not but Mr. Tomizawa called him yesterday and otherwise we would have to wait a month, or I would grant it without the CAC advice and Mr. Klotzle would prefer to do things with their advice than without.

Ms. Martin asked if the committee could get a little background on that.

Mr. Klotzle said yes and that it is a house on a level piece of property next to (didn't finish sentence). Mr. Klotzle asked if Ms. Martin had seen the map on this property or not.

Ms. Martin asked where the road was.

Mr. Klotzle said the road is East Mountain Road South going up the hill on the right hand side.

Ms. Martin said that they had gone to see that.

Mr. Klotzle said that yes they did look at it and explained that it was to the right of Mackin driveway, to the right of that pond, it is set back in the woods and had no real impact on the wetland but it was within 100 feet of the pond itself - so what we required was silt fence and repairing and plantings basically along the edge. The silt fence was up and took care of everything, nothing even ran in that direction and now the silt fence is down as it is not necessary and the plantings have not yet been put in and he assumed that would go in, in September and outside of that the lot looks beautiful.

Ms. Martin said so it is just a planting plan.

Mr. Klotzle said yes and the applicant has a plan with the specific plants and their locations and everything. Mr. Klotzle added that he would be checking up on it also.

Mr. Lind said that they had previously approved the planting plan when the original permit came in.

Mr. Klotzle said these would all have been automatically renewed unless he had seen during the construction something going on in which case he would have stopped it then as opposed to waiting for it to come up. This is essentially an eleven month permit and it confuses many people because many other permits are a two year.

Mr. Lind said he would make the motion to renew the permit with Mr. Klotzle oversight.

Mr. Galler 2nd the motion. The vote was as follows: 6:0.

Mr. Bentkowski - 17 Fenichel Road - Tax Map Number 27.-12-1-2

(Maps were distributed to the CAC by Bruce Martin)

Mr. Bentkowski explained what the map is showing - the location of the possible retaining structure which had been recommended to him by the CAC.

Mr. Klotzle asked if it was the 6x6 landscape timber spiked.

Mr. Martin said yes.

Mr. Klotzle asked if each layer of timbers went back a little bit or is it a straight up and down. Is it tiered or is it stepped - on the map - does it go straight up and down.

Mr. Martin said all it is showing right now is straight up and down.

Mr. Klotzle asked how it will stand up to any pressure of salt creek coming down the hill.

Mr. Martin said the rebar.

Mr. Klotzle asked what will the rebar be driven into, the soil?

The applicant answered yes the soil - 30 inches.

Mr. Kingsey asked if they were using tying timbers too that go back in.

Mr. Martin said that he didn't want them sticking out of the ground and thought the spikes trimmed two feet under would suffice.

Mr. Galezo asked if they are perpendicular to the wall and thought they should go below grade and all the way up.

Mr. Klotzle said that he too would want them on most of the wall.

Mr. Bentkowski asked Mr. Martin if that could be worked into the drawing.

Mr. Martin said yes.

Mr. Bentkowski asked if sleepers were taken into account then what would CAC recommended.

Mr. Galler would also like to see it specified that the timber used is not treated - could use cedar.

Ms. Martin agreed.

Mr. Kingsley suggested concrete timbers. (pre-cast) Mr. Kingsley said they're a little bit harder to use but they would hold it. Cement will last if they are quality timbers.

Mr. Galler said he was fine with that.

Mr. Lind asked about the stabilization of the slope and asked that they please refresh his memory on what was discussed in terms of the bare soil.

Mr. Klotzle said that a design professional should be hired to come in and talk to us about it and until that time the applicant was asked to put down annual rye.

Mr. Lind said yes okay - something fast growing and asked if that had been done.

The applicant said yes and handed out a photo. He said they worked very hard to maintain the silt fence until the actual roots took with the rye. It did get some erosion in the middle and he needed some additional soil to plant on as well. It is a little rocky.

Mr. Lind said they will need a permanent solution to that area in terms of stabilizing the soil.

Mr. Klotzle asked if the applicant had wanted to mow it as opposed to shrubs.

The applicant said he would like a lawn but doesn't mind if the base has shrubbery to make it look nicer. For some privacy along the Northern border, he would like to put shrubs in as well. There is a natural drainage because of the depression between his property and the neighbors.

Mr. Galezo said the shrubbery looks good and Mr. Lind agreed.

Mr. Bentkoski said that he would still like to have some soil brought in because it is just a little too rocky right now and if the CAC is recommending three ties instead of two - he has no problem with that.

Mr. Klotzle asked if Bruce Martin was an engineer.

Mr. Martin said yes.

Mr. Klotzle asked if he imagined that just planting grass mixtures to this would hold this (inaudible) then.

Mr. Martin said he wasn't exactly sure (inaudible). We were proposing the erosion control and having erosion mats at the base to protect it.

Mr. Klotzle suggested that Lori Taylor (Putnam County soil and water) may be helpful with the erosion control.

Ms. Martin said for the record Lori Taylor Mr. Klotzle was speaking about.

Mr. Klotzle said yes, Lori Taylor, Putnam County soil and water and more specifically erosion control of the Bentowski slope.

Mr. Lind said so they are looking at a long term structure.

Mr. Bentkowski asked about the time constrictions that he had in terms of the slope and the CAC recommendations. He said he did not want the slope to erode away and that he had planted both the annual and perennial vegetation .

Mr. Lind said that the applicant also had the silt fence which is being maintained, so there is no pending emergency but that there still needs to be changes made to the plan. In addition, Mr. Lind asked if it was correct that there is also a brush removal issue.

The applicant and the CAC committee looked at the photo to discuss the location of the brush and the CAC committee asked that the applicant have that removed because of the fact that the brush was piled close to the wet area and in the buffer as well.

Mr. Bentkowski had thought the material was not in the buffer zone.

Mr. Klotzle (referred to photo) explained how the material was actually in the buffer zone.

Mr. Bentkowski understood and apologized and realized now that the material is in the buffer zone.

Ms. Martin explained that it is marked as a wetlands buffer line but that actually it is not - it is a wetlands boundary line.

Mr. Klotzle said he understood.

Mr. Bentkowski said if the CAC wished that it be removed then he would do so by hand because he would rather not place it piles along the property or in the middle, if he didn't have to.

The CAC committee agreed that the conservation brush piles aren't really a problem and are really ambivalent.

Mr. Klotzle said they were still a step or two away from a completed plan based on the changes that were recommended to the wall and a final end result planting plan for the slope and the rest of the fill. The wb line has to be changed to clarify if it means wetland buffer or wetland boundary because to the CAC wb stands for wetland buffer and to the applicant it meant wetland boundary.

Mr. Bentkowski asked if the process should be; come back with a plan and drop off to Mr. Klotzle?

Mr. Klotzle said the new plan should be brought to the Building dept. and then they will be mailed out to the CAC members.

Mr. Bentkowski said that he guessed nothing will be settled until the next meeting.

Mr. Klotzle said yes and asked if there was a reason there is not a stamp on this plan.

Mr. Bruce Martin said that his boss was out of town and was not able to stamp them.

Mr. Klotzle said okay and thanked the applicant and Mr. Martin.

Ochenschlager Subdivision - Planning Board Referral

Mr. Lind requested he receives the CACs' comments if the site could not be visited with all the CAC members present and then he will put together the CAC comments and submit them to the Planning Board like he had done for the extension.

Mr. Klotzle said to Ms. Martin that tomorrow afternoon that he was free. But will meet at that Avery Road - Hopkins first and then we go over to this.

Ms. Martin said she thought she would be available to meet with Mr. Klotzle.

Mr. Klotzle explained that Hopkins is on the corner of Avery Road and Indian Brook. It is a new construction. They were in for a renewal but the CAC couldn't give a renewal but they may be able to give them a permit on the drain pipe to start them off anyway.

Ms. Martin said okay.

Mr. Lind said that normally these issues are sent to the CAC because of wetlands issues, so that would be step one, to find the wetlands.

Mr. Klotzle (pointing to map) explained where the wetlands were and said it is also called creek.

Mr. Kingsley pointed to the map and showed where the barns and the greenhouse were.

Mr. Klotzle asked if there was a bridge for access.

Mr. Kingsley said yes, that there is a bridge.

Mr. Klotzle said this is a planning board referral because of the fact that it was a subdivision.

Ms. Martin asked Mr. Kingsley if this was an existing house. (the cape cod)

Mr. Kingsley replied yes.

Mr. Galezo (looking at map) stated that there was no description.

The committee members discussed the map further and said that it needed further clarification or at the least a more clearly marked map.

Mr. Klotzle suggested a committee member find out from the Planning Board what (didn't finish sentence).

A CAC member said that the catch is that the next Planning Board meeting is before our next CAC meeting.

Mr. Klotzle said the next Planning Board meeting is the 20th of September.

The CAC member continued and stated that the CAC will not have the luxury of having somebody here to explain exactly what is going here.

Mr. Klotzle said but they could request that.

The CAC member said yes that we can request another extension.

Mr. Galler said that he did not even see it as an extension but felt the CAC was not provided with enough information - we have two issues here, we have steep slopes and well.

Mr. Lind said that was correct and that this was an issue brought up in the past 6-8 months ago - that if something is sent to CAC from the Planning Board there should be enough clarity so that the CAC can more easily understand it.

Ms. Martin said that even an advisory from the Planning Board.

Mr. Klotzle said or the developer.

Mr. Lind said that he needed to write a memo back to the Planning Board stating that the CAC did not receive what they had asked for and that the committee could not submit coherent comments by Sept. 20th.

Mr. Galezo suggested that the CAC go onto the site.

A committee member said that the CAC would not be able to get their comments in until at least sometime in mid October.

Mr. Lind said that he thought both a memo to the Planning Board and a site visit needed to be done and the next CAC meeting is October 9th and with the site meeting, that will add another week, so that means at least mid to late October before we can get back to the Planning Board.

Ms. Martin stated that meant this issue would not be discussed until the Nov. CAC meeting.

The CAC agreed.

Application of Mr. Butler 54 Lyons Road (new) Tax Map #2689-027-007 - Not present at meeting.
Mr. Klotzle explained the map of Mr. Butler/Barrett Pond and said that Mr. Butler wants a permit to cut vegetation on the pond. But due to the fact that Mr. Butler is not present tonight it will be discussed at another time.

Ethan Gallagher: Letter

Mr. Lind said to Mr. Gallagher that the CAC received a letter tonight from him.

Mr. Gallagher said yes and stated he had submitted an application.

Mr. Klotzle stated that he did not have the application with him because the submitted application was incomplete.

Mr. Gallagher said he understood.

Mr. Klotzle explained to Mr. Gallagher that he could not be added to agenda tonight and thought that Mr. Gallagher had understood that during a previous conversation .

Mr. Gallagher apologized. Mr. Klotzle said that was fine.

Mr. Gallagher said that he had a small pond on 720 Route 301 that had filled with sediment over the years and would like to scoop some out. There's a drawing with the application and Mr. Gallagher said he was just hoping to get some input - instead of waiting until next month in case more information was needed.

Mr. Kingsley asked if this was a DEC deal because the stream feeds it and comes back out again.

Mr. Klotzle suggested that Mr. Gallagher have a DEC permit.

Mr. Gallagher asked if he would have to have that permit before he comes to the CAC.

Mr. Klotzle said yes because if it is not granted, then there would be no sense for the CAC to (unfinished sentence).

Mr. Gallagher said okay and added that he planned to use a small excavator, so it can be done without almost disturbing the stream.

Mr. Lind said for previous pond dredging the CAC ask that the stream be diverted away from the work area.

Mr. Gallagher said yes he understood and had done that when working on another project.

Mr. Kingsley asked what was actually holding the stream together.

Mr. Gallagher replied that there was a dam. There is section in the photo in the application where there is a mound where it has deposited itself and washed in.

Mr. Lind said that he believed that Mr. Gallagher would have to contact the DEC to find out if a permit is needed or not and if so complete Mr. Klotzles' requirements for this application and come back to the CAC for review so there would be a much clearer view as to how to do this right.

Mr. Gallagher said okay.

Russ Cusick Comments:

Mr. Cusick said he had attended most CAC meeting and had several concerns and asked if he could just discuss his concerns.

Mr. Klotzle asked if this was explicitly about Wallis.

Mr. Cusick said yes.

Mr. Lind said okay, then Wallis will be discussed tonight.

Mr. Cusick suggested that he be possibly put on the agenda next time, if possible.

Mr. Lind said he didn't know actually because it pertains to public comments.

Mr. Cusick suggested there be a public forum where people could discuss valid concerns and that it would be a great service to the community in his opinion.

Mr. Klotzle said right and it should be discussed with Ed.

Mr. Cusick said as far as the Wallis property, since 2005, there has been a utility shed on the property, that you are aware of...

Mr. Klotzle asked if Mr. Cusick was speaking to him.

Mr. Cusick said yeah. There has been a stop work order issued.

Mr. Klotzle replied that that was not his stop work order.

Mr. Cusick said he understood that, it was issued by Tom Monroe.

Mr. Klotzle said that was correct.

Mr. Cusick said to Mr. Klotzle that this evening he had said that he had visited the site and it was pristine. There are still on that property directly and not within the buffer, tons and tons of building materials.

Mr. Klotzle said that was not true.

Mr. Cusick questioned "It's not?".

Mr. Klotzle said no and that he was there yesterday, there is one pile of old lumber, first growth lumber...

Mr. Cusick said directly and across to wetland.

Mr. Klotzle said no, that actually it is sitting in the middle of an area that is shown as a wetland on a map but it is probably two ft. elevated above the wet area and it is basically upland vegetation growing there. There's no lumber or timber sitting in the wetland.

Mr. Cusick said okay.

Mr. Klotzle said that all but one pile has gone up to the top of the hill to his building.

Mr. Cusick asked how that could be considered pristine.

Mr. Klotzle said that he was talking about the driveway and the construction of the driveway itself.

Mr. Cusick said okay then that brought him to the point: the driveway - was not built according to the specs of the engineers drawings, there were no geo-tech fabrics put in place.

Mr. Klotzle said that there certainly were.

Mr. Cusick asked for the entire driveway?

Mr. Klotzle said for all of the areas that they were required behind the gapping on walls. Mr. Klotzle said that he would not debate this with Mr. Cusick because he is completely incorrect about this, okay?

Mr. Cusick said okay but then asked why Mr. Klotzle would not want to debate this.

Mr. Klotzle said because it is not debatable and that he works for the town and the town trusts Mr. Klotzle and hired him to go out to do this and I went out and did this.

Mr. Cusick said the fact that Mr. Klotzle works for the town speaks volumes.

Mr. Klotzle asked Mr. Cusick what the heck that meant.

Mr. Cusick said what that meant was.....

Mr. Lind said he thought this discussion was.....Russ, Russ, You are here to discuss a possible violation at the Wallis property and this conversation has changed direction to something other than that.

Mr. Cusick continued and said he just drove past the property on his way to the Town Hall.

Mr. Klotzle said and you are talking about the lumber.

Mr. Cusick said yes, directly across from wetland...the CAC is fining the coach of the Haldane football team \$1000.00per day because he has piles of dirt.....

Mr. Klotzle said that he was not fining any coach of the Haldane football team and I have no idea what you are talking about, not at all.

A CAC member said that they do not have the jurisdiction in the villages.

Mr. Cusick said he was speaking about Clove Creek.

Mr. Klotzle repeated that he had no idea what Mr. Cusick was talking about.
And was not aware of a violation - are you telling me about a violation that should inspected?

Mr. Cusick said no. The man whom coaches the Haldane football team.

Mr. Klotzle said he is unaware as to whom that is.

Mr. Cusick continued (inaudible) that it was at the July Town Council meeting that he was being charged a fine or being threatened to be fined.

Mr. Klotzle asked if Mr. Cusick was talking about Tony Percacciolo? Correct?

Mr. Cusick said yes.

Mr. Klotzle said that CAC has him in court.

Mr. Cusick said that his question is - why is it ok for one person to have dirt next to Clove Creek and being fined and it's ok for Mr. Wallis to have this debris directly at a class two wetland?

Mr. Klotzle said he did not believe it was necessary to get into all that right now. It is very different in my mind and very different in terms of the regulations.

Mr. Lind said that in general the CAC looks at every project individually and it's difficult to compare a site that was looked at five years ago that is fifteen miles away to a site that is looked at today, each site is evaluated individually.

Mr. Cusick said that he had attended many of the CAC meetings and had rarely said anything. There is also a wetlands permit that was granted on East Mountain Road South, 1137, there was never a variance given for that.

Mr. Klotzle asked if Mr. Cusick was referring to Bill Scherer and said that he had written Mr. Cusick an e-mail explaining that specifically a year ago. Mr. Klotzle didn't understand why Mr. Cusick had forgotten that e-mail.

Mr. Cusick asked if there had been a variance granted?

Mr. Klotzle said no, it was granted initially in 1996, when the setback from a buffer zone from a stream was 50 ft.

Mr. Cusick asked really?

Mr. Klotzle said, yes, really. He built the foundation then he had family problems and building stopped. He came back later and asked what he should do. The CAC discussed it and decided within the fact that he had this huge foundation up there, that taking it out would be worse than just finishing the building under restrictions that had been put on.

Mr. Cusick said that the reason for his confusion was that recently at one of the Town Board meetings, Richard Shea said that there's a variance granted - there was never a variance granted so (did not finish sentence).

Mr. Klotzle said that he believed the term might be grandfather, though he would not go out on a legal limb, they had already been allowed before the new law came in and that was something that the CAC always had difficulty dealing with. Mr. Klotzle said that he had written Mr. Cusick about that.

Mr. Cusick said that that was fine and that he doesn't necessarily believe everything people tell him. Okay?

Mr. Klotzle said yes.

Mr. Cusick said the information he had received from the county differs from what Mr. Klotzle said.

Mr. Klotzle said that it had nothing to do with the county and they would have to investigate our regulations.

Mr. Cusick said that it had plenty to do with it as far as the Board of Health and other issues, concerning a structure that is being built right on top of the Hudson River tributary.

Mr. Klotzle asked what structure was Mr. Cusick speaking about. Bill Scherers' house?

Mr. Cusick said yes.

Mr. Klotzle said that it flowed away from the Hudson River.

Mr. Cusick disagreed and said that it did not.

Mr. Klotzle said that it did and it flowed down into Wicopee and eventually into Peekskill and thereafter it goes into the Hudson.

Mr. Cusick said exactly.

Mr. Klotzle said that it did not flow as Indian Brook or whatever else does.

Mr. Cusick said that according to the EPA every stream in Philipstown is a Hudson River tributary.

Mr. Klotzle said that it was not the same as Indian Brook or (inaudible) Brook and that it flowed away and goes through several reservoirs in second or third order as opposed to the other ones.

A CAC member said that every drop of water that lands on the ground in Philipstown ends up in the Hudson.

Mr. Cusick wanted to know if there was a reason that the storm water studies and environmental impact studies have not been implemented in building.

Mr. Klotzle said that he did not know about that. Mr. Cusick would have to speak to the storm water task force regarding that.

Mr. Cusick said that he does speak to them on a regular basis. There is a lot that he is confused about and believes that a lot of others are also - that there should be a public forum and said he knows that the CAC recently received a letter from Dr. Mary Anne Thiesing from the EPA, letting them know that by design that there were violations.

Mr. Klotzle said that they did receive the letter but that was not what the letter said and told Mr. Cusick that he had the letter with him and it was discussed with the CAC members. Mr. Klotzle said that the CAC planned to have Dr. Mary Anne Thiesing, PHD, Regional Wetland Ecologist come and speak to the CAC.

Mr. Cusick asked when that would be.

Mr. Klotzle said he didn't know and that he does not arrange that with (inaudible). According to Mary everything she had seen up there would be covered with the overall permit that was granted by Army Corp. for projects like this including the projects that she had seen and that they would all be covered as far as she could understand the legalese herself.

Mr. Cusick said okay and that he would welcome her to come and speak to everyone.

Mr. Klotzle said okay that that would be great.

Mr. Cusick said that he felt he said enough and appreciated the opportunity to be able to speak.

Mr. Klotzle said good night to Mr. Cusick.

Mr. Cusick said to keep up the great work to Mr. Klotzle.

Mr. Klotzle said thank you.

Minutes from the August 14, 2007 CAC meeting:

The committee decided to review the minutes first before discussing them due to the fact that the minutes had just been distributed to the CAC members.

Wetlands Inspection Overview:

Mr. Klotzle said that he had been working Cornelia Williams on East Mountain Road North, and that her backyard is washing out from the stream and also spoke to her contractor and suggested they try (inaudible) on the side of the road.

A member asked where that was.

Mr. Klotzle said that it was basically the second or third house on the left when going up the road. The red house was in a lowland area where there was a bridge just beyond it that that was washed out and her backyard is being washed out.

Mr. Klotzle said it was the storm before the last one and thought that the berm was the way to go backed with real geo tech fabric.

Mr. Klotzle said that he had spent some time at John Sussmeirs' house and he has a less than half full pond that he had built, and on the upper part of the embankment there are woodchucks and on the lower part are muskrats which are destroying the clay berm. It is not leaking yet but when it fills back up it will. Mr. Klotzle told him that repairing the berm was an active maintenance and would not require a permit. Mr. Sussmeir will drop it, get in there with a piece of equipment, fix it and then fill it back up again hopefully. He will also put an aerator in the deep part of the pond at Mr. Klotzles' suggestion to preserve the fish life.

Matt Masterantone had started his project, Tim reported to Mr. Klotzle.

Tony Percacciolo is in court and..

A committee member said that he thought that Mr. Percacciolo had everything under control.

Mr. Klotzle said that a silt fence had been put up at Mr. Klotzles' request and then he filled behind the silt fence as if the silt fence was a retaining wall. Mr. Klotzle explained to him that Mr. Percacciolo had another silt fence about 10 feet back in from the retaining wall and he is filling up behind that and they are both blowing out. Mr. Klotzle said that Mr. Percacciolo was going to hire an engineer and talk to Beatty & Watson and would have them meet Mr. Klotzle out there and three days ago John Delanor called Mr. Klotzle and said that he himself had made a huge mistake and that he was supposed to meet with Mr. Klotzle last month at Mr. Percacciolos' request and did not. Mr. Klotzle said that he and Mr. Delanor and Mr. Schneider, the two engineers from Beatty and Watson and Mr. Klotzle said as he understood they would be hired to do design to retain the fill and map it and Mr. Klotzle suggested while they were doing that, they could suggest that Mr. Percacciolos' brother-in-law get involved and they do it as one whole piece. Mr. Watson would talk to Mr. Flaherty and have the whole thing done finally.

Mr. Klotzle said that John Rodak is the violation and Mr. Klotzle had visited the site with Marlo a week or so ago. Mr. Rodak had done some filling in the wetland that did not belong to him. He is now blading it out and moving it a bit at a time and is seeding it, Mr. Klotzle directed him to put in live stakes but they were put in late and are now sticks. He was directed to put in more seeds and water it and they have and some stuff is coming up and eventually it will be back in reasonably good shape. It will not be restored 100% but they are doing the best they can. Mr. Klotzle said that Mr. Rodak had gone down to the native wetland soil and planting all kinds of wetland cover plants, wildlife, food plants and things like that. It won't be as was but it will be good.

Mr. Klotzle said that some of the CAC members took a bog walk next to Alice Crackhowers' property that the 02 wetland off of East Mountain Road North and the corner of East Mountain Road South and looked for the quaking bog that was read in the report. Mr. Lind and one of Mr. Kingsleys' son found the bog quaking away, but did not find any insect eating plants. They are very tiny and Mr. Klotzle said that he had seen them before and therefore knew what they looked like. There was a report that there was some browning of some of the (inaudible) moss or something and Mr. Klotzle said he would attribute it to the drop in water as the Wallis property had no water coming....

Ms. Martin asked for a definition of a quaking bog.

Mr. Klotzle said that it was where plants grow on top of the water from shore to shore essentially and then things grow on top of that. Mr. Klotzle said that Mr. Butler hadn't attended the meeting tonight and has an application on Barrett pond and wants to cut the weeds on the pond. Mr. Klotzle said that he had learned that there were a lot of private owners on the pond and all would have to agree to that. Since it is a private pond there would be no government grant. The pond according to the people Mr. Klotzle spoke to has

silted up to where it was once maybe six to eight feet deep to where it maybe two feet deep, one foot deep or maybe no foot deep, it's covered almost from shore to shore with water lilies and a lot of other platonic eaten and other kinds of pond weeds in there and Mr. Butler wants to go in and cut it and couldn't before because he couldn't get permission from his neighbors to get the equipment across but he has now gotten permission as far as Mr. Klotzle understands from neighbors and they would have to cut a kind of a woods road down in to get the equipment in that basically flowed or towed behind a boat and cut the weeds off.

Ms. Martin said that cutting it wouldn't solve the problem. A month later it would be filled back up.

A committee member asked if Mr. Butler wanted to dredge it.

Mr. Klotzle said no, Mr. Butler did mention chemicals but is aware that Mr. Klotzle is not thrilled with using chemicals.

A committee member said the plan is as needed throughout the growing season every year to maintain some open water on Barrett Pond. There may be more than one cutting season.

Mr. Klotzle said that he was finished to Mr. Lind. Mr. Klotzle added that he assumed Mr. Butler will be coming back and will ask why he hadn't attended this meeting.

Mr. Klotzle said he believed that Mr. Butler had the DEC approval. Correct?

A CAC member said he had just the application.

Mr. Klotzle said okay just the application.

Mr. Klotzle said that he would do a plant survey to find out if cutting would stimulate the growth, there are some plants that won't grow any higher and will keep out some of the intrusive plants.

Mr. Kingsley asked if it was from a tuber.

Mr. Klotzle said water lily is a tuber, potamagetin is rooted etc. He said he did not do a plant survey. There is an algae that doesn't allow some of the other unwanted plants from moving in. Mr. Klotzle recommended a plant survey.

The CAC members all agreed to the plant survey.

Mr. Lind said that was the end of the agenda.

Mr. Klotzle said that Carlson is coming up (Mr. Carlson was who the CAC gave recommendations to the Planning Board on with a four or five lot subdivision off the new bridge) and he would give the Planning Board a report for their meeting. Mr. Carlson hasn't done a good job with the erosion controls, there is a segmentation where the (?) associates are supposed to watch over most of it and Mr. Klotzles' jurisdiction hasn't actually been done yet but as Wetlands Inspector with erosion going into Clove Creek he could speak up about it. Mr. Klotzle said he must investigate and find out before the meeting comes up.

The Ande Merande letter will be discussed at a later time.

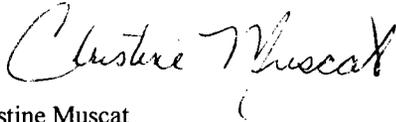
Ms. Martin said she believed that he just wanted the CAC input. Ms. Martin also spoke of the open space index and the CAC members said that too will be discussed at a later date possibly in October. Possibly accomplish that online. And Mr. Kingsley can drop off his comments.

Mr. Galler motioned to adjourn. Mr. Kingsley 2nd the motion.

The meeting ended at 9:30p.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:

January 8, 2008