

**Philipstown Conservation Advisory Council
Town Hall, 238 Main Street, Cold Spring, New York 10516
January 8, 2008**

The CAC held its regular meeting on Tuesday, January 8, 2008 at the Town Hall. The meeting was opened at 7:30p.m.

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

Regular Meeting

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Application of Mr. Rossouw, 14 Ox Yoke Rd. Tax Map #90.8.2-6
New map and consultant report.

Larry B. said that a consultant had gone to the site to make some recommendations as to the habitat pool and at a later date he would have the report. The plan was revised to show a shallow habitat pool at the required location. Basically, it conforms to the original proposal which would relocate the stream further away from the septic area and outside the buffer and added that he thought they had accomplished that.

The CAC studies the plan.

Larry B. explained that the applicant used material that would cause the minimal amount of destruction.

Mr. Lind asked if there was a plant list.

Larry B. said that what they had tried to do was relocate the stone and possibly make that part of the conditional permit.

Mr. Lind said more in terms of something desirable, although it is pretty rocky. Mr. Lind asked Mr. Klotzle if he had any ideas on that.

Mr. Klotzle said that what would be needed as part of the permit would be a couple of visits by the consultant to oversee what goes on so that it would be to his satisfaction.

Mr. Galler asked if a trench or channel would be made.

Larry B. said yes and we would relocate the stream and reinforcing turf mat.

Mr. Galler asked if it were to be turf mat then what plants would be planted?

Larry B. said the plants would be right inside the stream bed itself just to stabilize it.

Mr. Klotzle said that there could be spice bush and other plants that would be effective.

Mr. Galler said he was concerned with the turf mat because he did not want to end up with anything invasive because it doesn't flow all the time.

Mr. Klotzle said that what was there now was invasive.

Mr. Lind said that the CAC is looking for a more detailed work plan. The turf mat would definitely help.

Larry B said he was sure some plantings could be incorporated into the mat itself.

Mr. Galezo asked if that was open grass.

Mr. Galler said yes and that he was also concerned that it would just become a grass trench.

Mr. Galezo suggested they throw some rocks in there. The CAC agreed.

Mr. Lind asked if the turf mat would grow in the shade. All said yes.

Mr. Galler said it would be cost effective to line the turf mat with a liner.

Mr. Klotzle said that a heavy rip rap could be used.

Larry B. asked if that would be instead of the turf mat.

Mr. Klotzle said it is softer but he said he didn't know if it was better habitat or not.

Mr. Lind said he did know.

Mr. Klotzle said then he wasn't sure if they would be better habitat or not and may be more open to predators if there aren't as many rocks.

Mr. Galler said but if the rocks are not large if may seep through.

Mr. Klotzle said that he was in favor of riff rap.

Mr. Galezo said that there were many large rocks there.

Larry B. said there are big rocks.

Mr. Lind said either way it would be considerably better and wants a good plan in place.

Mr. Klotzle said he liked riff rap.

Ms. Martin said that she is still uncomfortable with the majority and most of the house being in the wetlands section.

Mr. Lind said that we always try to find the best solutions in these cases when there are very limited choices. It would have to be monitored periodically and it is a lot better than piping.

Ms. Martin said she totally agreed.

Mr. Klotzle said that they could ask that a filter strip be placed there (refer to plan) to keep nutrients out of the stream.

Ms. Martin asked what the applicants plans were for landscaping.

Larry B. said shrubs but nothing extraordinary.

Mr. Klotzle said maybe there could be a buffer strip there.

Ms. Martin said that would make her feel much better.

Larry B. discussed the piping. (refer to plan)

Mr. Lind asked about pesticides.

Larry B. referred to plan and said that usually the way the septic goes it kind of promotes evaporation and transpiration.

Ms. Martin asked what kind of a driveway would be there.

Larry B. said most likely a gravel driveway and any drainage would be picked up here. (refer to plan)

Mr. Lind said that Ms. Martin did bring up an interesting point. This is going to be in the buffer so in the past we have asked for some form of protective measures for the wooded area.

Mr. Klotzle said that was right, buffer strips.

Mr. Lind said that in terms of where the lawn is placed and how much vegetation could be removed from the buffer. If the applicant had plans to do anything here then he would have to come back to this committee unless they could put something in the permit.

Ms. Martin said or unless they could see some kind of landscape plan for this.

Larry B. said that the only disturbance would be for the foundation for the driveway and the rest would remain the way it is.

Ms. Martin said that it would have to be natural.

Mr. Galezo said that it could just be skirted where the streambed is.

Larry B. said that they could put a construction fence up and said that very few trees would be removed if any at all.

Mr. Lind said that that could go in as a condition of the permit so that the committee would be notified if there were any future land digging within the buffer.

Mr. Galler said that he thought that was a little too much, the house is within the buffer, and suggested that they just delineate an area for the wild life there.

Ms. Martin added that also anything on that side of the driveway would have to be kept natural.

Mr. Klotzle said that he could predicate the permit on those things.

Mr. Lind said that there were also discussions in another area and he wasn't quite sure what took place but apparently there was some drainage that was altered from the neighboring property that created a kind of wet area.

Larry B. said that there was a stream culvert seasonal type thing and it is a little wet. Mr. Rossouw maintains it. Somebody did something upstream to him and created more of this flow to come down but that they would take care of a lot of that by the creation of the culvert which would cross under the road. (referred to plan)

Mr. Galezo motioned to approve the permit. Mr. Lind seconded. All were in favor. The vote was as follows: 5:0

Larry B. said that his consultant would keep the CAC up to date and would provide a report.

Application of Flaherty/Percacciolo, 3284 Rte 9, Tax Map #27.8-1-4

Mr. Watson presented the existing condition survey. He said that (inaudible) had visited the site a few times to make sure that the erosion sediment controls were in place and working as hay bails. At this point they really hadn't done anything on the site and they were just trying to get into it so that they could get things straightened out and try to get it closed down.

Mr. Flaherty said he had put 25 to 30 bails of hay as he had been instructed to do so.

Mr. Klotzle said that they had been to site that afternoon and that the fence still needed to be buried six inches into the ground.

Mr. Flaherty asked if Mr. Klotzle meant where the hay was.

Mr. Klotzle said that that wasn't as necessary and that was why he had Mr. Flaherty put the hay there. There are a couple of areas that did need more work. Mr. Klotzle pointed to an area on the plan and said that that needed to be worked on a little better. There needed to be rip rap at the end of the drain. (refer to plan) There are hay bails and the silt fence in front of it but wouldn't stop the velocity problem. He needed something that would break the velocity and slow the water down.

Mr. Flaherty said that he had put rock there.

Mr. Klotzle said that the rock was on the other side of the fence. He said if Mr. Flaherty would cut the pipe about a foot shorter and put some rock right in front of it then that would break the velocity.

Mr. Flaherty said okay so he would cut the pipe about 2 ft. and put rip rap and continue down the embankment.

Mr. Klotzle said that his second question would be the long term stabilization of the bank.

Mr. Flaherty explained that last year he had put the netting up there and planted some seed.

Mr. Klotzle said that that had washed out.

Mr. Flaherty said that he would do that again when the weather was the correct condition.

Mr. Klotzle said that maybe he would need rock all along that embankment.

It was said that there was quite a bit of rock.

Mr. Klotzle agreed and added that some areas were in good shape and some were not. Mr. Klotzle said that he was concerned with the embankment and the overall drainage of the site. He then asked if that would remain the overall drainage for the site. The one that comes from the highway and the one that starts in the middle of the yard, so to speak.

Mr. Flaherty said that they had tried to divert the water to one location and that was temporary.

Mr. Watson said that frankly they hadn't looked at that and what he wanted to do was get main concerns that have been going on for a long time.

Mr. Flaherty said that he really wanted to get this taken care of and get the permit so that they could finish what they wanted to do.

Mr. Lind said that the CAC needed a final plan and the goal of the property before a permit could be issued by the CAC.

Mr. Flaherty said that the goal was to fill in the property. There is no reason why he would have to come up with a plan for a piece of property that would be vacant.

Mr. Lind said it helps the CAC make a decision and helps expedite the permitting process if they had a final plan.

Mr. Flaherty said if he did come up with a plan and then five years from now it changes then what happens.

Mr. Klotzle said that he would then be able to apply again. Mr. Flaherty needed to stabilize this permanently so there would no longer be an environmental problem such as the plateau that was created so that none of the silt would go into the stream and the wetland that is adjacent to the stream, the stabilizing of the embankment and the upper area. Once it was stabilized permanently then if Mr. Flaherty wanted to do anything else it would be up to him to come back and reapply.

Mr. Flaherty said he did not want to do anything that would cause more expense. Basically, we're looking for a basic permanent stabilization plan for erosion, better drainage system and catch basin.

Mr. Klotzle said a permanent stabilization plan for the erosion.

Ms. Martin asked about the terms of the existing drainage.

Mr. Klotzle said Mr. Watson is working for him so a better drainage system needed to be figured out, possibly a sump or a small retention pond there.

Mr. Flaherty pointed to the plan and explained that these are the catch basins basically without the official tops on them so the water probably stays on top. He said he was sure some water got in there but not a lot.

Mr. Klotzle said due to the fact that it does go into the stream that Mr. Flaherty would need to officially do something with that and officially do something with the other drainage that goes down and hits the hay bails now and would need to cut that off at least temporarily.

Mr. Watson said that they could take advantage of this area here which is raised up above the floor of the wetlands about 10ft.

Mr. Klotzle said that with a catch basin or a sump that that would be okay with him.

Mr. Watson said he believed he knew what was needed.

Vamco, Route 9-Tax Map #27.16-01-16-Report due to Planning Board

Mr. Galler handed out the report.

Mr. Lind volunteered to do the Lanza and Ochsenlager reports. They have not been done yet but would be distributed to be read before the next meeting. Mr. Lind said he also volunteered to do the end of 2007 summary of activities.

Mr. Galler said that he would do the Crane report because he was familiar with the property.

Mr. Lind said he wasn't sure that he had a full understanding of that.

Ms. Martin said she had a plan with her if the CAC wanted to take a look. There is a conservation easement on the property and showed the CAC where that was. There are three lots that are being subdivided.

Mr. Klotzle asked where the conservation pieces were.

Ms. Martin showed him on the plan.

The CAC took a look at the plan and discussed the lots and what was happening with each, the existing house and 2nd house as well as the tennis court, etc.

They also discussed the no build areas.

Ms. Martin said lot 1 will keep the tennis court and one of the lots would be sold.

Mr. Galler asked where the list of lots was.

Ms. Martin showed the committee and explained the area where they would be able to build.

Mr. Lind pointed out on the plan at a certain lot where it said that it was limited to a one single family residence.

Ms. Martin said it was defined within the easement to this location.

Louis Lanza, Nelson Lane – Tax Map #71.2-95.1-Report due to Planning Board

Mr. Lanza wanted some clarification regarding what Mr. Watson had pointed out which was the intermittent stream.

Mr. Klotzle said that actually it was called a runoff. Mr. Watson did not label it as an intermittent stream.

Mr. Lind said that Mr. Watson wanted him to point something out on the CAC report and that would be where the intermittent stream enters that sort of grassy wetland.

Mr. Klotzle said that they needed to pick it up somewhere and put it into that grassy wet land: it would be picked up by some drainage structure.

Mr. Lind asked if the CAC could take a quick look at that before he wrote the report.

Mr. Klotzle suggested they visit the site.

Mr. Lind agreed.

Mr. Klotzle and Mr. Lind agreed to see the site tentatively on January 9, 2008.

Mr. Klotzle added that the applicant called it runoff and the CAC must see if that was the case or if it was in fact an intermittent stream.

Mr. Lind said that he would look at it again with Mr. Klotzle.

CAC Minutes for approval

Mr. Lind said the next items were the minutes to be approved.

The August 14, 2007 and September 11, 2007 CAC minute minutes were approved.

Mr. Lind made the motion to approve. Ms. Martin 2nd the motion. All were in favor.

Inspectors' Report:

Hopkins: Mr. Klotzle said he approved three lines. There is space for four lines. There are four trenches all set there and that pipe was put in so he had started anyway.

Rodak (violation on Osborn property): He had pretty much cleared his violation with the CAC regarding the wetlands. He does have to stick in some shrubs and do some planting in the spring. Mr. Klotzle said he would request that Mr. Rodak put in the live stakes first and if they don't take within the first three or four weeks, then he would possibly have to have him put in rooted shrubs. The Osborn's still have a problem with what was found on the hillside which is part of the devastation so it still must be decided as to what would be done for that.

Board of Health: Not allowing deep holes without an okay from Mr. Klotzle.

Mr. Lind asked about the Hopkins having a December 4, 2007 deadline.

Mr. Klotzle said that the Hopkins had ordered the local aerobic chamber and asked for a continuance in the local court. Some of it may be buried but part of it should be above ground with bells and whistles. Mr. Klotzle said he didn't think it was there. The silt fence is working and nothing would get through there.

Tyler Gagnon: Mr. Klotzle said he didn't understand the project and would have to see how good the fields were in front yard of the house. The septic tanks were not up the hill around the house and that they were in fact in the front yard of the house. When Mr. Klotzle visited the site he saw the septic tanks were put in. Instead of seeing the pipes from the tank go up the hill, Mr. Klotzle saw the pipes go around to the side of the house and Mr. Klotzle called Mr. Gagnon to inform him that he must stop the project because Mr. Klotzle told Mr. Gagnon that he did not understand what was going on and Mr. Gagnon said that was it and that he was sorry but that the fields are in front of the house. Mr. Klotzle said they were monstrous tanks and were installed. The work is proceeding on the house quite quickly now and the CAC would have to see what happened when they come to the field. It is just on the north side of Indian Brook Road about a fourth of a mile from Route 9.

Miscellaneous:

Mr. Lind said he would like to find time with Mr. Shea, Mr. Merante etc. on how the CAC and the Planning Board could communicate more formally and effectively.

Mr. Klotzle suggested a paper trail.

Ms. Martin suggested communication via e-mail.

Mr. Klotzle said again that there should be a paper trail.

Ms. Martin said that people could print their e-mails.

All agreed that the e-mails could be printed for the paper trail.

Mr. Galler said that they should have one member of the CAC attend the Planning Board meetings. Mr. Lind agreed. Mr. Shea said that would be no problem.

Mr. Shea introduced Bob Ripetto:

Mr. Shea said that Bob would be willing to help the CAC if they were interested in him since there was a vacancy on the committee.

Mr. Ripetto said that he was actively interested in the local activities, risk assessments and was willing to help the CAC if they were interested in him since there was a vacancy on the committee.

The CAC was very appreciative. Mr. Lind explained the CAC system.

The CAC advised that there were many ways of gaining information regarding the CAC.

Mr. Ripetto will submit a letter of interest per Ms. Martins' request.

Adjourn:

Mr. Lind made a motion to adjourn. Ms. Martin seconded the motion. The meeting ended at 9:20 p.m. The vote was as follows:

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