

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

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

Present: David Klotzle, Wetlands Inspector
Mark Galezo
Lew Kingsley
Eric Lind
M.J. Martin
Bob Repetto

Absent: Andy Galler

Flaherty/Percacciolo

Mr. Flaherty handed out the new map to the CAC. He explained the details. The plan is to re-seed as the CAC had suggested and said that the rock is holding any erosion from occurring as far as he was aware of.

Mr. Klotzle referred to the new map and asked Mr. Flaherty if that was a drainage channel that would pick up any runoff and bring it down here to this structure.

Mr. Flaherty said yes.

Ms. Martin asked if it was all lined with rock.

Mr. Flaherty said yes and (?) was left back there so that it would not go directly into the stream at all.

Mr. Kingsley was concerned with the south end because it was steeper.

Mr. Flaherty said that there was a lot more area before that and that area was relatively flat before the embankment.

Mr. Lind asked Mr. Kingsley if he was thinking about the adjacent property.

Mr. Kingsley said yes and asked if it was a dry well.

Mr. Flaherty said no.

It was said that the grassy swale would take most of the overflow and diffuse it back.

Mr. Klotzle said that there may be more things than grass that would be appropriate in there, like a riparian type thing. Mr. Klotzle said that the ditch may need some riff rap also depending on the amount of water coming off of here. He was not completely convinced that the grass alone would hold that.

Mr. Lind said that it was pretty level there and that overall it looked like a good approach.

Mr. Klotzle agreed.

Mr. Lind asked what the next step would be.

Mr. Klotzle said that several erosion channels needed to be re-done and the embankment with the riff rap must be maintained and probably shrubbery should be included. A planting plan must be written out.

Mr. Lind said he planned to call the engineer with a few questions.

Mr. Flaherty asked exactly what the CAC needed from him.

Mr. Klotzle said he needed a neighbors list (names and addresses) including the people across the street, a planting plan and continued maintenance of the embankment. Mr. Klotzle said with that he would be all set as far as he was concerned. He told Mr. Flaherty to just drop that list off and then we would send a letter out.

Mr. Flaherty said thank you.

Kaiser property/Request from the County Health Department

Mr. Klotzle received a call from Mr. Paravotti from the Health Department and he asked if Mr. Klotzle was aware that lot 2 showed intrusion of fill from a septic into a wetland buffer and Mr. Klotzle had answered that he hadn't realized that. Mr. Klotzle was told that the reason was because the map had changed and asked Mr. Klotzle if he had seen the new map. Mr. Klotzle said that he had not seen the new map. The CAC was not asked to look at it nor was it on the map that the CAC had previously seen. The map that they had seen was outside the wetland buffer. Mr. Klotzle had asked Mr. Watson to please send the new map and a letter and Mr. Klotzle had received those things today. Mr. Klotzle read and paraphrased the letter for the CAC members. The Health Department will not move further on the application until they are satisfied that the ssts on lot 2 may be constructed in the previous location without violating the town code. Therefore, if the CAC agreed with the assessment then they requested that a letter be forwarded to Mr. Paravotti that would indicate so and include a copy of the list. Mr. Klotzle said he had spoken to town attorneys about this recently on another matter and the story in general if he understood correctly, is that if no work had been done on the lot than having a pre existing approval doesn't necessarily mean that he would be able to go and build exactly what he was told he could build. If he had a foundation then the CAC would have to consider that. But in this situation if the CAC could find a way that he would be able to use the lot (which he does have permission to do) and stay out of the buffer than that is how Mr. Klotzle would like to proceed. He said the CAC would have to visit the site again and see what they thought and then make a decision.

All referred to the brand new map and agreed that the CAC must visit the site.

Mr. Kingsley said that everything must be staked for anything they have in mind.

Mr. Klotzle said yes, everything that is within the buffer.

The CAC discussed the buffer on the map.

Mr. Klotzle said that they would need to re-issue a letter to the Planning Board.

Mr. Lind asked if they should discuss that with the Planning Board first.

Mr. Klotzle said that Mr. Merante of the Planning Board should be contacted in order to see if there was a better way to negotiate that because Mr. Klotzle said he would not, nor would he be able to grant it a permit but that he would only be able to make a statement to Mr. Paravotti that the town said it was okay or that it was not okay and in this case that would be the Planning Board.

Mr. Shea said Mr. Klotzle would receive information from the Planning Board, Building Inspector, etc. Any changes and updates would also be put on the website for the public to have access to that information.

Mr. Lind said that he felt it was important that everyone stay connected.

All thanked Mr. Shea for being instrumental in keeping everyone connected with new information and updates.

Critical Environmental Areas:

Mr. Klotzle said that it was required that you ask the state if they know of any archeological historical things happening on the property so it would be in anyone's best interest if they thought they did know things that had not been reported, to then ask the DEC. For example, if they thought that there was an old Indian burial ground down here, because then the DEC must go and check it and if someone should ask and then there would at least be a report of that. That would trigger a further assessment in an important area.

Mr. Lind said that he hadn't as of yet had time to research further regarding Critical Environmental Areas. Mr. Klotzle and he had spoken about that and it had come up that where there was a form of designation where the town would be able to put over so called critical environmental areas whether they be small important habitats or scenic waterfalls or gorges etc. Mr. Lind said that possibly Mr. Shea could shed some light on that. Mr. Lind asked if that was something the Conservation Board handled. Mr. Lind was hoping someone could look into that and do further research regarding that.

Mr. Shea said that there were books available on that subject that would possibly be of some help and also that there is information online.

Mr. Klotzle said that if an area is properly declared a critical environmental area then it would have to be considered in any SQERA review.

Mr. Repetto said that he may be able to utilize the network at his place of employment for information.

Mr. Lind said that too would be great.

Introduction of Mr. Bob Repetto as a new CAC member:

Mr. Lind said he had wanted to formally welcome Mr. Bob Repetto to the CAC and added that everyone is looking forward to working with him.

Mr. Repetto thanked everyone.

Mr. Russ Cusick:

Mr. Cusick said he had a few things that he would like to discuss with the CAC and said he had been in the Building Inspectors' office earlier that day and had discussed property on East Mountain Road South that was almost finished. Mr. Cusick said that they were doing the (?) work on it now and said that his question was that the applicant had been given variances and also a wetlands permit and were allowed the work to built 20 feet from the stream and that he did not understand that and as a layman he said he would like to know how that worked. He added that he had never received the answers that he had looked for and said that he would continue with that until he does get the answers that he was looking for.

Mr. Klotzle said that he believed that had already been discussed.

Mr. Cusick had asked Mr. Klotzle that as a Wetlands Inspector, if that was within his jurisdiction to put a house 20 feet from the stream because that is what Mr. Monroe, the Building Inspector, had told him. Mr. Cusick said he just wanted to get to the bottom of this because (unfinished sentence).

Mr. Klotzle said that the foundation of that house was placed in 1995 and was approved by the wetland advisor and committee at that time.

Mr. Cusick said that Mr. Shea had been in the office when Mr. Cusick had inquired about that project.

Mr. Klotzle informed Mr. Kusick that he was trying to answer the situation in question but due to interruptions from Mr. Cusick he was not able to unless Mr. Cusick would allow him to speak. Mr. Klotzle said that there had been an existing permit.

Mr. Cusick said that that had been for a deck and not for a house.

Mr. Klotzle corrected him and had said that was incorrect and that that had been for a house and added that there would be nothing to put on a deck on if there had not been a house there.

Mr. Cusick said that that was a farce and said that Mr. Shea had spoken to the committee for months and that it was still being ignored daily.

Mr. Klotzle said that he had recalled that Mrs. Merando, the Town Clerk had said that Mr. Cusick had requested a copy of that. The only copy they had had was on old thermal copy and that she had made the copy of that as best she could for Mr. Cusick. She was unable to directly copy that itself.

Mr. Cusick said that that was for a deck and that that was just the proof.

Mr. Klotzle again asked Mr. Cusick that if it were for just a deck then what would it have been put on or attached to if there was not a house involved. Mr. Cusick did not respond to that question.

Mr. Cusick asked Mr. Shea if he had recalled him showing him that document.

Mr. Shea said yes that he did recall something regarding that.

Mr. Cusick said that that was just bogus as are a lot of things. Mr. Cusick also stated that everyone seemed to have ignored the MS4 laws. All of those laws were implemented on the 8th of January and that they were not pre-existing conditions.

Mr. Shea said that as of yet these laws had not been enforced.

Mr. Cusick said that he agreed and understood that those laws were not yet being enforced. He then discussed the drainage pipes that had put right into the Trout Brook in 2007 and added that he had happened to drive by that day on his way to Connecticut and he had taken pictures at that time of that being done. Mr. Cusick said that that was illegal and said he felt the CAC must be progressive and said that that was all he had to say. He then said that the wood driveway is a catastrophe and said that the CAC had allowed that. Those items it seemed to Mr. Cusick were things he felt that nobody wanted to discuss that but again said that it was horrific. Mr. Cusick said that he would continue to speak the truth because he felt that the CAC spoke about all things that should not actually even be discussed and hoped everything he said would be included in the minutes as well as having the minutes posted on the website.

Mr. Klotzle said thank you to Mr. Cusick.

Mr. Cusick said that Mr. Klotzle was welcome.

All said good night.

Mr. Klotzle asked the CAC if there was anything else that needed to be discussed.

All said no.

Adjournment:

Mr. Lind made a motion to adjourn the meeting. Ms. Martin 2nd. All were in favor.

The meeting was ended at 8:45.

The vote was as follows:

Mark Galezo	-	In favor
Andy Galler	-	Absent
Lew Kingsley	-	In favor
Eric Lind	-	In favor
M.J. Martin	-	In favor
Bob Repetto	-	In favor

Respectfully yours,

Christine Muscat

Note: These minutes were prepared for the Philipstown Advisory Committee and are subject to review, comment, emendation and approval thereupon.

Date approved: _____