

**Philipstown Conservation Advisory Committee
Town Hall, 238 Main Street, Cold Spring, New York, 10516
October 13, 2009**

The CAC held its regular meeting on Tuesday, October 13, 2009 at the Town Hall. Mr. Lind opened the meeting at 7:30 p.m.

Present: David Klotzle (Wetland Inspector)
 Eric Lind (Acting Chairperson)
 Lew Kingsley
 Michael Leonard
 Andy Galler
 Mark Galezo
 Bob Repetto

Absent: MJ Martin

Padilla, Roland
1004 East Mountain Rd.

TM# 18.-2-3

WL-09-153

Mr. Delano explained the changes on the revised plan. He said the house was moved away from the wetlands buffer, but the entry point was not. He explained to the members that if the driveway had been shortened it would cause the driveway to become steeper and would have required more fill, and would have left a bigger footprint in the buffer area.

Mr. Lind pointed to a section on the map and said that the CAC had that area for driveway in mind.

Mr. Delano explained the grade and steepness again in that area, and said that it would be better overall to leave the driveway in the location that it is in.

Mr. Lind asked if the culvert could be open bottom.

Mr. Delano said that he would look into that, and if the open bottom culvert could be placed, then the change would be made. He said that he would get additional information for the next meeting.

Mr. Lind thanked him.

Anderson, Elizabeth
16 Fox Hollow Lane.

TM#71.-2-17

WL-09-156

Mr. Lind said that some of the members were unable to walk the property, because the gate was locked.

Mr. Delano said that the area around the house is very soggy and the owner was concerned that she might have had a septic problem. He said that he believed the smell was rotting vegetation located in the very wet areas. He said that the owner wanted to fix the water problem. He told the members that he informed her that she would need to obtain a wetlands permit to do any work in that area. He said that the stream located on her property is regulated by the Town and by the State. He said that an application had been filed with the state, and did

not know the status of that yet. He said that they recommended her to install a French drain between the house and the first wall. He showed the members where the drain would be located on the map. He showed the members how the drain would be directed and completed.

Mr. Lind asked if they knew where the septic was located.

Mr. Delano said that he is trying to retrieve that information from the BOH (Board of Health). He said that at that moment he did not know.

Mr. Lind said that the members needed to get through the gate and take a look at the property.

Mr. Delano said that they would set up a date and time to do that.

**Polhemus, Edgar
Horseman's Trail**

TM# 16.12-1-7

PBR

Mr. Klotzle said that this matter was a Planning Board referral.

Mr. Delano told the members that Mr. Polhemus put an application before the Planning Board to use his property as a construction yard. He told the members that there were no Town Wetlands on the property.

Mr. Klotzle said that there is a buried intermittent stream located on the property that had been above ground a few years ago when he first looked at the property. He said that it was in an old clay broken pipe. He said that he had given permission at that time to replace the pipe. He told the members that there is a drain located in the corner of the property that would need to be protected during construction, because what would get into it would end up into Clove Creek.

They discussed the draining, grading plan, and bio retention area.

Mr. Galler said that he was concerned with the Asian Long Horn Beetles, because of the transfer of wood. He said that the DEC was looking at the Asian Long Horn Beetle as being very damaging to this area.

Mr. Lind said that a report to the Planning Board would be written with all the members' ideas and concerns.

Mr. Lind said that this was another Planning Board referral.

Mr. Delano said that it was a two lot sub-division. He showed the members the map and pointed out the sub division line. He said that Mr. Coleman came and flagged the wetlands.

Mr. Lind said that he and Mr. Klotzle had a difficult time matching the map to the property.

Mr. Delano explained the map.

Mr. Lind said that it still did not make sense. He said that he thought that he and Mr. Klotzle did not even look at the correct parcel.

They discussed the sub division plan more.

Mr. Lind said that he thought it would be best if a representative from Badey and Watson met the members on the site.

Mr. Galler wanted to know if the lot sizes conformed to zoning. He said that it is suppose to be two acre zoning.

Mr. Delano said that would require 80,000 square feet. He told Mr. Galler that one acre is 43,560 and that would be a little less than two acres.

Mr. Lind said that they would need to schedule a time to walk the property.

Mr. Delano asked that the CAC do the walk as soon as possible, because the applicant will be before the Planning Board again at the next meeting.

Mr. Healy explained that he had a lot that he owned and was trying to sell it. He said that Mr. Bellucio was his engineer, and had been keeping up with the permit renewals for him every year. He told the members that Mr. Bellucio had hip surgery and had now retired. He said that he had not planned on selling the property until recently, and that was when he realized that the proposed footprint of the house was not completed on the survey. He said that he had two offers on the property that fell through because of the size of the home. He said that Mr. Bellucio had admitted that it was an error on his part and fixed it.

Mr. Klotzle said that he and Mr. Lind had walked the property and some of the flags were missing. Mr. Klotzle said that he tried to reflag some of the areas. He told the CAC that this property already had a permit.

The members reviewed the map.

Mr. Lind said that he had a couple of ideas when they visited the site. He said that he thought some plantings were needed between the driveway and wetland.

Mr. Healy said that there was a riparian planting plan shown on the map, and there was an amphibian crossing plan as well.

The members looked at the original map showing the old proposed home, and compared it to the new proposed home.

Mr. Lind said that there would be no room for a grassed lawn located in the front of the home.

Mr. Klotzle suggested that maybe a terraced front yard with shrubs. He then said that the side and back yards could be the grassed lawns. He also suggested the use of organic materials.

Mr. Healy introduced John Scagnelli and his partner Sal as the potential new property owners. He explained that he was on board with these guys because of the great job they had just completed on Foundry Pond Rd. He told the members that they kept the job very clean. He told the members that he had purchased the lot next to him as well, because he really wanted to preserve the area he lived in. He then suggested that CAC address their ideas and concerns with Mr. Scagnelli since he would be the owner and builder.

Mr. Scagnelli stood and thanked the CAC for their time. He had suggested to the CAC that to prevent any erosion or fertilizer from entering the wetland area that a clay barrier across the

buffer. He told the members that he needed to have a sellable house, and would need some kind of front lawn.

Mr. Lind said that they would not want to prevent the home from being marketable.

Mr. Galezo asked if they were talking about digging a trench.

Mr. Scagnelli said yes.

Mr. Galezo asked if they would leave the existing ten foot of slope.

Mr. Scagnelli said yes.

Mr. Galezo said that he thought that the main concern was that the fertilizer on the surface would just run down the slope.

Mr. Scagnelli suggested that he put a gravel bed in front.

Mr. Galezo said that he would think that it would be a more sellable home with more of a level front yard, and did not think that it would be any more costly than digging a trench.

Mr. Scagnelli said that he was not so concerned about the cost, but wanted it to look right. He told the members that he wanted to remove as few trees as possible.

Mr. Lind asked Mr. Scagnelli to approach and view the map with him. They discussed what trees would be removed around the house, and in the path of the driveway.

Mr. Lind said that he noticed an old farm road was cut in where the driveway would be going. He said that he noticed no big trees in the way, and that was a good thing.

Mr. Lind asked how much foundation wall would be exposed.

Mr. Scagnelli said that little would be exposed.

Mr. Galezo said that he thought it looked like the right approach was being taken.

Mr. Lind said the main thing would be to prevent the new homeowners from putting a big fertilized lawn.

Mr. Lind asked where the well was located.

Mr. Scagnelli showed him where the well was located. He told the members that he would remove the well tailings off site, and would protect the area with silt fence and hay bales. He

said that the site was clearly a lot of erosion control. He said that he has read the current permit and intends on following it.

Mr. Galler asked if the house could be turned and taken out of the wetland buffer.

Mr. Klotzle said no, because that would create zoning setback issues.

They discussed safe fertilizers to use.

Mr. Klotzle said that a permit could be granted with all the stipulations in place, because it already has an approved permit.

Mr. Lind said that he would like a detailed construction narrative.

Mr. Scagnelli asked if that would be needed before the permit was granted.

Mr. Klotzle said no. He explained that they could grant the permit, but the permit would not be issued until the narrative was reviewed and approved by him.

They went over the amount and type of riparian plantings again.

Mr. Galler said that he thought the permit should be looked at again.

Mr. Klotzle said that he wrote the permit, and it related to the plan that they were reviewing at the moment.

Mr. Lind agreed and said that everything had already been approved. He said that the buffer disturbance would need to be shown and then calculate how much mitigation would be required. He said that it is usually one to one.

Mr. Healy said that when Mr. Coleman flagged the wetland he was very conservative. He said that when he measured the distance from the front of the house to the buffer zone, it was almost one hundred feet.

Mr. Klotzle agreed that Mr. Coleman was conservative on this property. He said that he was more conservative than he would have been. He said that he felt the wetland buffer should have been flagged further back.

Mr. Lind asked about buffer disturbance and wanted to make sure that the ratio was a one to one.

Mr. Klotzle said that the one to one only was for the wetlands that were going to be disturbed, and not what was in the buffer.

They determined that the ratio was greater than required on the mitigation side. The members were very satisfied with that.

Ms. Andress asked if the ratio calculation would still be a condition of the permit.

Mr. Klotzle and Mr. Lind said no.

Mr. Lind Made a motion to grant the permit with the conditions discussed in place.

Mr. Scagnelli asked if those conditions could be read back to him.

Mr. Klotzle said that there would be no front lawn, well tailings contained and removed off site, riparian plantings, construction narrative submitted, silt fence placed on down slope side of the driveway and along the driveway lower section that abuts the wetland, and a more specific planting plan with his help.

Mr. Galler asked how the utilities were going to be placed.

Mr. Scagnelli said they would be underground following the path of the driveway.

Mr. Lind said that the motion to grant permit still stood.

Mr. Galezo seconded the motion.

All were in favor.

Mr. Klotzle said that he would amend the permit. He told Mr. Scagnelli that when he takes over ownership of the property, then he will sign the new permit. He wanted to make it clear that a permit would be granted, and that getting the permit did not need to hold up the sale of the property.

Mr. Healy asked if the process of obtaining a Building Permit could be started.

Mr. Klotzle said that it would be up to the Building Inspector, and he would talk to him about it the next day.

Mr. Klotzle said that he had been to the site, and the foundation had been completed. He said that the hole had not been filled in yet. He said that he put her on the agenda to see if she would come in and explain what was going on, but she did not show.

Wetland Inspectors Report.

Mr. Klotzle said that he visited the Lanza property, and walked the site with the Lanzas. He said that he saw a number of sugar maple trees located at top. He said that he had seen a vernal pool. He said that the Lanzas agreed it was a vernal pool also and agreed to remove the stone to preserve the pool. He said that the Lanzas have been in contact with the Tree Man of Dutchess County that would be doing some work. He told the members that he told them that the CAC would need to see a plan.

Mr. Kingsley asked what was going to be logged.

Mr. Klotzle said that the Lanzas want to do a selective cut, and release the sugar maples. He said that it is a technique used to improve a sugar bush.

Mr. Galler said at the same time they would need to deer fence.

Mr. Klotzle said that the trees are fifteen feet tall and would not be affected by the deer.

Mr. Klotzle explained what release cutting was.

Mr. Kingsley said that many beautiful oaks could be cut, that are good for wildlife. He said that sugar maples are not good for Wildlife.

Mr. Klotzle said that it could happen, but is a farming process. He told the members that he informed the Lanzas that a plan would need to be submitted, and might have to go before the Planning Board. He said that an erosion control plan was submitted and looked good. He said that the stop work order was lifted to only do the erosion control work.

Mr. Galler reviewed the steep slope law with the members.

Mr. Klotzle said that he strongly felt that the Lanzas intentions are good ones, but they need a lot of guidance, and that the CAC should help guide them. He said that he would not want the Lanzas doing anything uninformed.

Mr. Klotzle informed the members that Eduardo Lauria was in violation of the Wetlands law. He said that a few years ago the front lawn was enlarged, and the driveway had shale on it. He said that he made Mr. Lauria place silt fence and fill out a permit application. He said that Mr. Lauria turned in an incomplete application, and paid the fee, but never got the permit. He said that when he went back to Mr. Lauria he had begun to fill the driveway, put a big stone gate at the end, and placed lights that caused a big disturbance. He said that when it rains the mud comes down the driveway and goes into the wetlands. He said that he made him put up a silt fence. He said that Mr. Lauria was given an appearance ticket for code violations, and it was postponed.

The members discussed their concerns on how much time it was taking to have these violations addressed and satisfied in court.

Adjournment:

Mr. Lind made a motion to adjourn the meeting. Mr. Kingsley seconded the motion. All were in favor. The meeting was closed at 9:00 pm.

Respectfully Yours,

Tina Andress-Landolfi

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

Date Approved: _____