

Philipstown Conservation Advisory Committee
Town Hall, 238 Main Street, Cold Spring, New York, 10516
October 6, 2010

The CAC held a special meeting for the Jordan application at the Recreation Department.
Mr. Lind opened the meeting at 7:30 pm

Please see notes # 1&2 on the last page.

Present: David Klotzle (Wetlands Inspector)
Eric Lind (Acting Chairperson)
MJ Martin
Andy Galler
Michael Leonard
Mark Galezo
Lou Kingsley
Tina Andress- Landolfi

Absent: Bob Repetto

**Jordan, Robert and Karen
East Mountain Rd.**

Mr. Lind explained why a special meeting had been called for the Jordan application. He said that the meeting would help accelerate the process, because of the amount of time that has passed since the receipt of the state permit to present date. He said it was the fair thing to do. He gave an overview of the role and scope of the CAC. He said that the CAC is confined to what is written in the Town Code.

Mr. Klotzle read sections of the Town Code that applied to granting a permit. He then read the list of requirements for a wetland application.

Mr. Lind introduced Mr. Gainer (Town Engineer) to speak about the submitted revised plan and his report.

Mr. Gainer said that he had reviewed the items that were added to the plan at the request of the CAC, Wetlands Inspector and his office. He said that one of the new conditions of the construction sequence was that a preconstruction meeting be held between the applicant, contractors, wetland inspector and the Town Highway Supervisor to discuss all wetland permit restrictions and requirements. He said that periodic inspections during all phases of the project would be conducted. He stated that the proposed lateral disturbance is more acceptable on new plan than as shown on previous plan. He said that all previous concerns raised by Mr. Clauser by in his memorandum had been addressed.

Mr. Lind said that at the last regular meeting Jordans had been removed from the agenda and Mr. Clauser had not been able to speak. He invited Mr. Clauser to speak at this time.

Mr. Clauser said that his firm had been hired by some of the neighbors in the East Mountain Road area. He said that he looked at the revised plans on Monday. He said that some items were missing from the plans. He said that they needed to be specified in order to protect the resource. He stated that the wetland evaluation conducted by Steve Coleman was new information that he had not seen before. He said that the report stated that it was a healthy functioning slope type wetland on relatively small water shed. He said that the bog was a rare ecological setting in Putnam County. He said that all other required state/ federal permit applications and permits had to be submitted as part of a complete local application. He continued to review his interpretation of what the requirements were for a wetland application.

Mr. Lind asked him to clarify what he thought the Jordans were required to obtain, but had not. He told Mr. Clauser that the Jordans had an approved DEC permit.

Mr. Clauser said that there were three items needed that had not been included.

Mr. Klotzle asked if one of those items was a storm water permit.

Mr. Clauser said yes.

Mr. Klotzle said that in this case it was not a requirement for a wetland permit. He said that it would eventually be needed on this site.

Mr. Lind said that in the code it is for applicable permits. He said that in this case it would be a DEC permit, and the Jordans had one. He read a section of the Town Wetlands Code (Effects on other provisions) He said that just because a wetland permit is issued does not mean that all other required permits would not be needed. He said that what he thought Mr. Clauser was quoting was referring to something like a DEC permit.

Mr. Clauser said that it was out of the Towns local law. He said that it was under permit procedures. He said that the number five requirement is that all applicable county, state and federal applications and permits be submitted.

Mr. Klotzle said that the key word was applicable.

Mr. Clauser claimed that the project could not be done without a storm water permit.

Mr. Klotzle agreed and said that it was a separate basket.

Mr. Clauser claimed that a stream disturbance permit was also required. He said that the stream was a class CT. He said that the new disturbance would also require that a preconstruction notification and habitat assessment be submitted to the ACOE (Army Corp of Engineers)

Mr. Klotzle said that the ACOE is notified when the DEC assumes jurisdiction.

Mr. Clauser said that it is a joint permit because the new disturbance level is no longer under one tenth of an acre. He said that it is now two tenths of an acre.

Mr. Lind said again that it would not exempt the Jordans from obtaining all other required permits.

Mr. Clauser claimed that the application was incomplete because the permits he felt were needed were not submitted with the application.

Mr. Gainer said that he did not think any other DEC permits were required, because the DEC has had the application for four years. He said that when the DEC accepts an application, they would review if any other permits were required. He said that they did not do so, and granted the permit without further comment. He said the issue with the ACOE permit would be based on whether the threshold of one tenth of an acre would be exceeded. He said that he did not know that it had been.

Mr. Clauser said that the drainage permit was submitted under the old driveway that had a disturbance of under seven tenths of an acre and one would not be needed. He said that he did not know how the stream disturbance would be missed.

Mr. Klotzle said that it was located on the map.

Mr. Gainer said that he still did not see that the threshold had not been exceeded.

Mr. Galler said that the ACOE did not require permits on non navigable streams or streams connected to navigable waterways.

Mr. Klotzle said that ACOE have blanket permits that cover situations like this.

Mr. Clauser said that since it was over one tenth of an acre he believed that it triggered having to get a permit.

Ms. Martin said that she noticed that Mr. Loria had communicated several times with the ACOE. She asked him if he ever got any response.

Inaudible

Mr. Loria said that he got no response at all.

Mr. Loria spoke (inaudible)

Mr. Lind asked Mr. Loria if he had made them aware of the issues they were raising.

Mr. Loria said that it was not his responsibility.

Ms. Martin said that she was aware of that.

Mr. Gainer said that it is the applicant's responsibility to pursue all required permits. He said that the CAC can not relieve him from getting all other applications necessary.

Mr. Galler asked if it could be a condition to the permit that all other required permits be secured.

Mr. Klotzle said yes. He said that he would check with the Town Attorney on the law and other permits that might be necessary.

Mr. Clauser asked the members if they wanted to approve something without knowing if the applicant could not get other permits approved.

Mr. Lind said that the granted permit would have a condition that all other applicable permits be obtained.

Mr. Clauser said again that copies of permits had to be submitted to make wetland permit application complete.

Mr. Lind said that the DEC had granted a permit and the CAC had a copy of that. He said that the DEC deemed the Jordan application complete. He asked Mr. Klotzle if he had anything to add.

Mr. Klotzle said that he had received a letter from Mr. Loria stating that the neighbors had a one month period to ask the DEC to review the granted permit. He said that he had spoken to the DEC and he was told that they had no evidence that was true. He said that the DEC seemed amicable to the CAC granting a permit.

Mr. Loria (inaudible and sitting in the back. Tape could not pick up his voice)

Mr. Clauser said that the plans were different. He said there was no mention of erosion control.

Mr. Lind said that Mr. Klotzle ensures that all erosion control measures are in place before any work is started.

Mr. Klotzle said that there was a boiler plate in the permit that required the best available silt fence be installed and inspected before any work is started.

Mr. Clauser continued to question details of the submitted plan.

Mr. Gainer said that the state had reviewed the plan.

Conversation followed between Mr. Clauser and Mr. Gainer as to the depth to which the wetland would be excavated.

Mr. Gainer said that the activities on this site would be monitored by Mr. Klotzle. He said that Mr. Clauser may have issues with that, but the CAC and the Town relies on his expertise. He said that it would be placed on the permit that one of the conditions be that Mr. Klotzle be on site throughout entire project.

Mr. Klotzle said that he would also bring Mr. Gainer on site if he were challenged with any issues.

Mr. Clauser said that he thought it a dangerous way of doing things.

Inaudible (phone ringing)

Mr. Clauser said that a SWPP would need to be done, and he saw no habitat assessment.

Mr. Klotzle said that the Hudsonia Report unfortunately primarily looked at the bog as opposed to the Jordan property.

Mr. Klotzle and Mr. Clauser talked about threatened species in the area.

Mr. Lind asked if there were any more questions.

All members said no.

Mr. Lind announced to the neighbors in the audience that he would allow them each two minutes to bring forward any new and relevant information.

Back and forth conversation ensued between the audience and CAC regarding alternate access to the site.

Secretary Note: Recording device had trouble picking up back and forth conversations in the audience.

After all allocated time was used the CAC started to put in place all conditions needed to grant permit.

Conditions to be listed

1. Driveway must be completed and approved by the wetland inspector/town engineer before work on the house site is begun

2. No recycled concrete may be used in the regulated area.

3. NYS DEC AND ACOE must review and approve the most recently submitted site plans.

4. An escrow of \$2,000 must be deposited with the town prior to any construction activity. Escrow account must be replenished by \$1000 when it reaches \$500.

5. The wetland inspector and town engineer shall meet on onsite with the contractor to discuss implementation of erosion control plans and construction timetable and procedures

6. State Storm water NOI and related SWPPP must be completed prior to and activity. Copies of these documents must be filed with the Town.

7. All wetland related permits from other agencies must be approved and on file with the Town of Philipstown before this permit will be in force.

Mr. Lind entertained a motion to grant a permit under listed conditions.

Ms. Martin made a motion to grant the permit.

Mr. Galezo seconded the motion.

All were in favor.

Permit was granted.

Adjournment:

Mr. Lind closed meeting 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.

Note #2: This was not a “Public Hearing” and thus did not have a court reporter present or follow other procedures common at such hearings. These minutes are standard CAC minutes recorded here to inform the public of what CAC members attended, what was discussed in a very general way and what actions, if any, were taken. Votes and vote totals are listed when actions such as permit advisory votes are taken.

Date Approved _____