

**Philipstown Conservation Advisory Committee
Town Hall, 238 Main Street, Cold Spring, New York 10516
March 10, 2009**

The CAC held its regular meeting on Tuesday, March 10, 2009 at the Town Hall.
Ms. Martin opens the meeting at 7:30 p.m.

Present: David Klotzle (Wetland Inspector)
 M.J Martin (Acting Chairperson)
 Lou Kingsley
 Mark Galezo
 Andy Galler
 Michael Leonard
 Bob Repetto

Absent: Eric Lind

**Rossouw H.J.
15 Ox Yoke**

TM# 90.8-2-6

WL-

Requesting Permit Renewal

Mr. Rossouw stood to speak. He apologized for not calling to renew the permit.

Mr. Klotzle told the members that Mr. Rossouw had an expired permit and wanted to renew it. He said that because it was such a complicated permit he suggested that Mr. Rossouw come in.

He told the members that he would not seek to change anything because it took so long to approve the permit, but wanted the members' approval.

The members reviewed the permit and plans.

Mr. Leonard asked if the property was the one with all the machines on the lot.

Mr. Rossouw said yes.

Mr. Klotzle told Mr. Rossouw to make his presentation.

Mr. Klotzle explained the renewal process to the members.

Mr. Klotzle said that the members could just renew the permit by voting for it without changing anything.

Mr. Rossouw told the members that everything was to remain the same, and that no changes would be made.

Mr. Galezo asked if the CAC had received everything that was needed.

Mr. Klotzle told the members that Mr. Rossouw had provided everything they needed and everything had been approved.

Mr. Kingsley asked if a inaudible test had been done on the septic area where the water flows under it.

Mr. Klotzle said that the Board of Health would have to do the test.

Mr. Rossouw said that the BOH had him dig test holes over a year ago.

Mr. Klotzle asked if he had a report on the test holes.

Mr. Rossouw said that his engineer had the report. He told the members that no water could be found. He said that he had a hole that he left, and it got filled with rainwater.

Mr. Klotzle asked if it was a deep hole.

Mr. Rossouw said yes. He explained that it was a seven-foot deep trench. He said that the BOH had him dig two more test holes six months later and there was still no water. He instructed the members to look at the map. He told the members that the water that comes down from the left hand side of the property was illegally routed by a neighbor. He told the members that water would be redirected to go back where it came from. He told the members that he had agreed to put in a small drain pipe where it crosses the road.

Mr. Klotzle asked him to get the report for the test holes.

Mr. Galezo asked if the BOH had signed off on the septic yet.

Mr. Rossouw said no. He said that the BOH wanted the retaining wall that was designed to be removed.

Mr. Klotzle asked if it was going to change the map.

Mr. Rossouw said yes.

Mr. Galler asked how high the retaining wall was going to be.

Mr. Rossouw said eighteen inches or so. He told them that it was not very high. He told the members that the BOH is requiring him to bring in bank run. He said that he should not be required to do that, because there is no water.

Mr. Klotzle said that he would need more information on the septic area before he could approve the septic area.

Mr. Rossouw said that he would send everything from Mr. Belluscio

Mr. Klotzle said that the rest of the lot on the far side of the setback towards the stream remains the same; it was just the septic area that changed.

Ms. Martin asked if it made sense to hold renewing the permit until they had all the information.

Mr. Klotzle said that he would not grant the permit until he saw the new septic information.

Ms. Martin said that if they got everything they needed they would get a resolution in for Mr. Rossouw.

Mr. Rossouw said that he would have Mr. Belluscio give Mr. Klotzle a call.

**Proposed Restaurant
544 Route 9D
(Planning Board Ref)**

TM# 82.-1-37

Mr. Klotzle said that Mr. Galler and Ms. Martin had been to the site, and there was a pond in the back and a little intermittent stream. He said it was not shown on the site plan. He said that a report should be sent to the Planning Board regarding that. He said that there was Phragmites that had been cut down. He said that if you added the pond and the wet area together it would probably not be quarter of an acre, but it was all contiguous. He said that because the pond and the stream are a jurisdictional wet area they would need a permit. He said that if the members wanted he could write a report to the Planning Board.

Ms. Martin asked if anyone felt the need to see it that had not seen it yet.

Everyone agreed to have Mr. Klotzle send his report.

**Garrison Contracting
1315 Route**

TM# 82.-1-67

WL-

A member asked what Mr. Jones wanted to do on the property.

Mr. Klotzle said that Mr. Jones wanted to have a used car lot, but he also wanted to put in a septic. Mr. Klotzle said that he went to the Building Department and the BOH about the site.

Mr. Klotzle showed the members on a map where the septic system was located. He said that he had spoken to several people at the BOH. He said that each had told him that the other had reported the digging up of septic remains. He said that everyone that he spoke to never witnessed the actual digging of the remains themselves. He was told that Joe ? Was there, but was no longer with the BOH, and that Joe had taken notes, and no one could find those notes. He questioned if there was an archeological dig to determine if a septic had been there. He said that he went to the Building Department and viewed the file, and found a report dated April 12, 1967 and that was checked off that the building had no plumbing.

Mr. Galler said that he remembered the listing almost twenty years ago, and recalled that there was a notation that there was no plumbing or septic.

Mr. Klotzle said that he can't see how any septic could have been in place if there was no plumbing with the previous owners. He said there is no report of the current owner Mr. Jones ever applying for any permits to put in a septic except the one holding tank that Mr. Klotzle caught him putting in and made him come in the office for a permit. He came in 2005 and applied for the permit; he came in once and walked away from the deal.

Mr. Shea asked if the tank was put in with the BOH's knowledge.

Mr. Klotzle said that he informed the BOH, but nothing ever happened. He said that he believed that there was never any septic device except the holding tank that would have been put in without a permit. He said that there is now a Porto potty on the side of the building.

Mr. Shea asked if the BOH would be getting involved in this.

Mr. Klotzle said that he would be going back to the BOH and telling them that as Wetland Inspector he doesn't believe that there was a pre-existing septic. He said that he had already told BOH that there was a very slim chance that a septic would be approved within one hundred feet of the stream.

Mr. Shea asked what type of tank was put in.

Mr. Klotzle said that it was a small tank, only a couple hundred gallons.

Mr. Galler said he remembered them digging it and called Mr. Klotzle.

Mr. Klotzle said that he informed the BOH, and they said that it was pre existing non- conforming.

Mr. Shea said that he would be willing to go to the site and meet with someone from the BOH and tell them to show where the septic was.

Ms. Martin said that there were also issues with the bank being regraded next to the stream.

Mr. Klotzle said that Mr. Jones had been cited by him and the DEC for doing work in the section immediately behind the building and going up along the parking lot near the clothing drops. He said that the DEC took a long time getting Mr. Jones into court. He said that he went online and found that Mr. Jones had a permit from the DEC that was reissued on January 13, 2009. He said that the permit was for the riprap on the embankment. He said that he was told that the state biologist said that it would do more damage environmentally to remove the stone, and was better to leave it in place.

Mr. Shea asked if that permit was issued retroactively.

Mr. Klotzle said that he believed so.

Mr. Klotzle said that he will ask the DEC to tell people that getting a DEC permit is not the last step, just like the CAC informs people when they may need to get a DEC permit.

Ms. Martin said that this may be an opportunity to ask the owner to do some repair on that embankment.

Mr. Klotzle explained that the Planning Board would have to send over the referral and that the CAC would have to write a report. He said at that point the CAC could require a mitigation and remediation on the embankment.

Ms. Martin said that the site had many problems.

The members agreed.

**Lanza, Louis
60 Nelson Lane**

TM# 71.-2-95.1

Mr. Klotzle said that he went and looked at the property. He told the members that he had put in a driveway. He said that there was an old farm road that has now been turned into a very large road and had been cut into the hill and the road went all the way to the top. He said that you can see existing stone work on the down slope side part of the way up, but when it turns straight up slope there is no evidence that there was an existing road. He said that he was told that the road had been there. He said that Andi Merante went with him and took photographs. He was supposed to meet Mr. Watson on the site, but it rained. He said that he thinks the entire roadway will need to be mulched and seeded. He said that he suggested oats, because they come up this time of the year and they have nothing invasive in them.

Ms. Martin spoke of the crossing that needed to be repaired.

Mr. Klotzle explained how the work was done.

Mr. Galler asked who did the work.

Mr. Klotzle said he believed that the contractors name was John Chindano .

Mr. Klotzle said that most of the work was done up on the hillside. He said that it is one of the most massive local maple sugar operations he had ever seen. He explained how the operation worked at the moment and that Mr. Lanza would be selling the maple syrup in his restaurants.

**Noe, Sasha
Planning Board Ref**

TM# 8.-2-2.13 & 2.14

WL-08-123

Mr. Klotzle said that the Planning Board got the report, but it did not look like all of the recommendations made the permit. Mr. Klotzle said that no escrow was put on the permit for him to watch it. He said that nothing was mentioned about the CAC working with the engineers and people in the field to make sure that the canopy remained intact. He said that it did say that they needed to file for a Wetland permit, but nothing has been filed yet.

Mr. Shea said that you can't get to the property now, because of a bad storm. He said that the area had been destroyed.

Mr.Klotzle said that he saw that Noe was up for a ninety day extension for the approval of the subdivision. He said that a report should be put in between now and then, and that would get them before the CAC.

Mr. Klotzle read a list of properties in the area that had DEC permit applications. He said that he was going to send notices out to these people to let them know that anything that requires a state permit would also require a local permit. He said that he would be doing this from now on.

The members agreed that it was a very good idea.

**Buck, Christopher and Deborah
321 Old Albany Post Rd.
(Discussion)**

TM# 72.-2-9

WL-

Mr.Klotzle said that he and some of the members went to visit the site, and while they were there they spotted a machine digging and a group of people doing

work next to the stream located on the Buck property. He said that they had taken soil from the spruce grove and filled in a sinkhole next to the stream. He said that they were working with no silt fences. He said they got a Wetland Violation from him and a violation from the land trust. He said that it took eleven days to get the silt fences put in place correctly.

Mr. Shea asked if any fines were given and if Tom Monroe was aware of it.

Mr. Klotzle said no. He told Mr. Shea that Mr. Monroe was away when this happened.

Mr. Shea said that eleven days was a very long time for them not to comply with putting in the silt fence.

Mr. Klotzle said that he was very confident that if he were able to get in contact with the owner, they would have complied sooner. He said that he argued with the landscaping contractor about the silt fence not being buried. He told him that he would not be able to bury the silt fence, because of the frost in the ground. He told the members that two days later the landscaping contractor called and confirmed he could not bury the fence, because of the frost in the ground. Mr. Klotzle said that once he was able to talk to Mr. Buck everything was straightened out in a day.

Mr. Shea asked about giving a fine.

Mr. Klotzle said that he would have to fine the owner.

Mr. Galezo said that they should pay back all the time and effort the town had to spend on this.

Mr. Klotzle said that he would talk to Mr. Monroe about the fine.

Mr. Shea said that is what fines are for, and if people don't get fined, then why have them.

Mr. Shea said that they are before the CAC for a permit application, and they should be well aware.

Mr. Klotzle said that when he spoke with the owner, he would say that the owner was not aware at all of the situation. He said that this is a weekend house and he had not been around.

Mr. Klotzle said that the owner hired them to fill in the sinkhole. He said that the owner did not know that he was going to be taking the soil from a spruce grove.

He said that he E-mailed the owner and told him that he felt the contractor should have known that a permit was needed.

Mr. Shea said that contractors should be getting fined as well.

CAC Becoming a Board (Discussion)

Ms. Martin asked Mr. Shea if he received the memo that was created. She asked if he had any feedback.

Mr. Shea said that he thought that it should be added and made clear that each member would have a vote.

The members discussed and gathered ideas for the upcoming workshop.

Mr. Shea said that he saw no issues with anything else.

Ms. Martin suggested that all Board members have training and continued education.

The members discussed having experts come and speak, and having it open for public education as well.

Ms. Martin announced to the members about upcoming workshops.

Adjournment:

Ms. Martin made a motion to adjourn. Mr. Galezo seconded. All were in favor. The meeting was closed at 8:30 p.m.

Respectfully Yours,

Tina Andress-Landolfi

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

