

**Philipstown Conservation Advisory Committee
Town Hall, 238 Main Street, Cold Spring, New York 10516
August 11, 2009**

The CAC held its regular meeting on Tuesday, August 11, 2009 at the Town Hall. Mr. Lind opened the meeting at 7:30 p.m.

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

Absent: M.J. Martin

Ms. Frazier handed out her survey map.

Mr. Klotzle asked if she had spoken to anyone from the Highway Department.

Ms. Frazier said yes, and they would be out this week to look at what had been staked.

Mr. Klotzle told the members that the proposed work would take place within the Highway Department Right of Way.

Mr. Lind asked if John Delano could come to next meeting and discuss the project.

Ms. Frazier said that she would be moving out of the country and wanted to know if things could be moved along.

Mr. Lind said that it could not be done because the CAC just received the plans and needed to visit the site.

Mr. Lind asked if there were any preliminary questions.

Mr. Galler asked what was there now.

Mr. Klotzle said nothing, and would be a standard culvert.

Mr. Lind instructed Ms. Frazier to contact Mr. Klotzle before next meeting to make sure everything is in place.

Mr. Lind told Ms. Frazier they would visit the site and see her or Mr. Delano at the next meeting.

Mr. Watson explained that the application is mostly to correct the current wetland violation. He said that most of the issues had been corrected based on Mr. Klotzles recommendations and the only thing that they have left is seeding the area.

Mr. Galler asked Mr. Watson to explain what work was going to be done.

Mr. Watson said that he can only explain what has been done, and no other work would be proposed. He said the only thing left to do was some seeding along the shoulders. He explained that in order to correct the violation they have installed the culverts; re graded the road in the wetlands buffer, lined the outfall end of the culverts downstream to the silt fence with stone, and have planted the disturbed area with a riparian mix. He explained that they are working on an erosion control plan for the steeper slope area.

Mr. Lind said that the wetland part looked in a reasonable condition when he visited it.

Mr. Lind referred to the steep part of the road and pointed out there had been some scouring. He asked if any additional work would need to be done to prevent the scouring from getting worse.

Mr. Watson said yes.

Mr. Lind asked if that work would take place soon.

Mr. Watson said yes.

Mr. Lind asked if the runoff from the road entered the buffer area.

Mr. Watson said no. He said it is going downhill and has several hundred feet of uncontrolled woodland before hitting that area.

Mr. Galler pointed to a section of the map and asked if it would make sense to place a temporary dam in the area to divert any rubble or debris from washing down.

Mr. Watson said that he did not feel that would be necessary, because it is going to runoff before it would reach the section that Mr. Galler pointed to.

Mr. Klotzle agreed with Mr. Watson.

Mr. Lind said he saw no reason not to move ahead and grant the permit for the work that was depicted on map to correct the wetland violation. He asked if anyone had any further comments or questions.

Ms. Martin pointed to a section of the map and wanted to know if the road had been pre-existing.

Mr. Klotzle said that a section of that road had been an old farm road.

Mr. Watson said that there were traces of an old road up to and around the first bend, he said before anything was done and before the Lanzas purchased the property there was a woods road.

Mr. Lind felt that a conversation should take place concerning the new road and the steep slope law.

Mr. Watson said that an erosion control plan was being worked on. He said that he felt that this issue should be addressed with the Building Inspector. He said that the Building Inspector should tell him what permits would be required, and they would do whatever was necessary to obtain them.

Mr. Galler said he knew the planning Board was interested in this also.

Mr. Watson said that he had met with the Planning Board and asked them to quantify what the problem was. He said that he was hesitant to talk about this issue. He said if someone could identify what permits the Lanzas needed, they would get them. He said the last time he met with the Building Inspector he was suppose to quantify what was needed. He said that he has asked several town officials and the Town Board to explain what was needed. He said that a letter had accused them of breaking the law, but nowhere in the memo said exactly what part of the law had been broken.

Mr. Lind said that the memo reported a steep slope violation and it stated what part of the steep slope code was violated.

Mr. Watson disagreed.

Ms. Martin said it was listed as chapter 147

Mr. Watson said that was an entire chapter.

Ms. Martin said it is under Item C.

Mr. Watson said that he would read again.

Ms. Martin told Mr. Watson he knows the code.

Mr. Watson agreed and said that the steep slope law does not provide a permitting process for doing work on your own property.

Ms. Klotzle agreed that it did not, but talked about incorporating the meanings of the information of the steep slopes law into existing codes.

Mr. Watson said that was correct.

Ms. Martin said it also gives the CAC the right to comment and give advice on them.

Mr. Watson and the CAC members discussed their interpretation of chapter 147.

Ms. Martin told Mr. Watson that just because there was not permitting mechanism for doing construction on a steep slope does not give permission to break the law. She said that on class three slopes you cannot build a road.

Mr. Watson said that he did not come today to argue about this. He said that he has asked that someone point them in the direction needed to satisfy the issues.

Ms. Martin said that the CAC does not want to penalize anyone, and the spirit of their recommendations is to protect the conservation quality of the town, and a very important slope in the town. She told Mr. Watson that the slope is attached to important properties in the town.

Mr. Lind said the Town recognizes the importance and that is why the law is in the Town Code. He said that there needed to be erosion control.

Mr. Watson said that everyone agreed with that and a plan is being put together.

Mr. Lind said that everyone wants the property to be handled in the best way. He said that it just came down to who was ultimately going to make the call.

Mr. Watson said that he felt the appropriate place would be through the Building Department. He said that there is no permit to apply for with Mr. Klotzle. He said that they would submit an NOI (Notice of Intent) to the Building Inspector. He said if any issues needed to be addressed, then they would do that.

Mr. Lind made a motion to approve the permit.

Mr. Galler said he wanted to see wording that what is being done at this point is only a temporary measure, because they don't know what will happen with the road. He said that he would only be comfortable if the permit stated that this repair was temporary and waiting on what would be done with the rest of the road.

Ms. Martin agreed that it was a good point.

Mr. Watson said that the appropriate way to handle that would be to have a six and twelve month inspection. He said if there were more disturbance, then it would need to be re-visited. He said that if everything was fine he did not want to have a temporary permit out forever.

Mr. Galler said he did not see it has a temporary permit. He just wanted it to be more specific to what the ultimate road with would be finalized as.

Ms. Martin said the law would only permit a footpath.

Mr. Galler said that he would be comfortable if that wording were put in the permit.

Mr. Klotzle said that the CAC only had authority within one hundred feet of either side of the intermittent streams.

Mr. Watson said that is why he suggested a six month and twelve month inspection be placed as a condition of the permit. He said that it was not anticipated that any further work would be done in the wetlands buffer.

Mr. Klotzle said at that point if the permit could be amended if necessary changes would need to be made.

Mr. Watson said he saw no problem with that.

Mr. Galler said no one knows exactly what the width of the farm road was before the work was done, and without that he would not vote for the permit.

Mr. Klotzle said that the permit could be limited to what the size of the road is now. He said that if they changed the size of the road they would need a new permit anyways.

Mr. Galler said that it was not known what the size of the roadway was before it was tampered with. He said that giving a permit would allow anyone to do the same thing.

Mr. Klotzle asked how they could find out what the size of the original road was.

Mr. Galler said that he did not know. He said that the damage had been done. He said he felt that it would not allow the town to go back and decide that the roadway should be six feet. He said giving them a permit would suggest that the road is fine the way it is.

Mr. Klotzle said that the permit would not be permitting the roadway. He explained that the permit would cover the two drainage structures and the catch basin.

Mr. Galler said yes, but the roadway is on top of them.

Mr. Klotzle said that it did before as well, and the argument would only be the new width of the roadway. Mr. Klotzle said that it was widened by cutting into the slopes, but did not know by how much.

Mr. Galler asked if it was documented anywhere what the size of the road was before widened.

Mr. Klotzle said only by his memory. He said that he had looked for pictures, and looked at Google Earth and was not able to tell. He said the streams were pre-existing.

Ms. Martin said that the improved road would have changed the watercourses if they use to go over the road.

Mr. Klotzle said no. He said that the streams went through the road.

Ms. Martin asked how.

Mr. Klotzle said that they traveled through the rock under the road and made channels on the other side.

Mr. Watson asked what a temporary permit would do.

Mr. Galler said that he did not mean temporary. He said that he wanted a sentence that would give the permit, but not would constitute that the wetland would be agreeing to a permanent right of way. He said that if he could get behind a keyboard he would be able to craft a sentence. He said that it would be a footnote.

Mr. Watson said that he did not have a problem with that.

Ms. Martin asked if the disposition of the extended road on the class three slopes affect the wetland and watercourse area if it were to stay the way it is.

Mr. Klotzle said no.

Mr. Lind said he agreed with Mr. Galler's suggestion on wording the permit carefully. He said that the language of the wetland permit would need to be worked on, and once everyone agreed on the wording, then the permit could be issued. He made a motion to grant the permit.

Mr. Galler seconded the motion.

All were in favor.

**Jacobson, James
460 Indian Brook Rd.**

TM# 50. -2-17.1

WL-09-155

Mr. Watson said that the Jacobson's had a two car garage that they would like to tear down and rebuild a three car garage with guest quarters above. He said that there was a very small stream just less than one hundred feet away from the activity. He said in order to put the guest quarters in they would need to place some tanks that would pump up to the approved septic area at the top of the hill. Mr. Watson showed the members where the new proposed garage would be placed. He said the building would be placed outside the buffer, but some drainage and tanks would be in buffer. He explained more of the plan.

Mr. Watson said that the Jacobson's have water running down the hill towards their primary residence causing problems for them. He showed the members where they wanted to place a curb to divert the

water from running into the residence. He said that the runoff would still end up in same location, but would be diverted from their home.

Mr. Galler asked if the BOH (Board of Health) were going to allow them to use the existing leaching field.

Mr. Watson said no. He showed the members where the leaching field for the house was located and where the new field would be placed.

Mr. Galezo asked if a separate leaching field was allowed for a guest house.

Mr. Watson said yes.

Mr. Lind said that a visit to the property would be needed.

**Duffy, Lynn
18 Mill Rd.**

TM# 17.-1-53

WL-08-149

Mr. Lind asked the members if they have seen the project.

All members said yes.

Mr. Lind said that the slope behind house needed stabilizing. He said that he and Mr. Klotzle did not think that seeding would be enough because of the steepness of the slope.

Ms. Duffy asked about the Ernst Erosion control mix.

Mr. Klotzle said that if she could establish the Ernst with some shrubs, then that might hold.

Mr. Galler asked if fabric would be put down first.

Mr. Klotzle said yes. He told them that the fabric that is there would need to come up and be placed again.

Ms. Duffy told the members that she had secured some areas.

Mr. Galezo asked how the foundation was coming.

Ms. Duffy said that she was put off till September fourth because of the weather.

Mr. Klotzle told the members that the foundation was ready to be placed, but heavy rains had prevented that.

Mr. Galezo asked if what a poured or block foundation.

Ms. Duffy said it was going to be block.

Mr. Galezo asked if she was getting the run around from her contractor.

Ms. Duffy said no. She told them that she did not have approval for all permits yet. Ms. Duffy said they needed to go before the ZBA and would not be on their agenda till next meeting. She told the members that Mr. Emerick put a stop work on her after she started the work, because he had issued the permit in error.

The members discussed their ideas on the best way to get the wetland protected and prevent further damage.

Mr. Lind asked if she could be granted a permit to allow her to do the work before she had the other permits.

Mr. Klotzle said he could give her a permit so that she could complete the work that needed to be done to remedy her wetland violation and secure the work area to prevent further issues immediately.

Mr. Lind said that he would like to see a construction narrative.

Ms. Duffy agreed.

Mr. Lind suggested that the CAC could lay out a simple construction narrative to guide Ms. Duffy in doing the work.

Mr. Galezo said he would be glad to assist her with that.

Mr. Lind said that would need to be a condition of the permit. He said to get the silt out of the wetland and stabilize the slope.

Mr. Lind made a motion to grant the permit with the condition of the construction narrative and frequent visits from Mr. Klotzle.

Ms. Martin seconded.

All were in favor.

**Spanu & Olnick
245 Avery Rd.**

TM# 60.-1-51.1

WL-09-152

Mr. Coleman said that the Spanu's were approached by Central Hudson to replace some utility poles located on their property. Mr. Coleman explained what Central Hudson wanted to do. He said the work was pretty straightforward.

The members said they would visit the site.

**Yu, Unjoo & Dong
544 Rt.9D**

TM# 82.-1-37

Planning Board Ref

Mr. Klotzle said that trees had been put in along the intermittent stream and post put in ground. He said that he called the owner and asked him about it. He said that it was discovered that the work was being done by the adjoining property owners , the Cutlers, and they would be receiving a wetland violation and be notified that they would need a permit. Mr. Klotzle said that he did not except the drawing or survey, because it did not show the pond that was located on the property. He said that new updated survey would be submitted soon.

**Young, Paula
187 Lake Surprise Rd.**

TM# 27.-1-18

WL-09-151

Removed from agenda

Inspector Report

Mr. Klotzle informed the CAC that was going to issue a violation to Eduardo Lauria for work that was being done on his property located on Rt.9D. He told the members that he was in violation a few years ago and never got the permit he was instructed to get.

Mr.Klotzle said that the ZBA has asked him to make another report regarding the new map from Garrison Contracting.

Approval of January, February, and March 2009 CAC Minutes.

CAC members went over the minutes.

CAC decided that minutes will not be posted on website until all minutes have been reviewed and approved by the members.

Mr. Lind made a motion to approve the minutes.

Mr. Galler seconded.

All were in favor.

Adjournment:

Mr. Lind made a motion to adjourn the meeting. Mr. Kingsley seconded. All were in favor. The meeting was closed at 9:05 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.