

**Philipstown Conservation Advisory Committee  
Town Hall, 238 Main Street, Cold Spring, New York, 10516  
September 8, 2009**

The CAC held its regular meeting on Tuesday, September 8, 2009 at the Town Hall. Mr. Lind opened the meeting at 7:30 p.m.

**Present:** David Klotzle (Wetland Inspector)  
Eric Lind (Acting Chairperson)  
Andy Galler  
Mark Galezo  
M.J. Martin  
Michael Leonard

**Spanu and Olnick**  
**245 Avery Rd.**

**TM# 60.-1-51**

**WL-09-152**

Mr. Lind Said that the CAC felt it would be a great visual improvement to remove the utility poles. Mr. Lind asked what protective measures would be used in the more sensitive areas of the proposed work.

Mr. Coleman said they would be using silt fence as close to the road as they can.

Mr. Lind said that the construction narrative said all work would be done by hand, but assumed the poles would be removed by a machine.

Mr. Coleman said that the poles would also be removed by hand.

Mr. Lind asked if there were any comments or concerns.

Mr. Klotzle said that he would like to talk about the elevation of what has to be dug out of the corner of the street and the driveway. He asked if the utility conduit would go underneath the drainage.

Mr. Coleman said the plan was for it to go on top, because it would be less disturbance. He said that it could be placed underneath if necessary. He asked if the CAC had a preference.

Mr. Klotzle said no.

Mr. Lind made a motion to approve the permit.

Ms. Martin seconded the motion.

All were in favor.

**Frazier, Julia**  
**Phillips Brook Rd.**

**TM# 71.-2-95.1**

**WL-07-120**

Mr. Lind said the members went and visited the site and looked at the stream crossing.

Mr. Watson said the DEC was ready to issue a permit. He said the question about the wing walls going into the Town Highway Departments ROW (Right Of Way) has been addressed. He said that Mr. Chirico brought the deed to the property which indicated that the title went to the middle of the road. He said that the wing walls do not threaten any plan or eventual widening of the road if it ever became necessary. He said that Mr. Chirico would be willing to issue a permit to do the work if Ms. Frazier applied for one.

Ms. Martin said she was told the same thing.

Mr. Watson said there was a question about the type of culvert that was going to be used. He showed the CAC the type of bridge that would be used and how it would be constructed. He said the opening was nineteen feet to carry a twelve foot stream. He said that there would be care taken in the backfilling process, and asked the CAC if there were any more comments regarding the site.

Mr. Lind said that the open bottom culvert was important in a rocky stream such as the one located on the Frazier property, and said it would be important to have adequate protective measures in place during excavation and installation.

Mr. Klotzle said that footings would need to be on the bank so that no digging would occur in the stream, and sand bags placed to protect the stream from getting any material into the stream.

Ms. Martin asked if the stream would need to be diverted while work was being done.

Mr. Watson said no.

Mr. Klotzle agreed that it was not necessary to divert the stream. He said it would be more environmentally damaging to do that.

Mr. Galler said that he assumed the piece was considered to be a full corrugated invert that is being put in.

Mr. Watson said he did not understand what Mr. Galler had said.

Mr. Galler said that that it is strongly recommended that a flat sheet or wall be added to the upstream and to the full corrugated aluminum invert to prevent water from (inaudible) the structure.

Mr. Watson explained that the invert is the bottom of the pipe. He said that a full corrugated invert would mean there was no natural bottom. He explained how the culvert worked.

Mr. Galler said that he did not see a problem with adding a tow wall.

Mr. Klotzle explained that the pieces get added one at a time. He said that he thought that a company representative would have to be present during installation or they would not guarantee the equipment.

Mr. Watson said that he would check on that, he explained his thought on what would require that type of preparation, and believed that this did not apply to this specific project.

Mr. Galler agreed that what Mr. Watson said made sense.

Ms. Martin asked Mr. Watson to go over what Mr. Chirico had stated about the property line.

Mr. Watson said that Mr. Chirico was concerned about the wing wall being constructed within the fifty feet of the Towns ROW. He said that Mr. Chirico did not know if it was legally permissible. He said that Mr. Chirico was also concerned with how it might affect the Towns ability to widen the road if it would ever be necessary. He then showed the members how the wing walls would be placed.

Ms. Martin asked who would be liable if the bridge blew out.

Mr. Watson said that he thought it was pretty clear that Julia Frazier would be responsible for the Bridge. He advised the CAC to ask the Towns attorney. Mr. Watson said that as far as routine maintenance and repairs if bridge failed it would more than likely be the responsibility of Ms. Frazier. He said it would not make sense that the town be responsible unless they did damage to the bridge themselves.

Mr. Galler asked what the height was going to be from the streambed.

Mr. Watson said from the stream to the inside top roof of the culvert showed just over five feet, and from the stream to the road bed above was nine feet.

Mr. Galler asked about the width.

Mr. Watson said that the opening at the lowest is nineteen to accommodate a twelve foot stream.

Mr. Lind said that for protective measures that Mr. Klotzle would need to oversee construction during installation of the bridge.

Mr. Lind made a motion to approve the permit. He then asked of any conditions needed to be placed on the permit concerning the easement issues.

Mr. Klotzle said that he would ask that he get a letter about the meeting that took place with the Highway Supervisor about the easement.

Mr. Galezo seconded the motion to grant the permit.

All were in favor.

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

**TM# 50.-2-17.1**

**WL-09-155**

Mr. Watson explained that the application was for an intrusion into the wetland buffer in order to accommodate the installation of septic tanks and force main and some grading. He said there would be a demolition of an existing garage and replaced with a new one having a guest quarters located on top. He said despite the fact that it is a seven acre site, they are still very limited on how they can do this. He said that they had a septic permit to do the work. He said that at that time he was not aware that a wetlands permit would be needed. He said it was later realized that there would be some disturbance within the buffer. He explained how they want to place a curb to control an existing water problem. He said that there was fairly small amount of disturbance.

Mr. Lind said that most of the disturbance within the buffer would be lawn, driveway or gardening, and did not see any habitat issues.

Mr. Lind made a motion to approve permit.

Ms. Martin seconded the motion.

Mr. Lind asked if there were any conditions to be added to the permit.

None were added.

All were in favor.

**Padilla, Roland**  
**1004 East Mountain Rd.**

**TM# 18.-2-3**

**WL-09-153**

Mr. Watson said that he looked at Mr. Padillas plan for the first time last week and his immediate reaction was that the CAC would not approve the house in the wetland buffer. He advised Mr. Padilla that the plans should be redrawn and put it over above the septic field even though it would require more excavation and grading. He said that Mr. Padilla agreed to pull the plan and place the home out of the buffer. He told the CAC that they would need to cross the wetland in order to get in. He asked the members if they had any comments.

Mr. Klotzle said that the sooner they could cross the wetland the better.

Mr. Watson said that the crossing would be taking place on the narrowest end.

Ms. Martin pointed to an area on the map and asked if they could redirect the crossing in that area instead.

Mr. Watson said he would find out if that could be done.

**Lanza, Louis**  
**60 Nelson Lane**

**TM# 61.-3-52**

**WL-09-154**

Mr. Watson said that an erosion control plan had been submitted. He said that he knows there is an issue about the width of the pathway. He said that Mr. Lanza had every intention to reforest the area. Mr. Watson said that he did not believe that a four foot travel way would service getting to the hill for farming purposes. Mr. Watson said that this is a serious farming operation, and it would be impossible to get to the top of the hill without crossing steep slopes.

Mr. Klotzle asked what agricultural work would be done at the top of the hill.

Mr. Lanza said that over the next few years he wanted to plant more maple trees and do extensive farming. He said that the Agricultural and Farmland Protection Plan for Putnam

County embrace people like him. He said that he is not building any more houses and only wanted to extend farming on his property.

Mr. Klotzle asked how many acres are in the hemlock area.

Mr. Lanza said that there are several acres with a lot of dead forest.

Mr. Klotzle asked if he was going to thin and improve the forest.

Mr. Lanza said there are many trees that are harmful to maple trees. He said that he would want to remove and plant more maple trees. He said that he hopes to become a large maple syrup producer. He said that it seems like the CAC is withholding him from doing this.

Mr. Lind said that it should be made very clear that the CAC is really in favor of this type of work on property. He said that what the CAC is really trying to interpret the steep slope law and find an agreement on how to get access to it. He said that the CAC had no interest in preventing this type of project from taking place. He said the CAC would want to compliment those efforts as best as they could. He said the main issue is the Steep Slopes Law and the width of the road, what the Town Code reads, and what is adequate for the protection of the slope but would still allow Mr. Lanza to do what is needed on his property.

Mr. Klotzle explained to Mr. Lanza that work done on two acres or more would fall under his jurisdiction according to town code. He told Mr. Lanza that he would like to see a plan showing the cutting and planting that he would plan on doing.

Mr. Lanza said he had no problem with doing that.

Mr. Klotzle asked if he had a forester helping him.

Mr. Lanza said yes. He told the members that in the past few days he had been making calls and the people he spoke with felt that he would be a perfect farmer for the Putnam area.

Mr. Lind said that nobody on the committee ever said that he would not be.

Mr. Lanza said that he needed access to his thirty- seven acres in order to do his farming. He told the members that a four foot wide road is not wide enough for the kind of work he wanted to do. He told the members that he understood why they would be concerned that he would try and build another house if given the wider road. He told the members he had no intentions to build anything, and that all his land would be used for farming.

Mr. Lind asked about the reforestation and replanting of sugar maples.

Mr. Lanza said that he sent a letter explaining that the whole forest up top of property is dead.

Mr. Lind asked if the members were going to receive a planting plan and reclamation plan for the road.

Mr. Klotzle said that a reclamation plan had been submitted, and thought that it was an adequate plan. He said that he would want specific spacing of the water bars. He said that with a thirty percent slope the water bars need to be placed every ten or fifteen feet, and down below can be placed further apart. He said that he felt the plan was a pretty good plan. He said that the plan would stabilize the road that was cut into the steep slope. He said that Mr. Lanzas next step would be to decide what kind of agriculture would be done.

Mr. Lind said that it would be logical to put sugar maples back up to enhance the sugaring activities. He asked if the width of the road would be staying the same with the plan they have.

Mr. Klotzle said the submitted plan would be to take the existing road that is cut now, and protect it from erosion.

Mr. Martin asked if it would still be a vehicular road.

Mr. Klotzle said yes.

Mr. Watson said that it would be narrowed in certain locations, but would still be passable with a farm vehicle.

Ms. Martin asked why a pickup truck or farm vehicle would be needed other than planting the trees.

Mr. Lanza said that he did not want to limit his options. He said that he wanted to add livestock.

Ms. Martin said that she was looking for other options.

Mr. Watson said that some of the maintenance could maybe be done with the use of an ATV.

Ms. Martin suggested using the type that the State Parks use.

Mr. Watson said that he doubted those types would get through safely with a four foot path.

Mr. Galler said he would like to see an agricultural plan to give a better idea. He said that sugar maples are not true upland trees. He said that he questioned if areas towards the top would be suitable for sugar maples.

Mr. Lanza said that the area up top was flat.



Mr. Klotzle gave his opinion on why he thought it might be successful putting more trees up top.

Ms. Martin said that she did not think it was necessary to have a vehicular road, and she felt the law prohibits that.

Mr. Watson and Ms. Martin discussed their interpretation of the Steep Slope Law.

Ms. Martin said that she thought that the Lanzas were doing a great thing with their property, but felt that a vehicular road was not needed to do the work.

Ms. Lanza said that she felt the CAC did not understand how much equipment was needed.

Mr. Galler asked what equipment would be needed. He asked what size trees would be planted.

Mr. Lanza said ten to twelve footers.

Mr. Galler asked how they were going to be supported with the water requirements. He said that an irrigation system would be needed to keep trees that size alive.

Ms. Lanza said all the more reason to keep the road.

Ms. Martin said that allowing the road would still not water the trees.

Mr. Lanza said he would be putting together an agricultural plan for the state.

Mr. Lind said that the members would like to see that plan when completed. He said that some judgments could be made that would be reasonable that would not impede what he would want to do on his property, but would also satisfy the CACs role.

Mr. Lanza said that he got good news last week. He said that New York State does not have anything preventing him from being accepted into the agricultural district because of the stop work order that was issued.

Mr. Klotzle said that it was good that he did not have to worry about that.

Mr. Lanza said that he was going to get the plan together. He said that he had the right to do a farm on his a property. He said the past year had been very tough with no one able to make decisions.

Mr. Klotzle said it is new business and a new code.

Mr. Lanza thanked for members their time.

Mr. Lind told Mr. Lanza that the CAC had no interest from preventing him from doing these good things with his property. He said that the CAC wanted to work with him and figure out a way to finish the project so that everyone will be satisfied.

Mr. Watson disagreed with their assessment of the needs. He said that he does not question the CACs motives at all, but it has been a long hard struggle to get the information to present what had been presented. He said it has been a very frustrating situation.

Mr. Klotzle asked Mr. Lanza what he needed to do in order to stabilize the road.

Mr. Watson said that the stop work order might be an issue on starting erosion control on road.

Mr. Klotzle said that he would look into that. He said that the road needed to be stabilized.

Ms. Martin asked if the property was located in the agricultural district.

Mr. Watson said no.

Mr. Lind said that the CAC would look forward to seeing the Agricultural plan. He told the Lanzas that he had some information that he could give them on foresting and wildlife.

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

**TM# 27.-1-18**

**WL-09-151**

Ms. Young spoke to the members about a water problem she was having in her basement. She told the members that she had the driveway and some culverts repaired. She pointed to the drawings and showed them the areas that she had problems with. She said that she was misinformed about not needing a wetlands permit for the work.

Mr. Klotzle said that in situations where there is an emergency repair a wetland permit is not needed at that time, but one would need to be applied for after repair.

Ms. Young showed on drawing what was removed and repaired, and what was done with stream to keep it flowing.

Mr. Klotzle said that she had put in mulch, a wild flower riparian mix, oats, and straw. He told the members that what had been damaged was normal for the type of work that had been done, and was now all repaired.

Ms. Young said that she has planted lots of things, and is going to order some Vinca to plant also.

Mr. Lind said that a planting plan was needed to keep the soil in place.

Ms. Young said that she is going to be terracing the area, hand carry rocks and use soil to reinforce the area of concern. She pointed to an area on the drawing and showed the members where her sump pump discharged water. She said that she would control that erosion by planting the Vinca in that area. She said that whenever she gets money she purchases shrubs and plantings to help with the erosion.

Mr. Lind said that terracing seemed to be the best solution.

Mr. Klotzle agreed.

Mr. Lind advised her to put riprap under the sump pump pipe to dissipate the water flow a bit.

Mr. Galler asked why a survey and landscaping architect stamped plan was not being required.

Mr. Lind said that the work had already been done, and at this point just trying to clean up the area and secure it.

Ms. Young told Mr. Galler that she had fixed this property and made everything better. She told Mr. Galler when she bought the property the former owner had sewage running into the stream.

Mr. Galler said that he understood that, but still thought a plan should have been submitted.

Ms. Young said that she is unemployed at the moment and she has spent most of her money in repairs and just does not have the funds to hire an engineer at the time.

Mr. Klotzle said that the law needs to be remediated, because there are small situations like this that come up, and should not require expensive engineering plans.

Mr. Galler said that he had not visited the site, and did not sound small.

Mr. Klotzle said that it is relatively small and the other members had visited the site.

Mr. Galler said that the work done on the driveway sounded like a big project.

Mr. Klotzle said that a stone had been placed along the driveway to widen it a bit, and a culvert had been replaced. He said the stream is a very small intermittent stream.

Ms. Young told Mr. Galler if he came to the site he would see that it was not a big issue.

Mr. Lind said that he felt since ninety percent of the work had been completed, an engineering plan would not be necessary.

Mr. Lind made a motion to approve the permit with the condition that Mr. Klotzle closely oversees the completion of the work.

Mr. Galezo seconded the motion.

All were in favor.

**Cutler  
540 Route 9D**

**TM# 82.-1-29**

**WL-09-157**

Mr. Klotzle said that the Cutlers had planted eleven shrubs along a very small intermittent stream without a wetland permit. He said that about ten fence posts had been placed as well to put up a deer fence. He said that no damage had been done to the stream, and that everything was dug by hand.

The members and the Cutlers talked about ways to protect their plantings from the deer.

Mr. Lind asked what trees were planted.

Ms. Cutler said they were all evergreens. She said that she had two Norway spruce, two Blue spruce, two White pine and two Serbian spruces.

Mr. Lind asked if they were in and mulched.

Ms. Cutler said yes.

Mr. Lind said that it seemed to be a minor violation.

Mr. Klotzle agreed.

Mr. Lind made a motion to grant the permit.

Mr. Klotzle informed the members of some local violations that would be coming before the CAC soon.

**Duffy application and Yu Unjoo were removed from the agenda.**

**Adjournment:**

Mr. Lind made a motion to adjourn the meeting. Mr. Kingsley seconded the motion. All were in favor. The meeting was closed at 8:45 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, emendation and approval thereupon.

**Date Approved:**\_\_\_\_\_

