

**TOWN OF PHILIPSTOWN  
CONSERVATION BOARD  
238 MAIN STREET, COLD SPRING, NY 10516**

**MEETING AGENDA  
December 17, 2013 AT 7:30 PM**

1.) Olspan LLC  
Building Addition

TM# 38.-3-24.2

WL-13-236

A portion of the existing building is located in the 100 foot wetland buffer.

2.) New/ Old Business

**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*Phone (845) 265-4400*

*Fax (845) 265-4418*

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November 7, 2013

Mr. Michael Leonard  
Town of Philipstown Planning Board  
Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516

**RE: Wetland Permit Application  
Olspan, LLC Proposed Warehouse Project  
Tax Map # 38.00-03-24.2 (pending)**

Dear Mr. Leonard:

Enclosed, please find a Wetland Application package and application fees.

The Olspan, LLC Warehouse project involves the renovation and expansion of a 10,798 square foot existing light manufacturing building locally known as the Cyberchron facility. The project site includes a portion of a wetland and stream corridor regulated by the Town of Philipstown, the New York State Department of Environmental Conservation (NYSDEC), and the US Army Corps of Engineers. The NYSDEC identifies the on-site wetland as WP-9 and it is 39.7 acres in size, according to the State database.

**Background and Setting**

The project site is 5.0 acres in size and has recently been subdivided from a larger parcel. The site is located on the east side of Route 9, approximately one-half mile south from its intersection with Route 301. The existing warehouse building is located in the approximate center of the property and is surrounded on the south, west and north by asphalt pavement and driveway. The property includes a single family residential structure to the rear of the Cyberchron building and one private well and two septic systems.

The on-site wetland is located generally to the north of the existing building and parking area. A stream flows towards the south through the wetland and then between the existing building and the edge of Route 9. The stream continues south under the access driveway, flowing off-site. The wetland can be described as a deciduous swamp, based upon NYSDEC criteria. Upland areas contain a mix of trees and brush and are successional fields.

A portion of the existing building and parking area are located within the regulated 100-foot wetland adjacent area, as shown on the attached Site Plan drawings. The building was constructed in the mid-1960's as a dairy distribution facility and therefore the construction pre-dates NYSDEC wetland regulations.

Based upon the NYSDEC database the on-site wetland WP-9 is mapped as 39.7 acres in size and is a Class 2 wetland. The project site contains approximately 0.35 acres of wetland and 0.2 acres of watercourse. The stream flowing through the site is an unidentified Class B stream. Wetland WP-9 is bisected by Route 9 in the vicinity of the property access driveway.

#### **Description of the Proposed Activity**

The project involves the renovation of an existing 10,798 square foot building and its expansion with an 8,676 square foot addition. The expansion will largely be completed in the paved parking area north of the existing building, thereby minimizing new site disturbance. The expansion will include two covered walkways and a small open courtyard. The project will result in the disturbance of a total 0.53 acres. Approximately 840 square feet (0.02) acres of regulated wetland adjacent area would be disturbed by the proposed action. No disturbance to regulated wetland is proposed.

The proposed disturbance of 0.02 acres of regulated wetland adjacent area is required for the construction of the proposed building expansion. The area of disturbance is shown on the attached graphic. The grading will mostly occur in a strip of land between the existing building and the proposed building addition, in an area that is currently paved with asphalt. Construction access and activity and limits of disturbance will be limited to the area shown on the attached Site Plan drawing. Approximately 100 cubic yards of material will be excavated (mostly existing pavement, and pavement base and fill) for the building foundation. This material will be replaced with concrete foundation, backfill material and pavement.

The post-development impervious surface will remain almost unchanged from existing conditions, with a minor (0.01 acres) reduction in impervious surface proposed. Drainage conditions will remain essentially unchanged from existing conditions.

#### **Comparison of the Activity to the Criteria for Approval (Section 93-8).**

- 1) The proposed construction will not have a substantial adverse affect on the natural function and benefits of the on-site wetland and watercourse. The construction will involve the disturbance of 0.02 acres of the regulated 100-foot adjacent area. This area is previously disturbed land and is currently mostly paved. The functions and benefits of the wetlands will not be adversely affected by the project.
- 2) The project will not change the natural channel of the on-site water course, since no activity is proposed for the watercourse or wetland.
- 3) The project will not result in the degrading or pollution of waters. As indicated, the proposed construction will occur generally in existing paved areas. Soil erosion control measures, specifically silt fence will be installed during construction at the proposed limits of disturbance at the northern edge of the building addition (see attached drawing).
- 4) The proposed activity will not increase the potential for flooding, since no alteration of the existing watercourse or drainage conditions are proposed.
- 5) The applicant has proposed sufficient soil erosion and sedimentation controls for project construction. The proposed site plan drawing shows the location of silt fence

Mr. Leonard  
November 7, 2013

between proposed areas of disturbance and the 100-foot wetland adjacent area. Erosion control methods will be maintained throughout the period of construction.

6) No practicable alternative location is available on the property for the proposed building addition. The addition is proposed at the rear of an existing structure in an area that is currently paved. Alternative locations would involve the disturbance of either steep slopes or previously undisturbed upland areas. Disturbance to steep slopes would increase the potential for soil erosion and potential water quality impacts to the on-site wetland and watercourse. The proposed building location minimizes overall project impact, including to the wetlands.

7) As described herein, the project has been designed to minimize impacts to land, wetlands and on-site water resources. No additional technical improvements or safeguards can reasonably be added to the plan to further reduce impacts.

8) The proposed project will not alleviate or remove a hazard to public health or safety and was not proposed with that intent.

Given the limited nature of the disturbance, and its occurrence on previously disturbed land, the project's potential impacts meet the criteria for approval for the Town's wetland permit.

Please advise if you have any questions or require additional information.

Sincerely,



Jon P. Dahlgren  
Senior Geologist  
TIM MILLER ASSOCIATES, INC.

Enclosure

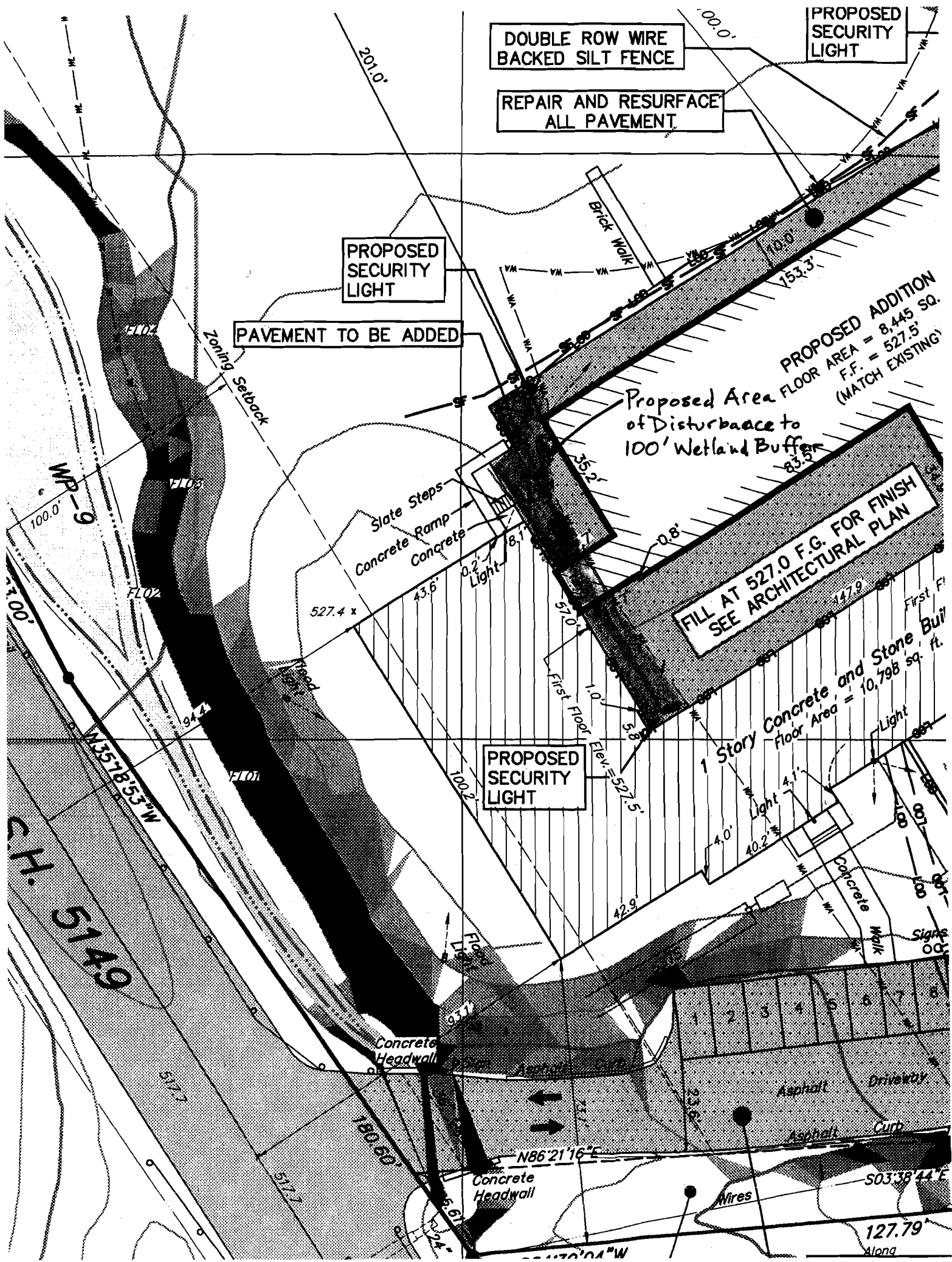
c. G. Watson w. enc.  
M. Quismondo w enc.

**Names and Addresses of Abutters**

38-3-28  
Ricky Nelson Ventura  
Mark Hamilton Ventura  
1 Lane Gate Road  
Cold Spring NY 10516

38-3-27  
Harrison Park Associates  
2661 Route 9  
Cold Spring, NY 10516

38-3-24.1  
CF Diversified Corp.  
2700 Route 9  
Cold Spring, NY 10516



**APPLICATION FOR WETLANDS PERMIT**

**Note to Applicant:**

Submit the completed application to the appropriate permitting authority. The application for Wetlands Permit should be submitted simultaneously with any related application (e.g., subdivision approval, site plan approval, Special Use Permit, etc.), being made to the permitting authority.

(Office Use Only)

Application # _____	Permitting Authority _____
Received by: _____	_____ Z.B.A.
Date _____	_____ Planning Board
Fee _____	_____ Wetlands Inspector

Pursuant to Chapter 93 of the Code of the Town of Philipstown, entitled "Freshwater Wetlands and Watercourse Law of the Town of Philipstown" (Wetlands Law), the undersigned hereby applies for a Wetlands Permit to conduct a regulated activity in a controlled area.

1. Owner: Name: Olspan, LLC  
Address: 235 E. 87th \* 1L, New York, NY 10128  
Telephone: 212-348-6800
2. Agent: Name: Tim Miller Associates, Inc.  
(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)

3/ Name of Agent

If Corporation, give names of officers:

Tim Miller  
Mailing Address: 10 North Street Cold Spring NY 10516  
Telephone: 845-265-4400

3. Location of Proposed Activity: 2700 Route 9, Cold Spring.  
Tax Map No.: 38.3.24.2  
Acreage of Controlled Area Affected: 0.02 acres (840 sf.)

4. Type of Activity: (See list of regulated activities)

C - Construction of a building addition.

5. Other permit(s) required and agency or agencies responsible for granting such permits such as but not limited to P.C.B.O.H, N.Y.D.E.C, Army Core of Engineers, EPA, DOT, Building Dept. Planning Board, and Z.B.A.

Planning Bd - Site Plan, NYSDEC Wetlands Permit