

CONSERVATION BOARD
238 Main St., Cold Spring, NY 10516
October 10, 2017 7:30 PM

MEETING AGENDA

1) Approval of Minutes:

- July 11, 2017
- August 8, 2017
- September 12, 2017

2) Correspondence:

- Letter from Margareta Bickford regarding Homeland Towers proposal

3) Old Business:

Open Space Institute (Glynwood) TM # 28.-1-15 **WL 17- 293**
362 Glynwood Rd, Cold Spring

(Phase 1 – Adding fill & rip rap as part of erosion control plan. Phase 2 – Installing 4 parking spaces.)

Jose & Maria Lojano **TM# 90.8-2-7** **WL17-288**

17 Ox Yoke Road, Garrison, NY

(Proposed septic system repair, installation of curtain drain and piping of intermittent drainage course)

Homeland Towers LLC, **TM #38-3-24.1** **Appeal #906**
40 Yesterday Drive.

(5,610 square foot fenced compound containing a 180 foot monopole and related equipment at base of the structure. Submission of paperwork requested from the July 11, 2017 meeting.)

4) Storm water Discussion

5) Other discussion

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**TOWN OF PHILIPSTOWN CONSERVATION BOARD
238 MAIN STREET, COLD SPRING, NY 10516
JULY 11, 2017
DRAFT MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, July 11, 2017.

Present: Mark Galezo (Chairman)
Max Garfinkle (Natural Resources Review Officer)
Andrew Galler
M.J. Martin
Robert Repetto
Eric Lind
Jan Baker

Absent: Lew Kingsley

****PLEASE NOTE that these minutes were abstracted in summary from the meeting and a taped recording.**

Chairman Galezo opened the meeting at 7:30 pm. Chairman Galezo introduced and welcomed new member, Jan Baker.

1. Old Business:

Jose & Maria Lojano, 17 Ox Yoke Road, Garrison TM# 90.8-2-7 WL# 17-288

Mr. Jose Lojano as well as Mr. Tim Cronin, engineer for Mr. Lojano, were present. Mr. Cronin mentioned that some of the members did a site visit that day to the Lojano property and there was some dialogue about what is being proposed for the site which Mr. Cronin would like to advance. Mr. Cronin advised the board that Mr. Jim Annicchiarico spoke with Joe Paravati Of the Putnam County Health Department who requested the submission of one more form; the form was submitted today. Mr. Cronin expects a Board of Health Permit tomorrow. This is phase 1 of the project: first to drill the new well, abandon the old well then start working on the septic. When on the site visit today, piping the drainage course and tying it into the catch basin on Ox Yoke Road was discussed. There was dialogue back and forth concerning the amount of disturbance on the far side of the culvert. Mr. Cronin explained they would like to go to the trees that are marked with a white ribbon; the ones that are tipping. He explained that Mr. Lojano is new to the area and has a family and there is not much other space on the property to put in a play area for his children.

Bob Repetto explained that he went on the site visit today; he explained that when he first heard the proposal to pipe the stream, it was not clear to him the volume of back-filling which would occur that far back into the woods. Mr. Repetto expressed that he does not believe it is appropriate or necessary to fill in that area; there is wetlands there just beyond the 100 foot buffer of the stream that is on the other side of the property. Mr. Repetto is concerned that if they allow the piping of that stream, some of the larger trees

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may start to dry out; there would definitely be an impact to those trees if they start piping that watercourse away. He doesn't see any value in piping the stream. Mr. Repetto suggested there are other areas of the property that are flat and could potentially be used for recreation; he doesn't see a hardship case. Andy Galler stated he was in agreement with Mr. Repetto; piping has been allowed in the past but usually only when a septic system cannot be placed anywhere else on the property; this is not the case with this property. Mr. Cronin stated one of the issues with the piping is that it is going to allow them to eliminate the steep slope that drops down into the drainage course and would allow them to pick up upwards of around 30 feet from the top of the slope to where they would eventually meet grade on the other side; the re-grading would stop prior to the trees on the other side. Mr. Cronin added that not only is water coming straight down, it is also coming in from the left side; his feeling is there will still be plenty of water to feed those trees and does not think they would dry out. Mr. Repetto added they discussed this on the site visit and the owner says there is no water coming in from the side, but it appears there is.

Mr. Lojano stated that he has not been living at the property long but he believes that the trees would still be getting enough water. Mr. Lind questioned whether there were options for an alternative plan that accounts for the regulated area that concerns the Conservation Board. Mr. Lind stated that they had come pretty far; the septic has been addressed and moved outside the buffer zone, there is a curtain drain in place to grapple with the flooding in the basement. Mr. Cronin added this will help keep the water away from the house. Mr. Lind stated that these are 2 big pluses that have been solved in a tightly constrained area; there's a few other 'moving parts'. There was an initial violation, a stop work order, so there needs to be a mitigation plan, which has already been worked on between Mr. Lojano, Mr. Cronin and his office. Mr. Lind suggested they are reasonably close to the end and added that the garage proposal is out of the Wetlands buffer and asked if there is an alternative plan that could be presented to the Board that satisfies or resolves the last bit of controversy that allows the owner a usable, safe place for his yard area but also protects the surface water that's currently on the property. Mr. Cronin stated that there is a pretty good drop-off from the yard down to where the drainage course is; that is the ultimate goal that Mr. Lojano has. He added a possibility is to construct a swale and discharge it into a certain are of the property then meet up with the other stream, but that comes with the issue of discharging onto neighboring property. Mr. Cronin then showed the Board on his visual exactly what he was talking about. Mr. Repetto questioned how much of the slope was made and how much of it was original. He added that some of the houlders looked like they had been there hut others looked as if they were brand new. He stated that if this was a problem that was created, it wouldn't be fair to allow. Mr. Cronin added that there was a proposal for a patio off the south end of the house and a garden area to which Mr. Lojano had added topsoil. Mr. Repetto added that even putting that dirt there is a violation but is "water under the bridge". He suggested that there is probably a way to mitigate the issue with the slope and keep it as an open stream and that would be the type of alternative proposal they were looking for. Mr. Cronin showed the Board the area with the steep slope and exactly what area the owner would be looking to fill in to utilize as a yard area. He asked if the Board would be open to the idea of piping a smaller area, maybe the first 50 where it is relatively flat and then keep the other area as an open channel. Mr. Galezo stated that the only reason the Board would normally allow the stream to be piped would be extenuating circumstances. Mr. Galezo is afraid of setting the precedent that if you want a lawn, you can pipe your stream; it's dangerous. Mrs. Martin added that it is not best conservation practice unless there is a serious need.

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Mr. Galezo added there is another question as to the residual sewage that is in the field: the valid concern that it is going to continue leaching out over time and get into the stream, and to eliminate it, it should be dug out and the dirt should be removed. Mr. Cronin stated that is an option but a very costly one. Mr. Repetto added that this is one of the hazards of buying a home like this; you have to re-mediate these type of old septic systems and he doesn't feel a pipe is going to eliminate the risk to the watercourse; it will eventually make its way down into the stream.

Mr. Galler added that he had gone on Google Earth and looked at aerial photographs of the property from roughly 2 years ago and they showed a huge amount of the property to be wooded which it is not now. He added he had no issue with where it was cleared for the septic, but if the Board allows for the piping and building of a lawn, they will actually allow the denuding of 75% or more of the property; that small area to the south is habitat. Mr. Repetto added that there is the volume of water that the larger trees that were taken down used to collect which the little trees that might be put back won't compensate. Mrs. Martin added that there is also the issue of erosion with losing all of that forested area. Mr. Cronin stated that it would not be bare earth; whatever vegetation is removed will be replaced with other vegetation; they will control the storm water related runoff and the erosion that occurs from that.

Mr. Repetto reported that there is quite a bit of silt on the drive way, which they witnessed on the site visit, that's coming down from the hill where the silt fences are coming down. He suggested fixing the silt fences as a first step. Mr. Lind stated that there is a 100 foot buffer zone on either side of the intermittent stream which is the main concern of the Board. Mr. Lind questioned if there were any options that satisfy the property owner, in terms of getting the play area preferred, that absolutely minimize disturbance to the regulated area. Mr. Cronin said he didn't see how that was possible and referred back to his visual.

Mr. Garfinkle stated they have a restoration plan and asked if there was anything that the Board would want to see as mitigation or improvement on the proposed plan to find that happy medium in this scenario. Mr. Repetto stated that more vegetation is needed to replace what is removed. Mr. Cronin stated that Mr. Lojano is a landscaper and if they want more trees it shouldn't be a problem. Mr. Lojano stated he has no problem putting in more vegetation and added he is aware they have to be a certain distance from the septic. He stated that many of the trees removed were for safety reasons. He added that the safety of his children was also reason for wanting to back-fill some of the property, to eliminate large and steep slopes. Mrs. Martin suggested fencing the area. Mr. Repetto added that the owner is demonstrating complete disrespect for the wetlands on his property and suggested that, in his opinion, the owner start to demonstrate a level of respect for the natural environment on and around his property. Mr. Lojano stated he intends to replace many of the trees and used the visual to explain exactly where. Mr. Galezo interjected and suggested that Mr. Lojano is only replacing what he is being forced to replace and he is not replacing everything that's been removed. Mr. Repetto reiterated that the Board had gone to Google Earth and looked at photos from roughly 2 years ago to compare to what the property looks like now and there is a dramatic difference in wooded coverage.

Mr. Galezo suggested the next step be for the applicant to come up with an alternative plan. Mr. Cronin asked if the Board would consider it a reasonable option to shorten the pipe to approximately half its length and add some fill to have a continuation of the flat area. Mr. Repetto stated he sees no value in piping the stream at all and asked that the applicant take another look and try to find an alternative plan

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area for his children. Mrs. Martin suggested altering the plans for the significant driveway, possibly narrowing it, to find room for a play area. She stated there is choice and balance and to allow piping of the stream to create a lawn sets a bad precedent. Mr. Lojano asked the Board what he can do with the property; he bought it to be able to develop and use the back yard. Mr. Galezo stated it is the job of the board to protect wetlands and forests. To allow Mr. Lojano to move forward with his plan as it is now would go against everything that the Board is obligated and charged to do. Mr. Repetto added that there is no guarantee when you buy a piece of property that you will be allowed to do whatever you want. The property he bought is wetlands and should be treated as such. Mr. Repetto suggested he let the woods grow and allow his kids to play in the woods. The purview of the Board is to protect these types of lands.

Mr. Galezo stated that it is not the job of the board to design for the applicant but he could eliminate the little garden that is on top of the boulders or the knoll in the front and clean that area up and put fence along and make that the play area and extend the garden that he's already got on the other side of the driveway, up towards the hill towards the septic. You can do raised beds on top of the septic; he's got a whole field that could be the garden. He reiterated that the Board really needs another plan. The Board cannot allow the applicant to pipe the stream for the sole reason of adding a play area.

Mr. Cronin questioned if a footbridge over the stream would be okay to which Mr. Galezo said yes. Mr. Repetto expressed that he would like to see some mitigation's to the issues raised, specifically the silt fences. He realizes it is a work in progress, but the property needs to be cleaned up.

Mr. Galezo suggested it would be interesting to see what the natural grade really is in the area of the stream if a lot of the chips and so on that are adding to the steep slope were cleaned up; he's curious to see if it is as steep as it appears to be right now with all the debris and rubble. Mr. Lojano asked about the ditch in the back and the Board agreed he could do what he planned with the ditch. Mr. Galezo added that the plan the owner has is a great one and will definitely help keep the water away from the house, though it may be more costly.

Mr. Lojano also asked the board if he could put retaining walls on one side of the driveway. Mr. Repetto and Mr. Cronin explained to Mr. Lojano that he needs to show in the plans anything that he plans to do on the property if it's inside the 100 ft. buffer zone. Mrs. Martin added that it should be shown in the next plan presented. Mr. Cronin explained to Mr. Lojano that even though it is his property, because much of it is wetland, everything needed to be cleared by this Board before he can do anything. Mr. Lojano stated that if he knew that, he never would have bought that piece of property. Mrs. Martin added the process can be frustrating, but the Board has a duty to protect the wetlands and the Town and half of his property is within a buffer zone.

Mr. Lojano questioned if he could have the taxes lowered. The Board explained that they have no authority over taxes and he would need to speak to the Assessor's office. Mr. Galezo added that there are forms in that office that he can get to grieve the taxes on his property; it has nothing to do with this Board.

Mr. Lind added that maybe there is a way of working with what is already disturbed, outside the buffer, and to a degree within the buffer, around the house, the garden area, to satisfy the owners' needs to find a play area, either by cleaning up or moving rubble as discussed earlier; that would be really helpful for the

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Board to see an alternative plan that minimizes the disturbance around the regulated area but strives to satisfy what the owner is looking for. He added it is a small constrained lot and it will require a lot of thinking and discussion but there is potential. Mr. Garfinkle added that a lot can be done with the area and used Mr. Cronin's visual to suggest other possible options. Mrs. Martin added again that cleaning up some of the debris on the property will help clear up space. She again told Mr. Lojano and Mr. Cronin to come back with another plan.

Mr. Cronin stated that he was unsure at this time what Mr. Lojano's plan is from here. He added that they have the septic permit, and it will take a lot of resources to get that going and asked about putting the curtain drain in. Mrs. Martin questioned if that was in the plans. Mr. Garfinkle added they would have to wait until the plan is finalized unless they were going to do it in phases. He added that they should finalize the site plan before they start the work; it is "logistically logical" in terms of construction.

Mr. Cronin asked if he was correct that since the garage is outside the buffer, he just has to go to the building department and get a building permit. Mr. Garfinkle replied yes and that if necessary, Greg would refer him to any other Board. Mr. Cronin showed the Board where the existing driveway ends and that they are proposing, some additional item 4 stone surface in a certain area, and asked if that would mean he would have to come back to the board for that additional small area of the driveway. Mr. Repetto stated that water that is on the property can flow into these regulated areas which are certainly part of the Board's purview; it's a big driveway, they observed a lot of silt already there. He suggested that it would have to come back to this Board. Mr. Galezo added that the driveway is huge; maybe there is a possibility to give up some of the driveway.

Mr. Repetto requested some volumes from the applicant. Mr. Cronin responded that he had done a quick hydroCAD Analysis for a 15 inch pipe, utilizing the depressed area as a detention pond, during a 100 year storm, which is a 9 inch rainfall, which he will submit. He then questioned if he still needed to do it, since they will not be piping it. Mr. Repetto said they still need to know what the volumes are. Mr. Galezo thanked Mr. Cronin and Mr. Lojano.

2. New Business

Homeland Towers LLC., 40 Yesterday Drive

TM# 38.-3-24.1

WL# 17-289

Mr. Robert Gaudioso of Snyder & Snyder was in attendance representing the applicant. Mr. Galezo introduced Steve Gaba, Town Attorney and asked him to update the Board. Mr. Gaba explained there have been two significant developments since the last meeting. Firstly, at last night's ZBA meeting, they decided to circulate the lead agency in SEQRA in a coordinated review. Unless contested by this Board, there will be a coordinated SEQRA review conducted by the Zoning Board of Appeals. The Conservation Board can not take any action until there is a SEQRA determination made by the ZBA. The second thing is, and Homeland Towers assisted in finding this, that there is a provision in the Code that says when there is a major application for a wetlands permit before the Conservation Board, it is required to hold a joint Public Hearing with whatever other Board would be issuing permits for the project, in this case, the Zoning Board of Appeals. Mr. Gaba was under the impression that the ZBA was going to schedule a Public Hearing for September, but some issues arose and they decided not to schedule the public hearing. The regulations of the Town further provide that the Conservation Board is to render its determination

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after that Public Hearing has been held. In short, for the time being, the Conservation Board can not take action on this application; they can bear more from the applicant, render comments or questions to the applicant and take public comment, but can not make any approvals/disapproval's at this time. Mr. Galezo thanked Mr. Gaba and called on Mr. Gaudioso.

Mr. Gaudioso stated that he had 2 things to add. They will re-orient the access drives, discussed at the site visit, to be able to preserve the existing tree and also, even though it is outside the buffer area, re-orient the compound slightly to preserve 2 other large trees that were planned to be removed. They will add the silt fences, as requested, in the area adjacent to the retention pond. Mr. Gaudioso added that he also has a letter with some maps, in reference to a comment made at the last meeting suggesting they were in certain protection overlay districts, showing that they are not within any of the protection overlay districts. Mr. Gaudioso explained he was referring to the Scenic Protection Overlay, the Ridgeline Overlay and the Open Space Conservation Overlay.

Mr. Galezo stated that this is not a Public Hearing but the Board would hear brief comments from the public. He added that the Conservation Board has no purview over anything except where the road crosses the intermittent stream. Mrs. Martin added that there will be a Public Hearing and this Board will be at that hearing along with the ZBA and everyone present is welcome at the Public Hearing to make comments for or in opposition to this application at that time, on any aspect of it, but right now the Board may only comment on their scope of the project, the wetlands application.

Steve Sterling addressed the Board and stated he was curious to get some insight, as preparation for the rest of this process, as to how far the purview of the Conservation Board goes. He made some comments in regards to radiation. He questioned, in regards to conservation, if they take into consideration these other things such as radiation and heat exchange. In Mr. Sterling's opinion, this as an aesthetic legacy issue. He questioned how the purview of the Board affects something that is so much more complex than just a disturbance of land. Mr. Galezo responded that they are only allowed to discuss the ramifications of crossing into a wetland, which is defined as the stream and 100 feet to either side of it. Mr. Sterling then suggested that if there is any issue above the land in regards to plant life or wildlife that these are essentially not issues that the Conservation Board would have purview over. Mrs. Martin added that the Board's purview in the Zoning Code states that the Conservation Board has permitting authority on wetlands and watercourses and their buffers; they can also comment on any steep slopes area that is being disturbed in the town and make recommendations to the lead agency. Also, they are requested to comment on any property that falls within the adopted Open Space Index for the Town. Mr. Garfinkle added that in terms of a lot of the wildlife regulations and things like that, they are things that are typically dealt with at a State or Federal level based on the species designation so the Town itself doesn't have an endangered species policy or things like that. He added that a lot of the times with these permits, if they are tied to another specific Board or they get referred to another group within the Town, a lot of the permitting authority that the Conservation Board holds goes to the other Board first; if this were a simple project of just clearing land that's not tied to any specific permitted project going before the Planning or Zoning Board, it would end up being reviewed by Conservation based on the conservation issues that might arise on the site. The other Boards sometimes take precedence depending on the different types of projects there are and what's tied into them.

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Cali Gorevic asked, if someone were concerned about forests, would they come to the Conservation Board for that issue. Mr. Garfinkle stated that, based on the code, if it is tied into a larger project, it would initially be reviewed by the Board reviewing the project, whether that be Planning or Zoning, and then that Board would ask Conservation for a referral and the Conservation Board would then provide insight on how to mitigate those impacts. He added that if it is just a clearing project, for the forest's sake, it would come before the Conservation Board if it is over a certain threshold in terms of square footage or acreage. Mr. Gaudioso added that this application is not. Mrs. Gorevic then stated that she was unsure if it was of this Board's concern, but she is extremely concerned about cell tower fires in the middle of a forest. She stated this is a heavily forested area and it is of great concern to her, particularly that Vineyard Road is her only escape route from her property, were there to ever be a fire. Mr. Garfinkle stated that based on the attorney's statements earlier, those types of comments would be best for the Public Hearing and the Zoning Board.

Mr. Roger Gorevic asked, with regard to Environmental Impact Studies, if a long form was desired, would the Conservation Board be the ones asking for it or does that request come from the Zoning Board. Mr. Garfinkle informed him that a Full EAF was provided to the Board. Mr. Gaudioso stated they they have provided: the Full EAF, the US Fish and Wildlife Service referral, the State Historic Preservation Office referral, the DEC referral, the Phase 1 Archeological Study and various other information as part of the long form EAF. Mr. Galezo asked if there were any other questions then thanked Mr. Gaudioso.

Mr. Gaba asked if the Board had any questions or comments. Mrs. Martin asked if there would be notice of the joint Public Hearing between the ZBA and the CB. Steve informed all that yes, it would be posted and advertised to the public. Mrs. Martin added that if anyone wanted to make additional comments, reiterate their comments made this evening, or expand on any comments, they should keep an eye out for the notice of Public Hearing. Mr. Garfinkle questioned if the Conservation Board was being provided all the same materials that the Zoning Board is provided. He also added that he was under the impression that there were some positive (inaudible) responses in the application and requested that they be provided if available. Mr. Gaudioso stated that once available they will certainly be shared with the Board. He also requested that the Public Hearing be scheduled as soon as possible to which Mr. Galezo and Mrs. Martin stated that that is up to the ZBA.

Mr. Gorevic commented that there are lots of questions that have not been answered, given to the Conservation Board by the Zoning Board. The Zoning Board provided no answers at the meeting the previous night. He asked for guidance in regards to who to address questions to at this point. Mr. Galezo suggested he wait and address his questions at the Public Hearing. Mr. Gorevic stated there are pipes sitting on the property, some with water in them, and that no one knows what they are for. Mr. Galezo stated he had seen the letter regarding that issue and is curious himself. They will certainly be trying to figure out what that is and if it is something they as a Board should be concerned about; they don't have any information yet.

Mr. Repetto asked the audience if anyone knew the history of the area. Paul Eldridge of 100 Rockwald Road stated that when the retention ponds were put in for Vineyard Road and Roundhill, there was a whole series of pipes put in right up to the border of his property. He added that the center of this proposed tower is 212 feet from his property line, which is shared with CF Diversified and has a stone

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wall. When those pipes were put in, they had to break through the stone wall for the heavy equipment to be able to operate and place those pipes. Mr. Eldridge is unsure what the purpose of the piping is and added that there are numerous pipes within the current proposed location of the tower. Mr. Gaudioso stated that he does not believe those pipes are within their compound or access road and reminded the Board that their only jurisdiction, in this case, is the access road. Mr. Galezo stated that the Board is going to do its research and go to the building department and look in the file; there should be a permit in the file stating the purpose and location. Mr. Eldridge stated he assumes they connect to the retention pond somehow, as they were put in at the same time as the pond. He added that the stone wall was also never repaired.

Mr. Sterling asked if all the excavation that is currently taking place had already come through the Conservation Board. Mrs. Martin reminded him that the Conservation Board only permits in wetlands and watercourses and the 100 foot buffer area around those wetlands and watercourses. Mr. Garfinkle questioned what property Mr. Sterling was referring to. Mr. Sterling stated he believed it was 40 Vineyard Road; there is a large terrace that has been put in and another audience member added that there is a shipping container there as well. Mr. Galezo stated he could not answer the question as he has no knowledge at this time.

Mr. Gorevic questioned where the environmental impact study is in regards to the new drainage that they plan on putting in under the road to the other pond where he says that area has agricultural designation. He requested that the Conservation Board study this issue further. Mr. Gorevic believes that if they are putting drainage in and rerouting water there has to be some sort of conservation concern.

Mr. Gaudioso requested the opportunity to set the record straight and stated that they are not impacting the wetlands; there is a small area within the wetland buffer on the gravel access drive. They are not putting pipes in the ground but instead crossing the existing pipes in the ground that go from the man made retention pond to the outlet and putting pipes over that for the underground utilities. The only other drainage feature is the gravel and the swale around the edge of the compound which connects into the existing drainage facility. That, he said, is the entire scope of the drainage facility. Mr. Gaba added that would be in the purview of this Board. As far as other impacts, the ZBA will look at all potential adverse environmental impacts, determine if they exist and, if they do, determine how they can be mitigated; at present, that is not this Board's issue.

3. Other Business

Mr. Garfinkle announced that Michelle Smith of the Hudson Highlands Land Trust was in attendance. He and Mrs. Smith have been discussing the Hudson Highlands Reserve project and she wanted to give the Board an update on a letter that HHLT wrote to the Planning Board and forwarded to the Conservation Board. He turned the floor over to Mrs. Smith.

Michelle Smith started by reminding the Board that there is a Planning Board workshop on July 13th on the Hudson Highlands Reserve project. Mrs. Smith wanted to discuss the main points of the letter she had sent. The first being that the Comprehensive Plan, on which the Zoning Code was based, and the Zoning Code itself, have certain safeguards in Conservation Subdivision language to prevent over-development and ensure that the developer doesn't come up with more units than would be allowed in a conventional

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subdivision. She states that intent is very clear in the Comprehensive Plan and codified in the Zoning Code by having 2 methods of calculating the number of units, one being the Density Calculation and the other being the Yield Plan method. The Density Formula is a quick way to approximate how many units you could have in a conventional subdivision; Yield Plan is a more onerous calculation of that. The safeguard built into the Zoning Code is that the Planning Board can, if they believe the number to be significantly less than that of the Density Formula, ask for a Yield Plan calculation. She stated that HHLT's concern is that they have not seen anything on the Yield Plan calculation and think there is reason to believe there would be a significantly less number of units. Their biggest concern is that this is a precedent setting case, the first Conservation Subdivision in Philipstown under the Zoning Code, and they are worried if there are not the checks and balances put in that are in the Zoning Code that developers going forward will use this in the future as a way to maximize the number of units just using the Density Formula. Another major concern of the Hudson Highlands Land Trust is they believe there are enough environmental impacts caused by the amount of development around the pond and impacting various water sources of this property, as well as the substantial size of the equestrian operation, to warrant a Full Environmental Impact Statement for this project. She added the lack of contiguous open space; the Zoning Code specifically states a Conservation Subdivision should have contiguous open space and in this plan the open space is actually segmented.

Mrs. Smith expressed that these are all things that HHLT is concerned about and feel need to be addressed. Mr. Galezo stated it was his understanding that the whole point of it was so that they could put more houses on a property. Mrs. Martin added that they can put them on smaller lots, which is actually beneficial to the developer because it means they have to create less infrastructure, less roads. Mrs. Smith added that there are bonuses that are allowed. She stated the Comprehensive Plan is very clear that the intent was not to allow more lots than a conventional subdivision but added she was aware it is not law. She stated the Density Formula is very mechanical whereas the Yield Plan requires a lot of testing out in the field. She added that you don't know what the difference would be until you were to do the Yield Plan; there could potentially be a drastic difference. That's why the check is in the code, in her opinion.

Mrs. Smith added that there are bonuses for conserving additional open space and also if public access is allowed. The goal is to ensure that the checks that are in the Code are used as they were intended. Mrs. Martin added that the bonuses also have guidelines. Mrs. Martin expressed that she hasn't been to a Planning Board meeting in several months, but suggested the Planning Board is very keen on seeing the Yield Plan calculation. Mr. Gaba explained that a Yield Plan has not been provided; the issue had been raised at the last meeting and the applicant was very much against providing a Yield Plan. His argument was to look at the large amount of property in the subdivision, of hundreds of acres, and the fact that they're ending up with only 25 lots; to go back and put all that time and money in after coming so far would be extremely inconvenient. They followed up that argument with a letter from their Counsel reiterating that fact. Mr. Gaba is unsure what direction the Planning Board will decide to go with that issue.

Mrs. Smith added that depending on what methodology is used, it is possible to come up with different numbers when using the just Density Formula. Hudson Highlands Land Trust is very concerned that the check of using the Yield Plan is not being used. Mr. Gaba stated that they had gone through a very extensive conservation analysis 2 years before they even came up with the configuration of the lots. They

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went through and identified all the areas that the Planning Board deemed worthy of Conservation Subdivision status, why, and what particularly made it worthwhile. Mr. Galler stated that there was a lot of work done on this but, a lot of the layout was done before there was a true Conservation Assessment done; they used a lot of older data and essentially "shoehorned" it in. Mr. Galler added there was one area, that he believes has conservation value because it is part of the Matrix Forest and is un-fragmented. Mrs. Martin added that the Board has seen some of this property before come in for applications; building was not allowed on most of them. A lot of the property in this proposal which they are showing as conservation, can not be built on regardless.

Mr. Garfinkle noted the Board had put together a letter for the Planning Board concerning a lot of the issues under the Conservation Board's purview and things that have yet to be addressed. He added that looking at the latest plan, many of the issues noted still have not yet been remedied. He added that because their purview on this project is very limited they have to take the opportunity to make these recommendations now before they lose it. Mr. Galler added that generally, around the world, it is an accepted idea to preserve the least productive land; this is an excellent example of that. Mr. Garfinkle added that Mrs. Smith's letter from the Hudson Highlands Land Trust, coupled with an updated version of the letter from the Conservation Board should be submitted to the Planning Board because none of the items mentioned have yet been addressed in the current version of the plan reviewed last month. Mr. Garfinkle added that they have this aquifer study detailing how much water is going to be drawn out of groundwater, but the study is 10 years old. He requested further explanation on the aquifer study.

Mr. Galler questioned how the equestrian facility fit in to a Conservation Subdivision. Mr. Gaba stated first that it is a permitted use on the property; conservation subdivisions do not have to be solely residential. They are more difficult, but it is allowed as long as the use is permitted in the zone. The other thing is, the way that the conservation subdivision regulations are written, agricultural uses, even with a riding academy, are permitted as part of your open space. The equestrian facility does raise all kinds of issues from SEQRA, to design, maintenance of the land, etc. and none of that has been addressed yet. In Steve's opinion, if they offer satisfactory remedies in Part 3 of the EAF to the issues raised, the Planning Board could issue a negative declaration; if the issues are not addressed adequately, then there could be a positive declaration and an EIS.

Mr. Garfinkle added that he took away from the joint training that the Planning Board is not yet comfortable making a decision. He stated that issuing a positive declaration would "put the ball back in the court of the public" and there becomes the possibility of another Public Hearing being held and the decision doesn't fall solely on the shoulders of the Planning Board; they can take into account public response to the project. Mr. Galler stated he is pretty familiar with the SEQRA process and has lived in the area for about 30 years and he can't remember a positive declaration ever being declared; this is one of the biggest developments he has seen, other than Glassbury Court. He asked Mr. Gaba why one would not make a positive declaration. Mr. Gaba stated it's a process; you must identify all potential environmental impacts, determine how large their impact would be and look at the reports provided on how to mitigate those impacts. Mr. Galler added that unfortunately a lot of it is subjective.

Mr. Repetto questioned what the next step is for the Conservation Board. Mr. Garfinkle suggested sending a revised letter to the Planning Board. Mr. Garfinkle noted he would like to add his questions about the

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validity of the aquifer study to the letter. Mrs. Smith added that the aquifer in question is a primary aquifer for New York State. Mrs. Smith added that it would be great if someone from the Conservation Board would attend the Planning Board workshop on this property on Thursday, July 13th at 7:30 P.M. at the Old VFW Hall. Mrs. Smith added the regular Planning Board meeting is scheduled for July 20th.

4. Stormwater

Mr. Garfinkle stated he had forwarded the letters he and Ron Gainer had put together in regards to complaints from residents at Glassbury Court. One letter is to send to the Homeowners Association at Glassbury Court and the other is to sent to the residents who expressed their concerns.

It was added that the Storm Water project is moving ahead and there is some concern about the county's pesticide application. Mr. Garfinkle stated that he was unaware of this issue. Mrs. Smith of the Hudson Highlands Land Trust asked if there are tests to actually test for pesticides. Mr. Garfinkle stated they should be reporting everything that they are applying to the DEC on an annual basis and to attempt to get hold of that report. Mrs. Martin questioned who was doing the testing and sampling and was told that Carl Frisenda, Mike Leonard and Max Garfinkle are actually the Storm Water Committee and Mr. Frisenda would be doing the actual testing. In the future, they hope to have a small budget line for Storm Water for testing and so forth. Mrs. Martin added it would be a great project for an intern. Mr. Repetto suggested the possibility of community outreach. Mr. Garfinkle suggested possibly calling upon Mr. Repetto for use of his expertise on the chemical testing and things such as that.

5. Minutes

The minutes of June 13, 2017 were reviewed. Mr. Galler moved to approve the minutes as presented and Mrs. Martin seconded the motion. All were in favor.

5. Other Business:

Michelle Smith asked if the next step in the process for Open Space for it to go to the Town or does the Conservation Board have to make a determination about the changes since the last one. Mrs. Martin stated that this Board still has to review it, approve it, and then send it to the Town Board for adoption. Mr. Repetto asked if there is a summary of what has changed. Mrs. Martin said she will email Kathy from HHLT and have her send it out again.

M.J. Martin moved to adjourn the meeting and Andy Galler seconded the motion. All were in favor and the meeting adjourned at 9:25 pm.

Date Approved _____

Respectfully submitted by,

Tara K. Percacciolo

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TOWN OF PHILIPSTOWN CONSERVATION BOARD
238 MAIN STREET, COLD SPRING, NY 10516
AUGUST 8, 2017
DRAFT MINUTES

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, August 8, 2017.

Present: M.J. Martin
Robert Repetto
Jan Baker
Lew Kingsley
Max Garfinkle (Natural Resources Review Officer)

Absent: Mark Galezo (Chairman)
Andrew Galler
Eric Lind

****PLEASE NOTE that these minutes were abstracted in summary from the meeting and a taped recording.**

Mrs. Martin opened the meeting at 7:33 pm.

1. Old Business

Jose & Maria Lojano

TM# 90.8-2-7

WL 17-288

17 Ox Yoke Road, Garrison

There was no one in attendance representing the applicant so Mr. Repetto asked if there were any comments from the audience. Michael Phelan, Superintendent of the Continental Village Park District, stated he is in charge of the lake. He reported there is some concern over 2 properties on Ox Yoke Road. The one that holds the most concern for the Village and the health of the lake and the creek is the property at 7 Ox Yoke Road. Mr. Phelan stated that last year, the footbridge at the end of Steuben Road was lost during tropical storm Irene and was exacerbated with hurricane Sandy. The footbridge, which was basically an extension of Steuben Road, crossed over a small inlet and up to Highland Drive. He provided a picture of the new footbridge, replaced last summer as a joint effort between the Continental Village Park District, Philipstown Engineer Ron Gainer, and the Philipstown Highway Department, for the Board to see. He added that the size of the flow coming out of Canopus Creek into the lake was increased to prevent the sporadic flooding of the roadway leading out to it. He stated the photo was taken at the end of last June and that over this past Winter, once Spring time came, he and members of Continental Village noticed that right off the end of the bridge, a fluvial delta had been forming. It is his belief that it started sometime in January or February. He provided some photographs of the delta to the Board and added that about 6-7 weeks ago Mr. Garfinkle had gone down and taken a look at it because there was some concern about how rapidly the delta in the lake is forming. He stated this delta

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is about 150 feet from the drainage pipes that run off the properties on Ox Yoke. He provided another photograph showing the point at which the Ox Yoke Road drainage systems pour into Canopus Creek and then into Cortlandt Lake, which the CVPD is responsible for. He clarified that the picture was taken after a storm. The flow comes off of Winston Lane and Ox Yoke, underneath Ox Yoke to Highland Drive and into Canopus Creek. From the point where it enters the Creek, it is about 150 feet to the bridge. He stated that the rapidity that this fluvial delta has begun to form, he has never seen in 24 years. He added the severity and the type of matter that appears to be entering the lake is unlike anything he has ever seen; it appears to be wood chips, twigs and other types of loose surface material. Mr. Phelan stated that the property located at 17 Ox Yoke involved a denuding of the property; he estimated that 70% of the trees on the property were cut down by the new owner. He stated it was his understanding that the Conservation Board is grappling with a few issues in regards to this property, one being the possibility that the remnants of the cutting that are left, because of the steep slopes, are washing down into the drainage system on Ox Yoke, entering the lake, and as it flows with any rapidity once it opens up into the lake, it's dropping all of its matter; that is generally how these deltas are formed. Secondly, the same drainage system which may be dumping this debris into the lake also will be carrying the remnants of the old septic system which is not being removed according to the owner's proposal; he intends to crush the tank and bury it without doing any removal of the tank or the surrounding soil. Mr. Phelan stated, if that occurs, the fear exists that any water coming down Winston and coming across the surface of that property will be entering the same drainage system and subsequently end up entering the lake. Mr. Garfinkle stated he has been in contact with the applicant as well as the agents he is working with and that the applicant is abandoning the idea of moving the septic system due to the cost-prohibitive nature. Mr. Garfinkle added the applicant is set to meet with the Putnam County Department of Health tomorrow to discuss the possibility of repairing and remedying the current septic area to be brought back up to Putnam County Department of Health standards. Mr. Garfinkle added that he inquired with the PCDOH how the Conservation Board could require dye testing at the site to assess how badly the fields are leeching and was informed that a formal complaint would need to be made, or a private citizen could make a complaint with the Town. Mr. Phelan stated that it is a two part scenario, the septic and the formation of the delta into the lake. Mr. Phelan added that since roughly April, the silt fencing on Ox Yoke had been knocked down or non-existent. Mr. Repetto stated that he had brought up the silt fencing with the applicant at the last meeting and had asked for it to be replaced and added that he drove by the site earlier in the week and it appears that the wall on the right side of the driveway had collapsed more than it had previously appeared. Mr. Garfinkle stated that he had visited the site with the applicant two weeks before and explained what needed to be done. He added that the applicant expressed his feelings of frustration with the Board. Mr. Phelan stated there is fencing up where he is keeping the machinery; from the house down to Ox Yoke Road, and all the drainage, is all exposed. He added there is escarpments from when the lot was cleared and next to the driveway, every time it rains, it is washing away. The roots of trees are visible out of the soil. He again stated that in his 25 years on the lake, he has never seen a delta form so rapidly. Mr.

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Phelan added that he has not entered the property and is unaware what lies beyond what can actually be seen from the road. Mrs. Martin questioned if there was a plan in place to receive a report once the applicant has met with the Putnam County Department of Health. Mr. Garfinkle responded that as it stands now, based on his conversations with the applicant's engineering firm, they plan to approach the PCDOH first and then return to the Conservation Board in September. Mrs. Martin suggested Mr. Garfinkle reach out to the Department of Health after that meeting takes place and find out if there is any immediate need for the property. Mr. Garfinkle stated it is his intent to try and attend the meeting between the applicant and the Department of Health. Mr. Garfinkle added that the Board can also require, by putting in a complaint to the County, that a dye test be performed on the house to see how much the fields are leeching. Mrs. Martin added that complaint could be made by a resident of the Town. Mr. Phelan stated that the Board of Health tests the lake roughly every 10 days for blue-green algae, high fecal counts, etc. They also ask Mr. Phelan if he has any suspicions to let them know and they will pursue them and perform dye tests. Mr. Phelan then stated that in a set of June Conservation Board minutes, in regard to the Lojano property on Ox Yoke, there was mention of the owner wanting to put in a 500 gallon propane storage tank at his garage and asked if the Board recalls this discussion. Mr. Garfinkle stated he checked the plans and it is a 500 gallon tank and stated the tank would not be inside but outside the garage. He added he had brought it up with the Code Enforcement Officer and he did not seem to think it was an unreasonable size for the plans submitted. It was added that the tank is not within the buffer zone and not within the purview of this Board.

Hudson Highland Reserve, Rte 9 & Horton Road

Glenn Watson of Badey & Watson and Steve Gross of Hudson Highlands Environmental Consulting were in attendance representing the applicant. Mr. Watson stated his intent was to explain to the Board where they are with the project and hear any additional comments the Board may have. Mr. Watson set up his visual, the site plan, which has not changed. He stated they have been working with the Planning Board and have completed and adopted Part 2 of the EAF and are about to begin preparing part 3. Mr. Watson stated they were asked by the Planning Board to do a sketch of what might result were they to require a Yield Plan and added they are resisting doing a Yield Plan because of the money involved. At this point, the plan does not involve any wetlands or wetlands permits. However, there is a possibility of a dry hydrant being put into the lake for fire protection and they would come back to obtain the necessary permit once decided. At present time, the horse trails that might also trigger the need for a wetland permit, are off the table. Mr. Watson stated the Environmental Assessment Form will include a manure management plan, a traffic plan, and the first part of a SWPPP, the finished one won't happen until the very end. He added that they calculated that they are entitled to 25 lots under the plan, town engineers calculated that to be 24, but agreed that is a number that has to come at the very end; he stated they are "decimal acres in difference". Mr. Watson stated if there are any further questions or comments from the Board, he would like to address them at this point so they can move through the EAF as expeditiously as possible. Mr. Watson noted that they did prepare a sketch plan for discussion.

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He presented the Board with a visual which showed a conventional subdivision using the formula for a Yield Plan which generated 27 possible lots. He stated that they do not believe this to be the best solution for this piece of property but believe it demonstrates that the numbers they have arrived at are not aggressive. Mr. Watson noted that in this sketch plan, Lot 27 is slated to be totally within the Conservation Easement, which has already been approved by the Planning Board previously and takes away that opportunity for protection. Mrs. Martin clarified that lot would be accessed from East Mountain Road South. Mr. Watson noted that the previous owner, Nate Lyons, built a driveway already. Mr. Repetto added that approval happened a while back, before this concept was ever proposed, not as part of this project. Mr. Watson stated the point is that one of the positive things about the Conservation Easement is that giving up that lot 27 gives them the opportunity to protect that steep area with a wetlands running through it as well as put a harricade between the development and the state park. Mr. Gross clarified that this plan was developed as a draft of the Yield Plan, not for any purpose of wanting to do this but as a response to the Planning Board. This draft form of a Yield Plan was done solely to prove a lot count. Mr. Repetto asked for further clarification in regards to whether it was a conventional or conservation subdivision. Mr. Watson explained that the Zoning Law allows you to approach a conservation subdivision and develop the lot count in 2 different ways; one is called the Yield Plan and the other is a Formula (Density). The Density Formula involves taking the total acreage and subtracting the wetlands, the steep slopes (or a percentage of), take away 15% more for roads and then divide it by a factor that is provided based on the Zoning District. That is a relatively easy number to come up with. An applicant can choose between the Density Formula or the Yield Plan. Mr. Watson expressed doubt that any applicant would choose to use the Yield Plan method because it would require the engineering of two subdivisions. Regardless, if an applicant has chosen the Density Formula and the Planning Board has a reasonable basis for believing that the lot count would not be obtainable if the Yield Plan were used, the Board can require the applicant to do a Yield Plan. He added it has been suggested that for this property, if a Yield Plan were done it would only produce 15 lots. Referring to his visual, he noted that all the lots are within the white area, have the required 6,000 sf of build-able area with the houses located within those areas, and did not have to utilize any of the wetlands or steep slopes in calculating the areas. Mr. Watson stated that this will be presented to the Planning Board at their next meeting. Mrs. Martin stated she had some questions about the Equestrian Center. Mr. Watson reported that would go away, with the Yield Plan. Mrs. Martin clarified with Mr. Watson that if the Yield Plan were used there would be no room for the Equestrian Center and there would be no trails or facility. But with the applicants preferred plan, using the Density Formula, the Equestrian Center, the ring and the parking area for horse trailers would still exist, but the trails would go away. Mr. Watson stated that the trails are off the table at this time but a final decision has not been made. Mr. Watson also noted that the Yield Plan does not preserve the historic road. Mrs. Martin questioned possible public access and recreational use of the property. In regards to public use of the property, Mr. Gross stated if the applicant allowed and provided for recreational use, that could kick in getting a density bonus of additional lots. He added that at present, the Planning Board is talking about not giving any bonus,

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which is why opening the property up to the public is still a question; it's a tradeoff. Mrs. Martin added that the Planning Board has the absolute right not to offer a density bonus. Mr. Garfinkle stated one of the major concerns he has is how the phasing of the project will be achieved during construction and development of the landscape, due to some species restrictions. Mr. Watson stated they are well aware of the tree cutting and have been since the very beginning. Mr. Watson stated they will be phasing the project but was unsure of the phasing at this time; it was his belief that the first phase would be creating an access route to the site and used his visual to show the Board where that would occur. It is the intention to not have to bring in equipment off of Horton Road. He stated they intend to maintain the existing road from the end of Horton Road to their road as an emergency access, which also serves a public purpose, not just for this subdivision. Mr. Watson stated they are limited to 5 acres of disturbance at a time and Mr. Garfinkle asked what that looks like on Mr. Watson's visual. Mr. Watson stated they are basically 1 acre lots and showed Mr. Garfinkle using the visual. Mr. Garfinkle stated it would take roughly 5 years to develop the whole property to which Mr. Watson responded they believe it will be more like 3-4 years; you can go through more than one 5 acre area in a season. Mr. Repetto questioned what the criteria is that needs to be met before moving on from one 5 acre area of disturbance to another. Mr. Watson stated that the area must be permanently stabilized before moving on to another area. Mr. Garfinkle suggested they consult with the Natural Heritage Program of New York and get a letter from them describing what could potentially be on the property to accompany their Environmental Assessment. Mr. Gross and Mr. Watson stated that had already been done. Mr. Garfinkle stated he has not seen this letter and it would be helpful. Mr. Kingsley questioned, on the sketch plan, if the properties surrounding the lake would share ownership of the pond to which Mr. Watson replied yes. Mr. Kingsley then clarified that would mean that those owners would control the pond and went on to ask how that would balance out with the rest of the community if they need that water. Mr. Watson stated that if they were to put in a dry hydrant, they would create an easement through the necessary lot for the pipe. Mr. Garfinkle asked if there was still a question about the definition of how 2 wetlands are hydrologically connected and whether or not they are considered one wetland. He stated that when they were at the site there was a concern that a wetlands permit might need to be obtained for the driveway or the initial access road. Mr. Gross questioned which wetlands Mr. Garfinkle was speaking of and used the visual to discuss the matter. Mr. Gross added they are not hydrologically connected. Mrs. Martin asked if there was any further thought in regards to the lot count around the pond, which had been discussed previously. Mr. Watson stated that an adjustment had been made; the number did not change but they changed the location by making the existing house one of the lots around the pond and eliminating one on the other side and widening the spacing. There had been concern about whether or not there would be a corridor for wildlife. He added that the Hudson Highlands Land Trust, a proponent of leaving that corridor open, is not convinced the widening is sufficient enough but they believe it is. Mrs. Martin questioned if HHLT is possibly thinking that the corridor would not be optimal because there is a house on either side essentially 'book-ending' it. Mr. Watson suggested that is possibly a fair assessment, but also believes HHLT put too much value on the

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route from the edge of the property down to Clove Creek, a 70% slope, as being a realistic corridor for wildlife. Mr. Watson stated it is still an open issue but they have rearranged it and reduced the length of the road; there is still a driveway but it is much more narrow. Mr. Gross stated the only deterrent that still exists is the 10 foot wide driveway, but believes it is not a deterrent for any wildlife; the steep slope is much more of a deterrent. Mr. Garfinkle asked where they stand with the easement. Mr. Watson stated they would like Hudson Highlands Land Trust to hold the easement. Mr. Garfinkle asked if there is a plan B. Mr. Watson stated they will find another land trust or other qualified organization. Mr. Gross added there are several options. Mrs. Martin thanked Mr. Watson and Mr. Gross for providing an update. Mr. Garfinkle requested that the letter from the Natural Heritage Program of New York be sent to the Conservation Board. Mrs. Martin recalled seeing some information from the Natural Heritage Program but the information was very old. Mr. Gross stated he would look into the matter.

2. New Business

Homeland Towers LLC
40 Yesterday Drive

TM# 38.-3-24.1

WL 17-289

There was no one in attendance representing Homeland Towers, but the Board agreed to hear comments from the audience members present.

Mr. Paul Eldridge, 100 Rockwald Road, stated he had some things to share. He stated that the Board had received a letter written by him previously on July 9th but provided each member with a copy. He also brought an enlarged map to provide a visual of the lay of the land. Mr. Eldridge used the map to show the Board exactly where his property on Rockwald Road is in relation to the proposed cell tower site. One of his biggest concerns, more so since learning about the tower proposal, is there are a lot of pipes coming out of the ground around the proposed tower site and it is unclear what purpose the pipes serve. He added that they were put in around the same time Vineyard Road, Round Hill Road, and the two retention ponds were being built. Mr. Eldridge stated his property is 11 acres; there is a pond on the Cooper's property behind his, which he pointed out on his visual. Mr. Eldridge stated there is a stream running from there through a point on his property, down to another wetland then runs past or into the first retention pond, through the second retention pond, down the hill and eventually winds up in a pond on the other side of Route 9. Mr. Eldridge stated that until recently, there was always water in two specified areas which he pointed out on the visual, and a running stream; rarely was there a time when there was not running water. If one were to go up there today, you would find no running water. It is Mr. Eldridge's belief that at the time Vineyard Road, Round Hill Road, and the retention ponds were being built, there was a lot of piping put in the area right before the first retention pond. In referencing his letter to the Conservation Board dated July 9th, Mr. Eldridge stated attached picture #1 shows the view from his property looking towards Fadden's property where a hole was created in the stone wall, which was basically the dividing line for the 2 properties, and used that opening so construction

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equipment could go in and trench to place these pipes. Mr. Eldridge stated that visibly, above ground, there is PVC pipe about 4 inches, some are perforated with caps, some are not perforated and don't have caps, and some that come out of the ground at various heights. He added he had looked at one earlier in the day that was almost as tall as he. He noted they are dispersed within a certain area after the second wetland and prior to the first retention pond and pointed out the area on his visual. Mr. Eldridge noted he had mentioned at the last meeting that there are clearly pipes within the compound area, as Homeland Towers refers to it. Mr. Eldridge stated he was able to walk that property and find the 4 marked corners for the fencing for the 5610 sf compound area and was inside that area to take picture #4 from his July 9th letter which shows one of the pipes, some of them come out on an angle for whatever reason, roughly 20 feet from the center marker for the tower. The picture was taken within the markers for the fencing for the compound. Mr. Eldridge stated the other pictures provided with his letter dated July 9th just show the differences between the pipes, some come very far out of the ground, others not so much; some are perforated, capped and others are not. He added that he measured inside the pipe in picture #5 and hit bottom at 8 feet 10 inches. He had done the same a few weeks back and the pipe was filled with water roughly within 12-18 inches from the top of the pipe. He had checked the pipe today and there was no water in the pipe. He noted he had done the same with some of the other pipes; there was water visible in some of them as well, even pipes which were capped. Mr. Eldridge stated no one knows what they are for and there are a lot of them. The perforated pipes that are capped seem to all be located in trenched areas. Mr. Eldridge stated that the center of the proposed tower is about 212 feet from his property line and the fenced area for the site is roughly 170 feet from his property line and added he will see the tower from every room in his house. Mr. Repetto questioned when the piping was put in and what the land looked like prior to this and if it is possible that these pipes have essentially drained wetlands that were previously there. Mr. Eldridge stated it is his belief that the piping has caused the stream previously discussed to run close to dry as well as decreased the level of water that exists in the pond on Cooper's property.

Mr. Joel Cooper, 120 Rockwald Road, stated he bought his property in 1997 and believes around that time is when the pipes were put in. Mr. Cooper added that if you look at older maps of the property it shows the pond which nowadays, very often, has no water in it and drains very quickly. Mr. Eldridge added that Mr. Cooper's property is directly North of his and skated on that pond roughly 34 years ago after they built their house there and now there is no pond to skate on. Mr. Eldridge believes the pipes were put in prior to or contiguous with the retention ponds. The wet areas he had pointed out earlier were significant; it was once about a 4-6 foot stream that was not easy to cross and that is not the case today. He added that he has checked with the building department and that no records could be located in regards to this.

Mrs. Martin stated that while on the site visit she did notice some pipes which were of a mysterious nature.

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Mr. Cooper added that once Mr. Eldridge brought this to his attention, out of curiosity, he googled 'draining a wetland' and the only thing he found was a lecture, not attributed to any particular college he could identify, which said you would sometimes see vertical perforated pipes as part of an array to drain the wetland.

Mrs. Martin thanked Mr. Eldridge and Mr. Cooper for their comments and the information they shared. Before going any further Mrs. Martin clarified that there will be a joint public hearing on this. She furthered her statement adding that the comments from the audience would be further amplified at the public hearing, rather than making them now.

Mr. Cooper asked if the application was complete because it did not include any of this information in regards to drainage. Mrs. Martin explained that the application in front of the Conservation Board deals with a very small portion of the overall project because this Board only has permitting authority on wet areas and are called in for consultation on steep slopes and other sensitive areas. Mr. Cooper asked if it were found to be drained wetlands if the Conservation Board would then have jurisdiction over the matter. Mr. Repetto stated the first step is getting an understanding of what exactly this is but it does seem to be impacting the wetlands which opens up a lot of questions. Mr. Repetto asked his fellow Board members if any of them have ever seen something like this before. Mr. Garfinkle stated they look somewhat like septic pipes. Mr. Kingsley stated it looks like something you would see in a large landfill for venting gasses. Mr. Eldridge added it appears to siphon the pond as well as the 2 wetlands. Mrs. Martin clarified that no one knows what it is at this point and this is all speculation.

Mr. Baker questioned when the wet areas and streams described tonight had dried out or disappeared. Mr. Eldridge stated it has been a couple of years. Mr. Baker stated that, in other words, it wasn't 20 years ago; it's happened within the last couple of years. Mr. Baker added that he is not an expert on the jurisdiction of the Conservation Board but if there was an intentional destruction of wetlands, he believes that is something that would be of interest and significance to this Board, or should be. He clarified his statement stating intent is not the issue; if there were a destruction of wetlands caused by piping or something else that someone did, he believes that is something the Conservation Board would want to know about and discuss, whether intentional or not.

Mr. Repetto stated that the Board, in the past, has used Google Maps or Satellite maps to go back in time and look at pictures to see the impact to the local forest areas from construction sites and things like that. Mr. Garfinkle stated there is historical aerial photography but was unsure if the resolution would allow you to see when the pipes appear. Mr. Repetto's thinking was more-so to go back and look and see if you can see the wetlands and see if they seem to disappear over time. Mr. Garfinkle added that, in terms of the Conservation Board's jurisdiction, it is a man made retention pond wetland system

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there now, so they still have jurisdiction over that. In theory, if this was something that was drained and the wetland boundary was actually much larger, they could infer using those older boundaries, if they were able to prove that was the case somehow, and then adapt those old wetland boundaries and use that as an expanded 100 foot setback. They would still review the project in the same light and look at where the impact ultimately lies based on the code. He added that based on the code there are certain characteristics of a wetland that are defined in chapter 93. All of these things need to be checked before being classified as a wetland. He stated those measures can be used to check their wetland boundaries as well.

Mr. Eldridge stated the vegetation on the 2 wet areas on his land is different than the rest of the land, almost swamp like, and contains different flora and fauna than found on the rest of the land. He used his visual to explain how the water comes down the mountain in to what he described as a bowl on his property and then down that channel, clearly funneled in that direction. He noted that several of the pipes in question practically abut the stone wall discussed earlier that serves as the property line and questioned if there would have been setback requirements for putting in the piping. Mr. Garfinkle stated that would be a question for Greg Wunner, the building inspector.

Mrs. Cali Gorevic, 60 Round Hill Road, stated that Chris Fadden tried to purchase their drainage easement right on Vineyard Road adding that she is unsure what that means. Mr. Gorevic added that the fact of the matter is there was a little bit of a dispute and in order to resolve that dispute the lawyer had suggested that they give up their easement rights to sewage and drainage on Vineyard and Round Hill. Mr. Gorevic stated he wouldn't give up their rights to anything for any significant amount of money in any case. However, it occurred to them that if Mr. Fadden was that eager, maybe something is going on that they are unaware of. Mr. Gorevic questioned whether they may be pushing the boundaries on what they are supposed to be doing and stated he felt it was a very peculiar request. Mr. Kingsley asked how recently this had occurred. Mr. Gorevic stated this had occurred within the last 2-3 months then corrected himself and said this had occurred in March. At this point, Mr. Gorevic believes this situation warrants some kind of study. Mr. Kingsley asked Mr. Gorevic if he was able to obtain a map of that easement that Mr. Fadden was looking at. Mrs. Martin stated it should be attached to the deed for the property. Mr. Kingsley stated that would be the first step; see where it is and go from there. Mr. Gorevic added that Mr. Fadden owns both roads, Vineyard and Round Hill and that they have easement rights. In his opinion, there is an issue as to how many roads can be put in there; they may have reached their limit on roads. There is a road down below that the Gorevic's, as well as other residents, believe the Conservation Board or Zoning Board should look into. Mr. Gorevic added that Mr. Fadden has allowed someone to use part of the land for what he and his wife seem to think is storage and there are propane tanks and other things; he added it looks like a dump area with an access road leading in to it. Mr. Gorevic questioned the legality of this road. Mr. Repetto and Mr. Garfinkle suggested putting in a formal complaint with the Building Inspector in Philipstown to have the matter checked out.

Mr. Nick Rockwell stated he and his wife had purchased property which had an access off of Vineyard Road but because the previous owner did not do whatever was necessary to transfer that it is unusable to them. He stated he and his wife had attended what he recalled to be a Planning Board meeting a couple of years back and at that meeting it was stated that Mr. Fadden had reached his maximum number of roads for the property.

Mr. Baker questioned if it was in their jurisdiction to mandate someone involved in this particular issue to attend a meeting to discuss many of these issues, in this case Chris Fadden. Mrs. Martin stated they can not compel someone to show up at a meeting, they can designate a representative.

Mr. Eldridge asked that, in doing the retention pond and this piping, if there would have been a permitting process. Mr. Kingsley stated that back then there was only a Wetlands Advisory Committee and they were not a Board yet. Mrs. Martin stated that was something they would have to look into it.

Mr. Gorevic stated that just beyond his property there is a stream which looks calm and rather empty most of the time. He added that there was a storm a few years back and during that storm that stream was 'beyond rapids'. The water was rushing down the mountain with enough force to bring down trees. He stated that if this were to happen with the tower down below, that tower would not exist. This is of great concern to he and his wife. If there were to be another major storm and the cell tower goes down and the mountain goes up in flames, no one who lives on that mountain would survive. He added that if this proposal goes through and this tower is approved, he and his wife will have to give serious thought to whether they want to stay there or not. He stated he believes these are all things that should be of great concern to the Conservation Board. He added it is his understanding that the Zoning Board will be taking the lead on this but believes that the Conservation Boards recommendations carry a lot of weight and they will make the right decision. Mrs. Martin thanked everyone for their information and asked anyone who is continually interested in this project to stay tuned for notice of the public hearing and air their concerns at that hearing.

3. Storm Water Discussion

Mr. Garfinkle reported it has been a slow month in terms of stormwater. He stated he has done some research into getting some public outreach materials and is in the approval/ordering process. He added he, Mr. Leonard and Mr. Frisenda will need to meet at some point soon. He stated the letter had been sent out to the Glassbury Court Homeowners Association as well as the complainants and added that Ms. Percacciolo is working to find a correct address and contact from the Glassbury Court HOA. Mr. Garfinkle stated that Mr. Leonard was in attendance and wanted to comment on the herbicide issue.

Mr. Leonard stated that he would be attending the County meeting the following evening. He hopes to hear of some serious corrective action. Mrs. Martin questioned if there was any testing done on that water after spraying had occurred. Mr. Garfinkle suggested, based on an article he had read, that testing had been performed. He added that it is his feeling that Philipstown should be included in meetings between Greg Phillips from the Village water department and the DEC regarding the water supply because it doesn't just fall within the boundaries of Cold Spring; if they are making decisions and giving advice or any sort of further clarification as to the restrictions on herbicide application in that area, we never hear because the meetings only happen with the Village. That could be a positive outcome of the whole situation, to create a better dialogue. He added that it is his understanding that state law says, when you're applying these chemicals, you have to go through a whole certification process to become an applicator. During that process, you learn all these different things about spraying next to waterways and reporting all of your applications to the DEC at the end of each year. You are supposed to have an understanding of the herbicides that you are applying and how they break down in the environment, what they're toxic to and how and so on. Mr. Garfinkle stated it was a little strange, to him, that whoever asked for that had no understanding of that whole process.

Mrs. Michelle Smith stated there was a DEC report that came from the contractor who did the spraying and they said that they turn off the Oust XP when they're in the setback area. But, when the initial article was written they said they were spraying Oust XP and glyphosate both along Fishkill Road and Peekskill Hollow. She added they tested the water on June 30th, roughly 5 weeks after they sprayed on May 23rd. Mrs. Smith questioned if it was a violation of state law and if not, a violation of Philipstown Code because there is a resource protection overlay around the Cold Spring water supply which basically says you can't use chemicals any more than a residential use. She added this is another good reason for Philipstown to be included in certain meetings with regard to the Cold Spring water supply. Mr. Garfinkle stated that the State doesn't regulate any Class C streams, so they would have to look at what the designation is. He added that they are a government entity as well so he is unsure of what kinds of exemptions they may have. Mrs. Martin requested that Mr. Leonard report back to the Conservation Board what happens at the County meeting.

Mr. Garfinkle stated that if they had gone through a permitting process with the DEC for herbicide application, they could essentially apply for a 5 year permit, if it is within the buffer area for a DEC regulated wetland. He stated the notification process would happen once, at the beginning of that 5 year cycle and they can actually renew that permit up to another 5 years. He stated that this could be an agreement that goes way back. Mrs. Smith stated that Kathleen Foley in the village had FOIL'ed the records and found that they have been spraying since at least 2012. Mrs. Martin noted there was also no notification to the municipality.

4. Revised Open Space Index and Natural Resources Inventory

Conservation Board Meeting
August 8, 2017

Mrs. Martin stated that it was decided at the last meeting that everyone wanted to review it and asked if everyone had done so. She added that one of the only questions at hand was whether anyone found anything amiss and also, if there was a desire before it goes to the Town Board, to re-prioritize the Conservation Open Areas Inventory List. She added that some of those descriptions had been changed and added to include more actual natural resources description instead of just community character descriptions, which is where they started out. Mrs. Martin stated, what Nicole Pidala did last year was essentially take the existing Open Space Index and Natural Resources Inventory and update it. Mrs. Smith added that all of those Open Space priorities area still for the most part in tact, it is just a question of whether some of those may have gotten smaller or some of them may now be permanently conserved. Mrs. Martin questioned if something has been permanently conserved, is it a priority for Conservation for the Town anymore; does it then drop off the list. Mr. Repetto stated it should remain on the list but noted that it is permanently conserved; it is no longer a goal but an accomplishment. Mrs. Martin then read the definition of "Conservation Open Areas Inventory" for clarification. The last question before sending it to the Town Board is, does this Board want to change the prioritization. She recommended, if everyone was comfortable with it as is, to send it to the Town Board for adoption. Mrs. Smith questioned the wording in the Town Code and if it would need to be amended once the Town Board adopts this new Open Space Index and Natural Resources Inventory. Mrs. Martin stated that was dependent on how the Code is worded when referencing the Index.

Mr. Baker moved to approve the Open Space Index and Natural Resources Inventory and send it to the Town Board for adoption. Mr. Kingsley seconded the motion. The vote was as follows:

| | |
|----------------|--------|
| M.J. Martin | Aye |
| Lew Kingsley | Aye |
| Robert Repetto | Aye |
| Jan Baker | Aye |
| Mark Galezo | Absent |
| Eric Lind | Absent |
| Andrew Galler | Absent |

Mr. Kingsley moved to adjourn the meeting and Jan Baker seconded the motion. All were in favor and the meeting adjourned at 9:27 pm.

Date Approved _____

Conservation Board Meeting
August 8, 2017

Respectfully submitted by,

Tara K. Percacciolo

TOWN OF PHILIPSTOWN CONSERVATION BOARD
238 MAIN STREET, COLD SPRING, NY 10516
SEPTEMBER 12, 2017
DRAFT MINUTES

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, September 12, 2017.

Present: M.J. Martin
Robert Repetto
Lew Kingsley
Eric Lind
Andrew Galler
Max Garfinkle (Natural Resources Review Officer)
Mark Galezo, Chairman

Absent: Jan Baker

****PLEASE NOTE that these minutes were abstracted in summary from the meeting and a taped recording.**

Mr. Galezo opened the meeting at 7:33 pm.

1. Old Business

Jose & Maria Lojano
17 Ox Yoke Road, Garrison

TM# 90.8-2-7

WL 17-288

Mr. Jim Annicchiarico of Cronin engineering was in attendance representing the applicant. Jose & Maria Lojano were also present. Mr. Annicchiarico gave a recap, stating they were last in front of the Board 2 months ago in July, with a plan that had the septic system located up in the corner of the property, piping of the intermittent drainage course, and a curtain drain along the western property line to "short circuit" water and what not. Also, there was a 3 car garage, outside the buffer zone. Due to proposals they received, which included relocating the well, that plan was deemed too costly for the applicant. He stated that application was withdrawn, in consultation with the Town and the Natural Resource Officer, and they have submitted a new application for repair of the septic system in about where it is located now; the piping of the intermittent drainage course still remains, and they believe it is a crucial part of the septic repair, as well as the curtain drain. He stated they had met with some of the members of the Board that morning at the site. Mr. Annicchiarico added that he had spoken to Mr. Joe Paravati from the Putnam County Health Department about the repair of the septic and also received an email stating there were some things that he would request be adjusted but encourages the piping of the intermittent drainage course in order to eliminate any possibility of short-circuiting between the septic system and the drainage course. Mr. Garfinkle stated he believed that Mr. Galler had a question in regards to amounts of fill. Mr. Annicchiarico stated that he had calculated it to be about 200 cubic yards of fill; about 10 truckloads or so. Mr. Galler clarified that it is sloping down and not covering the roots of the trees. Mr. Annicchiarico stated that there had been some discussion

about concerns on how far they planned on going with the fill when covering the pipe as well as the existing trees just on the other side. He clarified that they would not have to go anywhere past that, just to the toe of those trees. Mr. Galezo clarified that this is in front of the Health Department as a repair and questioned what exactly the fill was for. Mr. Annicchiarico stated that the fields would have to be dug out and that material would have to be removed and the material to cover over the pipe would be new fill and added they would be digging for the new field. They will be digging a 7 foot trench for the length of the field, bringing in gravel, for the field. He added that he is only able to get about 295 feet of fields. Mr. Galezo questioned if the Health Department is requiring the piping as opposed to just encouraging it. Mr. Annicchiarico stated that if he were to speak to Mr. Paravati more, he could say that. Mr. Galezo clarified that the whole point is, the Board stated last time that they would only allow the piping of the stream if it was a requirement in order to build the septic. Mr. Annicchiarico stated, for clarification, that it is definitely not a stream but an intermittent drainage course. Mr. Galezo stated that that doesn't matter. Mr. Repetto added that it runs a little bit more in the spring; this is the driest time of year. Mr. Galezo stated that it is an intermittent stream and added that they just declined to give someone permission to build a house within 100 feet of an intermittent stream; it is a regulated body. Mr. Annicchiarico again stated that this is a repair; he has heard from many members of the Board that there is concern that leeching will get into the drainage course and eventually into the lake. Mr. Galezo stated that he is strictly with the Health Department; if the Health Department requires it, it is his position that the Board allow it. He added, if the Health Department isn't requiring it, we are right back to where we were last month. Mr. Annicchiarico stated that in his discussions with Joe (Paravati), his impression was that he was leaning towards requiring it, at one point talking about having water tight joints in the pipe. Mr. Repetto stated that when they were discussing the septic the previous day, Mr. Annicchiarico gave the impression that it was a new system, new tank. Mr. Annicchiarico stated that there has to be a new tank because the existing tank is half way under the house and to ensure that it is accessible for pumping/cleaning out. He added that yes, they are putting in a new system but it is considered a repair; he is trying to meet the code as much as possible, but can't. He stated that Mr. Paravati would not be able to issue a permit for a new septic system, because it doesn't meet the code. Mr. Galezo stated they do not want the stream piped and believes that it still would not prevent waste from entering the drainage system, it will just leak out around the pipe. Mr. Annicchiarico stated that his thoughts were, with the amount of fill they plan on bringing in, that will not happen, especially if they do the watertight joints on the pipe. He suggested they could even do a clay barrier. Mrs. Martin requested Mr. Annicchiarico share with the Board the suggestions that Mr. Paravati had made. Mr. Annicchiarico stated that typically you would be 20 feet off the house with a field and that Mr. Paravati suggested moving closer to about 10 feet off the house, because the existing fields are currently 10 feet off the house and there is no footing drain. Mr. Paravati also suggested making a certain portion of the curtain drain, which Mr. Annicchiarico pointed out on his visual, solid pipe and possibly put in a portion of a curtain drain (perforated) in another location, which he again pointed out on his visual.

Mr. Lind stated that he agreed with Mr. Annicchiarico in that yes, it is an intermittent stream but when faced with these tight situations, he likes to revert back to the function of the regulated area, whether it be wildlife habitat or scenery or conveyance of water. Mr. Lind stated in this case, it's a pretty short run that's conveying water only; there is virtually no habitat value. He added that it ends up in the lake. He stated that the idea is to eliminate any sort of pollution from

getting into the lake. Personally, it is his feeling that all of the steps that could be taken should be in play, including the possibility of a clay barrier which could help prevent any affluent from getting in surrounding the proposed pipe and into the pipe itself, along with the Health Department's input about watertight fittings and tying that pipe to the curtain drain, to prevent surface water from getting into contact with the septic. It is Mr. Lind's feeling that the pipe is a benefit because it is an additional protective measure to isolate the 2 things. He added that if it were a high quality habitat, or lots of wetlands and things like that, he would feel differently. But in this case, he only sees the intermittent stream as a way of conveying water. So, the solution to a single family dwelling, with very tight restrictions and property boundaries, is really an engineering solution as opposed to a protective conservation solution. Mr. Lind stated he would feel most comfortable considering the pipe given the new application and the restrictions on the site.

Mr. Garfinkle stated what would be of the utmost importance would be coming up with a proper construction sequence so that they can understand, now coming into winter, what the next steps would be such as erosion control measures; all of that needs to be clearly defined. Mr. Lind added that the trade-off is really the mitigation; there was a violation on the property. He stated he was not in attendance at the August meeting but was aware of some discussion at the previous meeting on mitigation plantings. He added that from the Board's point of view, the recovery is struck through the mitigation plantings. Mr. Annicchiarico stated they had prepared and submitted a planting mitigation plan and also met with Mr. Garfinkle to go over it and it is still part of their plan. He added that it was not submitted this last time because it seemed redundant. Mr. Galler stated that he feels it should be increased because of the area that was initially cleared for the septic system. Mr. Annicchiarico stated he had no problem altering the plan and resubmitting it as part of an approval package.

Mr. Repetto stated that in this case, he is not comfortable making a decision until he sees it in the plans, and a narrative, exactly as it is going to be done. He stated that the applicant has clear-cut the property for a septic system that is now never going in because it turned out to be too expensive. He added that there was no reason to cut those trees down and it could have been done with the trees remaining. He added that he is still concerned about the piping from the standpoint of the trees. Mr. Kingsley stated as long as they keep it at the foot of the root system, it's not going to bother them. Mr. Repetto stated that area is normally wet and questioned what will happen to the water. Mr. Kingsley stated the amount of water that will come through will dampen the whole area; the pipe itself may pull some of it out, but you're still going to get some dampness coming down through the valley right there. Mr. Lind added that mature trees are not accessing surface water; that is a substantial root system so they're surviving off of water deeper in the ground. Mr. Annicchiarico noted that the only tree they plan on taking down is the one that is leaning heavily, close to the proposed septic field. Mr. Lind added that the Board is really looking for a formal plan for all of these moving parts. Mr. Annicchiarico stated he could certainly revise the plan, add a construction schedule, what needs to be done in what order. He stated he will have to revise the plan for the Health Department anyway and added he was also willing to adjust the planting mitigation plan as well. Mr. Repetto stated that the design has been changed; the prior planting plan was designed with the prior septic system on the other side and should be revised. Mrs. Martin added that it can be expanded. Mr. Repetto stated it should be expanded, especially over in that watercourse area; if they are going to be piping that area, it

should be replanted with the appropriate types of plants that are there, not shrubbery and things like that. That area should be re-mediated. He added that right now, it is all rock, but if the applicant is going through the trouble to pipe that stream and is expecting the Conservation Board to give him that easement there, then he should give the Board back some of that property there, as wetlands, being that they are a wetlands preserving Board. He added that today, it may not have much value as habitat, but in the future it could become a nice area for creatures to live in and could be a very beautiful area in the future, if they were to agree to allow the piping. Mr. Repetto went on to say he wishes to see everything on the plan including where they are going to put the patio, what they are doing with the barbeque, the garden in the wetland buffer, because of the complete disregard that the applicant has shown thus far. Mr. Annicchiarico questioned whether a garden was allowed to be planted in the buffer zone. Mr. Repetto went on to say that anything in the buffer should be coming in front of the Conservation Board. Mr. Garfinkle interjected to state that there are certain exemptions, such as just planting vegetation without using machinery. Mr. Repetto went on to state that Mr. Garfinkle has repeatedly asked for the silt fencing to be fixed/replaced as well as remove the mulch out of the wetlands course, which has yet to happen. He expressed his feeling that there is a repeated ignorance, on the clients behalf, of the comments made thus far.

Mrs. Martin questioned if the Board was all in agreement in wanting the clay barrier to which everyone stated they were. She also mentioned the expanded mitigation planting up in the area that was cleared and asked the other members if there is anything else they wish to see on the revised plan. Mr. Garfinkle stated, from his perspective, the construction narrative is very important in ensuring whoever is doing the work understands it and can work hand in hand with himself and the Board. Mrs. Martin questioned if there is a need for an escrow to which Mr. Garfinkle explained it has already been submitted. Mr. Repetto suggested also inputting some sort of monitoring program on a periodic basis due to the state of the property at this time. Mr. Lind asked for clarification on whether this was split into 2 permits. Mr. Annicchiarico stated that originally it was split into 2 phases; phase 1 would have been the septic, which was approved, and phase 2 was the curtain drain and piping of the intermittent drainage course, which was all part of the original application. Mr. Galezo suggested that the initial approval for the septic should be void now. Mr. Garfinkle stated it is and added that after the last meeting they'd had, that whole strategy of doing it in 2 permits was abandoned. They retracted their current permit. Mr. Repetto stated it is unfortunate that the prior plan can't be implemented and meet the code and that the Board must perpetuate with this property that is substandard, and doesn't meet the code adding that this is why there are constant problems with the lake; nothing ever gets remediated properly. Mr. Lind responded that he sees Mr. Repetto's point, but he sees this option as a plus too; right now there is a failing septic system so considering the constraints of the site and that a lot of things are grandfathered in, this plan allows for a modernized, fully functional, brand new septic system. He added that is a big plus compared to existing conditions; in his opinion it is a big improvement. Mr. Garfinkle added that legally, they can not prevent an applicant from repairing a system. Mr. Repetto made clear that all he was saying is that it was unfortunate that it has to go in this direction and can't be done the proper way after he already clear cut the property. Mr. Galler stated that he felt the same way but feels that, except for emergency work, anything being done within the wetland buffer zone at this point needs to stop unless Mr. Garfinkle is contacted. Mr. Annicchiarico stated that they have no intentions of doing any more work after consulting with Mr. Garfinkle and added that they have cleaned up,

stabilized, and planted grass at the site after being made aware of complaints from neighbors. Mr. Repetto stated he would have liked to have seen some sort of presentation of that at the last meeting so the Board could be more aware of the situation. He added that, being a local, he is sometimes approached out in public by concerned citizens asking questions and he would like to be as prepared as possible to answer them. Mr. Repetto added that is the reason the Board is all here; they are all members of the community and are a resource to provide answers to others in the community. Mr. Annicchiarico apologized and stated that there was a time constraint and he was not able to complete the work in time to submit it at the last meeting and believed there was no reason to come back without something substantial to show the Board.

Mr. Repetto stated that he had requested volume calculations from Mr. Annicchiarico at the July meeting and now for this new piping and asked if he would be able to provide the Board with something. Mr. Annicchiarico replied that they had done a HydroCad analysis and it was about 6 cubic feet per second. He added that they analyzed it going into the 15 inch pipe and stated the pipe is about a third full when coming through the pipe and was analyzed as if the curtain drain were flowing full. Mr. Repetto stated that one of his concerns was this getting blocked and suggested putting something on the front of it to prevent leaves and debris from getting into it. He also asked what the mitigation plan was to release water if it gets blocked. Mr. Annicchiarico responded that they had discussed earlier that day about putting a grate at the headwall and would do enough to keep twigs and sticks from getting in it. He added that there are drainage pipes everywhere that leaves get into and they typically don't cause a significant blockage. He stated that the slope of the pipe itself will help wash anything down and they will install a manhole so they can make the turn and connect to the existing catch basin out on Ox Yoke; that would be a point of cleanout or of collection of silt, sediment and debris and could put a sump in that just for that purpose. He stated it would be accessible to jet it out if it ever had to be but added that it's a 15 inch pipe and doesn't clog very easily. Mr. Repetto asked if the report had been submitted to Ron Gainer and requested that that be done. He added it has been talked about but there have been no volume calculations provided to him and he's responsible for the culvert they would be connecting to.

Mr. Galezo stated the issues at hand are the grate at the top, the increase in the mitigation plan and the clay barrier. He added that after listening to Mr. Lind's view on it, he has come around to his way of thinking, so the only thing he would request is a letter from Joe Paravati stating that he requires it to be piped. Mrs. Martin stated that Mr. Lind's reasoning makes sense; this is very situational and not something they would allow on a regular basis. This is something that is very site specific, a highly constrained area. Mr. Galler stated he tended to agree with Mr. Galezo for the simple reason that it is constrained but there is space to build another septic system and that is where this is different than others where they are forced to. Mr. Annicchiarico stated that he agreed with them to a point, but added that money is a constraint to the Lojano family. He added that he believes they are doing the right thing to prevent pollution to the lake, which is the ultimate goal.

Mr. Garfinkle stated there are also a lot of moving parts in terms of the drive access and such and asked if the Board was clear on what the applicant is planning on doing in that small section of the buffer of the existing driveway to extend that out beyond the buffer, remove the retaining wall; that is something the Board would look into as well. Mr. Repetto stated he thought that was

out of the buffer. It was clarified that only about 20-30 square feet are actually in the buffer. Mr. Lind stated his only comment about that was that some of the gravel tends to wash down onto Ox Yoke road and that the applicant would have to periodically shovel it up back onto the drive. He added he doesn't have an answer to the slope and the potential runoff rainfall or whatnot that's going to get into the drive and push loose material down onto the road other than what had been talked about earlier, possibly paving 10 feet up. Mr. Repetto questioned if they could possibly change the way it comes onto the road, possibly come up a little bit to stop the gravel from coming into the road. Mr. Annicchiarico suggested over time it would flatten out anyways and would be difficult to achieve. Mr. Galler questioned what the width of the driveway is. Mr. Annicchiarico stated the width of the garage is 33 feet and is a 3 car garage. Mr. Galler stated the driveway is massive for the size of the parcel. Mr. Galezo added it was built in the buffer without a permit. Mr. Galler added it's not a normal driveway for a residential house.

Mr. Galezo questioned the possibility of a slot drain, trench drain, with grates on it that would stop any gravel, debris and runoff and run a pipe down to the outlet on Ox Yoke. Mr. Repetto and Mrs. Martin also suggested the possibility of using permeable pavers, especially at the bottom; something to keep the gravel in place. Mrs. Martin stated it still doesn't completely control the gravel, but allows for a measure of control for it. Mr. Galezo added that goes back to maintenance which needs to be "set in concrete"; the maintenance of the mitigation plan and the screen at the top of the outlet.

Mr. Repetto stated the applicant needs to come back with the plans, with the narrative, as they intend to do it including the items discussed and requested the report on volumes be forwarded to Ron Gainer to confirm that the culvert can handle the volume of water. He pointed to areas on the plan where they would like to see some more plantings and to include the clay barrier. Mr. Garfinkle added they need the Health Department permit and stated that all of these things need to be in place before the work can begin. The Board agreed not to vote on anything and want to see the plans at the next meeting. Mr. Annicchiarico questioned that as long as they do the things the board is requesting, that they are on the right path, and the Board agreed. Mr. Garfinkle stated he would put together an email clarifying everything the Board wishes to see at the next meeting.

Mr. Michael Phelan, Superintendent of the Continental Village Park District stated he was in charge of Cortland Lake and stated there are 2 issues, the septic and the potential runoff of things coming onto Ox Yoke and preventing it from getting into the lake. He stated he attended last month's meeting and was concerned because the lake is monitored by the Board of Health all during summer, the water tested, for the feasibility of keeping it open. He added that with the failure of the septic, there is concern throughout the community. If it is a failed system, then he is concerned that over the last few weeks, maybe months, there is stuff getting into the lake because of the proximity of the drains on Ox Yoke; not only 17 but the adjacent property as well, where all of the piping, over the past year, has been drastically changed from overland drainage into the drain on Ox Yoke and into the lake, to self contained piping and catch basins which have never existed before in that area. His intention is to make sure that as the Board proceeds with the approval of the new septic system, that it is capable of containing the amount of bedrooms that are currently in the house and secondly, that the new garage that is going in, mentioning there is an application to put in a new accessory apartment in the garage. Mr. Annicchiarico stated that was false and it is only a 3 car garage. Mr. Phelan claimed to have read something from lasts

months minutes about it. He added that another concern was about runoff; not only gravel but also wood chips and dirt that makes its way down the culvert on Ox Yoke down into the catch basin from the neighboring property and into the lake. They are concerned about mitigating anything that gets washed out into the street and makes it into the hard piping that leads into the lake because they are getting a lot of sediment into the lake. Mr. Phelan added that Mr. Garfinkle met with Mr. Phelan a few months back but have not been able to determine where it is coming from but it has been exacerbated in the last year. Mr. Garfinkle stated in many circumstances it is standard to use mulch as stabilization material to control any bare soil from eroding. Mr. Galezo stated he believes there is sump in that catch basin. Mr. Phelan stated, as a representative of the community, those are 2 things that he is aware of that the community is concerned about that he can relay back to, the information heard this evening. Mr. Garfinkle suggested Mr. Annicchiarico attest to some of the things Mr. Phelan was questioning. Mr. Annicchiarico stated the new system will be immensely better than what exists now. Mr. Phelan asked if the septic system is currently functioning and Mr. Annicchiarico stated that it is. The problem typically occurs during the wet times of the year; which is why they are trying to get it done as fast as possible, as that time of year is approaching.

Capossela
275 Indian Brook Road

TM# 49.-4-7

WL 17-295

Mr. Nick Lisikatos was in attendance representing the applicant. He stated that he and most of the Board members had done a site visit to the Capossela property earlier that day. He added at one point someone put in a man made pond that comes off the edge of Indian Brook Road, setback about 50-75 feet. Mr. Lisikatos stated it is a steep incline, very bearing to their house. They are very exposed from traffic as well as dust. He stated that Mrs. Capossela spoke with the Highway Department about putting some trees along there adding that the Superintendent of Highways was fine with it, provided they are back off the road. In order to do that, Mr. Lisikatos stated he would have to create a berm further back and slope it off so that it is a manageable site. They will not be going into the water at all but there are some pretty wet areas which everyone saw while on the site visit and added there is some debris that needs to be cleared out and from there, filled in. He added that after meeting with those on the site today, they discussed one spot where there is what he described as a planting growth where they would like to place some rocks on each side and not fill it in, in case that was leaking through. That was the wettest area, the rest would be filled, about 300-400 yards of fill, in order to create the slopes and create a berm. The berm would then get soiled and seeded with some plantings along Indian Brook Road. Mr. Garfinkle stated the only reason he brought this to the Boards attention is because the amount of fill they are proposing is above what is in the code; everything else is pretty straight forward. Mr. Galler questioned if the berm would be higher than Indian Brook Road. Mr. Lisikatos stated it will be removed where the shoulder is and then probably roughly the same height of the crown of the road. Mr. Repetto questioned if Mr. Lisikatos had consulted with the Highway Department and Mr. Lisikatos stated they had. Mr. Lisikatos added that the Highway Superintendent had visited the site prior to him getting involved and he was fine with it as long as the trees are off the road; they have the road graded where the water course keeps going. He added they had looked at a couple of spots where it may break through and mentioned he has no problem building a berm and putting some rip-rap in there so the water can continue to go in there, it would just then be clean water rather than road debris from Indian Brook Road.

Mr. Lind stated he had a few details and asked about road salt being pushed to the side of the road would be an issue for the trees stating he was not sure what species the applicant planned on planting. Mr. Kingsley stated it would be a problem, regardless of what is planted. He added that she wants small evergreens to get the density and they are not going to go above 4-5 feet; just to hide the cars and keep the dust out. Mrs. Capossela added that they are going to be pushed back away from the road to allow for growth. Mr. Lind stated he only brings it up because if the applicant is making the investment in the property improvements, it wouldn't be good if continued application of road salt would kill them in a year or 2. Mr. Kingsley stated the species has not been chosen yet but they will be something that grows reasonably in that area. Mr. Lind added that generally speaking they ask for a native species and didn't know if one exists that provides the screening that is needed. He asked that some consideration be given when choosing the species of trees to be planted. Lastly, Mr. Lind questioned if the condition of the plans was adequate. Mr. Garfinkle stated that he thought they could work together before issuing the permit and stated his concern was the silt fencing and such being properly installed and the big issue is making sure everyone is comfortable with the amount of fill. Mr. Lind stated he was in agreement with Mr. Garfinkle. Mr. Garfinkle asked if they wanted to make the native species a requirement. Mr. Lind responded he does not, because he is not sure there is a viable option and in this case what is most important is to get the screening or barrier that they are looking for. Mrs. Martin requested no bamboo. Mr. Galezo asked if anyone had anything else to add, then requested a motion to approve with Mr. Garfinkle's oversight. Mrs. Martin made a motion, seconded by Mr. Kingsley. The vote was as follows:

| | |
|----------------|--------|
| M.J. Martin | Aye |
| Lew Kingsley | Aye |
| Robert Repetto | Aye |
| Jan Baker | Absent |
| Mark Galezo | Aye |
| Eric Lind | Aye |
| Andrew Galler | Aye |

Mr. Galezo thanked Mr. Lisikatos and Mr. Garfinkle stated he would be in touch to get them their permit. Mr. Kingsley asked that they try and pick out a species that is acceptable.

Mr. Galezo stated that Homeland Towers representatives were not in attendance but they would be briefly discussing a letter from the Zoning Board stating their intent to become Lead Agency on the project. Mr. Garfinkle stated that they are requesting they send them a letter within the next 30 days and if any of the members have any comments in regards to potential impacts that may not be apparent to them. Mrs. Martin questioned if the Public Hearing had been scheduled yet. Mr. Robert Dee, Chairman of the Zoning Board was in attendance and addressed the Board. He stated the Zoning Board had a meeting the previous evening and have about 3 items left to review, which will be done at the October 2nd meeting. He added he sees no reason why, at that point in time, the application wouldn't be complete. He stated the next step would be a dual agency Public Hearing which he intends to schedule for Monday, November 13th and wanted to ensure that date works for the Conservation Board as well. Mr. Repetto asked where that would be held. Mr. Dee responded that it would be at the Town Hall. Mrs. Martin asked Councilman

Leonard who was in attendance if this would be a sufficient facility to hold that public hearing and suggested possibly the Recreation Center as a better alternative. Mr. Dee stated between the 2 Boards there are about 15 people and wasn't sure if the layout would be possible at the Rec Center. Mrs. Martin stated that meetings of this kind have been held at the Rec Center in the past and suggested a 'horse shoe' set up for the Boards so people could see all the members. Mr. Dee stated he would consult the other Board members. The Conservation Board members agreed that November 13th was fine.

Mr. Paul Eldridge from Rockwald Road stated he still has received no answer in regards to the piping on the site and wondered if the public hearing would still proceed even though there are unanswered questions. Mr. Garfinkle stated there were no pipes within the buffer zone and they had spoken to representatives from Homeland Towers earlier that day about that. They believe that they are related to old test fields for septic systems. Mr. Garfinkle stated that he believed at one time there were plans to have a communal septic area, when it was going to be developed, and the pipes were test pipes that were set in place to test the percolating rates and were placeholders basically, for where the fields may be dug in appropriate areas. Mr. Eldridge questioned if there would have been plans required in order to do that. Mr. Galezo stated if that is what they are, that would have gone through the Health Department, who would have a record of it. Mrs. Cali Gorevic questioned if the Board was taking Homeland Towers word on that issue. Mr. Repetto stated they had asked them the question earlier today and that is what they were told. Mrs. Gorevic asked if there were any further exploration going to be done. Mr. Eldridge added that the proposed compound area covers some of those pipes and that the end result of installing those pipes seems to be the draining of the stream along his property and Cooper's pond. He added that he took a picture of that pond this evening and it is totally dry; when you look at those pipes, they are filled with water. Mr. Galler stated that when he looked at some of the pipes in July, some of them contained water. Mr. Eldridge stated he has counted at least 12-15 sticking out of the ground adding that when that was put in, they broke through the Eldridge's wall and some of the pipes are right up against that wall. Mr. Repetto asked if the Eldridge's had questioned what was going on at the time it was occurring. Mr. Eldridge stated that unfortunately he did not and added that the wall was never restored. Mr. Garfinkle stated these could be test holes and that a governing body may not have even been approached; they can dig test pits and then come back with a plan. He added that area was a proposed development at one point and that never happened, according to Homeland Towers and their research. Mr. Eldridge asked if Homeland Towers had shared their research that establishes that's what it is. Mr. Galezo stated that was a valid question and that the Board had asked that they share all their research and their stuff with this Board. (Everyone began speaking at once and the recording is inaudible.)

Mr. Eldridge asked if the Board could request that they share the research that helped establish their opinion that this is what they say it is. Mr. Galezo stated it is something that they could put in their letter to the Zoning Board as something they would like the Zoning Board to ask about. Mrs. Martin clarified that if the pipes aren't in the zone that they regulate, they do not have jurisdiction over that. Mr. Eldridge questioned, if their access road is coming within the buffer of that retention pond, isn't that within the jurisdiction of this Board? Mrs. Martin explained that the pipes themselves are not within their jurisdiction and added when they went there and inspected, she saw the pipes but they are outside of the marked area.

Mr. Roger Gorevic stated that they are all in favor of the Conservation Board. He stated they are not the enemy and won't be on either side and want to see what's best for the community. He stated at this point he is concerned not with the Zoning Board being the lead agency, but doesn't see that the Conservation Board is advocating. He believes the CB has a responsibility to the community to say whether this is an appropriate site; he believes that what the Conservation Board has to say carries a lot of weight. If the Conservation Board were to say this is an appropriate place to put this tower, he can not believe the Zoning Board would go against that recommendation. He stated there are a lot of issues and members of the community have lots of questions that they don't want ignored. They have aired many of these issues to the Zoning Board but Mr. Gorevic suspects that there are issues that are more under the purview of the Conservation Board that they need guidance on. Mr. Gorevic stated he would like to hear what the Conservation Board has to say so that they, as the public, can understand why this is where it is supposed to go. He added that when this first started, he was seeing a lot more 'proactive' than he sees now. He clarified that he is in no way criticizing the Conservation Board and does not want his statements to come across that way, but he is concerned that the Board feels they have to 'take a backseat' to the Zoning Board now. The Zoning Board may be the lead agency but the weight of the Conservation Board is enormous. Mr. Repetto clarified that the Board in no way is 'taking a back seat' but that this is just the process; there has to be a lead agency, the bulk of the work is in the ZBA's court because of their purview versus the Conservation Boards. He added they have a smaller purview because of the buffer and they intend on addressing it. Mrs. Martin added that the Conservation Board makes recommendations to the Zoning Board regularly. Mr. Garfinkle stated it is important that a lot of these questions are submitted during the period of time when there is a public comment period that is an official part of the process so that they can get documented and also answered by the applicant or by any sort of responsible party in an official capacity. It would be important to have all of this stuff prepared to be submitted as part of that public comment period during that SEQRA process because then it is documented in that process and they can be held to answering a lot of the public's questions. Mrs. Martin added the benefit of having the 2 Boards sitting side by side; you have the ability to address both Boards at once. Mr. Gorevic asked how many days the hearing could last.

Mr. Dee asked if he could address that. He first stated that it would probably be a good idea to have the hearing at the Recreation Center. As far as who does what, he stated that the Zoning Board would be the ones to grant the special use permit and the Conservation would have to grant the Wetlands Permit; there would have to be 2 votes. He stated they would need both permits to begin the project. Mr. Garfinkle stated that the Zoning Board would ultimately be responsible for reviewing the SEQRA and going through the long EAF; they're going to be lead agent on the project. To clarify, Councilman Leonard stated that the Public Hearing could go on for as long as necessary. Mrs. Gorevic stated that if something were to come up that required more research and the public hearing is already taking place, does it allow for that? Mr. Dee said yes, it does; questions from the public may come up that the Boards are not aware of. Mr. Galezo asked what the procedure is if a valid question comes up and they do not have an answer for it? Mr. Garfinkle stated they are required to answer it. Mrs. Martin stated the public hearing can be extended and in that time, the answer gets provided. Mr. Dee added that there is always new information; if someone brings up new information the Board members have the right to say they don't feel comfortable voting until that new information is explored further.

Mr. Eldridge stated that one of the things that has happened from this piping that was put in, coincidental or not, is that on the Eldridge's 11 acres of property there is a stream that was consistent over many years; it is now dry and has been for a number of years. He stated that the pond on Cooper's property, beyond his own, and Mr. Eldridge took a photo this evening, is bone dry. To be clear, Mr. Galezo stated, if that little 100 square foot spot where they're crossing the wetland, the Conservation Board's purview, can not possibly affect the pond, wherever it is, he is speaking to the wrong Board. Mr. Eldridge believes some of those pipes are within that 100 square feet. Mr. Galezo stated he would be happy to visit the site again and take a look. Mr. Eldridge stated the letter he sent a few months ago included a picture which showed the center post for the tower and another pipe about 20 feet away within the compound. Mr. Galezo clarified that that is the tower; the purview of the Conservation Board is about 150 feet away from that. Mr. Repetto suggested the water being drained from the 2 other properties mentioned is a separate issue and mentioned it may be a new complaint that needs to be opened up as an investigation about the former landowner who maybe did inappropriate work or something. He added it seems like old work that took place some time ago. Mr. Eldridge stated it was around the time the road and the retention ponds were put in. Mr. Garfinkle suggested writing a letter to the landowner to which Mr. Eldridge stated the owner would not communicate with him as well as the other concerned neighbors. Mr. Galezo questioned if that was something that they could request the Zoning Board to move forward with. Mr. Galler suggested putting in a FOIL request with the Town as well as visit the Highway Department to see if there was any record there and also go to the County Health Department. He stated that bigger subdivision plans do have to be submitted with the County. Mr. Eldridge stated that he asked Nick Lisikatos this evening, because he has done work on Rockwald Road, and was told that Steve Pidala put that piping in but was unaware of the purpose. Mr. Eldridge expressed his concerns that there is going to be a public hearing scheduled but there is still no answer to all of this piping that is within the proposed compound area for this tower. It was suggested that a formal complaint about the piping be made to the Town Board.

Mr. Gorevic questioned if anyone has looked into the depth as to how deep the water goes there in those wetlands. Mr. Galezo stated they have not checked the depth in the 100 square foot piece that is the purview of this Board but stated he does not know why they would. Mr. Gorevic questioned that, if you have water going down 6, 8, 10 feet that putting in a 3 or 4 foot slab of cement that is supposed to anchor a 180 foot tower, it can't be a very healthy situation. Mr. Galezo stated that was an engineering question and Mrs. Martin responded that is not the same area; they are 2 different areas. Mr. Galezo stated you can build an oil rig in the middle of the ocean; you can build things where you wouldn't think they could be built and again added that is not under the purview of this board. Mrs. Martin added that it's not that the Board is not concerned about it, they just don't have a say. Mr. Gorevic added that he was unsure if his next statement was under the CB's purview but stated this site is also in a high velocity wind area. Mr. Galezo stated that would be the Building Department. Mr. Gorevic questioned which Board he should be speaking to in regards to the winds and added he has 30 years of records every gust of wind. Mr. Galezo suggested he'd be having that conversation with the engineers who engineered the tower and if the Town decided that there was some reason to question their engineers, then the Town would hire their own engineers and discuss it. And if it was decided that the first engineers made a mistake, maybe there would be a change, but these are engineers; they design this stuff for a living. Mr. Repetto suggested that this is something that should come

up at the public hearing. Mr. Garfinkle stated that a lot of these questions could probably be resolved if Homeland Towers were representing themselves, at the appropriate meeting, which would be the Public Hearing. He suggested submitting all their questions before the meeting so they can be referred to the applicant so they can review them before the meeting and be prepared to answer them. Mr. Repetto asked if their questions have to be submitted prior to the public hearing or if they can bring them up right at the meeting. Mr. Garfinkle stated they could do either. Mr. Dee handed copies of the Fire Department's requirements to the members of the Conservation Board which he gave to Homeland Towers at the Zoning meeting the previous evening.

Mrs. Cali Gorevic questioned that the Board was only dealing with the road from Vineyard Road to the tower site. Mr. Galezo clarified that this Board is only dealing with a very small portion of that road, approximately 15 feet or so, right in the center of the road, because there is an intermittent stream that comes down from the pond across that little road. Where the road crosses that one part is the only purview the Conservation Board has for this project. Mr. Eldridge questioned what the responsibility of the Conservation Board would be here than. The Board took the time to take out a map from the application and show Mr. Eldridge the exact location of where the Conservation Board has purview over for this project. The members informed Mr. Eldridge that if he has a complaint about the piping, he needs to put in a formal complaint to the Town in order for something to be done because it was an existing issue that was not produced from this project.

2. New Business

Open Space Institute (Glynwood) TM# 28.-1-15

WL 17-293

362 Glynwood Rd, Cold Spring

Mr. Neal Tomann introduced himself as the Property Director for Glynwood. He stated they conducted a site visit that morning with some of the Board members. He stated the materials the members have in front of them called for a permit for the project being a 4 car parking area and a wall revetment project to fix an erosion issue they are having. After the site visit this morning, they have decided to take the parking issue off the table. He added there is an Article 15 being made to the DEC that runs concurrent with this. He also supplied better pictures of what is happening with the erosion and how the stream is spreading out and how the water flows in the winter months. Mr. Glen Watson was also in attendance and stated that the members all have their copies of the visuals which he is presenting. He pointed out Glynwood Road coming in off of 301 all the way up to the "T" and stated you pass the barn on the right, and the 2 cottages. He pointed out a wetland that has been flagged that carries a stream that finds and carries its own courses as well as flows more strongly, during different times of the year. He pointed out the bank that the stream has eroded over the course of time. He stated the original plan was to move the 4 parking spaces over to the west of the house and do some work but that is now off the table. He stated what they would like to do is take that bank and line it with rip-rap, which will require a little bit of fill on the top of it, so that the stream doesn't scour any more of the bank and eat towards the house. Mr. Watson stated they have provided an erosion control plan and there are plantings involved up on the top of that berm and pointed to a section of that on the visual. He added there is not much more to say. Mr. Tomann stated that one of the things that came out of the earlier site visit was in the schedule for how it will be replanted, and passed out a visual to

the board. They spoke about filling in the rip rap area and planting native vegetation. He stated they will ensure that is part of the final plan.

Mr. Lind stated he didn't know if it was possible but if they could look upstream a bit where the more well defined stream channel begins to split apart and create the problem. He questioned if there was a way to naturally create a berm or a series of terraces to direct the extra flow that is causing the erosion back to the mainstream channel. He added it may help to decrease the amount of rip-rap necessary and might look better, less to hide and replant. Mr. Waston stated he had not been to the site in a few months but believes it to be pretty flat; he states that could probably be done but would like to stay out of that area. He added that typically what the Conservation Board looks for is less disturbance in the area so their thought was to just attack the problem. Mr. Lind stated it is a lot of rip-rap and isn't going to look great. He added he is fine with harboring the bank, but was throwing the idea of naturally diverting the flow out there as opposed to recreating a main channel; basically you're nudging the water away from where you don't want it to go, somewhat of a soft engineering solution, basically.

Mr. Tomann stated, if you think about where the streambed is now and what it has done and how far its encroached on the road, and potentially this house, he is afraid they are not in a situation where a small berm or nudging it over is really the way they want to be thinking about this. The amount of water that came down during Sandy and Irene did this and his idea is to protect the property from that kind of event. Mr. Lind clarified that this isn't a subtle gnawing away at the bank, that happens incrementally day after day. Mr. Tomann stated it definitely is that but those storms essentially got the ball rolling. Mr. Galler asked Mr. Watson what the contours are on this. Mr. Watson replied he believes they are 2's.

Mr. Garfinkle added that he has seen similar projects where people have done planting restoration plans that incorporated filling overtop of the rip-rap and planting some sort of favorable vegetation on top of that that can thrive in a condition that understands that water will be running pretty quickly through that, soil will fall through the rip rap until it eventually stabilizes out to re-establish it more as a green space and a usable area for wildlife. He added it is essentially the plan submitted, with a planting plan on top of it. Mr. Tomann added that is very much where they are headed with this area. Mr. Garfinkle also noted that erosion control measures need to be shown on the plans and the construction sequencing in terms of the headwall as well. Mr. Tomann used his visual to point out the spots that Mr. Garfinkle was referencing. Mr. Tomann stated that next month, they will include the detail on the storm pipe, narrative, vegetation plan and construction schedule. Mr. Garfinkle suggested seasonal timing; not doing it in the wettest part of Spring.

Mr. Watson requested to address the board on a different topic. He stated on the site visit to Hudson Highlands Reserve that Mr. Kingsley suggested some of the trees along the dam be removed. He questioned if that would fall under the maintenance exception for the Wetlands Permit. Mr. Garfinkle suggested anytime between November 1 and March 31 for removal. Mr. Watson stated he would inform Mr. Garfinkle when they decide to do that.

Mr. Tomann added that he would be including an update from the DEC as well next month.

3. Minutes

The Board members stated they were not prepared to vote on any of the minutes this evening.

4. Other Business

Mr. Repetto stated something needs to be done with the property on Winston Lane, hay bales or what not. It is all full of mud and gravel that has run down into the road and the drain. The hay bales on the other side of Winston are all blown out and the silt fences are all down. Mr. Garfinkle stated that is a tricky property; it is something that Mr. Klotzle was working on when he passed away and was passed the following meeting after there was no conclusion and stated he was unsure of what the wetlands permit for the property even states. He stated he would speak with Mr. Wunner about administering some sort of stop work order until he can figure it out. He added he was unsure if a full review by this Board ever even took place. Mr. Repetto suggested issuing a storm water violation. Councilman Leonard suggested having Mr. Gainer evaluate the situation if necessary.

Mr. Dee briefly stated he welcomes any input that the Conservation Board has to offer in regard to the Homeland Towers application. He stated at next month's meeting there are 3 things left to go over, the environmental review, the possibility of a Lane Gate Road site and the fire department regulations. He added that if there is major concern about the pipes at the site, he would have Mr. Gainer look into it. Mrs. Martin suggested that would be a good thing to get a sense of why they are there. Mr. Galezo added that Mr. Gorevic gave the Board a letter that evening detailing some of the concerns he and other members of the community have, so the Board has some sort of 'heads up' about the issues they will bring up at the public hearing. Mr. Galler suggested as many of the Conservation Board members that can, should attend the next Zoning Board meeting to listen. Ms. Percacciolo informed the Board that the Planning and Zoning meetings are also posted on YouTube.

Mr. Garfinkle and Mr. Lind suggested it might be helpful to put a letter together for the Zoning Board outlining their major concerns in the regulated area as well as stating their opinion on any issue that comes to mind whether in the regulated area or not, from the point of view of conservation. Mrs. Martin asked Mr. Lind specifically if he sees the tower as an issue for migratory birds. Mr. Lind responded that it can be but the real issue is if it is lit, which he believes it is not. Mr. Garfinkle stated they met the FCC guidelines in terms of migratory bats and birds and there are downward facing lights. Mr. Garfinkle stated a hole he sees in this whole thing, in terms of an environmental standpoint, is something that hasn't been researched very much in the literature at all, and that is, how does Radio Frequency affect wildlife in the area and how the baseline levels that are proposed at the different heights that are continuous, will affect wildlife in the area. There are minimal studies on this topic. Mr. Dee added that one of the questions that has come up in past meetings is the heat that the tower will potentially give off and added there will be 4 companies involved; the tower will eventually be full. Mr. Lind stated that the Board needs to have evidence to stand on in terms of some of the questions that arise; they can't assume anything. Mr. Galler stated it is a forested area and questioned if there was any research regarding cell towers and forest fires. He added they discussed what materials are used to build the tower and what is flammable. Mr. Galler clarified that he was thinking more in terms

of there being an electrical issue causing a fire. Mr. Garfinkle stated the applicant had reached out to State Parks but have not received any comments back, as of yet, in terms of proximity to state land and comments on the development of a tower that close to Fahnestock.

Councilman Leonard spoke briefly about the Climate Smart Program and stated Karen Ertl of the Garden Conservancy suggested that the Conservation Board be somewhat of a "Green Team" and the Town Board agrees. He was mentioning it to bring it to anyone's attention who may not have heard. The Councilman also reported that the Town Board approved the Open Space Index at their last meeting.

Mrs. Martin made a motion, seconded by Mr. Galler to adjourn the meeting. The vote was unanimous and the meeting adjourned at 10:01 pm.

Date Approved: _____

Respectfully submitted by,

Tara K. Percacciolo

Margaretta Bickford
119 Rockwald Road
Cold Spring, NY 10516

Dear Mr. Dee,

Thank you very much for your thorough managing of the Zoning Board of Appeals meetings especially regarding the Homeland Towers request to build a cell tower on Vineyard Road.

I'm writing, following the recent meeting of September 11, 2017, to communicate a few concerns I had after listening to the lawyer for Homeland Towers, Robert Gaudio, respond to issues.

The first concern is the Fire Safety report. The tower was discussed but not the barrels of fuel kept at the base of the tower to run the generator if there is a disruption in power. What are the instances the tower gets hit or falls and a barrel of propane or diesel is compromised. I'm not suggesting that this is a likely occurrence but do suggest it might have been included in the H T report of the increased fire hazard represented by the fuel barrels.

The realization that Homeland Towers has been dishonest, and if not dishonest, inaccurate in so many of its initial claims that, regarding the land fill site, I'd be certain that there are inaccuracies in the reporting of that site's suitability for a tower. Personally, I am encouraged that the site is going to be inspected again. Insisting it is an inappropriate site but not providing coordinates to the engineer, is yet another instance of neglect or dishonesty on the part of H. T.

There is also a sense that H T is guilty of callous indifference to

the sensibilities of the residents around the tower site. Zoning for aesthetic beauty is often a right relating to a decent quality of life and the use and enjoyment of property for one's lifetime. Does the legal definition of aesthetics to which Mr. Gaudioso referred trump the rights of residents to the peaceful enjoyment of their residences? The residents in our area have paid taxes over many years. My school and property taxes this year are upwards of \$20,000. Do we have to live with the insult of property devaluation and loss of quality of life as well?

Thank you for your time and attention to this matter.

Best regards,

Wendy Bickford

Wendy Bickford
Aka Margaretta Bickford

Peaceful Enjoyment definition:

A Covenant that promises that the grantee or tenant of an estate in real **property** will be able to possess the premises in **peace**, without disturbance by hostile claimants. Quiet **enjoyment** is a **right** to the undisturbed use and **enjoyment** of real **property** by a tenant or landowner.

Quiet enjoyment legal definition of quiet enjoyment - Legal Dictionary
[legal-dictionary.thefreedictionary.com/quiet enjoyment](http://legal-dictionary.thefreedictionary.com/quiet+enjoyment)

Aesthetic zoning:

Aesthetic zoning is the process of zoning a specific area to create a certain aesthetic look. Local zoning regulations are used to focus on the beauty of the community within its jurisdiction. The aesthetic zoning regulations are limited in nature, and must follow various guidelines designed to improve the appearance of the area and create a cohesive look.

Living With Aesthetic Zoning Regulations

Living within an aesthetic zoning area means that any changes to the property must be approved by the zoning board. Plans must be submitted before any work can go forward to ensure meeting all zoning regulations, and any developments that do not meet the requirements can lead to fines and required remodeling. Disputes sometimes occur when the homeowner is not pleased with the local zoning regulations or limitations imposed by the zoning board. However, if a homeowner moves into an area with aesthetic zoning, he generally has little recourse but to abide by the rules. The upside is that property values are protected by these rules. Of course, the homeowner can always seek legal advice when facing zoning problems.



September 29, 2017

Mr. Mark Galezo, Chairman
Town of Philipstown Conservation Board
238 Main Street
P.O. Box 155
Cold Spring, NY 10516

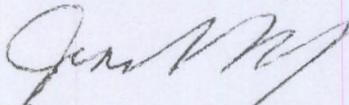
Re: Glynwood Farm Wetlands Permit Application
Neal Tomann
362 Glynwood Road
Tax Map Designation: 28.-1-15

Dear Mr. Galezo:

Please find enclosed the resubmittal of the plans for the above-referenced property as requested by the Board during the site visit with the Applicant on September 12, 2017.

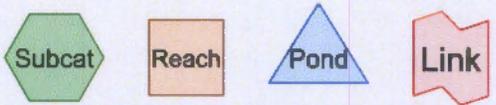
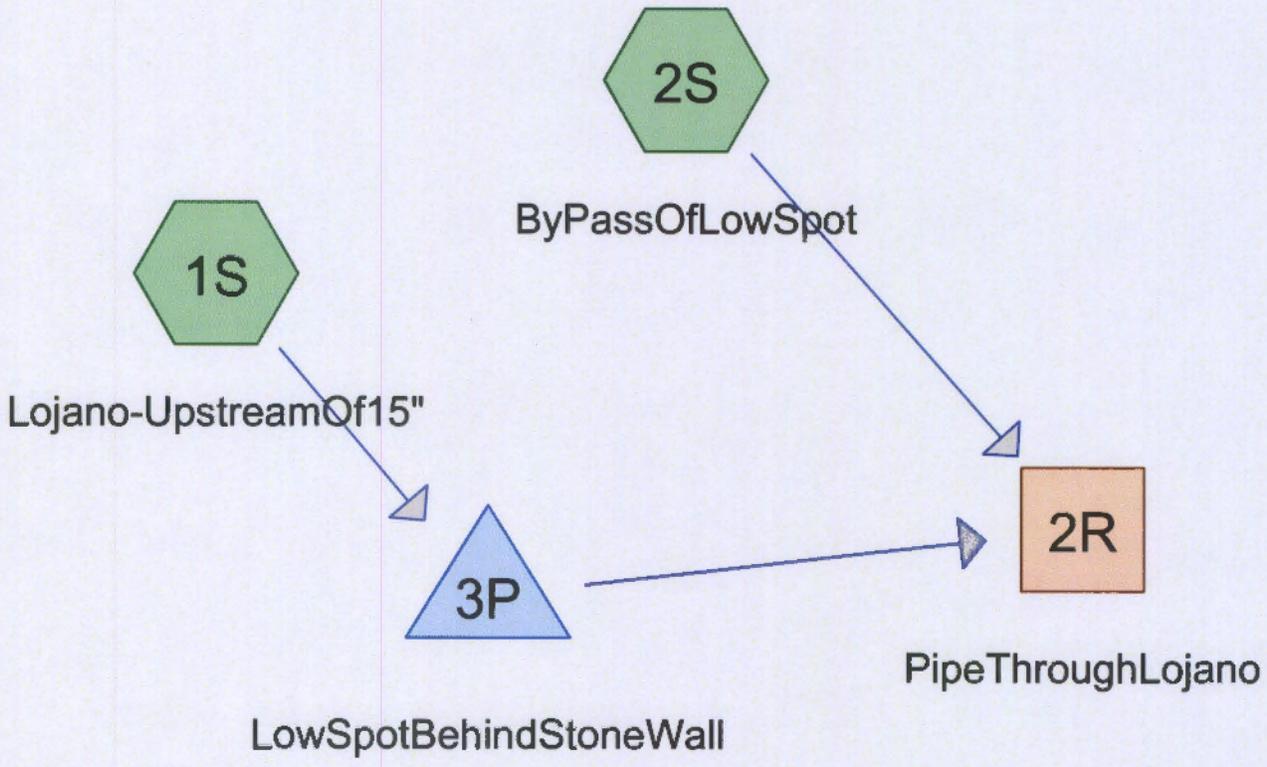
Should you require any further information, please feel free to contact me.

Yours truly,
BADEY & WATSON
Surveying & Engineering, P.C.


by
Jennifer W. Reap, L.S.

JWR/rmm
Enclosures
cc: U:\78-148B\WO_23525\ResubmittalLetter20170929.docx

www.Badey-Watson.com



Lojano-17 Ox-Yoke Rd-PipeSizing-With6InchPondDischargePipe-20170712

Prepared by Cronin Engineering

Printed 10/2/2017

HydroCAD® 10.00-19 s/n 00826 © 2016 HydroCAD Software Solutions LLC

Page 2

Ground Covers (all nodes)

| HSG-A (acres) | HSG-B (acres) | HSG-C (acres) | HSG-D (acres) | Other (acres) | Total (acres) | Ground Cover | Subcatchment Numbers |
|------------------|------------------|------------------|------------------|------------------|------------------|-------------------------|-------------------------|
| 0.000 | 0.000 | 0.750 | 0.000 | 0.000 | 0.750 | Woods, Good | 1S |
| 0.000 | 0.000 | 0.500 | 0.000 | 0.000 | 0.500 | Woods/grass comb., Good | 2S |

Summary for Subcatchment 1S: Lojano-UpstreamOf15"

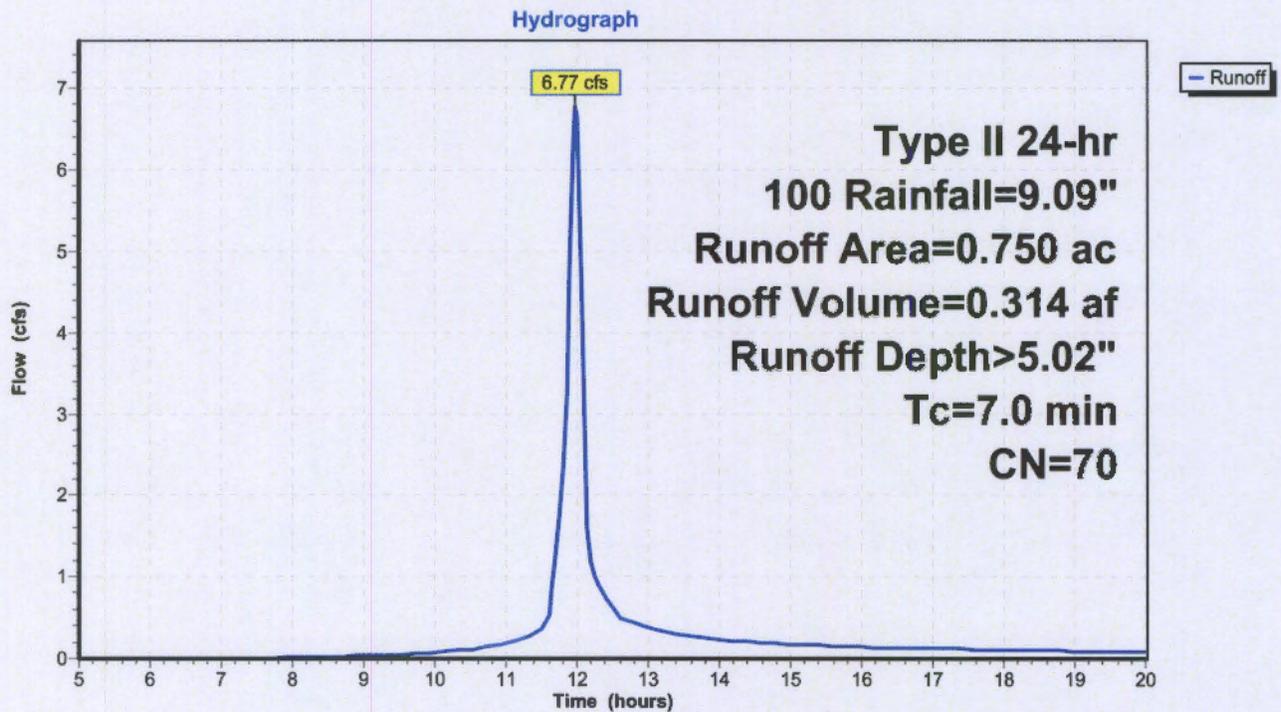
Runoff = 6.77 cfs @ 11.98 hrs, Volume= 0.314 af, Depth> 5.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type II 24-hr 100 Rainfall=9.09"

| Area (ac) | CN | Description |
|-----------|----|-----------------------|
| 0.750 | 70 | Woods, Good, HSG C |
| 0.750 | | 100.00% Pervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|----------------------|
| 7.0 | | | | | Direct Entry, direct |

Subcatchment 1S: Lojano-UpstreamOf15"



Summary for Subcatchment 2S: ByPassOfLowSpot

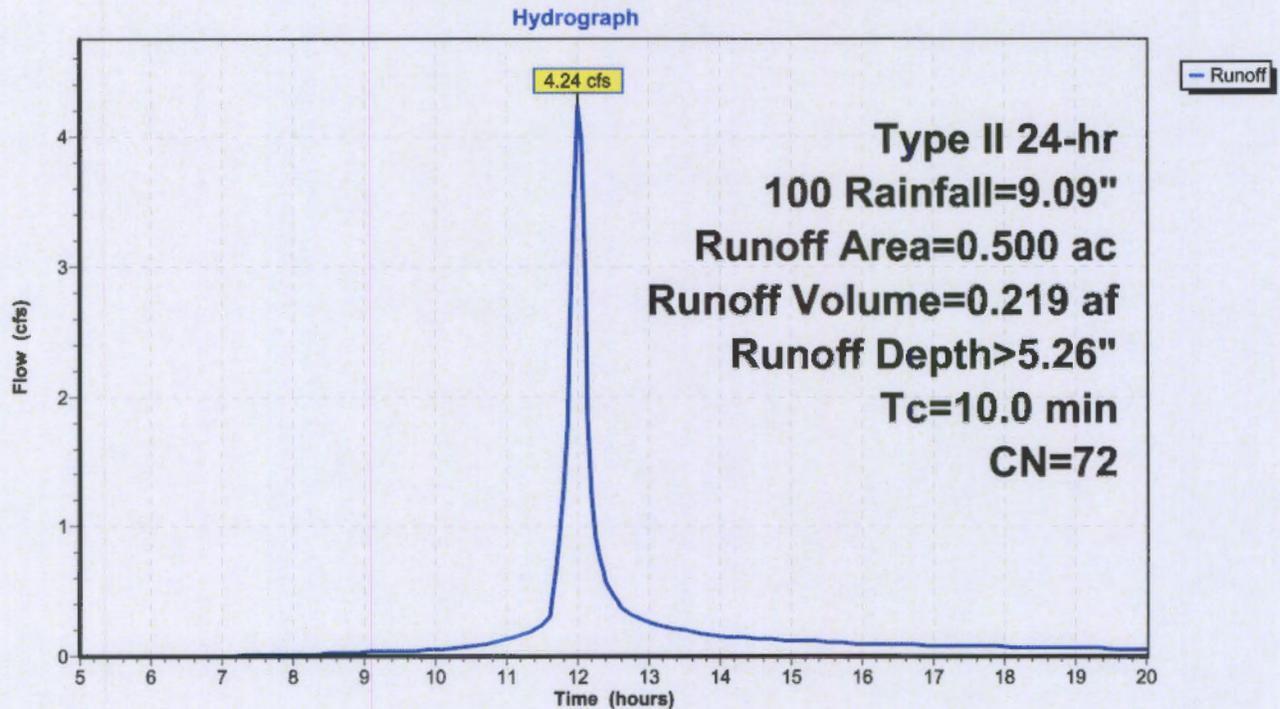
Runoff = 4.24 cfs @ 12.01 hrs, Volume= 0.219 af, Depth> 5.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type II 24-hr 100 Rainfall=9.09"

| Area (ac) | CN | Description |
|-----------|----|--------------------------------|
| 0.500 | 72 | Woods/grass comb., Good, HSG C |
| 0.500 | | 100.00% Pervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|----------|---------------|---------------|-------------------|----------------|--------------------------------|
| 10.0 | | | | | Direct Entry, DirectToHeadwall |

Subcatchment 2S: ByPassOfLowSpot



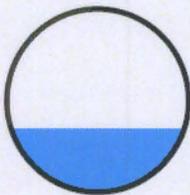
Summary for Reach 2R: PipeThroughLojano

Inflow Area = 1.250 ac, 0.00% Impervious, Inflow Depth > 5.11" for 100 event
Inflow = 5.71 cfs @ 12.02 hrs, Volume= 0.533 af
Outflow = 5.68 cfs @ 12.02 hrs, Volume= 0.533 af, Atten= 0%, Lag= 0.2 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Max. Velocity= 14.85 fps, Min. Travel Time= 0.1 min
Avg. Velocity = 5.93 fps, Avg. Travel Time= 0.3 min

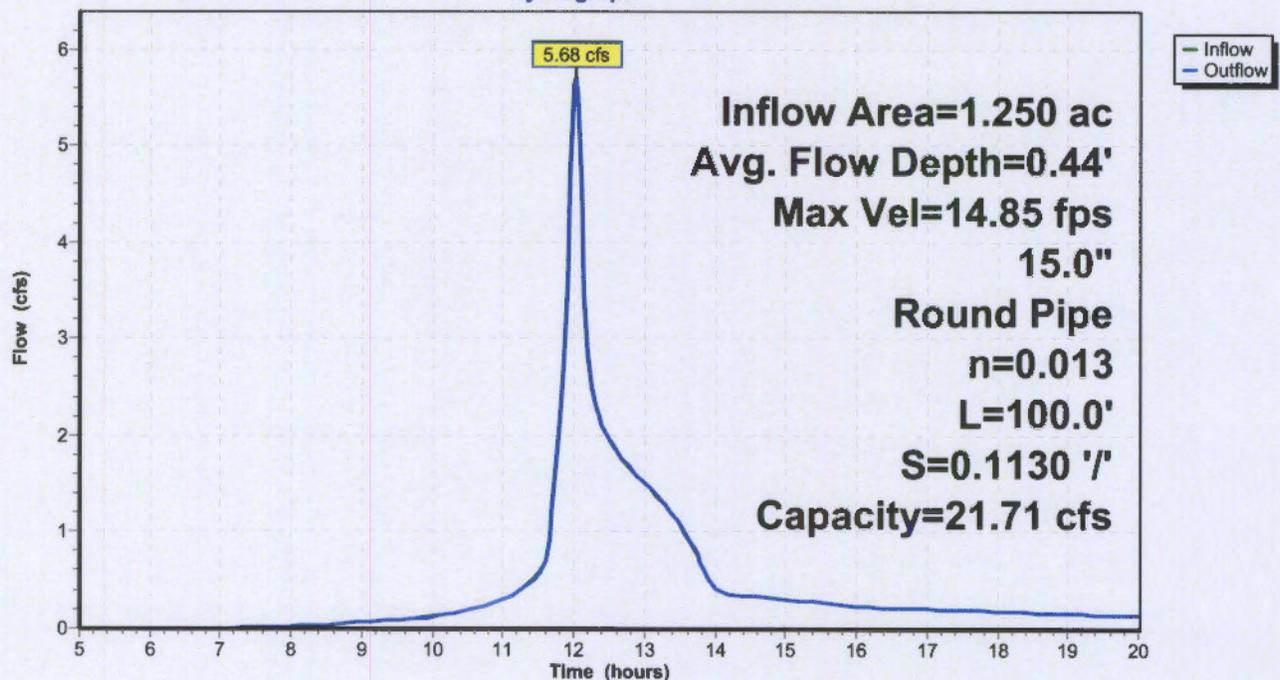
Peak Storage= 38 cf @ 12.02 hrs
Average Depth at Peak Storage= 0.44'
Bank-Full Depth= 1.25' Flow Area= 1.2 sf, Capacity= 21.71 cfs

15.0" Round Pipe
n= 0.013 Corrugated PE, smooth interior
Length= 100.0' Slope= 0.1130 '/'
Inlet Invert= 484.50', Outlet Invert= 473.20'



Reach 2R: PipeThroughLojano

Hydrograph



Summary for Pond 3P: LowSpotBehindStoneWall

Inflow Area = 0.750 ac, 0.00% Impervious, Inflow Depth > 5.02" for 100 event
 Inflow = 6.77 cfs @ 11.98 hrs, Volume= 0.314 af
 Outflow = 1.59 cfs @ 12.16 hrs, Volume= 0.314 af, Atten= 77%, Lag= 10.8 min
 Primary = 1.59 cfs @ 12.16 hrs, Volume= 0.314 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 389.06' @ 12.16 hrs Surf.Area= 2,531 sf Storage= 4,408 cf

Plug-Flow detention time= 21.0 min calculated for 0.313 af (100% of inflow)
 Center-of-Mass det. time= 20.5 min (798.3 - 777.8)

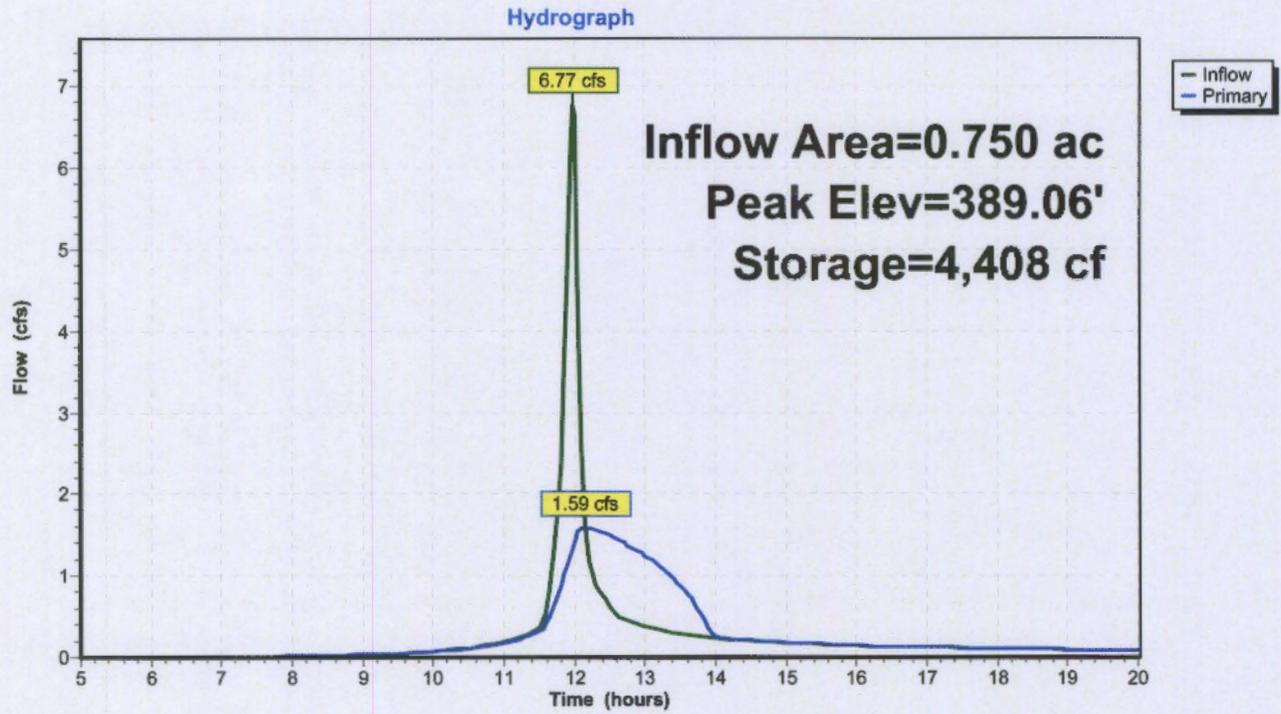
| Volume | Invert | Avail.Storage | Storage Description |
|--------|---------|---------------|--|
| #1 | 386.00' | 14,000 cf | Custom Stage Data (Prismatic) Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) |
|------------------|-------------------|------------------------|------------------------|
| 386.00 | 0 | 0 | 0 |
| 388.00 | 2,000 | 2,000 | 2,000 |
| 390.00 | 3,000 | 5,000 | 7,000 |
| 392.00 | 4,000 | 7,000 | 14,000 |

| Device | Routing | Invert | Outlet Devices |
|--------|---------|---------|---|
| #1 | Primary | 390.20' | Custom Weir/Orifice, Cv= 2.62 (C= 3.28) Head (feet) 0.20 0.50 Width (feet) 5.00 10.00 |
| #2 | Primary | 386.00' | 6.0" Round Culvert L= 5.0' CPP, end-section conforming to fill, Ke= 0.500 Inlet / Outlet Invert= 386.00' / 385.00' S= 0.2000 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.20 sf |

Primary OutFlow Max=1.58 cfs @ 12.16 hrs HW=389.06' (Free Discharge)
 1=Custom Weir/Orifice (Controls 0.00 cfs)
 2=Culvert (Inlet Controls 1.58 cfs @ 8.07 fps)

Pond 3P: LowSpotBehindStoneWall





LOCATION MAP SCALE: 1" = 500'

OWNER/APPLICANT
JOSE & MARIA LOJANO
 17 ON-YOKE ROAD
 GARRISON, NY 10824

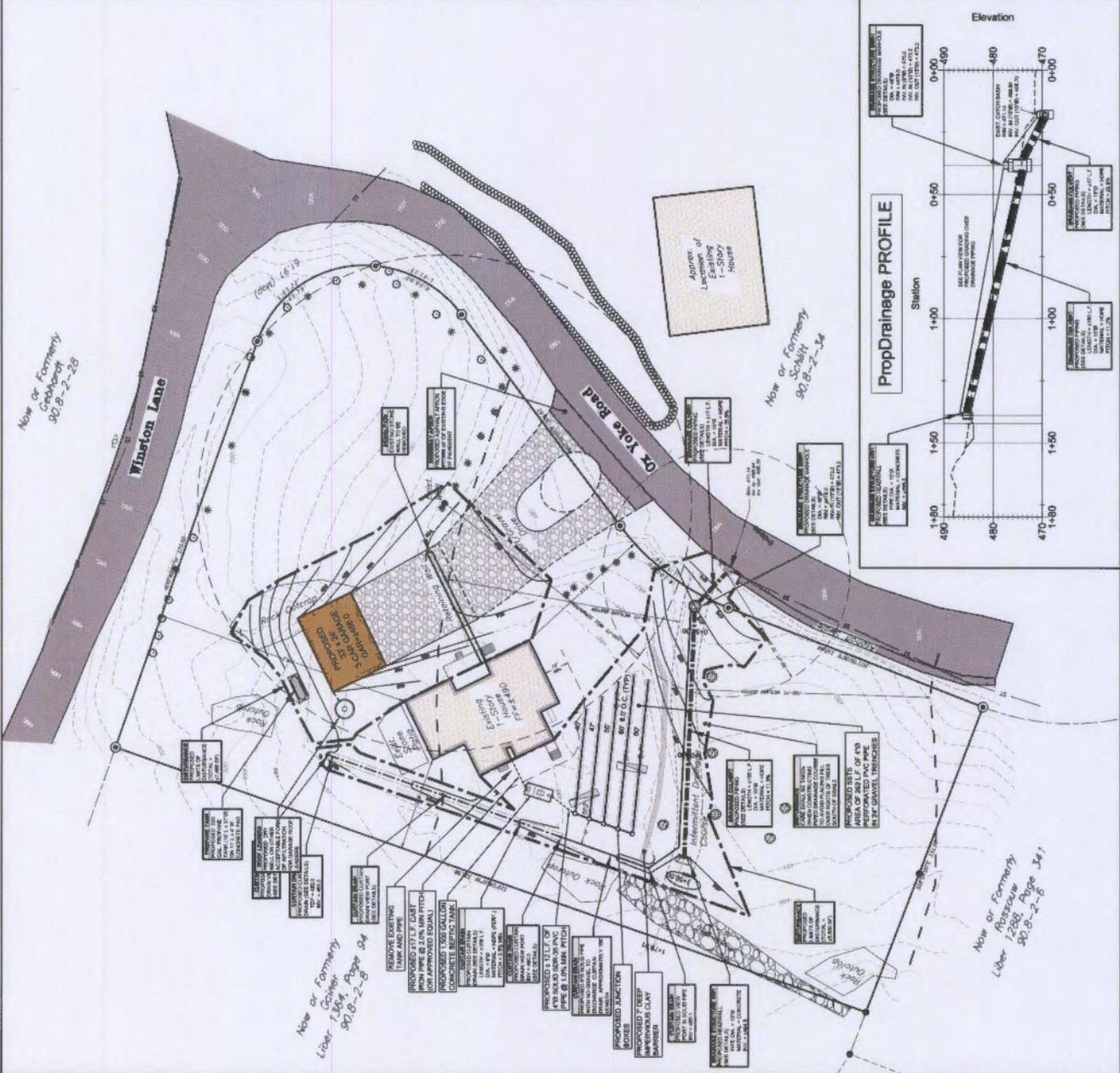
REVISIONS

| NO. | DATE | DESCRIPTION |
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SEAL
 PROFESSIONAL ENGINEERING & SURVEYING
 STATE OF NEW YORK
 LICENSE NO. 10284
 TIMOTHY C. CRONIN, P.E.
 LICENSE EXPIRES: 2017

CRONIN ENGINEERING
 PROFESSIONAL ENGINEERING & SURVEYING
 (914) 736-3666

SITE PLAN
SITE PLAN FOR JOSE & MARIA LOJANO
 LOCATION: 17 ON-YOKE ROAD, GARRISON, NY
SHEET 1 OF 4 SP-1.1



GENERAL NOTES

1. PARCEL TAX MAP REVISION SECTION 90-B, BLOCK 4, LOT 7
2. TOTAL AREA OF LOT: 84,976 SQ. FT. (2.38 ACRES)
3. SURVEY INFORMATION IS BASED UPON THE SURVEY PROVIDED BY JOHNSON & JOHNSON ENGINEERING, INC. (J&J) AND IS SUBJECT TO THE SURVEY RECORDS ON FILE AT THE COUNTY CLERK'S OFFICE.
4. METERS HAVE BEEN ADJUSTED TO FEET BASED ON THE SURVEY RECORDS ON FILE AT THE COUNTY CLERK'S OFFICE.
5. THERE SHALL BE NO MODIFICATION TO ANY PART OF THIS PLAN WITHOUT CONTRACTING WITH THE ENGINEER.
6. THESE PLANS HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING THE NECESSARY PERMITS FROM THE TOWN OF GARRISON AND THE STATE OF NEW YORK. NO REPRESENTATION TO THE SUBSEQUENT SOIL CONDITIONS OR THE USE MADE OR TO BE MADE THEREON IS MADE HEREIN.
7. IT IS THE ENGINEER'S RESPONSIBILITY TO INSURE THAT ALL IMPROVEMENTS ARE PLACED ON MATERIAL WITH A SUFFICIENT BEARING CAPACITY.

LIST OF DRAWINGS

| SHEET | SHEET NO. OF 4 | TITLE | DATE | DATE REVISED |
|--------|----------------|----------------------------|--------------------|--------------|
| SP-1.1 | 1 OF 4 | SITE PLAN | SEPTEMBER 28, 2017 | --- |
| EC-1.1 | 1 OF 4 | PROPOSED SEPTIC SYSTEM | SEPTEMBER 28, 2017 | --- |
| DR-1.1 | 1 OF 4 | CONSTRUCTION DETAILS | SEPTEMBER 28, 2017 | --- |
| LP-1.1 | 1 OF 4 | LANDSCAPE MAINTENANCE PLAN | SEPTEMBER 28, 2017 | --- |

SOIL DATA (U.S.D.A.)

| HYDROL. GROUP | DESCRIPTION |
|---------------|------------------|
| GC | CHALKY LOAM SAND |
| GC | CHALKY LOAM SAND |
| GC | CHALKY LOAM SAND |

WETLAND AREAS

| WETLAND TYPE | AREA (SQ. FT.) |
|------------------------|----------------|
| SHRUB SWAMP | 3,348 SQ. FT. |
| WETLAND BUFFER | 2,788 SQ. FT. |
| TOTAL AREA OF WETLANDS | 6,136 SQ. FT. |

CONSERVATION BOARD NOTES

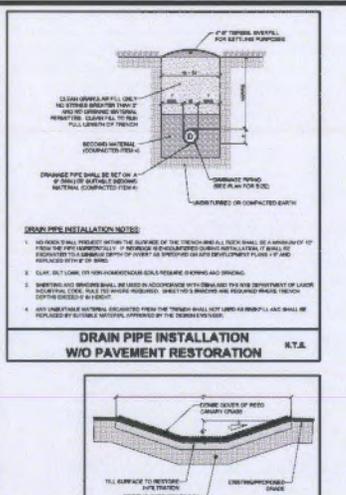
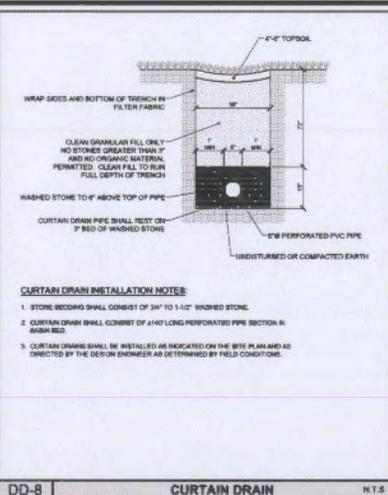
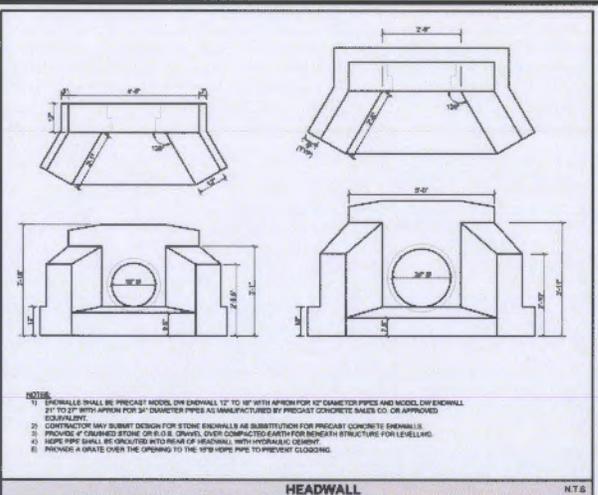
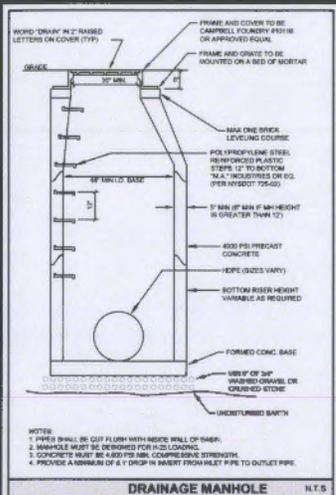
1. OWNER/CONTRACTOR TO REFER TO THE CONSTRUCTION PERMITS AND RESOURCES NOTES FOR THE ACTIVITIES WITHIN THE WETLAND AREAS.
2. OWNER/CONTRACTOR TO REFER TO THE CONSTRUCTION PERMITS AND RESOURCES NOTES FOR THE ACTIVITIES WITHIN THE WETLAND AREAS.
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11. OWNER/CONTRACTOR TO REFER TO THE CONSTRUCTION PERMITS AND RESOURCES NOTES FOR THE ACTIVITIES WITHIN THE WETLAND AREAS.

SEPTIC REPAIR NOTES

1. CONTRACTOR SHALL REFER TO THE APPROVED SEPTIC SYSTEM PLAN AS APPROVED BY THE TOWN OF GARRISON.
2. CONTRACTOR SHALL REFER TO THE APPROVED SEPTIC SYSTEM PLAN AS APPROVED BY THE TOWN OF GARRISON.
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11. CONTRACTOR SHALL REFER TO THE APPROVED SEPTIC SYSTEM PLAN AS APPROVED BY THE TOWN OF GARRISON.

CONSTRUCTION SEQUENCE NOTES

1. CONTRACTOR SHALL FOLLOW THE FOLLOWING CONSTRUCTION SEQUENCE FOR PROPER COMPLETION OF THE SEPTIC SYSTEM:
2. CONTRACTOR SHALL FOLLOW THE FOLLOWING CONSTRUCTION SEQUENCE FOR PROPER COMPLETION OF THE SEPTIC SYSTEM:
3. CONTRACTOR SHALL FOLLOW THE FOLLOWING CONSTRUCTION SEQUENCE FOR PROPER COMPLETION OF THE SEPTIC SYSTEM:
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10. CONTRACTOR SHALL FOLLOW THE FOLLOWING CONSTRUCTION SEQUENCE FOR PROPER COMPLETION OF THE SEPTIC SYSTEM:
11. CONTRACTOR SHALL FOLLOW THE FOLLOWING CONSTRUCTION SEQUENCE FOR PROPER COMPLETION OF THE SEPTIC SYSTEM:



OWNER/APPLICANT

JOSE & MARIA LOJANO
17 OX-YOKE ROAD
GARRISON, NY 10524

SCALE: 1" = 20 FT.

REVISIONS

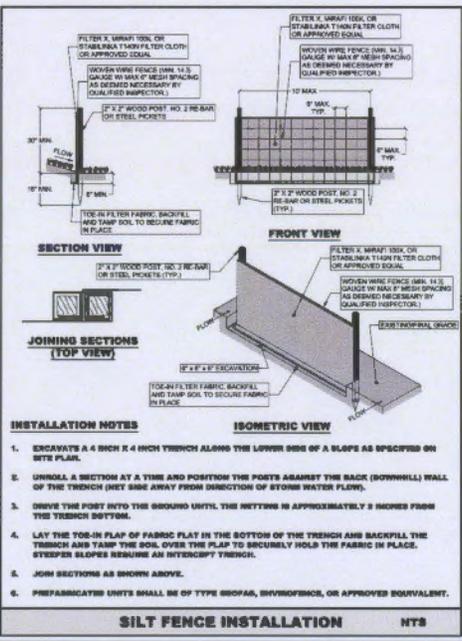
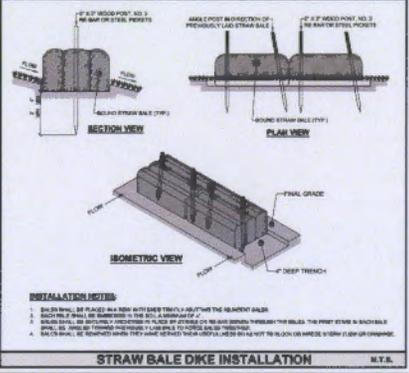
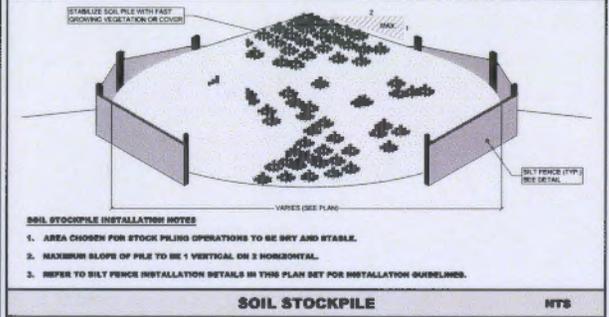
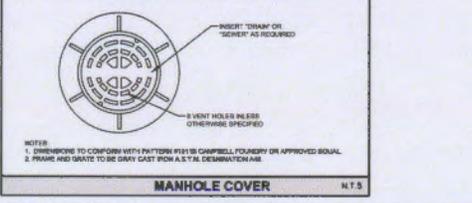
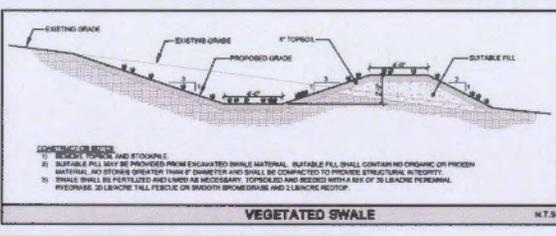
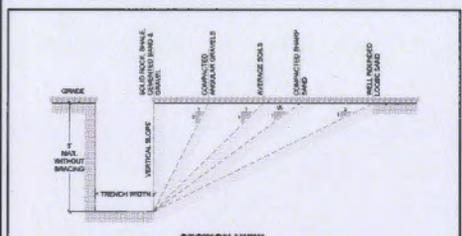
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MUNICIPAL TAX IDENTIFICATION

SECTION: 90.8
BLOCK: 2
LOT: 7
SUB LOT: ---

CHECKED: YCS
DATE: SEPTEMBER 26, 2017
JOB #: 17054

TIMOTHY L. CROWIN, P.E.
LICENSE # 66308



CRONIN ENGINEERING
PROFESSIONAL ENGINEERING & CONSULTING
(914) 736-3664

39 Arlo Lane
Cortlandt Manor, New York 10567

CONSTRUCTION DETAILS

SITE PLAN FOR JOSE & MARIA LOJANO

LOCATION:
17 OX-YOKE ROAD
TOWN OF PHILIPSTOWN, NY

SHEET 3 OF 4 **DT-3.1**



LOCATION MAP SCALE: 1" = 500'

OWNER/APPLICANT
JOSE & MARIA LOJANO
 17 OX-YOKE ROAD
 GARRISON, NY 10524

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
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MARCHAL TAX IDENTIFICATION:
 SECTION: 983
 BLOCK: 2
 LOT: 7
 SUB LOT:
 ZONING: Z-2
 PROJECT: 103
 DATE: SEPTEMBER 20, 2017
 JOB #: 17028

THOMAS L. CRONIN, P.E.
 LICENSED ENGINEER



LANDSCAPE MITIGATION PLAN

SITE PLAN FOR JOSE & MARIA LOJANO

LOCATION: 17 OX-YOKE ROAD, GARRISON, NY

SHEET 4 OF 4 LP-4.1

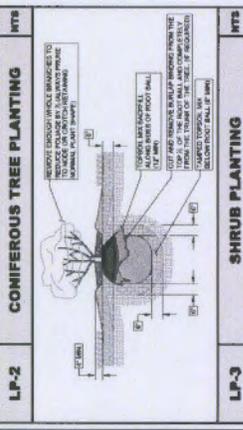
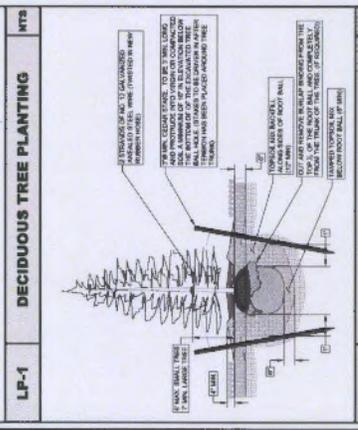
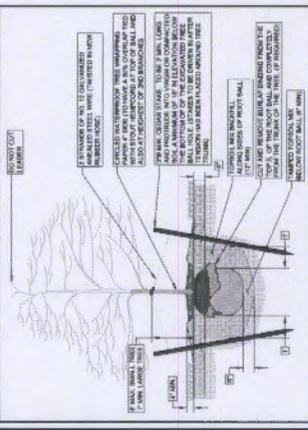


PLANTING SCHEDULE

| SYM | LABEL | QUANTITY | BOTANICAL NAME | COMMON NAME | CALLIPER | HEIGHT | NOTES |
|-----|--------|----------|----------------------|-----------------|----------|----------|-------|
| OR | OR (7) | 7 | QUERCUS RUBRA | RED OAK | 2" | - | |
| AR | AR (7) | 7 | ACER RUBRUM | RED MAPLE | 2" | - | |
| SB | SB (1) | 1 | Salix babingtonia | WILLOW | 2" | - | |
| PP | PP (4) | 4 | Picea pungens | BLUE SPRUCE | - | 8' TO 8' | |
| VC | VC (4) | 4 | Vaccinium corymbosum | BLUEBERRY | - | 3 GALLON | |
| RI | RI (5) | 5 | Rubus idaeus | RASPBERRY | - | 3 GALLON | |
| HW | HW (5) | 5 | H. virginiana | WITCH HAZEL | - | 3 GALLON | |
| KL | KL (5) | 5 | Kalmia latifolia | MOUNTAIN LAUREL | - | 5 GALLON | |

GENERAL NOTES

- PARCEL TAX MAP IDENTIFICATION: SECTION 98.3, BLOCK 2, LOT 7
- TOTAL AREA OF LOT: 80,000 SQ. FT. (1.83 ACRES)
- SHRUBS AND TREES TO BE PLANTED AS SHOWN IN THIS PLAN AND IDENTIFIED BY COMMON NAME AND SPECIES. PLANTINGS SHALL BE PLANTED BY THE END OF THE PROJECT.
- PLANTINGS SHALL BE PLANTED IN ACCORDANCE WITH THE SUBSURFACE RESIDENTIAL ZONING ORDINANCE.
- THIS PLAN SHALL BE IN ACCORDANCE WITH ANY ASPECT OF THIS PLAN WITHOUT CONTACTING THE DESIGN ENGINEER.
- THE PLAN SHALL BE REVISIONED FOR THE PURPOSE OF OBTAINING THE NECESSARY PERMITS FROM THE TOWN FOR THE PROJECT. THE DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE SUBSURFACE SOIL CONDITIONS ON THIS LOT AND MAKE OR MAKE AS NECESSARY.
- IT IS THE OWNER'S RESPONSIBILITY TO INSURE THAT ALL IMPROVEMENTS ARE IN ACCORD WITH ALL APPLICABLE ZONING ORDINANCES.



October 2, 2017

Mr. Mark Galezo, Chairman
Conservation Board
Town of Philipstown
238 Main Street
P.O. Box 155
Cold Spring, New York 10516

Re: Wetland Permit Application
Jose & Maria Lojano
17 Ox-Yoke Road
Tax Map Designation: 90.8-2-7

Dear Chairman Galezo and Members of the Conservation Board:

Find enclosed ten (10) copies of the following information for the above-referenced project:

- "Site Plan for Jose & Maria Lojano—Site Plan, SP-1.2, dated September 29, 2017, 2017
- "Site Plan for Jose & Maria Lojano—Erosion Control", EC-2.1, dated Sept. 29, 2017, 2017
- "Site Plan for Jose & Maria Lojano—Construction Details", DT-3.1, dated Sept. 29, 2017, 2017
- "Site Plan for Jose & Maria Lojano—Landscape Mitigation Plan", LP-4.1, dated Sept. 29, 2017, 2017
- HydroCAD Drainage Analysis

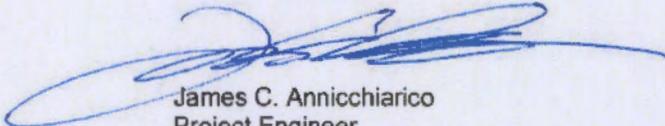
At the September 12, 2017 Conservation Board ("Board") meeting the Board requested we re-submit plans that incorporate discussions during the meeting and the Board subsequently issued a letter outlining what would be required to be included in the plans to be approved at the October 10, 2017 meeting.

The enclosed plans include changes, revisions, new information, etc. per the letter. In addition, the plans that were previously submitted to the Putnam County Department of Health ("PCDH") have been revised to address comments from the PCDH and incorporate specific items related to the septic system as mentioned in the letter by your Board. We have also included a copy of the drainage analysis so the Town may engage Mr. Ron Gainer for review of the same.

The septic repair plans were re-resubmitted to the PCDH and I expect to receive the approval tomorrow, which will be forwarded to the Town upon receipt.

We look forward to appearing before the Conservation Board to discuss approval on October 10, 2017. Should you have any questions or require additional information please contact me at the above number. Thank you for your time and consideration in this matter.

Respectfully submitted,


James C. Annicchiarico
Project Engineer

enclosures

cc: Jose & Maria Lojano, Property Owner, w/enclosures
File: *Lojano-17 Ox-Yoke Rd-Site Plan-Letter-Submission-20171002.doc*