

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

**MEETING AGENDA  
November 18, 2014 at 7:30 PM**

- 1.) Manitou Point Reserve TM# 81.-1-1.2 WL-14-248  
Mystery Point Rd.  
Buried electric service to replace existing overhead service within  
controlled area**
  - 2.) Banker, David TM# 81.-1-.2 WL-14-247  
Discussion of new material for WL permit**
  - 3.) Approval of Minutes**
  - 4.) Storm Water Program Discussion**
- Items may not take place in order as listed above**

**TIM  
MILLER  
ASSOCIATES, INC.**

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10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax [www.timmillerassociates.com](http://www.timmillerassociates.com)

November 4, 2014

Mr. Eric Lind, Chair  
Town of Philipstown Conservation Board  
Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516

**RE: Wetland Permit Application  
Banker Property  
43 Kings Dock Road, Garrison  
Tax Map # 81-01-27.2**

Dear Mr. Lind:

As a follow up to our appearance at the Board's meeting of October 14, we offer the following responses and additional information as requested by the Board.

1. With one exception, we have completed the planting schedule and installation of deer fence at the site as requested. We have on two separate occasions ordered 11 of the *Vaccinium angustifolium* (lowbush blueberry) as specified on our mitigation plan, but have yet to receive them from our nursery. We know that on one occasion the plants arrived at the nursery and were set aside for us, then were immediately sold to someone else. Unfortunate, and we will have to plant these in the spring. The same goes for the remainder of the conservation seed mix that was ordered. On recommendation of the Ernst Seed Company, we are going to wait until the spring to spread these seeds on the site. All of the new plantings in the marsh and buffer area are now encircled in 7-foot high deer fence.
2. Regarding the southwestern cottage on the property, it remains our proposal to raze the existing structure and replace it with the building as shown on the submitted plans. The new building will be the same size as the existing structure, but will be slightly rotated as described in the original application materials. There are several reasons why this is requested.

The existing retaining wall along the western edge of the house is failing, and must be rebuilt. At the same time, the southwest corner of the house is at the edge of the slope leading down to the river, with no easy safe access around the rear of the building. Since there are only three feet between the existing northwest corner of the building and the top of the retaining wall, it seems most sensible to move the retaining wall out a few feet toward the river, and swing the southwest corner of the building three to four feet to the east for safer access.

Mr. Lind  
November 4, 2014

The attached photos show the existing situation. As noted in the original application materials, this change would result in a total of 180 square feet of disturbance in the buffer, all of which is either the existing retaining wall or rock outcrop. The new wall will be pinned to the rock; no excavation of soils for footings will be necessary. It is not possible to shift the entire building to the east due to the large rock outcropping on the east side of the building. With this extra distance between the building and the wall, there will be room for some form of stormwater treatment for the building roof (e.g., a dry well or infiltrator) before discharge down to the marsh. Currently there is no treatment, only a failing gutter and downspout system.

3. Regarding the southeastern cottage on the property, it was originally proposed to leave the shell of the building and rehab the interior. However, based on the recommendation of Mr. Banker's architect and contractor, the building is not in good enough condition for this rehab, and therefore will also be razed. At some time in the near future a new structure will be built on the same footprint.
4. Regarding the restoration of the existing driveway at the south end of the property, Mr. Polhemus of Polhemus Construction has indicated that it will take approximately 10 cubic yards of Item 4 material to remove the ruts and make the driveway passable for all vehicles again. With the repair to the existing pipe inlet upgradient of this driveway, it is expected that the driveway will not wash out again.
5. Regarding the demolition of the two buildings, Mr. Polhemus has indicated that there will be no storage of debris or containers on the site. Standard procedure is that once demolition begins, a container is filled up and immediately removed as another container arrives. Following the loading of the last container it is also taken offsite and all debris is gone. It takes only a day or two to remove two structures this size.

I trust that this answers the questions that were raised at the Board's October meeting. We look forward to discussing this with you at the Board's next scheduled meeting on November 18. I will be attending that meeting along with James Hartford, the project architect.

Sincerely,



Steve Marino, PWS  
Senior Wetland Scientist  
TIM MILLER ASSOCIATES, INC.

Enclosures.



Southwest corner of existing building



Southwest corner of existing building





Northwest corner of existing building



Northwest corner of existing building





Northwest corner of existing building



Northwest corner of existing building





Eroded rills in existing driveway



Eroded rills in existing driveway

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

n/a

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6. Each copy of this application shall be accompanied by:

a. A detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in §93-8 of the Wetlands Law (see below)

b. A completed short form environmental assessment form.

c. A map prepared by a licensed surveyor landscape architect or engineer showing:

1. The controlled area(s) wetland buffer zone 100 feet from the edge of any wetlands, lakes, ponds or streams on the site;

2. Any wetland or watercourse therein and the location thereof;

3. The location, extent, and nature of the proposed activity

D. The names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice and the names and address of all owners of record of properties abutting and directly across from the proposed activity as shown on the latest tax record.

(Note: Any map, plat or plan showing the above information that is required to be submitted for any other permit or approval in connection with the regulated activity, and that is acceptable to the Permitting Authority, may be used.)

Date 10/27/14

Signature of Applicant

Jon Stryker



**Adjoiner's List**  
**81.-1-1.2**  
**Manitou Point Preserve LLC**

81.-1-2  
GEER, FRANCIS H  
PO Box 158  
Garrison, NY 10524

89.7-1-29  
YU BUM JOON  
4 Manitou Rdg  
Garrison, NY 10524

89.7-1-30  
THORNQUIST, DAVID  
8 Manitou Rdg  
Garrison, NY 10524

89.7-1-31  
BJORNOY, ROYD  
111 Manitou Station Rd  
Garrison, NY 10524

81.-1-1.1, 89.7-1-34 &  
OPEN SPACE CONSERVANCY  
1350 Broadway Rm 201  
New York, NY 10018

81.-1-55  
SHEERAN, JOHN  
PO Box 129  
Garrison, NY 10524

81.-1-60  
SANSONE, KRISTINE  
12 Pepper Grass Ln  
Garrison, NY 10524

81.-1-61  
CUTTEN, BATES L  
414 Rt 9D  
Garrison, NY 10524

81.-1-64  
BURRUANO, VINCENT S  
43 Canada Hill Dr  
Garrison, NY 10524

81.-1-65  
CONKLIN, JOHN C  
392 Route 9D  
Garrison, NY 10524

89.-1-12  
LISOTTA, DAMIAN  
11 Canada Hill Dr  
Garrison, NY 10524

81.-1-66  
HEALEY, JACQUELINE  
382 Route 9D  
Garrison, NY 10524

89.-1-11  
BARTER, ROBT M  
378 Route 9D  
Garrison, NY 10524

89.7-1-22  
CRAFT, WAYNE SCOTT  
100 Manitou Station Rd  
Garrison, NY 10524

89.7-1-23  
HARRACKSINGH, LLC  
225 Veterans Rd Ste 101  
Yorktown Heights, NY 10598

81.-1-62  
VOGEL, WILL E  
406 Route 9D  
Garrison, NY 10524

89.7-1-21  
GISH REALTY LLC  
85 North St  
Danbury, CT 06810

89.7-1-28  
SEACOR, PATRICK  
101 Manitou Station Rd  
Garrison, NY 10524

89.7-1-27  
HICKS, PATRICIA J  
2 Manitou Rdg  
Garrison, NY 10524

89.7-1-3  
COUNTY OF PUTNAM  
40 Gleneida Ave  
Carmel, NY 10512

89.7-1-32  
SCHINDLER, ANNA  
91 Manitou Station Rd  
Garrison, NY 10524

89.7-1-2  
ROSENBAUM, SALLY  
619 Madison Ct  
Yorktown Heights, NY 10598

81.-1-3  
MIDTOWN TRACKAGE  
VENTURES  
551 5th Ave Fl 34  
New York, NY 10176

89.-1-37  
Kelly, Patrick  
1916 Route 9  
Garrison, NY 10524

89.-1-38  
POLHEMUS, EDGAR B  
PO Box 23  
Garrison, NY 10524

89.-1-7  
PAHLAVI, FARAHNAZ  
148 W 24th St  
New York, NY 10011

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

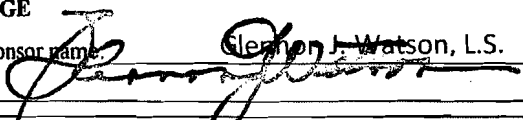
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>																		
Name of Action or Project: Freshwater Wetland Permit Plan - Manitou Point Preserve LLC																		
Project Location (describe, and attach a location map): 90 Mystery Point Road, Garrsion (see map provided)																		
Brief Description of Proposed Action:  Proposed buried electric service to replace existing overhead service over new route.																		
Name of Applicant or Sponsor:  Manitou Point Preserve LLC		Telephone: (917) 328-6405 E-Mail:																
Address:  450 W 14th Street, 9th Floor																		
City/PO:  New York		State:  NY	Zip Code:  10014															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td style="text-align: center;">✓</td><td></td></tr></table>	NO	YES	✓												
NO	YES																	
✓																		
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:  Town of Philipstown Building Permit			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td></td><td style="text-align: center;">✓</td></tr></table>	NO	YES		✓											
NO	YES																	
	✓																	
3.a. Total acreage of the site of the proposed action? <u>81.260</u> acres																		
b. Total acreage to be physically disturbed? <u>0.250</u> acres																		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>81.260</u> acres																		
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td><input type="checkbox"/> Urban</td><td><input checked="" type="checkbox"/> Rural (non-agriculture)</td><td><input type="checkbox"/> Industrial</td><td><input type="checkbox"/> Commercial</td><td><input type="checkbox"/> Residential (suburban)</td></tr><tr><td><input type="checkbox"/> Forest</td><td><input type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input type="checkbox"/> Other (specify): _____</td></tr><tr><td><input type="checkbox"/> Parkland</td><td colspan="4"></td></tr></table>				<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?		✓	
b. Consistent with the adopted comprehensive plan?		✓	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
		✓	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	✓		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	✓		
b. Are public transportation service(s) available at or near the site of the proposed action?		✓	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			✓
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	✓		
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: <u>N/A</u>	✓		
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: <u>N/A</u>	✓		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	✓		
b. Is the proposed action located in an archeological sensitive area?		✓	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
		✓	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		✓	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: <u>0.250 acres</u> <u>Town of Philipstown Controlled Area (100' Watercourse Buffer) Activity crosses on</u> <u>creek on existing bridge.</u>			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	✓		
16. Is the project site located in the 100 year flood plain?	NO	YES	
	✓		
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,	✓		
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES			
If Yes, briefly describe: _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO ✓	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ✓	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ✓	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Glenon J. Watson, L.S.</u> Date: <u>10-28-14</u>		
Signature: <u></u>		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	



	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Philipstown Conservation Board

Name of Lead Agency

Eric Lind

Print or Type Name of Responsible Officer in Lead Agency

Date

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**Project Location**

The applicant, Manitou Point Preserve LLC, is the owner of an 81.3-acre parcel in the Town of Philipstown. The property is designated on the Putnam County Tax Map for the Town as Sheet 81, Block 1, Lot 1.2. It is located on the Mystery Point Road, between NYS Route 9D and the Metro North railroad.

**Regulated Activities Involved (§ 93-5)**

The permit sought will allow the installation of a new buried electric service, extending from the existing utility pole on Route 9D where the subject parcel picks up service, under the traveled portion of the existing private road, to the meter for the existing residence. The proposed activity involves the installation of approximately 2,060 linear feet of buried electric service, 750 linear feet of which will be within the Controlled Area. The new electric service will be connected to the existing meter on the residence. This work is proposed because of the unreliable service from the existing overhead utility.

The proposed construction involves the following work:

- Excavation of the service trench along the gravel driveway (private road);
- Installation of the power cable and bedding/backfill material
- Removal of existing poles.

More specifically, the following Regulated Activities are necessary for the new service:

- Excavation and grading of road material (§93-5A.)
- Deposition of backfill material (§93-5B.)
- Installation of service line, and cable conduit, if required (§93-5I.)

Total anticipated disturbance within the controlled area is not expected to exceed 10,875 square feet.

**Comparison of the proposed activity to the Criteria for Approval § 93.8**

Section 93-8, *Criteria for approval* sets forth eight (8) criteria that the Conservation Advisory Board and Permitting Authority must consider before a permit may be recommended or issued. The following is a list of them with a discussion of how the project compares to each criterion.

*The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourses as set forth in §93-2B.*

The proposed work within the controlled area will take place entirely over the existing gravel driveway surface. No vegetation will be removed, nor will any regrading be required.



The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.

No work is proposed within a stream channel. The roadway surface will be restored to its present condition.

The activity will not result in the degrading or pollution of waters.

Temporary erosion and sediment control during construction has been proposed.

The activity will not increase the potential for flooding.

There is no proposed increase in impervious area associated with this project, nor is any work proposed in a watercourse.

Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity.

Temporary erosion and sediment control during construction has been proposed.

No practicable alternative location is available on the subject parcel.

The location of the proposed activity under the existing traveled way requires the least amount of disturbance, and is the most practical.

No additional technical improvements or safeguards can reasonably be added to the plan or activity, which would minimize the impact on a controlled area.

The impacts to the controlled area are minimal, additional improvements or safeguards would only cause additional unnecessary disturbance.

The activity will alleviate or remove a hazard to the public health or safety.

The proposed activity lessens the chance of service interruption and the hazards associated with downed electric wires.

Respectfully submitted on behalf of Manitou Point Preserve LLC,  
**BADEY & WATSON,**  
*Surveying and Engineering, P.C.*

by  
Glennon J. Watson, L.S.