

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

**MEETING AGENDA  
MAY 14, 2013 AT 7:30 PM**

**BANKER DOUG      TM#81.-1-27.2      WL-12-223  
43 KINGS DOCK RD  
(TREE MITIGATION PLAN)**

**BAKER, DAVID      TM# 71.-2-20      WL-13-230  
352 ROUTE 403  
(RECONSTRUCT RETAINING WALL AND INSTALL POOL)**

**INDIAN BROOK LLC      TM# 50.-2-17.3      WL-13-233  
3063 ROUTE 9  
(INSTALL DRIVEWAY)**

**APPROVAL OF APRIL 9, 2013 MINUTES**

**received**  
5/21/13  
LW

**Philipstown Conservation Board  
Town Hall, 238 Main Street, Cold Spring, NY 10516  
April 9, 2013  
Minutes**

The CB held its regular meeting at the Town Hall on Tuesday April 12, 2013. Mrs. Martin opened the meeting at 7:30 p.m.

**Present:** Eric Lind (Acting Chairman)  
David Klotzle (Wetlands Inspector)  
M.J. Martin  
Michael Leonard  
Lew Kingsley  
Bob Repetto  
Andrew Galler  
Mark Galezo  
Tina Andress- Landolfi (Secretary)  
Nancy Montgomery (Town Board Liaison)

## **(INSTALLATION OF POOL AND RELATED ACTIVITIES)**

This applicant would like to install a inground pool and other landscaping related activities within the 100 foot wetlands buffer from the Village of Cold Spring reservoir. The applicant and the CB discussed the submitted plans. The CB placed conditions that silt fence be used at indicated areas, and that the concrete truck be washed and cleaned out of the buffer area. Mr. Klotzle informed the applicant that he must contact him for an inspection, before any work started. Mr. Lind entertained a motion to grant the permit with set conditions. Mr. Kingsley seconded the motion. All members were in favor. **Permit was granted.**

## **APPROVAL OF MARCH 12, 2013 MINUTES**

Mr. Lind asked the CB if they had any changes to the submitted draft minutes. Mrs. Martin made a motion to approve the minutes as submitted. Mr. Leonard seconded the motion. Mr. Lind abstained from voting because he was not present at the last meeting. All members were in favor. **Minutes were approved as submitted.**

## **GLEICK WIND TURBINE DISCUSSION**

The CB discussed the report that was submitted to the ZBA regarding the proposed residential wind turbine that Mr. Lind and Mr. Klotzle wrote. Mr. Galler stated that he had asked for feedback and comments via Email, but never received any from the other members, and used what was discussed at the site visits. Mr. Galler stated that he was not at the site visit, and had an issue with the report, because he felt that this was a visual impact. The majority of the CB did not feel it was in their purvey to comment on view shed, Mr. Galler disagreed with that. Mr. Galler said that he was never conferred with about this topic. Ms. Landolfi stated that last month minutes reflected that the CB was going to issue a report for the next ZBA

meeting, and the members had a month to do that. Mr. Galler said that there was nothing in his Email, and he was getting Town email. Mr. Galler requested that he had an issue, and it be put in the minutes of this meeting. Mr. Galler said that he felt that he was not polled on his thoughts, and he thinks there is an impact on the view shed.

**Adjournment:**

Mr. Lind entertained a motion to adjourn meeting. A member made a motion to adjourn. Mr Kingsley seconded the motion. All were in favor. The meeting was adjourned at 8:45 pm

**Respectfully Yours,**

**Tina Andress- Landolfi**

**Note: These minutes were prepared for the Conservation Board and are subject to review, comment, emendation, and approval thereupon.**

**APPLICATION FOR WETLANDS PERMIT**

**Note to Applicant:**

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

(Office Use Only)

Application # 10L-13-233  Permitting Authority  
Received by: MBR  Z.B.A.  
Date 4-30-13  Planning Board  
Fee 500.00 Permit  Wetlands Inspector  
500.00 ES&C

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

1. Owner; Name: Indian Brook Property, LLC

Address: c/o Jacobson, 460 Indian Brook Road, Garrison, NY

Telephone: 845-424-3074

2. Agent Name: BADEY & WATSON, Surveying & Engineering, P.C.  
*(Applicant must be owner of the land. The Application may be managed by an authorized agent of such person possessing a notarized letter of consent from the owner.)*

Name of Agent Glennon J. Watson, L.S.

If Corporation, give names of officers:

Glennon J. Watson, L.S., President, John P. Delano, P.E., Vice President Engineering

Mailing Address 3063 Route 9, Cold Spring, New York 10516

Telephone: 845-265-9217 x 14

3. Location of Proposed Activity:  
Indian Brook Road, Lot 3 on Filed Map 2970

Tax Map No.: 50.-2-17.3

Acreage of Controlled Area Affected: 0.104 acres (4,450 square feet)

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

Installation of residential driveway (Section 93.5C)

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.

Putnam County Department of Health for SSTS and Well, Town of Philipstown Building permit (All for activities outside Controlled Area).

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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

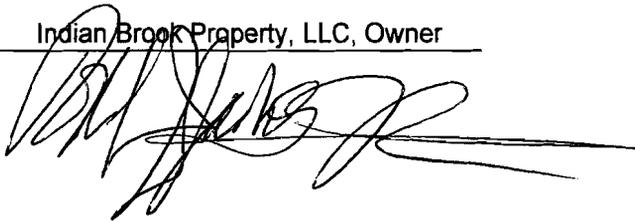
D. The names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice and the names and address of all owners of record of properties abutting and directly across from the proposed activity as shown on the latest tax record.

(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 28 April 2013

Signature of Applicant:

Indian Brook Property, LLC, Owner



## Check List for a Complete Wetlands Permit Application

Ten (10) sets of all material as follows:

Application Form

Environmental Assessment Form (short form), unless other agencies have requested the long form in which case that should be presented.

A plan of your site drawn by a design professional, such as an engineer, architect or land surveyor. All plans must show: wetlands delineation boundaries, 100' buffer zones from wetlands and watercourses, location of access route for construction activities, the location of any well or sewage or wastewater disposal system and, in most cases, the topography of the site.

Copies of correspondence from all other agencies including, but not limited to; DEC, DOT, EPA, PCBOH, ACOE or other Town of Philipstown agencies; Town Board, Planning Board, ZBA, Building Dept.

A written outline of the proposed activity, along with a construction scenario that should include specific item such as the estimated quantities of material excavated or the amount of fill required.

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

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.

### § 93-8. Criteria for approval. [Amended 11.1-2001 by L.L. No. 4-2001)

A. The following are criteria applicable to the approval of permits for Proposed regulated activities in controlled areas:

(1) The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse as set forth in § 93-2B;

(2) The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system;

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

(4) The activity will not increase the potential for flooding.

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

(6) No practicable alternative location is available on the subject parcel

(7) No additional technical improvements of safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area; or

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

B. In evaluating the criteria and the determination required in §93-BA above, the Council and the permitting authority shall utilize the objective methodology for determining the functions of a wetland set out in the publication entitled " A Rapid Procedure for Assessing Wetland Functional Capacity, dated, May 1998, by Magee and Hollands, a copy of which is on file in the office of the Town Clerk of the Town of Philipstown. (Amended 7-14-2005 by LL No.2-2005).

**INDIAN BROOK PROPERTY, LLC**

c/o Jacobson  
460 Indian Brook Road  
Garrison, New York 10524

April 26, 2013

David J. Klotzle, Wetlands Inspector  
Conservation Advisory Board  
Town Hall, 238 Main Street  
Cold Spring, New York 10516

Re: Agency of Glennon J. Watson, L.S. & BADEY & WATSON, P.C.

Dear Mr. Klotzle and Honorary Board Members:

This letter will serve as evidence that Indian Brook Property, LLC has appointed Glennon J. Watson, L.S. and his firm BADEY & WATSON, *Surveying & Engineering, PC* as its agents for the purpose of applying for a Freshwater Wetlands Permit from the Town of Philipstown in connection with the development of its property designated on the Putnam County Tax Map for the Town of Philipstown as Map 50.-2-17.3, and also known as Lot 3 on Filed Map No. 2970.

The property is being sold to Richard and Maryann Syrek. The plan associated with the application is entitled "*Freshwater Wetlands Permit Plan*" prepared for Richard and Maryann Syrek, and is dated April 26, 2013".

I trust this is sufficient for your purposes. If it is not, or if you need anything further from Indian Brook Property, LLC, please do not hesitate to contact me at 845-424-3074

**INDIAN BROOK PROPERTY, LLC**

by  
Robert J. Jacobson, Jr., Managing Member.

Witnessed April 26, 2013

\_\_\_\_\_  
Rebecca W. Linda, N.P.

Statement in Support  
of the  
Application  
of  
**INDIAN BROOK PROPERTY, LLC**  
for a  
**FRESHWATER WETLANDS PERMIT**  
to conduct  
REGULATED ACTIVITIES  
within a  
REGULATED AREA  
as required under  
CHAPTER 93  
of the  
CODE of the TOWN OF PHILIPSTOWN

Prepared and respectfully submitted by:

**BADEY & WATSON,**

*Surveying and Engineering, P.C.*

3063 U.S. Route 9

Cold Spring, NY 10516

(845) 265-9217 (voice)

(845) 265-4428 (fax)

(877) 3.141593 (toll-free)

[www.Badey-Watson.com](http://www.Badey-Watson.com)

**Project Location**

Indian Brook Property, LLC is the owner of a 6.273-acre parcel in the Town of Philipstown. The property is designated on the Putnam County Tax Map for the Town as Sheet 50, Block 2, Lot 17.3. It is located along a Private Road off of Indian Brook Road that was approved by the Planning Board in 2004. The private road runs northerly from Indian Brook Road at a point about 0.5 miles northeasterly from Old Albany Post Road.

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

The permit sought will allow the construction of a single family home and related infrastructure (septic, well, driveway, etc.) on the previously approved lot. All of the proposed construction, except for the first 142 feet of driveway will occur outside of the controlled areas as defined in §93-5 of the Philipstown Code.

Specifically, the permit sought will allow the construction of 142 feet of driveway through the controlled area. This construction involves:

- Installation and later removal of a stabilized construction entrance
- Excavation and grading
- Installation the driveway
- Restoration of the slopes and disturbed areas adjacent to the driveway

The following Regulated Activities are necessary for the installation of the pool:

- Excavation and grading of earth material (§93-5.A)
- Construction and later removal of the stabilized construction entrance (§93-5C)
- Construction of the driveway (§93-5C)

Total anticipated disturbance within the controlled area is not expected to exceed 4,550 square feet.

**Project Description**

The subject property, owned by the applicant, is adjacent to Indian Brook and Loch Lyall. The applicant intends to sell the property to Richard and Maryann Syrek and therefore requests that the permit be issued in the Syreks' name. Any additional application material required to accomplish this will be provided promptly.

The existing driveway was constructed in the 1970's and runs along the edge of Loch Lyall. As a result, the new driveway is located within 25 feet of the lake and within about 10 feet of the edge of Indian Brook.

Temporary erosion control measures, which include silt fencing placed along the contours below the construction and the stabilized construction entrance are shown on the plan.

The driveway location as presently proposed is different than that shown on Filed Map No. 2970, the approved subdivision. The purpose of moving the driveway was to take advantage of a more direct route into the property, which will more easily accommodate construction. As a result the anticipated disturbance within the wetland buffer will be less than half of that originally anticipated.

**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 design provided reduces the anticipated disturbance within the controlled area that is less than ½ of that shown on the approved plat. The total disturbance within the controlled area is approximately 4,450 square feet. Moreover, the plan calls for the installation of silt fence and a stabilized construction entrance and the permanent reclamation of those areas adjacent to the driveway.

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

The proposed activity will not have any affect on any stream channel.

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

As stated above, the plan provides for the protection of the stream and Loch Lyall during construction and the reclamation of the disturbed area beyond the driveway when construction is complete. The presence of the existing driveway will also tend to slow any runoff from the new driveway.

*The activity will not increase the potential for flooding.*

The proposed activity encompasses only 4,450 square feet. The area is infinitesimal when compared to the watershed of Loch Lyall. Since the area is so small there is virtually no chance that additional flooding, if there is any flooding at present, will occur.

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

As discussed above, the plan specifies standard controls for dealing with pollution, erosion control and sedimentation both before and after construction.

No practicable alternative location is available on the subject parcel.

While there is a practical alternate driveway location, as evidenced by the subdivision plat, it involves more disturbance within the controlled area and, in our view is less favorable than the one now being proposed. This is because the route chosen provides a shorter route to the house site and less disturbance within the controlled area.

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 restoration has been proposed so that the smallest practicable area will be disturbed. The safeguards provided are those specified by the latest State guidelines.

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

The proposed activity does not remove a hazard to public health or safety.

Respectfully submitted on behalf of Indian Brook Property, LLC,

**BADEY & WATSON,**

Surveying & Engineering, PC



Glennon J. Watson, L.S.

Adjoiners List  
For  
Indian Brook Property, LLC

50.-2-17.1	James & Robert Jacobson 91 Central Park West New York, NY 10023
50.-2-17.2	Garrison One, LLC 460 Indian Brook Road Garrison, NY 10524
50.-2-64	State of New York 40 Gleneida Ave. Carmel, NY 10512

PROJECT ID NUMBER

617.20

SEQR

APPENDIX C

STATE ENVIRONMENTAL QUALITY REVIEW

### SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

#### PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <b>Indian Brook Property, LLC</b>	2. PROJECT NAME <b>Freshwater Wetlands Permit for driveway to proposed residence to be constructed by Richard and Maryann Syrek.</b>
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3. PROJECT LOCATION:

Municipality <b>Town of Philipstown</b>	County <b>Putnam</b>
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4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc. or provide map

**Indian Brook Road, Lot 3 on Filed Map 2970**

5. IS PROPOSED ACTION  New  Expansion  Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:  
**Installation of residential driveway (Section 93.5C) -- Disturbance in Controlled Area = 0.104 Acres Overall project disturbance = 0.699 acres.**

7. AMOUNT OF LAND AFFECTED:

Initially **0.699** acres                      Ultimately **0.699** acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?

Yes  No If no, describe briefly:

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.)

Residential  Industrial  Commercial  Agriculture  Park / Forest / Open Space  Other (describe)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)

Yes  No If yes, list agency name and permit/approval:

**Putnam County Department of Health approval of Well and Septic Permits, Philipstown Building Permit.**

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?

Yes  No If yes, list agency name and permit / approval:

**Subdivision Plat was approved by Philipstown Planning Board.**

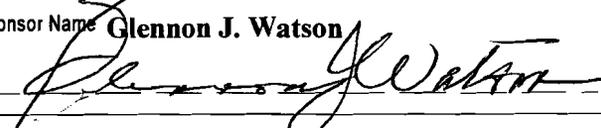
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?

Yes  No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant / Sponsor Name **Glennon J. Watson**

Date: **April 26, 2013**

Signature  **Surveyor for Applicant**

**If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II - IMPACT ASSESSMENT** (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?

Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:

Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:

Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE** (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 AND provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)



Eric Lind, Chairman  
Conservation Board

Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516

Re: Baker Residence retaining wall reconstruction and proposed swimming pool  
Location: 352 Route 403, Garrison, NY  
Tax Map ID: 71.2-20  
Zoning District: RC

April 22, 2013

Dear Mr. Lind;

I am writing to provide additional information to the Conservation Board for the work that my clients, Jan and Suzanne Baker, wish to do on their property within the 100 foot buffer zone along Arden Brook.

Please review my summary of how I anticipate the work to be sequenced, but I must first state that it is the contractor's responsibility to establish the means and methods to meet the objectives and the criteria for producing the desired effects of the construction documents, and to satisfy the requirements set forth by codes and agencies. I must state that it is beyond common practice and the standard of care for me to dictate the means and methods for the contractor to complete the work.

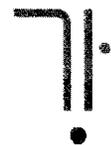
But I do offer the following scenario which may be followed by the contractor, or mandated by your agency's oversight:

1: Pre-Construction Meeting:

A pre-construction meeting will be organized and held prior to the start of any work to discuss site protection and site protection maintenance, coordination between trades, and the scheduling of work and inspections. The contractor, sub-contractors, owner's representative (me), will all be in attendance, and meeting minutes will be taken. Members of the Conservation Board will be advised of this meeting and will be welcome to participate.

2: Site Protection:

The contractor will install double silt fencing as illustrated on the drawings submitted for your review of the quality, dimensions, and installation methodology outlined in the drawings and specifications. Coir logs will be staked at all downhill areas of surface drainage potential, including the openings in the adjacent stone wall, across the downhill slope of the former Catrock Road, and at any drains or culverts that might exist. The trees that may be saved will be protected as much as possible, and trees that must be removed will be cut down at this



time. Once the drainage protection measures are in place, your office will be contacted for possible inspection.

### 3: Retaining Wall Demolition:

A large excavator will be brought in and the existing wall will be slowly pulled down. Temporary barriers to prevent a cascade of rock debris will likely be set in place, such as soft piles of earth, large tree trunks, or telephone poles set parallel to the slope. The stone from the retaining wall will be stockpiled outside of the wetlands buffer zone, as indicated on the site plan- approximately 187 cubic yards of stone. Retained soil will be cut back to a stable slope, or temporary shoring will be installed to retain the uphill soil adjacent to the house. Excess soil will be removed to the stockpile area- approximately 550 cubic yards of soil. Coir mats will be available for use in case of rain or high winds to prevent erosion.

### 4: Retaining Wall Construction:

The new retaining walls will be constructed on stable soil- either virgin soil or compacted soil as deemed acceptable by a civil engineer. The retaining walls will be three parallel poured concrete (approximately 300 cubic yards) walls running parallel to the gradient, and will have shelves cast into them for the installation of stone veneer salvaged from the original retaining wall. 2" diameter weeps will be installed in the retaining walls as shown in our drawings, 48" on center.

### 5: Regrading:

Rough regrading of the hillside will be done using the excavated soil as appropriate. Geotextile fabric will be installed to keep the overlying soils from comingling with the underlying subsoil. Continuous gravel trenches (approximately 434 cubic yards) will be installed along the back of each retaining wall as shown on the drawings, with the geotextile fabric lining the trenches to keep soils from migrating into gravel. New sandy loam topsoil will be brought in (approximately 126 cubic yards) and placed into rain garden beds as shown on drawings, excess subsoil from the excavation will be removed from the site. Coir mats and sweet peat will be installed for temporary erosion control until the plants mature.

### 6: Replanting:

Plants from the plant list provided to you and approved by the Conservation Board will be installed in the rain garden beds, and the remaining portions of the work area will be seeded with a mix of certified native grasses and wildflowers. Chopped straw or other suitable soil retention material will be placed over the seeded areas. Plantings will be done by a certified horticulturalist. Irrigation from the Bakers' existing rain water harvesting system will be provided until the plants are established. Irrigation may be by drip lines or lawn sprinklers, care will be taken not to over-water and cause erosion.

### 7: Clean-up:

Once the regarding is complete, all equipment will be removed from the site, except those needed for planting. The silt fencing and coir materials will remain in place and will be



inspected regularly, and repaired as needed. The silt fencing and coir logs will be removed once the plants are established, pending your approval.

**8: Driveway Repair:**

the driveway adjacent to the house will be repaired by compacting the gravel and subsoil as needed to create adequate bearing for cars. A heavy, woven geotextile fabric will be installed over the prepared sub-soil, and 4" of item 4 gravel will be spread and rolled. Polyethylene gravel paving mats will be installed, with pea gravel spread on top to create a porous and durable surface.

**9: Pool Construction:**

The proposed pool and surrounding deck will be constructed at the location indicated on the site plan provided. A concrete pad will be poured to support the 8'x15' pool structure, and framing for the pool deck surround will be built on Sonotube piers. The deck will be constructed of non-treated, rot-resistant wood, with open joints between decking to allow precipitation to pass through to the gravel below. A pool drain and drain line will be installed to convey water from the pool to a drywell located outside the buffer zone, as shown on the drawings.

In review of the Town Code Criteria for approval- subsection 93-8, I wish to offer these observations:

1. The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse. The efforts to protect the Arden Brook during construction should provide adequate protection during construction, and the retaining walls with rain gardens integral to them should prevent the erosion of soil by water runoff.
2. The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system: our intended result is to capture rainwater and attenuate it with the rain gardens and retaining walls- producing little or no channeling by surface water. Furthermore, the Bakers' have been installing rain water collection systems to gather rainfall off their roofs- offsetting the impermeable nature of the existing roofs.
3. The activity will not result in the degrading or pollution of waters during construction or once construction is complete.
4. The activity will not increase the potential for flooding, as they are increasing the absorptive nature of the site.
5. Sufficient provision has been made for the control of pollution, erosion, siltation, and sedimentation before and after construction.
6. No practicable alternative location is available on their property; the existing retaining wall is located within the 100' buffer zone, as it has been situated for perhaps 100 years.
7. No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area.
8. The activity will clearly alleviate and remove a hazard to the public health and safety as well as a tremendous risk to the watercourse below. The existing retaining wall is unsound and likely to cause a landslide if left uncorrected. Such a landslide could

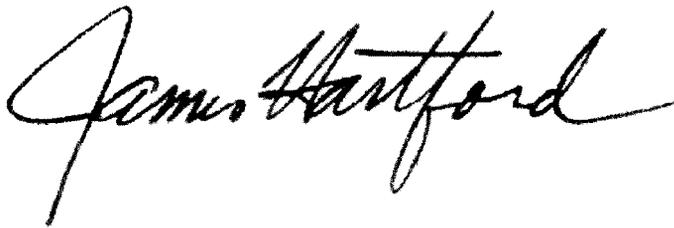


result in debris landing in the Arden Brook, causing the watercourse to change. If someone were standing above or below this retaining wall when it fails, severe harm can be expected.

I am including a copy of the building permit application for this work. This to date is the only correspondence with other agencies. To the best of my knowledge the only two agencies having jurisdiction is the Conservation Board and the Building Department.

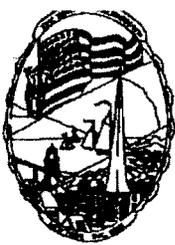
I look forward to meeting with the Conservation Board to discuss this project further, and to answer any questions you might have.

Sincerely,

A handwritten signature in black ink that reads "James P. Hartford". The signature is written in a cursive, flowing style.

James P. Hartford, AIA, LEED AP BD+C, CPHC





**Town of Philipstown**  
 Code Enforcement Office  
 238 Main Street, PO Box 155  
 Cold Spring, NY 10516  
 Office (845) 265- 5202 Fax (845) 265-2687

091211

**APPLICATION FOR BUILDING AND ZONING PERMIT**

Tax Map # 71.02-20 Date Received: \_\_\_\_\_

Construction Located at: 352 Route 403, Garrison, NY ~~Garrison or Cold Spring~~

Owner: David and Suzanne Baker Phone Number: (845) 424-3305

Mailing Address Same

Authorized Agent: James Hartford, RA (River Architects) Phone Number: (845) 265-2254

Mailing Address 8 Marion Avenue, Suite 3, Cold Spring, NY 10516

Description of Work: Rebuild existing deteriorated retaining wall and build new above-ground pool and pool deck as shown in attached drawings

Occupancy Classification: R-3 Construction Classification: \_\_\_\_\_ Number of Stories: \_\_\_\_\_ Building Area: 970 s.f. at pool area

New Const:  Addition: \_\_\_\_\_ Repair/Replacement:  Alteration: \_\_\_\_\_ Change in Use: \_\_\_\_\_ Demolition: \_\_\_\_\_  
 pool & enclosure retaining wall elec. & plumbing

Heating Appliance: \_\_\_\_\_ Electrical, Mechanical, Plumbing: service to pool Wood Stove: \_\_\_\_\_ Oil or LP Tank: \_\_\_\_\_

Zoning District: RC Located within Special Flood Hazard Zone: no Located within 100feet Wetland/Watercourse: no

Area of Land Disturbance: <3,560 sq.ft. Estimated Value of Construction \$ 300,000

**Putnam County Licensed #** for Home Improvement, Plumbing, HVAC, LP Gas and Electrical Contractor only (PCL#)

Design Professional: James P. Hartford, RA Phone (845) 265-2254

General Contractor: Thomas Jerome, Inc. Phone (203) 496-0037 PCL# \_\_\_\_\_

Subcontractor: \_\_\_\_\_ Phone \_\_\_\_\_ PCL# \_\_\_\_\_

Subcontractor: \_\_\_\_\_ Phone \_\_\_\_\_ PCL# \_\_\_\_\_

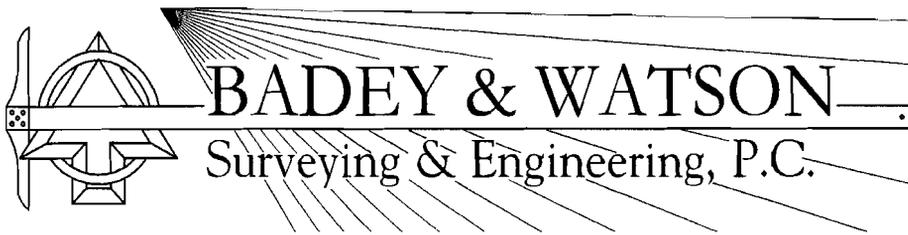
I hereby make application for a permit and all information entered above is true and accurate. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of this application for a permit. I understand that as the permit holder, I shall immediately notify the Code Enforcement Official of any change occurring during the course of the work and further understand that if the Code Enforcement Official determines that such change warrants a new or amended permit, such change shall not be made until and unless a new or amended permit reflecting such change is issued.

\_\_\_\_\_  
 Owner/Authorized Agent Signature Date

Make Checks Payable To: **Town of Philipstown (Office Use)**  
 Chargeable footage: \_\_\_\_\_ sqft. FEES \_\_\_\_\_ Received Date \_\_\_\_\_ 2011

When the application for permit has been examined and the proposed work is deemed in compliance with the applicable requirements of the Uniform Code, Energy Code and the Code of Town Philipstown, the Code Enforcement Official shall endorse this application by signature and date which herby authorizes the issuance of said permit when payment of FEES are received and duly recorded.

\_\_\_\_\_  
 Code Enforcement Officer Signature Date **BUILDING PERMIT NUMBER:** \_\_\_\_\_



Land Surveying  
Civil Engineering  
Laser Scanning  
GPS Surveys  
Site Planning  
Subdivisions  
Landscape Design

3063 Route 9, Cold Spring, New York 10516  
(845)265-9217 (877)3.141593 (NY Toll Free) (845)265-4428 (Fax)  
email: info@badey-watson.com website: www.badey-watson.com

Glennon J. Watson, L.S.  
John P. Delano, P.E.  
Peter Meisler, L.S.  
Stephen R. Miller, L.S.  
Jennifer W. Reap, L.S.

Robert S. Miglin, Jr., L.S.  
Mary Rice, R.L.A., Consultant  
George A. Badey, L.S., (1973-2011)

April 30, 2013

David Klotzle, Wetlands Inspector  
Conservation Advisory Board  
Town Hall, 238 Main Street  
Cold Spring, NY 10516

RE: Application of Douglas H. Banker - Submission of Revised materials.

Dear Mr. Klotzle and Honorary Board Members:

Enclosed are 10 copies each of:

- Our "Wetlands Mitigation Plan" for Douglas H. Banker, last revised on April 30, 2013; and
- A revised EAF.

As you see, the plan has grown to three pages: Existing Conditions, Plant Inventory, and Site Plan. While the Existing Condition Plan did not change significantly, the Site Plan has changed and the Plant Inventory has been added to the set.

The plant inventory was completed in direct response to the Board's request. It shows all of the trees on the site and those areas where particular species of understory are present. Needless to say the inventory involved much work on the part of our Landscape Architect Mary Rice and one of our field parties headed by Robert Miglin, LS, who has a degree if forestry.

The plan specifies that all work will be accomplished "by hand", with a truck and chipper placed along the driveway for the processing, collection and removal of the operations debris.

In the next few days, Mr. Banker will be flagging the trees to indicate those he wishes to keep and those he wishes to remove. As you may surmise, Mr. Banker is a "hands on" client who feels strongly about the appearance of the land. For this reason, he wanted to personally decide whether each tree within the Controlled Area would remain or be removed. That is also why we have not indicated all of the trees to be removed on the plan.

Because it is not always easy to relate the position of a tree on the map to its position on the ground, we recommended that Mr. Banker flag the trees. This will afford him, you Mr. Klotzle, and the Board members the opportunity to see exactly what he wants to do.

Owners of the records of:

- ◆ Joseph S. Agnoli ◆ Barger & Hustis ◆ Burgess & Behr ◆ Roy Burgess ◆ Vincent Burruano ◆ Hudson Valley Engineering Company ◆ G. Radcliff Hustis ◆  
◆ Peter R. Hustis ◆ J. Wilbur Irish ◆ James W. Irish, Jr. ◆ Douglas A. Merritt ◆ E.B. Moebus ◆ Reynolds & Chase ◆ General Jacob Schofield ◆  
◆ Sidney Schofield ◆ Steven J. Shaver ◆ Allan Smith ◆ Taconic Surveying and Engineering ◆ D. Walcutt ◆

PROJECT ID NUMBER

617.20  
APPENDIX C

SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

### SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <b>Douglas H. Banker</b>	2. PROJECT NAME <b>Banker Wetlands Permit (Site Restoration)</b>
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3. PROJECT LOCATION:

Municipality <b>Town of Philipstown</b>	County <b>Putnam</b>
--	-------------------------

4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc. or provide map

**43 Kings Dock Road**

5. IS PROPOSED ACTION  New  Expansion  Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:  
**Applicant seeks permit to remove invasive species and other selected material from a long neglected site adjacent to and including wetlands along the edge of his property.**

7. AMOUNT OF LAND AFFECTED:

Initially **3.52** acres                      Ultimately **3.52** acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?

Yes     No    If no, describe briefly:

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.)

Residential     Industrial     Commercial     Agriculture     Park / Forest / Open Space     Other (describe)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)

Yes     No If yes, list agency name and permit/approval:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?

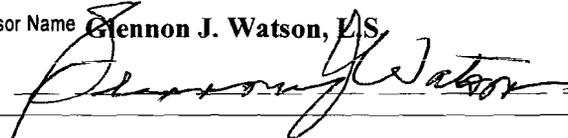
Yes     No If yes, list agency name and permit / approval:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?

Yes     No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant / Sponsor Name **Glennon J. Watson, LIS**                      Date: **April 15, 2013**

Signature                       Surveyor for Applicant

If the action is a Coastal Area, and you are a state agency,  
complete the Coastal Assessment Form before proceeding with this assessment