

**CONSERVATION BOARD**  
**238 Main St., Cold Spring, NY 10516**  
**May 8, 2018 7:30 PM**

**MEETING AGENDA**

**1) Approval of Minutes:**

- January 9, 2018
- February 13, 2018
- April 10, 2018

**2) Old Business (all old business pending):**

**Gary Rogoff/ Sue Bricker, 217 Lane Gate Road** **TM# 49.-3-12.1**  
(The applicant is proposing the construction of a 390 square foot deck to the rear of the existing residence and associated landscape plantings)

**Surprise Lake Camp, 382 Lake Surprise Road** **TM# 27.-1-1.1**  
(The applicant is seeking amended site plan approval for various site improvements proposed to improve vehicle/pedestrian safety and circulation as well as stormwater improvements to preserve the quality of the lake.)

**Filipe Ribeiro, 65 Steuben Road** **TM# 91.5-1-26**  
(The applicant is proposing a single-family residence with a deck +/- 1492 sf of living space. The project includes placing a mat of 15' of lateral feet of fill as per fill maps. Deposit clean fill at bottom of septic pad, disturbing 15 feet of 100-foot buffer of Sprout Brook Road.)

**3) New Business**

**Elizabeth Anderson, 16 Fox Hollow Road** **TM# 71.-2-17**  
(The applicant is seeking to construct a gazebo within 100 buffer zone of stream. The construction would consist of digging 9, 12" wide x 48" deep sonotube piers, using a mini-excavator. Excavated soil will be hauled away, except for what is necessary for backfill.)

**4) Stormwater Discussion**

**5) Other Discussion**

**\*\*\*NOTE: All items may not be called. Items may not always be called in order \*\*\***

**TOWN OF PHILIPSTOWN CONSERVATION BOARD**  
**238 MAIN STREET, COLD SPRING, NY 10516**  
**JANUARY 9, 2018**  
**DRAFT MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, January 9, 2018.

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

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 7:32 pm.

**1. Courtesy Referral from Planning Board – Peck/Eyler**

Mr. Ben Fiering was present on behalf of the applicant. Mr. Garfinkle stated that due to weather conditions, the site visit had been cancelled and there is still a desire for the other board members to see the site. Mr. Fiering stated that the property has been plowed and is accessible. He clarified, it is the last lot on Lake Celeste and showed the board on his set of plans. Mr. Garfinkle reported that he has been in contact with Ron Gainer and they feel there is a section of the current access road that crosses a potentially regulated area. Mr. Gainer requested the conservation board take a look at that area as well because if this goes through and there are any improvements to that access road that need to be made to accommodate the new development, that would likely be regulated by the conservation board. Mr. Galler stated he has not been to the property in some time, but he is aware that there is some type of vernal pool on that property somewhere. Mr. Fiering pointed out on the plans where he believes the location of that vernal pool to be. He also added they are far away from it.

Chairman Galezo stated, if there is over an acre of disturbance a stormwater plan needs to be done and recommended that the square footage of area to be disturbed should be listed somewhere on the plans.

Mr. Galler questioned how wide the driveway would be. Mr. Fiering responded he believes it will be 12 feet. Mr. Galler then questioned if peace has been made with the rest of the residents on Lake Celeste.

Mr. Garfinkle suggested the applicant touch base with the Conservation Board again once they are a little further into the process with the Planning Board, once some of these issues have been further discussed.

Mr. Fiering reported that the Planning Board is waiting on recommendations from their attorney, Steve Gaba, regarding rights of access.

## **2. New Business**

### **Surprise Lake Camp, 382 Lake Surprise Road**

**TM# 27.-1-1.1**

Rich Williams of Insite Engineering was present representing the applicant. Brad Solmsen, executive director of the camp, was also in attendance. Mr. Williams stated the camp is proposing a series of site improvements, a small portion being within 100 feet of a wetland, along the eastern edge of Surprise Lake. He stated the camp owns 465 acres in the northeast corner of Philipstown, adding it is surrounded by Hudson Highlands State Park. Mr. Williams used his visual to demonstrate to the board how and where the property is currently accessed, noting the upper and lower access roads. Currently, all traffic is directed to the main access road which circles around the main camp building to parking in front. He stated there are a couple of issues that the camp is seeking to improve through this site work, adding there are no proposed additions to any structures, it is all site work. The first goal is to improve site circulation and safety. Right now, all the traffic comes in the main access road and parks in front of the one building. Secondly, the goal is to do this in an environmentally conscious way, making sure to preserve the lake. Mr. Williams added they were also charged with incorporating stormwater into the plan and making it educational for the campers. The third thing they were tasked with is erosion control. All the roadways within the camp are item 4. The camp is constantly battling with maintenance, dust, and runoff into the lake.

Mr. Williams reported, to solve all of those problems, they have come up with a series of site improvements. The first is to widen the lower access road to 20 feet and enable all deliveries to be made to the back of the building. The second improvement is to create a visitor parking area along the front of the building. He added, they wish to pave a portion of the item 4 road to help prevent erosion and also upgrade the existing collection system. The last piece would be to work on the lakeside area. He conveyed the idea to create a more direct connection between the main building and the lake and add in some tiered seating along the slope using some natural stone walls. He added that they would like to create rain gardens behind those stone walls.

Mr. Williams reported that in total, they are proposing 2.5 acres of disturbance and are aware they will need a SWPPP. Of that 2.5 acres, .4 acres of wetland buffer disturbance is proposed. Mr. Garfinkle questioned how much fill would be brought into that area. Mr. Williams pointed out the slope in the grading and utilities plan and stated they are planning some minor grading and refilling of that slope but plan on balancing that earthwork between the cutting and filling. They intend to create a consistent pitch from the lake edge to the slope.

Mr. Garfinkle suggested a planting plan for the area along the lake shore. Mr. Lind questioned if it is a cattail fringe. Mr. Garfinkle stated, from what he saw, it grades into a wet, meadowy growth.

Mr. Lind reported he had been to the property a couple of years ago and by the lower building, very close to the lake, there was a minor issue with runoff. Mr. Williams reported there was a rain guard, biofilter built to deal with that issue but is difficult to maintain based on the amount of sediment that gets to it. Mr. Williams stated that is part of the reason they want to pave part of the road.

Mr. Garfinkle reported that on the EAF, the rare and endangered species box is checked off but there were no species listed. He stated they should consult with the DEC. Mr. Garfinkle added there are rattlesnake dens in that area. Mr. Garfinkle added that they would want to see construction timing and sequencing and would require a snake encounter plan be provided to them.

Mr. Garfinkle suggested making sure the silt fence that is installed during construction is wire-backed, not just woven.

Mr. Lind stated there was mention of the lake management plan and that a few years back there was a season or 2 of algal blooms and questioned if it was every discovered why they were created. He questioned how that was working. Mr. Solmsen reported that the health of the lake is the main focus of the camp and currently have 2 consultants who are monitoring the lake year-round, more intensively in the warm weather. He stated the past 2 summers have been much better.

Mr. Garfinkle stated the applicant is seeking a permit but he thinks there is a little more information needed before one can be issued. Mr. Galler stated he would like to see the site.

Chairman Galezo questioned when they are seeking to start the project. Mr. Williams reported that they intend to do it in 2 pieces, the lower access road and the lakeside improvements. They would like to do the lower access road in the spring.

Mr. Garfinkle suggested submitting a planting plan for that edge and Mr. Lind requested any photographs that show the current conditions. Mr. Garfinkle stated it is low and wet and meadowy and there could be improvement to that area.

Mr. Williams stated, when they come back in front of the board, he will be sure to include some sort of improvements to the fringe, snake monitoring program, wire back silt fencing, and the more formalized planting plan.

Mr. Repetto questioned the possibility of putting the visitor parking on the other side. Mr. Williams explained how the building is structured, pointing out where campers have to check in and the main office. He explained that on most days camp is quiet but there are drop-off and pick-up days where all the campers go in and come out. Because of the need to get visitors in and out, this layout is more practical than moving the parking to the rear.

Mr. Garfinkle stated he would communicate with the board members to set up a site visit for the following weeks.

### 3. Stormwater

Mr. Garfinkle stated they are working on compiling the annual report. He added that he has not heard from Banker or Steve Marino in some time.

Chairman Galezo asked how the Koi pond was doing. Mr. Garfinkle reported that it was going well.

Mr. Galler requested that from now on the minutes be distributed electronically.

Mr. Garfinkle stated there is a big project being proposed by Open Space Institute and NYS Parks to improve parking areas throughout the Fahnestock area in exchange for a new road to be built to gain access to the therapeutic horse area and creating a public parking lot that would potentially accommodate 3 horse trailers as well.

Mr. Lind moved to adjourn the meeting at 8:31pm and Mrs. Martin seconded the motion. All were in favor and the meeting adjourned at 8:31pm.

Date Approved \_\_\_\_\_

Respectfully submitted by,

Tara K. Percacciolo

**TOWN OF PHILIPSTOWN CONSERVATION BOARD**  
**238 MAIN STREET, COLD SPRING, NY 10516**  
**FEBRUARY 13, 2018**  
**DRAFT MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, February 13, 2018.

Present:                   Mark Galezo, Chairman  
                              Robert Repetto  
                              Eric Lind  
                              Andrew Galler  
                              Jan Baker  
                              Lew Kingsley  
                              Max Garfinkle (Natural Resources Review Officer)

Absent:                    MJ Martin

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

Chairman Galezo opened the meeting at 7:32 pm.

**Joseph Estvanik, 125 Old Albany Post Road**

**TM#83.5-1-1**

Mr. Estvanik stated he had intentions of bringing in some fill to expand his backyard of his property, which is irregularly shaped. The area he intends to fill is located within the wetland buffer. He began the project, unintentionally without a wetlands permit. Mr. Garfinkle suggested he attend the next meeting to present his case to the board and apply for a permit. Mr. Estvanik stated he was unaware he was in a wetland. He reported he erected a silt fence about 7 feet back from the stream before he began work. He explained that the property is very small and leaves very little room for recreation on the property. He stated he is not dredging or removing anything and the fill he is bringing in is clean.

Chairman Galezo explained that the stream itself is the designated wetland and anything within 100 feet of that, this board protects. The goal is to find some middle ground.

Mr. Lind suggested pulling some of the material away to create more distance between the fill and stream and tapering the fill down to grade and incorporate some native plantings. Mr. Lind suggested the treeline as a starting point and flagging the area and going from there, but a permit application needs to be submitted and approved. Mr. Lind stated since it is a violation, the board should move rather quickly to get it resolved.

Mr. Galler stated it is an opportunity for improvement and to incorporate native plantings and rid of any invasive species.

Mr. Lind stated the next step would be to submit an application and come up with some native shrubs and plants that could be planted that could help restore the area.

Mr. Baker stated it is a violation but this applicant has shown that he is working in good faith and suggested moving the project along as quickly as possible to help the work get done before the summer months.

Mr. Garfinkle suggested the applicant submit an application and all the necessary paperwork. He stated the board members would visit the site again and flag that tree discussed earlier. The applicant is expected to attend the next meeting for further discussion and review.

**Todd & Heather Berland, 22 Hudson River Lane**

**TM# 89.7-1-11**

Kris Schmitt from NeaveGroup was in attendance representing the applicant. Mr. Schmitt handed out some supplemental paperwork to the members of the board. He explained that he had amended the plan to show some erosion control and added some notes about the gallonage as well as how much fill will be coming off the site. Mr. Schmitt explained they will essentially wrap the entire area with silt fencing and noted the limited disturbance line on the new renderings. He explained the water capacity is about 5000 gallons; there will be about 25 cubic yards of fill. It will be removed and none of it will be regraded on site. He added, the existing grade will stay the same. Mr. Schmitt stated he handed out specs on the chlorine, which seemed to be the biggest concern, the possibility of mixing of the pool water and river water if there were ever to be a flood. He stated he supplied information on the automatic cover and the cartridge filter as well.

Mr. Lind stated that he feels ultimately, there will at some point be another flood like the one caused by Sandy and the pool cover and retaining wall are good measures to take in preparation for another such storm. He stated that overall, he is satisfied with the proposal.

Mr. Galler stated he would like to see, when the pool is dug, if the material is not going to be taken off site immediately, where it will be stored on site, but stated it could be included as a condition of the permit. Mr. Schmitt responded that because of how constrained the site is, they will probably have the material removed immediately. He continued, if they do not remove it from the site immediately, it will be wrapped with silt fencing. Mr. Garfinkle suggested removing the material immediately to avoid the issue. Mr. Schmitt stated that is the intent, to remove the material immediately due to the site constraints.

Chairman Galezo questioned where the septic is located. Mr. Schmitt reported that the septic is located in the front yard. The well is located in the back.

Mr. Garfinkle stated that another condition of the permit that had been discussed was that if the water in the pool ever needs to be drawn out or changed that it be pumped out and taken off site, not discharged into the river.

Mr. Kingsley stated the work would have to be scheduled around the tide of the river. Mr. Schmitt stated he is aware of that factor. Mr. Kingsley questioned what material would be used

on the bottom. Mr. Schmitt reported they intend to use a ¾ washed gravel and then gunite, there will be no liner.

Mr. Garfinkle questioned if the project needs Zoning approval. Mr. Schmitt stated they do but they were deferred by the Zoning Board to the Conservation Board for approval first.

Mr. Lind questioned if they would need a permit from DEC and Mr. Schmitt responded that there was no regulation from DEC, surprisingly, and that the local municipality has jurisdiction.

Mr. Kingsley questioned the total capacity of the pool. Mr. Schmitt reported that it is about 5000 gallons.

Mr. Baker moved to approve the project with conditions discussed and Mr. Galler seconded the motion. The vote was as follows:

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

**Filipe Ribeiro, 65 Steuben Road**

**TM# 91.5-1-26**

Mr. Filipe Ribeiro, applicant, and Mr. Tiago Ribeiro were in attendance. Tiago Ribeiro stated that he had supplied the board with the wrong set of plans in the application and that he brought the correct set with him this evening.

Mr. Lind stated the board's purview would be the location of the septic in relation to the stream down at the bottom of the slope. Mr. Lind stated the board had approved it a number of years ago and is something they could work off of and review as a starting point. He clarified that the applicant had recently received Board of Health approval again as well. Mr. Lind questioned how much of the septic fields is in the buffer. Mr. Ribeiro stated it is 15 feet. Mr. Lind questioned if that was the expansion area. The applicant stated he believes it to be the expansion area but was unsure. Mr. Galler stated he believed that the applicant was given a waiver on the expansion area but was unsure because it was so long ago.

Mr. Galler stated there was no well on the plan and questioned where the applicant plans on drilling a well. Mr. Ribeiro stated they will be part of the town water system in Continental Village and that he supplied a letter from someone in the water department for the area. Mr. Galler stated he did not believe there was year-round water at the proposed location but was unsure. Chairman Galezo stated they could reach out to Ralph Bassignani, Superintendent of the Continental Village Water District to confirm. Mr. Repetto suggest the applicant show where neighboring wells are, if any, compared to where the applicant intends on putting the septic to

see how far they are from the proposed septic location. Chairman Galezo stated that should be part of the Health Department permitting. Mr. Repetto questioned why the septic could not be moved back 15 feet. Chairman Galezo asked the applicant to confirm that the house could not be pushed back further to meet the buffer requirements.

Mr. Ribiero stated they had received a variance from Zoning for a front setback already. Chairman Galezo noted that Tiago and Filipe are the owners but will also be building the house themselves. He questioned what they were given by the Zoning Board in terms of a front setback and stated these are the kinds of things the board needs to know.

Mr. Galler stated the Zoning Board, on March 24, 2009, granted a variance for this property to these owners for a front setback of 18.1 feet. Looking at the plans provided, he stated that is what they show, an approximate 18.1-foot setback. Mr. Ribeiro stated they are trying to keep in line with the other houses on the road.

Chairman Galezo stated there is roughly 10 feet elevation from the stream. Mr. Lind stated it is unlikely for that stream to get high enough to the point that it would come into contact with the septic fields. Mr. Lind stated his opinion is that, they have an existing permit from the wetlands inspector that was approved years ago, it is a highly disturbed area, and has virtually no habitat value. He continued, 15 feet of fill in that part of the buffer, if they have no other options, is perfectly acceptable, just based on the restrictions of the site.

Mr. Garfinkle stated that the last time this came to the board, there was a description of the septic system intended for use and there was a higher level of standard; it was a more robust system. Mr. Garfinkle stated he recalled reading the design and the information on the system itself. Mr. Ribeiro stated the system is the same system intended for use with the prior proposal.

Mr. Repetto stated he is looking at it as, the permit is 10 years old and is no longer valid, and many things can change in that period of time. He continued that he doesn't feel the board should be compelled to approve it just because there is an older permit that had been previously approved.

Mr. Lind clarified that he stated it is a good starting point to work off of. He stated, all things considered, the restrictions of the site in terms of variances and setbacks, the applicant may not have a choice other than to put 15 feet of the fill in the wetland buffer. Mr. Lind stated there are protective measures in the old permit and he feels personally, given the restrictions of the property and the limited disturbance within the buffer, that this is the best option.

Chairman Galezo suggested asking something of the applicant in exchange, such as some plantings on the slope. Mr. Lind suggested requiring a certain number of restorative plantings somewhere else on the property to balance out the 15 feet for the septic.

Mr. Galler suggested, on the final plan, there should be some narrative about bringing the fill in, bank run, and so on.

Chairman Galezo asked what the timeline on this is. He stated his understanding is that the fill has to be given time to settle in stages. He added that normally the board would ask for some kind of construction narrative and suggested the applicant provide one.

Mr. Garfinkle suggested the applicant have a planting plan prepared and to return to the board once the other updates suggested by the board have been addressed.

### **Surprise Lake Camp, 382 Lake Surprise Road**

**TM# 27.-1-1.1**

Dawn McKenzie from Insite Engineering was in attendance representing the applicant. Ms. McKenzie reported that a site walk with members of the board had taken place that morning. She stated her colleague Rich Williams had attended the last meeting and provided the board with a thorough presentation of the project. Ms. McKenzie said she would address what has been done since the last meeting they had attended.

Ms. McKenzie reported that at last month's meeting the board had requested some additional information and some additional mitigation plantings. She stated they have since delineated along the lake where the wetland is that they will provide mitigation plantings. She reported that a vegetative buffer already exists and provided photos of what that currently looks like. Ms. McKenzie stated that the board requested the buffer be extended so she explained, they are proposing to extend the buffer further away from the lake and plant it with plugs and create somewhat of a grass matrix to continue what is there but also fill it in with pockets of some sort of suitable plantings such as native wildflowers and hopefully provide some more wildlife benefit. In areas to the side, which Ms. McKenzie noted on the visual, they would attempt to frame that view and supplement the shrubs that area there with some more shrubbery.

Ms. McKenzie stated that in the most recent submission, they have finalized their stormwater design and have prepared a Stormwater Pollution Prevention Plan, which has been submitted for the Town Engineer to review. Ms. McKenzie reported that they had originally proposed using a bio-retention filter but determined that it would take up a significantly larger area than they had initially thought. Instead they have opted for an organic filter which allows them more than a foot of ponding and will allow for less disturbance, providing a better water quality benefit. She explained that it is an infiltration process so there is temporary ponding, which drains in 24 hours. Chairman Galezo stated that it is basically the same system; it works the same way. Ms. McKenzie stated the system is slightly different and has an underdrain in it, which is part of what is driving the elevation at which the pipe is coming out, which is another feature she intended on pointing out. With the system and the underdrain, she continued, they have to pipe it to discharge at a lower elevation. Ms. McKenzie reported that the area will look like a wetland once it is done.

Mr. Lind stated the board had also raised some questions about the split, the flow splitter. He clarified the filtration system or pretreatment is actually on the smaller stretch that leads to the proposed retention basin. Ms. McKenzie noted the location of the hydrodynamic separator. She stated that there is pretreatment in every one of the drainage structures, all of the catch basin's and drain inlets. She reported the system is designed for 1.4 inches of rain in 24 hours, the 90% storm event. Mr. Galler stated that is not a lot and Mr. Garfinkle stated the document can still be

reviewed and corrected as well as discussed with Mr. Gainer. Mr. Garfinkle stated the board is tasked with trying to protect the water quality of the lake and is aware there are vast improvements being made right now but questioned if there could be more improvement made where the water is spilling out into the lake. Ms. McKenzie stated, part of the biological activity, the filter itself, helps with part of that; that's one of the benefits of using an organic filter. Mr. Repetto suggested the nutrient absorption rate is slow in comparison to how fast the water drains out, so some nutrients must still be coming out. Ms. McKenzie stated, that is only if the nutrients are going in. She stated her belief that there is no fertilizer used on the lawn. Chairman Galezo stated there was more concern about the road and what is coming from that. Ms. McKenzie stated that the camp is not year-round; the road is item 4 and only kept open in the winter for fire access but she believes that no salt is used on the road. Mr. Garfinkle stated that would be something helpful to know; it's a huge plus if the road does not get salted. Mr. Lind stated that the wider vegetative strip being proposed helps with those concerns as well.

Mr. Lind stated the board also had a question about the roof runoff. Ms. McKenzie reported there are roof drains tying into the drains up by the building. She stated they have a full grating and drainage plan. She stated there would be less erosion because those roof drains are going into piping that is tied into the drainage system.

Mr. Repetto questioned if there was some other sort of extra aeration or water treatment that could be added into the treatment system to help take care of extra nutrients. Mr. Lind reported that they have a lake management plan which they talked about briefly on the site visit. He recalled, a few years back they tried to address some erosion issues with a smaller retention basin further down the road but ended up hiring a private company and developing a lake management plan.

Mr. Garfinkle stated the planting plan has not yet been finalized. Mr. Lind stated, the issue there is that there is some reluctance about putting woody vegetation on the slope for fear that it gets too tall and would impede views, so the idea is to leave woody vegetation out of that but enhance the corners with woody vegetation, adding that he feels this is a fair plan. Mr. Lind stated the board would like to review the species list and urge all native plantings as densely possible. He added, on the corners it may be nice to add another species or 2 to create a mix of shrubby vegetation. Other than that, Mr. Lind stated he believes it to be a sound approach and a huge improvement while addressing the needs of the camp.

Mr. Garfinkle questioned if the board was given information on sequencing and protection measures in terms of the grading to occur within the 100-foot buffer. Ms. McKenzie explained there is a construction sequence provided on the site plan but is not sure that it is specific to the wetland area. She stated there are notes about putting the erosion controls in and, as part of the SWPPP, they provided a full erosion control plan and a very complex set of erosion and sediment control notes.

Mr. Garfinkle questioned if there is a maintenance schedule in terms of someone coming out for a weekly inspection for stormwater or if there would be a monitor on site. Ms. McKenzie stated she was unsure at the time whether they will be required to do erosion control inspections and would look into it.

Mr. Lind stated that a biologist from State Parks supplied a letter which brought up some very helpful points such as the erosion control netting adjustment and possibly an onsite monitor for rattlesnakes. Ms. McKenzie stated they need to reach out to DEC and find out if they will be required to have a rattlesnake monitor onsite as there are members of the camp staff who are trained and already onsite.

Mr. Baker moved to approve the project with conditions discussed and Mr. Kingsley seconded the motion. The vote was as follows:

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

Mr. Garfinkle stated they would not provide the permit until all information requested is provided. Ms. McKenzie replied that she would coordinate with Mr. Garfinkle to ensure that they supply the information requested by the board.

#### **Hudson Highland Reserve, Rte 9 & Horton Road.**

Glenn Watson of Badey & Watson, on behalf of the applicant, stated they were in attendance to talk about the issues the Conservation Board has with the proposed project. He stated they agree with some of the findings but believe that some of their points are somewhat premature in the process and asking for way more than what is required at this point of review. He continued, a lot of what this SEQRA process is is to identify what needs to be dealt with as the process moves along, for example the SWPPP. Mr. Watson stated there is a big book of guidelines that has to be followed and dictate's what needs to be done. He continued, to say the SWPPP needs to be done at this particular level is incorrect.

Mr. Watson stated that there were also questions about the septic testing and the holes not being deep enough, but what the board doesn't realize is that there is a few feet of fill that needs to be brought in over that particular area in order to level it out to meet the requirements. Mr. Watson stated it is the hope of the applicant's team that the Conservation Board will take a more realistic look at the items addressed in their letter.

Mr. Watson stated another point in the letter was a discussion of sequencing and explained that is much later in the process. He added, it is something that has already been identified and will be accomplished. He stated they believe, very firmly, that they have done an extraordinary job at this level of review between the Conservation Analysis and the Full Environmental Assessment Form.

Mr. Watson stated that Mr. O'Rourke, Mr. Gross, and Mr. Vega were all in attendance this evening to answer any questions and offer comments, particularly about fragmentation. Mr. Watson referenced the CB's letter and stated that in the letter, the board states that the Hudson Highlands State Park & Fahnestock State Park together make up a large unfragmented forest. Mr. Watson questioned if the board forgot about route 9 and the plain that goes from route 9 to Hudson Highlands State Park, on the west side. Mr. Garfinkle responded that the letter was saying that each of those parks were unfragmented blocks of forest. Mr. Lind stated that the general point here is that the proposed parcels lie between 2 large, very important habitat areas, Hudson Highlands State Park and Fahnestock, which, because of their unique location between the 2 parks, elevates the importance of not fragmenting these parcels as much as possible. Mr. Lind continued, the board understands that route 9 is there and that areas are already fragmented; the point is to limit it as much as possible, even on the small scale.

Mr. Steve Gross stated this proposal encompasses an assemblage of a number of parcels that were all owned separately. He stated that given the development along route 9 and Horton Road, that this (using visual to point to area) is already fragmented and the fragmenting influence is extending into the immediate area that is proposed. Noting another area on the visual Mr. Gross stated, this area was not a part of the original proposal; the applicant has purchased more land and added it on to the original proposal. Mr. Gross noted a parcel on the visual that had been previously approved for building. He stated, if this were left alone, all of these individual parcels that have been pieced together to create this large tract could be individually developed. He stated as proposed, this provides for a large block to be infinitely conserved and notes that it is the area located closest to Fahnestock. Mr. Gross stated it is the closest they can get to preserving something that has some very significant value. He stated, when they walked the property and did the Conservation Analysis, all the "good stuff" they were finding was up in the block marked for conservation.

Mr. Lind stated that all of New York State has been disturbed in one way or another but added that just because something was previously disturbed, especially with something like this that has been left vacant for many years, isn't really a green light to go ahead and develop them. For example, he stated, there is the cul de sac and the long driveway proposed on the west end of the pond and stated that Mr. Gross had recognized that's where the wildlife corridor was. Mr. Gross disagreed and noted where he states the wildlife corridor is. Mr. Galler stated that the corridor goes works for both directions, which Mr. Gross also disagreed with, due to the steep slope which he claims inhibits wildlife movement.

Mr. Lind stated that in their letter they addressed the issue finding a way to widen that wildlife corridor to be a better functioning corridor and conservation outcome, within a conservation subdivision. Mr. Gross stated it is not possible. He noted it is a plateau which slopes very steeply down; it is a narrow valley where that stream outlet is coming through and is all filled with wetland at the bottom of it. Mr. Gross stated there is no opportunity there.

Mr. Lind stated that he does not believe that the requests of this board are far reaching and the members are trying to offer their opinions and ideas to help reach the greatest conservation outcome for this proposal, which is what they have been tasked with by the Town Board.

Mr. Lind stated that in the bird surveys, they mention red-shouldered hawks, scarlet tanagers and wood thrushes. Mr. Lind stated the tanagers and wood thrushes have undergone pretty severe population declines, like a lot of interior forest breeding birds. He continued, birds that nest and forage in the tree canopy don't really pay attention to the grade, so a wider connector may not benefit a salamander that can't use that slope, but potentially could benefit forest birds because the forest canopy is contiguous, granted the slope is very steep, but the canopy is maintained. Mr. Gross stated that the scarlet tanager is an interior forest species which means that it is likely not even using the area that is close to the highway and such. Mr. Lind stated it may forage there. Mr. Lind noted the recommendations in the literature cited and provided to the board suggests clustering the development close to already existing roadways yet this does not do that. Since they are not clustering the new development on an existing roadway, they have to construct a new road system, that does intrude into the forest habitat, so there is a fundamental difference there. Mr. Lind continued, the paper cited also says minimize the footprint of residential and commercial development and this project is proposing a fairly large commercial equestrian facility. Mr. Gross countered Mr. Lind's statement by stating that they are putting the development as close to route 9 and Horton Road that they can, meeting the idea of clustering the development on or near existing roadways. Mr. Lind stated there is another element to fragmentation which is the corridor concept; it helps alleviate the separation of the 2.

Mr. Lind stated another thing he wanted to talk about was the edge affect and the thresholds that are out there, depending on the organisms that you're talking about. He stated the idea is to protect the function of that high-quality habitat that has been identified. Mr. Lind stated everyone needs to really think about protecting the high conservation value, the edge affect must be considered. Mr. Lind quoted from the Environmental Law Institute "Conservation Thresholds for Land Use Planners" which stated that buffers should extend 300 meters from all edge peripheries" and "The area within the buffer should not be counted as habitat provided for species conservation". Mr. Lind stated the board does not have a clear picture of the cul de sac and the commercial equestrian center, those activities actually degrading the high-quality habitat area, even though they're not within it, through this edge affect. Mr. Gross stated he was unsure if the source, which he did provide, took into account a topographical change.

Mr. Rick O'Rourke stated it is clear that there are very legitimate concerns that have been made which he has found very educational. He stated it is important to place this in a context, a framework, to be evaluated. As an attorney, he himself turns to SEQRA, the regulations, and then to New York State and Town Law. Mr. O'Rourke reported the regulations state that you are to evaluate a project that is feasible, considering the objectives and capabilities of the project's sponsor, which is the property owner. He reported that the property owner is willing to invest at least \$20 million into this property, which is a right that he has, and must be done within the framework of the law. With respect to the conservation subdivision regulations that are in place, the position of the applicant's team, as a matter of law, is that they have met those conditions. Mr. O'Rourke stated, from a legal perspective, there is a framework; property rights are derogated from the police power. Mr. O'Rourke noted that the property owner went as far as to purchase more property so as to minimize fragmentation and other environmental impacts. Mr. O'Rourke stated, when you're setting aside 75% of land and making an investment of over \$20 million, that weighs, and there are regulations that protect those rights as well. Mr. O'Rourke

stated he has been doing this a long time and is mindful and respectful of what the board is attempting to do, but it has to be weighed in balance as to what the law says.

Mr. Galler reported that he was upset and believes that the applicant's representative, Mr. O'Rourke, was being disrespectful to the Conservation Board as well as the Planning Board. He stated that everyone has spent a lot of time trying to weigh this fairly. He stated that if this were done as a traditional subdivision, or more likely 6-12 different lots, there would be nothing like these houses sitting around the pond. He questioned, if the applicants team really believes in the project, why would they be so against having a positive declaration under SEQRA so it can go through community review and then move on.

Mr. Gross argued that a project that was discussed earlier in the evening, where an applicant will have a silt fence put up 7 feet from a stream, will cause more impact on the wetlands than the houses proposed to surround the pond as part of their applicant's project. Mr. Galler strongly disagreed, as did other members of the board.

Mr. O'Rourke stated they were not intending to be disrespectful but are here because they want to develop this property. He continued, if they are building \$1-\$2 million-dollar homes, the homeowners will be the best 'watchdogs' for that pond. Chairman Galezo stated expressed disagreement with that statement.

Mr. Gross questioned what the impact of those houses is on that pond. Mr. Garfinkle stated they were talking about the larger picture here, not just the pond. Mr. Galler stated, while it is a man-made pond, it does have wildlife functions; they are proposing to put 8 houses around it. Mr. Gross stated it would be 7 as one is already existing. Mr. Galler stated, if this were just different parcels that were developed, there wouldn't be that many houses allowed around it. He continued, in the end, a conservation subdivision is supposed to improve conservation values. Mr. Gross stated, the fact that the houses are wrapped around the pond is not taking away the conservation value of that pond. He reported they have conserved 140 feet of the existing vegetation around the pond, and in certain directions of the pond, preserving everything just as it is. Mr. Gross claimed that will keep the condition of the pond in its natural condition and, in addition, by the fact that the houses and the whole development will be there, there will be more attention paid to that pond to be cleaned up and improve. Mr. Gross stated that some of the area currently around the pond contains heavy invasive growth and suggested, if the board wants further mitigation, they would propose removing and replanting the areas of invasive growth.

Mr. O'Rourke stated they recognize that the pond is deemed a large area of concern. They also recognize that the density is of concern. Mr. O'Rourke stated the formula that exists, that the town adopted, was applied by both the applicants team as well as the Town's engineer and came to the same count. As a matter of law, they followed the process using the calculation from the town code. He continued, in terms of the assemblance of acreage and the expense and what the master plan is for by way of the investment and given the objectives that are feasible from the alternatives that are available to the property owner, considering their objective, they believe they have created a subdivision that comports with the law. He added, it may not be the spirit of the law or what the board thought it was going to be, but it comports with the law.

Mr. Lind stated he very much respects their point of view, but the boards position is that they might have a higher standard than what the law provides. He continued, the board is providing a high standard based on what they believe protects the conservation value of this particular site, that they attempted to outline in their December 2 letter, which directed everyone back to the Town Comprehensive Plan and the Natural Resources and Open Space Protection Plan, to revisit the spirit and intent of the law. Mr. Repetto noted that this is the first Conservation Subdivision that this town has seen under the new code. Mr. O'Rourke stated, regardless of what the legislative intent was, the clear provisions of the law override the intentions.

Mr. Watson stated they have discussed the lake and the board has provided their opinion that putting houses around the lake and the mitigation measures proposed by the applicant will not protect the lake. He reported that they added 40 feet to the required 100 feet buffer around the pond to keep the houses even further away. Mr. Watson reported they brought in a limnologist who made suggestions about how to restore and take care of the pond.

Mr. Watson reported that the health of the lake, along with many other things, will be a task taken on by the homeowner's association. The homeowner's association is tasked with requiring that the pond be regularly and professionally maintained.

With regard to the setback, nutrient loading was a potential concern that his team recognized. He stated they have a sewage system that is carrying the nutrient latent waste away from the pond. Mr. Watson stated there was also a question about the adequacy of the septic system and reported it's 80 feet of soil. Mr. Garfinkle reported that they were trying to see more of how that system functions, not that it can not be done.

Mr. O'Rourke stated that AKRF, who is the Town Planning Consultant, is also the consultant for another site he is aware of in Putnam County and reported that the system proposed here is a galley system, which was approved by the health department elsewhere in Putnam County. Mr. Garfinkle stated he is still curious about how it functions since it is in the area of an aquifer.

Mr. Garfinkle stated there were also concerns about the stormwater protection plan. Mr. O'Rourke countered that the SWPPP is something that comes further down the line in the process. Mr. Garfinkle stated they were not looking for a full SWPPP at this time but for an understanding of the overall mechanism as to how they would like to deal with stormwater. Mr. Repetto stated it is a control strategy.

Mr. Lind stated that the stormwater plan is essential to long-term viability to the wetlands and to the water table. He stated the board is not trying to overburden the applicant and that these are legitimate questions and concerns that should be addressed. Mr. Gross added that some of these things are develop after preliminary approval and as the plans develop more detail is hashed out.

The board and the applicant's representatives went on to discuss their concerns with the water table, fragmentation, the septic system, the homeowner's association, the wildlife corridor, the historic road that runs through the property as well as what will happen with the conservation easement, since HHLT had stated they will not accept it if the plan stays the way it is now.

Mr. Galler questioned the idea of a commercial equestrian facility in a conservation subdivision and if it was allowable under the code. Mr. O'Rourke stated that the issue had already been addressed.

### **Minutes**

The minutes of November 14, 2017 were reviewed. Mr. Galler moved to approve the minutes as presented and Mr. Baker seconded the motion. All were in favor.

The minutes of December 12, 2017 were reviewed. Mr. Kingsley moved to approve the minutes as presented and Mr. Lind seconded the motion. All were in favor.

Mr. Kingsley made a motion, seconded by Mr. Lind to adjourn the meeting. The vote was unanimous and the meeting adjourned at 10:26 pm.

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

Respectfully submitted by,

Tara K. Percacciolo



|               |   |        |
|---------------|---|--------|
| Andrew Galler | - | Aye    |
| Jan Baker     | - | Aye    |
| Lew Kingsley  | - | Aye    |
| Eric Lind     | - | Absent |

Mr. Rogoff questioned if anyone had an idea of how long it takes to get a response from the state. Mr. Garfinkle explained that there is a 30-day limit on response time.

**Joseph Estvanik, 125 Old Albany Post Road**

**TM#83.5-1-1**

Mr. Estvanik was in attendance. Mr. Garfinkle questioned if the applicant has yet removed any of the fill discussed at the last meeting. Mr. Estvanik reported that he has not had the ability to do so as of yet and is waiting for the weather to cooperate so as to not create a larger problem. Mr. Garfinkle reported that a stop work order had been placed on the property and they came to a middle ground in terms of remedying the situation. Mr. Garfinkle continued, the applicant is going to remove 44 yards of material and reestablish that back to normal grade to leave a pretty significant buffer between the stream and the yard area, and then replant that area with native species, and utilize the rest of the fill area as yard space. Mr. Garfinkle stated he had visited and flagged the property for Mr. Estvanik. Chairman Galezo reported that the applicant has submitted everything necessary to obtain a permit. Mr. Repetto questioned where the dirt was coming from that would go in that sensitive area by the water. Mr. Garfinkle stated he would discuss that with Mr. Estvanik and added that they could visit the site again if necessary but feels he's got a good handle on it. Mr. Garfinkle stated he believes they have come to a good compromise. Mr. Estvanik expressed his appreciation to Mr. Garfinkle for working with him to remedy the situation.

Mr. Baker moved to grant a wetland permit and Mr. Galler seconded the motion. The vote was as follows:

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

**Filipe Ribeiro, 65 Steuben Road**

**TM# 91.5-1-26**

Mr. Garfinkle stated he had spoken to the applicant's engineer, Tim Cronin, and they will be attending the May meeting and will submit updated plans by the required deadline. Mr. Garfinkle reported that Mr. Cronin had stated that he was under the impression that all the fill for the septic had already been brought in and that the Conservation Board no longer had jurisdiction but Mr. Garfinkle had requested that they still attend the next meeting in May. Mr. Repetto questioned if the wetland boundary should be flagged. Mr. Garfinkle had no objection to going to the site and flagging the area.

## **Hudson Highland Reserve, Rte 9 & Horton Road.**

Glenn Watson from Badey & Watson stated they had nothing new to report. Mr. Gross stated they were in attendance to answer any questions the board may have.

## **Comprehensive Plan Update Committee**

Nat Prentice & Richard Butensky were in attendance to give an update on the Comprehensive Plan Update Committee. Mr. Prentice thanked the board for allowing them the time to come to the meeting and present. He stated the goal of the committee is to improve these documents so that they can assist the boards further in making decisions. Mr. Prentice reported that the committee was officially appointed by the Town Board at their last monthly meeting. Mr. Prentice provided the board with a PowerPoint packet containing information relating to the Comprehensive Plan. He reminded everyone that the Comprehensive Plan is not the law but a guidance document. Mr. Prentice stated the current plan from 2007. Mr. Prentice continued, the initial thoughts of the committee are that it doesn't need much work however there are some new things that have happened that need to be reflected in the plan as well as communications and technology issues that need to be addressed, particularly as it has to do with land use. Mr. Prentice stated the provisions in the plan are still pretty operative. He stated they are looking for thoughts and input from each board as to how it could be made better.

Mr. Prentice reported there are 10 goals in the Comprehensive Plan and goals 1 & 7 are the places where the land use and the conservation questions and issues come up. Mr. Prentice continued, when you review those and the implementation steps that go with them, you will find that a lot of it has been implemented, but there are still many things that need to get done. He stated goals 9 & 10 are also useful. Goal number 9 identifies properties or particular locations in town that would be appropriate for new development. Mr. Prentice continued, there is then a whole set of implementation steps. Mr. Prentice provided the board with a chart which helps look at the goals and the implementation steps that were taken, are being taken, or still need to be taken for each. Mr. Prentice stated the committee welcomes any input from the boards that they wish to offer and stated the committee meets twice a month.

Mr. Butensky clarified that they don't have the power to enact anything but rather make suggestions that may lead to changes in local laws. Mr. Prentice stated the plan can have encourage points that may help the board make decisions in the future.

In reference to goal #7 about protecting natural resources, Mr. Repetto reported one area that has been discussed at length by the Conservation Board is the issue of older septic systems around lakes and envisioning a plan that would require they be pumped out every 3 years or so, some kind of maintenance schedule put in place so they are not used to the point of failing and cause larger issues. The issue of "grandfathering" these replacement systems in the same spot has come before the board in recent months, and sometimes that location is in a wetland buffer. Mr. Repetto reported it is grandfathered by the Health Department and makes the job of the CB more difficult. Mr. Repetto clarified, he would suggest that septic system maintenance could be an issue to be addressed by the town through educational information provided to the public. Mr.

Baker stated he has been stunned at the number of substandard septic systems around lakes in Philipstown. He continued, many were built years ago, they get grandfathered, and these things all eventually fail, particularly if they are not properly maintained. Mr. Baker stated that no one problem is that significant but collectively they can create an immense problem. Mr. Butensky questioned if there is anything the town can do about that. Mr. Repetto stated the issue has been discussed a few times and suggested this is an area they would like to address.

Mr. Prentice stated they are fortunate in that Councilman Leonard and Councilman Flaherty do attend the meetings enabling a good dialogue to be continued and he thanked Councilman Leonard, who was present at tonight's meeting, for taking part. Mr. Prentice reported that the committee meets in the Town Hall every second and fourth Thursday of the month. He stated he looks forward to keeping up the dialogue with each board. He stated it is the intent of the committee to hold several public meetings to invite input to the plan, create a draft, and possibly hold a few more public meetings. Mr. Prentice continued this will all take place before the public hearing that will have to occur once it reaches the town level.

Ms. Martin suggested that the board collectively could probably come up with a list of things that, just during the course of dealing with applications, could use some tweaking or guidance in terms of the code. She added, some things may have been written with the best of intentions but may need to be fleshed out more. Mr. Prentice stated there should be an ongoing interaction between the Comprehensive Plan and the Town Code, they should reflect each other.

Ms. Martin questioned if there was a timetable for this. Mr. Prentice explained they started off thinking that they could have something done by June, which is now a month away. He stated their hope is to get at least a draft out by the end of the year.

Mr. Prentice thanked the board for their time and service to the town. Mr. Baker thanked Mr. Prentice & Mr. Butensky as well as the other members of the committee for their work and stated this was tremendously important for the future of Philipstown.

### **Stormwater Discussion**

Mr. Garfinkle stated he performed a stormwater inspection earlier that day which went well. He stated the MS4 annual report is in its final stage before Supervisor Shea looks it over and it gets sent to DEC.

### **Hudson Highland Reserve, Rte 9 & Horton Road.**

Mr. Garfinkle stated he had notified Mr. Watson that the meeting was being held in case any board members had any questions.

Mr. Watson stated that at the last Planning Board meeting Mr. Galler had requested that the period for written comments be extended for the Conservation Board because the board would be meeting this month and would like to discuss what was submitted last month and possibly issue a written response. Mr. Watson stated that Mr. Galler was successful in getting the extension and delaying the decision by the Planning Board and that he and other members of the applicant's

team were present to listen to those deliberations. Mr. Galler clarified that the board was not the only one asking for an extension.

Mr. Garfinkle stated they would be submitting a letter before the 30-day deadline. Mr. Watson questioned how the board is preparing a response and a letter is getting written, since they have not met since the last meeting.

Mr. Rick O'Rourke stated, under the open meetings law, if there is a deliberation with regard to a pending application, that is to be done in a public forum and that is why they are present this evening. He questioned when the board intends to meet and deliberate so that they are in compliance with the open meetings law. Chairman Galezo suggested the following morning. Mr. O'Rourke stated that notice must be provided so that the public has the ability to attend the open meeting. Mr. Garfinkle stated he was under the impression that this is a letter that is directed to the Planning Board and that there was discussion at that meeting as to whether or not the CB would fall within the guidelines of this 30-day public comment period but was never finalized at that meeting. He continued, the CB may end up taking that route and that this is a document intended for the Planning Board to read and then reviewed by whomever, as a public document. Mr. O'Rourke responded, but to generate that document, if it requires the deliberation of the board, you can not shut off the right of the public to listen. Mr. Repetto stated this has been repeatedly deliberated in the public before and the opinions of the board have not changed, therefore there is nothing to debate.

Mr. Gross stated that they have gone through great effort to respond to all of the things the CB has said. Mr. Watson stated they have gone through great effort to provide things that the CB specifically asked for in regard to the sewage disposal. He stated they went point by point with the last letter from the CB and responded, at the request of the CB from the last meeting. Mr. Watson stated they need the opportunity to hear what the board has to say.

Mr. O'Rourke stated there are 1 of 2 alternatives. One is that the board has already deliberated and made comments; if that is the case fine. The other alternative is, if in fact the board is preparing yet another written response and it's going to be forthcoming, that is something that is part of the open meetings law. Mr. O'Rourke stated all they are requesting is compliance with the law and if the board disagrees, they should speak with counsel. Mr. Repetto stated that may be necessary and questioned, if the topics that have been discussed were discussed in an open meeting, putting pen to paper and writing a response reiterating those topics of concern wouldn't violate the law. Mr. Repetto questioned what was being debated; their opinions have already been discussed. Mr. O'Rourke stated, if there is no intent to submit any further written response, than that's fine. However, if the board plans on discussing and deliberating an applicant's property, they are entitled to listen to that deliberation as a matter of law.

Chairman Galezo stated it is his personal understanding that the board has already debated this in depth and put together a list of things that have already been discussed in public and are going to present that in a written form, for the last time, saying nothing new that hasn't already been stated, and will submit that before the deadline, to the Planning Board. Chairman Galezo stated it is simply a reiteration of previous comments. Mr. O'Rourke stated that if in fact the CB is

preparing yet another document and are discussing and deliberating on that document, that requires compliance under the open meetings law, as he understands it.

Mr. Gross stated that at the last Planning Board meeting they presented a document that responded to all of the points that were brought up by the Conservation Board. When the Planning Board was discussing how much more time to give the review, a member of this board stood up and stated that the Conservation Board has not had the opportunity to meet since this was written and requested that opportunity to discuss it. Mr. Gross stated, this is that meeting. Mr. Galler stated, what he thought he said was, the board may want to discuss this so they would like to have time and there were several other organizations who also made the request for more time. Mr. Watson stated that Mr. Galler also said the board wouldn't have the time to meet and discuss it until the 10<sup>th</sup>. Mr. Galler responded that maybe the board doesn't have much to discuss because not much has changed. Mr. Watson stated that some members of the board have stated that nothing has changed. He explained that there was very specific information provided to the board in direct response to specific concerns made by the Conservation Board. Mr. Watson stated he finds it hard to believe that there is no reaction whatsoever, good or bad, to the latest additional information supplied to the board.

Ms. Martin stated she was appreciative of what he was saying but that she had not attended the latest Planning Board meeting so she is unaware of what was discussed or not discussed. She stated they review all of the materials received and just because more material is collected or produced, if nothing has changed in terms of the boards recommendations after reviewing the material, it doesn't change their opinion. Mr. Liceaga stated that questions arise, such as how are you going to address the sewer system and running water, and they provide information addressing the questions, and the board says their opinion doesn't change, that is unfair and if there is a chance to review and discuss the information with the board, he is confident that opinion will change.

Mr. Garfinkle stated he would be willing to listen to the points laid out in the applicant's submission if they would like to do that. Ms. Martin stated, when the board asked earlier in the evening if the applicant had anything to discuss, the answer was no. Mr. Gross stated that was because they submitted everything in writing a month ago. Mr. O'Rourke stated they made this supplemental submission with the understanding that the CB would review it, and it sounds as though they did. He continued, he sensed that the board read it and the opinion is that, frankly, nothing substantive was said that made the board change their opinion and if that is the case, that is fine. Mr. O'Rourke stated their concern is that, if in fact there is going to be a further submission, then that type of submission is something that is under the open meetings law. Mr. Garfinkle repeated his statement that he would be open to hearing the applicant's points. The board agreed to go through the information point by point.

Mr. Watson stated the first item is fragmentation. Mr. Gross stated that they brought in Dr. Margaret Conroy who is a colleague of Dr. Richard Lathrop, and they have been at the forefront of the fragmentation issue. He reported that Dr. Conroy presented her findings at the Planning Board meeting earlier that month. He continued, one of the points that she made is that the forest in question is already a fragmented forest. However, Mr. Gross continued, Ms. Conroy continued as if it were unfragmented and applied the model developed by Dr. Lathrop. The model says that

if you have a center unfragmented forest that may support interior species, to determine what kind of impact there is on that unfragmented forest you have to look at the concentric rings going out from it and where the impact of fragmentation begins. If something were placed in the center it would have huge impact and the impact lessens as you move farther away from the core, which is key. He stated they developed a model that used measurements in meters and anything coming from the outside in within the first 250 meters was deemed to have a very slight impact. The next 250 had a slight impact. After that, moderate, and then it kept going from there. Based on that model, Ms. Conroy found that basically the entirety of this proposal lies mostly within that outer ring, therefore only having very slight impact. Mr. Gross stated, the goal in development, in trying to preserve unfragmented forest, or in this case at least a core piece of forest, is to locate the development as close as you possibly can to existing roadways and other development. In this case, there is the existing road route 9 as well as existing development on Horton Road. He stated Dr. Conroy did her study in concert with Dr. Lathrop and concluded that this proposal is the best possible way to develop the property.

Mr. Repetto stated at a previous meeting he had specifically asked to see the equestrian center further away from where the forest ends and would like to see more of a buffer in that area. Mr. Gross stated that the most important impacts to consider are light and noise and the large slope that is located there mitigates those impacts on the forest. Chairman Galezo questioned to what extent the slope mitigates those impacts, percentage wise. Mr. Garfinkle stated these are the types of things this board would like to see quantified as well as what types of species would be affected by those impacts. Mr. Garfinkle also questioned what types of interior forest species were found when they did their environmental analysis. Mr. Gross stated that none were found. Mr. Garfinkle questioned that statement. Mr. Gross stated that he would have to go back and check as he did not do the inventory. He stated that in general, Dr. Conroy's opinion was that this is already fragmented forest and does not support interior forest species.

Chairman Galezo stated that these are very general answers. He suggested the board would like to see more particulars in terms of odor, noise, and light impacts on the forest. Chairman Galezo stated that it is his opinion that this is a much more detail-oriented process and the answers being supplied to the board to many of the questions are very general.

Mr. Galler stated the reason the Conservation Board has asked for a positive declaration from the Planning Board is that there are just too many unanswered questions. He questioned if Ms. Conroy did an extensive site visit of the property. Mr. Gross stated she did visit the site after looking at mapping. He also explained to the board that he is aware of documentation on the impacts of light and noise on fragmented forest but is not aware of any documentation on the odor of manure and its impact.

Mr. Galler used his laptop to show Mr. Gross something that was put together by the DEC in June of 2014 showing that the property in question is in an area that they look at as globally significant. Mr. O'Rourke stated that to his knowledge this property is not in a critical environmental area. As far as the regulations are concerned, this is not a critical environmental area.

Ms. Martin stated that the Town Board has tasked this board to consider projects through a conservation lens and through the Comprehensive Plan, as it is currently written, which values things like open space and the protection of natural resources. She added, Dr. Conroy clearly has the credentials and writes a nice report, but if she is not specifically addressing questions of habitats for species such as the ones Mr. Garfinkle mentioned, then were not getting into the granular details that this board is looking for. Mr. Gross stated that Dr. Conroy's report was submitted roughly 3 weeks prior to this meeting and that Dr. Conroy was surprised to not have received any questions from the CB regarding her report. Mr. Garfinkle stated that they have not met since that submission and if they had done so, it may have gotten them into some legal issues. Mr. Gross stated she is prepared to respond. Mr. Garfinkle stated that he did have some questions for Dr. Conroy.

Mr. O'Rourke stated they are simply looking for the CB's position in terms of the report, regardless of what that position is. He stated they just need to get to the point where that information is relayed back to the Planning Board. Mr. Garfinkle questioned if AKRF had issued a response to this latest report. Mr. Watson stated that AKRF has issued several reports throughout this process. Mr. Gross stated that at the Planning Board meeting Graham Trelstad, AKRF consultant, had suggested that what was submitted warranted a negative declaration.

Mr. Garfinkle stated that the message here is that the disturbance boundary is not changing. Mr. Watson stated that was correct, while Mr. Gross suggested that a lot of adjustments have been made. Ms. Martin said that she does not agree with Mr. Gross' characterization that a lot of adjustments have been made. She stated this plan is very similar to the initial plan from 4 years ago. Mr. Liceaga argued that point. Mr. Watson reported that the road configuration has changed 3 different times, changes have been made to the number, location and size of the proposed houses, and the buffer around the pond has been increased from 100 to 140 feet. Ms. Martin stated she does not see any substantial change from the original plan. Mr. Gross stated the logic behind that is that the area that is best suitable for this development is this flat, previously disturbed area.

Mr. Liceaga stated that it had been suggested by members of the public at the public hearing that the applicants were looking for 'loopholes' in the code and the law should be revised. He stated that he lives in the community, on East Mountain Road North, and has been there for 12 years. He saw this chunk of land and questioned what he could do with it so he reached out to experts to find out what could be done. Mr. Liceaga stated he reached out to the Hudson Highlands Land Trust and Andy Chmar suggested he buy another piece of land, which he did. He also acquired another piece of land to move any disturbance further away from the creek. Mr. Liceaga stated he has made a substantial investment based on the input of many people in the community. The process has been, what can we do based on the law? He stated that much more money will have to be invested if a positive declaration is made but, in the end, based on the law, he believes the court would say he can proceed with the development. Mr. Repetto suggested that if they were going to get into the legal issues that he feels that the board should have counsel present.

Mr. Gross stated he has never worked with an applicant that has been more responsive to comments from the board than Mr. Liceaga. He stated that Mr. Liceaga had purchased an additional piece of property for the sole purpose of moving the entrance farther away from Clove

Creek, which has been a large concern of many participants in this process. Mr. Gross also stated that the level of detail at this stage has been incredible.

Mr. O'Rourke stated that they thought that they had provided adequate additional responses to all of the questions raised by this board, in support of the application as proposed. He requested that if there were further deliberation amongst the board members and a there is a quorum that he believes that the applicant is entitled to listen.

Mr. Garfinkle suggested they continue going through all of the points in the report and Chairman Galezo requested that the applicants team sit down and listen to the deliberation of the board and only pitch in if they are asked a question.

Chairman Galezo stated that he does not feel that the applicant and his team have made any major change to the proposed layout of the property. The development still extends around the lake and they did not address the concerns about the connection behind the horse barn. He added that the level of detail gets finer with every question but this is a precedent setting process here in this town.

Mr. Garfinkle stated it is important to keep in mind what they are looking at in terms of the scope of what is being asked of them by the Planning Board to aid in making a decision, and some of the major points discussed in the past deal with this limit of disturbance boundary. He stated they can get all the information and have all their concerns with what could potentially go on within that boundary and some of the bigger things it may affect, such as water quality and fragmentation.

Chairman Galezo questioned whose responsibility it is to do the inventory of the land and find whatever is of value on that land. Ms. Martin stated that is the first thing the applicant is supposed to provide when submitting an application for a Conservation Subdivision; that's the first principle. Mr. Garfinkle stated that was done and they have that report.

Mr. Garfinkle stated his belief that in previous letters from the CB they talked about fragmentation being a very scalable thing; you can look at what is going to happen within the boundary of the project and then how that will affect what is beyond the applicants control, basically. Mr. Garfinkle suggested there have been times when that argument has gotten convoluted.

Chairman Galezo questioned what benefit there is to the town in making a positive declaration. Ms. Martin stated it would create greater scrutiny on some of the issues that the board has concerns about. Mr. Garfinkle stated that they would be able to see alternative Conservation Subdivision layouts. Mr. Galler stated that he does not believe that all areas of the property have been assessed and is adamant that the pond should not be built around and the positive declaration would look at that. He continued that a full environmental assessment would allow them to look at this greater in depth and with much more detail. Mr. Gross stated that all of the issues have been addressed and there isn't much more to say.

Mr. Garfinkle stated they could essentially ask the Planning Board to task the applicant with hiring another professional to review what AKRF has reported in terms of the water withdrawal rates and make sure that aquifer study is really up to par and those recharge rates are correct. Mr. Liceaga stated that is fair. Mr. Gross disagreed and stated that one of the things that SEQRA specifically says in doing an environmental review is that it should not be encyclopedic. He stated the level to which the CB is looking, on all of these topics, goes beyond the scope of SEQRA.

Chairman Galezo stated, hypothetically, if the Conservation Board were to own that property and to propose a Conservation Subdivision, who would they look to hire as a consultant, to perform a completely non-bias assessment. Mr. Galler suggested it was a strange question but one entity that comes to mind is the Chazen's Companies. Mr. Gross stated the board already has that with AKRF; they are a premiere company.

Ms. Martin stated the CB is not lead agency on this project and that they have been tasked with a very specific goal: to give the Planning Board advice on natural resource protection and the conservation elements of this proposal. She stated it is a precedent setting project in this town and they need to heavily scrutinize it because of that fact. Ms. Martin acknowledged the right of the property owner to build and stated this is not an us or them situation, they are just trying to do what is right for the town. She stated her disappointment that throughout this process there has been an immense amount of material produced for review but the information is wide, not necessarily deep. Ms. Martin stated that while this plan may meet the letter of the law, it does not meet the spirit of the law in Philipstown.

Mr. Watson stated that earlier in the meeting it was stated that the opinion of the CB has not changed and they would be submitting a letter, or something to that affect. He stated that 9 specific points had been raised by the board and until about 2 minutes ago when Mr. Garfinkle stated that he was satisfied with the septic system, the only point that has been discussed thus far this evening is fragmentation. Mr. Watson stated that their team went through a lot of effort to demonstrate to the board how they could sequence this project to be built in the 2 years and does explain that the whole project is not going to be built in 2 years; the infrastructure will be in place in 2 years.

Mr. Watson stated there was a question with regard to clearing trees and how that would impact the schedule, that was explained in the report as well. Mr. Garfinkle stated he would like more clarification on that because there's a certain acreage threshold and if you're above that acreage threshold and you are not a silvicultural project and you don't have a forest management plan within the DEC's law, you need to abide by stormwater standards. Mr. Watson stated they demonstrated that and they discussed that. Mr. Garfinkle stated the submission provided did not provide sufficient detail and needs to be quantified. Mr. Watson stated all they have to do is fell the trees, they can sit there until they get to construction. Mr. Repetto reported that in Mahopac there is a piece of property that did just that and it looks horrible and maybe by the letter of the law that is okay, but he questioned how bad that would be for the spirit of the town. Mr. Watson clarified that this outlined a program where it would be done in sequence, periodically to keep ahead of the construction.

Mr. Watson stated there was a question with regard to the lake. He reported they brought the limnologist back and the limnologist prepared and documented the report and looked at what they designed and stated it was beyond the cited standard. It discussed the program for maintaining the lake and financially committing to it with the Homeowner's Association.

Mr. Watson reported that someone commented that they did not believe that the Homeowner's Association would work. He stated they discussed how and why the HOA will work and what the Attorney General does to guarantee that it will work.

Mr. Garfinkle questioned what information was provided to the limnologist for review, beyond his initial report that he created when he was on the site. Mr. Watson stated he was provided with the topographic information, the depth of soil from the testing, the spacing between any of the structures, and explained that the sewage treatment system and collection is not going to be putting sewage into the ground around the pond. Mr. Watson stated that the limnologist stated that every one of the things suggested was at or beyond what is normally expected. Mr. Garfinkle stated he understands that they provided a mock plan, Mr. Watson stated it was unfair and unreasonable to characterize it as such. He stated they have provided far more than anyone ever gets, at this level. Mr. Garfinkle stated they are trying to strike a balance here between the regulated area on the property, which will be impacted with stormwater, and how that correlates to a limnologist report that that's not really addressed in.

Mr. O'Rourke stated that he is looking at the framework of SEQRA and Mr. Garfinkle stated he was doing the same. Mr. O'Rourke stated it seems as though he wants the applicant to engineer the entire project before a determination of significance has been made. He suggested that what the applicants team has submitted goes far beyond the norm for this stage of a project. Mr. Garfinkle stated it is important for the board to know the engineering that goes into it.

Ms. Martin stated the board is allowed to review what has been submitted by an applicant and say that it has not fundamentally changed their view. Mr. Watson agreed but stated what they do not have a right to do is make that decision before reading the plan, which is what he believes he heard earlier in the meeting. Ms. Martin stated that he did not hear that from her.

Ms. Martin questioned if there was any discussion during the Planning Board meeting about who is taking the conservation easement and if that issue has been resolved in any meaningful way. She asked Councilman Leonard, who was present, if the town was willing to take it. Councilman Leonard stated that he does not believe so at this time. Ms. Martin stated her understanding is that HHLT is not going to take the conservation easement. She stated that at this time, no one is willing to accept this conservation easement, which is another point that has repeatedly been brought up as a concern that has yet to be resolved. Chairman Galezo questioned what happens if no one is willing to take it. Mr. Galler stated that means that the land is then not protected. Chairman Galezo then questioned whether the project could move forward without that answer. Ms. Martin suggested they consult the town attorney on that matter. She suggested the applicant would then have to look at other qualified organizations that might be willing to take the conservation easement and there are some in the region such as Scenic Hudson and OSI.

Mr. Gross stated that it was his personal opinion that HHLT might be using the conservation easement as a negotiation tool and he feels they may come back to the table; they are not ruling them yet when it comes to taking the conservation easement. Ms. Martin questioned if the project can move forward and be approved without someone stepping forward to deal with that aspect of the project. Mr. Watson stated it cannot. Mr. O'Rourke stated he agreed with what Mr. Watson said however, as part of the HOA bylaws, there are mechanisms by which the large areas of non-disturbance are to be maintained in a non-disturbed way. He added there are also deed restrictions that can be placed on certain portions of the land, that they remain in perpetuity as open space and not developed. Ms. Martin stated that is not quite the same as a conservation easement. She also stated that this is a traditional subdivision Mr. O'Rourke is talking about, where a HOA can create regulations for the protection of open space. Mr. O'Rourke stated you can have deed restrictions that the property shall not be disturbed. Ms. Martin stated that she does not believe that that is written in as an option in Philipstown Code for a Conservation Subdivision. Mr. Liceaga asked for clarification on the sequence of events as to whether the Conservation Subdivision is approved and then an easement holder has to be obtained or vice versa. Mr. O'Rourke suggested that would be a condition to the final approval, that that would have to happen beforehand.

Mr. Watson questioned why that was even being discussed and added that the burden is on the applicant to find the recipient. Ms. Martin stated the conservation easement is a valid point, in fact a lynchpin point, in this application, a Conservation Subdivision in the Town of Philipstown. Mr. Gross stated he is confident they will find a recipient, there is a number of entities.

Mr. Liceaga stated he understands that concern of the CB but claimed that he is most concerned about conserving the land. He continued, his family, his children, are going to live here, and they love the environment here. Mr. Liceaga suggested that a lack of communication on his behalf has produced a misunderstanding about his vision for this property. He stated his plans to have platinum certified, passive homes here. Mr. Liceaga stated they have had conversations with Tesla about producing charging stations. He stated there are many aspects of the project that the CB may not be aware of that would convey just how concerned he is about the environment and conserving property and natural resources. He added they have invested a substantial amount of money into trying to make it right. Mr. Liceaga stated they intend to go to the level of detail that the CB needs for stormwater management, and everything else, but they just want to be able to go ahead and actually get there. Mr. Liceaga reported that the house he currently lives in is published in books around the world as an example of good things that can be done with good intentions and good design. He stated they are just trying to follow the law and reported that they have reached out to other entities that might be interested in holding the conservation easement.

Chairman Galezo stated the applicant struck a nerve when reporting that he plans to make this development low-energy, as that is his area of passion; he builds low energy houses. Chairman Galezo also acknowledged that is not the focus of this board. Mr. Galler stated it is still his feeling that the Conservation Board should recommend that the Planning Board make a positive declaration because he is still uncomfortable with the idea of fragmentation, the affects to the pond, the stormwater plan and the equestrian center, from a multitude of standpoints that were mentioned tonight and previously.

Mr. Liceaga questioned how long that process is, if a positive declaration is made, and stated they have spent a lot of time and money already on this project. Mr. Galler stated that is not the board's concern.

Mr. O'Rourke stated he believes that what the Planning Board is asking for is a recommendation with regard to the SEQRA determination. He stated that the applicant has to determine a proposed action, which they have done, and the board has to determine whether or not the applicant, through its efforts and the EAF parts 1,2, and 3, and looking at the mitigation measures, have addressed all impacts adequately. Mr. O'Rourke again stated that this proposal meets the letter of the law, regardless of spirit or intent.

Mr. Gross stated that earlier it had been said that a positive declaration enables more scrutiny on the specific topics mentioned. Using the pond as an example, he stated he could not think of anything more that could be done to help mitigate the possible impacts. He stated they have produced a limnologist report, proposed a 140-foot buffer around it, indicated all the different standards and explained how they've met or exceeded them and have shown that the development would actually have a positive impact on the pond; there is no further scrutiny. Mr. Gross stated that if he were to go through some of the other issues, the same argument could probably be made. Mr. Galler stated he did not agree although he respects Mr. Gross' opinion. Mr. Gross stated they have put so much into what has already been produced that there isn't much more that can be produced.

Mr. Liceaga stated everyone is entitled to their own opinion. The big questions is positive or negative declaration. The positive declaration will allow for more scrutiny of these issues but will also take much more time and money and they may end up at the same conclusion. Mr. Repetto stated, you don't know that until it is done. Mr. Liceaga stated he believes that years from now, this project will be used as an example for Conservation Subdivisions in Philipstown.

Mr. Repetto stated that this is the right thing to do because it is the first of it's kind in this town and the board knows the applicant is trying to do the right thing, which is why they feel it is necessary for a positive declaration, to go that extra level and make sure that all the concerns are addressed appropriately.

Chairman Galezo stated the board will put all of these concerns discussed this evening to paper in the final form of a letter and submit it to the Planning Board before the deadline. Mr. O'Rourke stated he expects that the letter submitted will reflect the deliberations of this evening.

Ms. Martin moved to adjourn the meeting and Mr. Galler seconded the motion. All were in favor and the meeting adjourned at 9:50 pm.

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

Respectfully submitted by,

Tara K. Percacciolo



April 24, 2018

Max Garfinkle, Natural Resource Officer  
Town of Philipstown  
238 Main Street  
Cold Spring, New York 10516

**Re: Conservation Board Application**  
**Ribeiros Construction**  
**65 Steuben Road**  
**Town of Philipstown, New York 10524**  
**Section: 91.05, Block: 01, Lot: 26**

Dear Mr. Garfinkle,

Please see enclosed the submission package to secure our place on the agenda for the Conservation Board meeting on May 8<sup>th</sup>, 2018. The application package includes the following:

1. Nine (9) Sets of Plans entitled: "Subsurface Sewage Treatment System Plan for Ribeiros Construction, 65 Steuben Road, Philipstown, New York" dated February 27, 2006 and revised November 26, 2017.

Please distribute to the members of the Conservation Board for their review.

Should you have any questions or require additional information, please do not hesitate in contacting me at the number above.

Respectfully submitted,

Timothy L. Cronin III, P.E.  
Professional Engineer

enclosures

cc: File: Ribeiro-65 Steuben Road-Letter-Garfinkle-20180424

APPLICATION FOR WETLANDS PERMIT

**Note to Applicant:**

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

(Office Use Only)

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

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

1. Owner: Name: ELIZABETH ANDERSON

Address: 16 FOX HOLLOW GARRISON NY

Telephone: 917-873-6939

2. Agent: Name: GEORGE BURGUIERE  
(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)

3/ Name of Agent

If Corporation, give names of officers:

Mailing Address: 36 MARKET STREET COLD SPRING NY 10516

Telephone: 914-906-0145

3. Location of Proposed Activity:  
16 FOX HOLLOW GARRISON NY

Tax Map No.: 71-02 LOT 17

Acreage of Controlled Area Affected: - 1

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

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.

TOWN OF PHILIPSTOWN BUILDING DEPT.

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 (*Included in the application folder*)
  - 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. A list of the names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice and the 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.

(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: 3/19/18

Signature of Applicant:

Ronald P. Anderson

**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<br><i>ELIZABETH P. ANDERSON</i>  | 2. PROJECT NAME<br><i>GAZEBO</i> |
| 3. PROJECT LOCATION: <i>16 FOX HOLLOW LANE</i><br>Municipality <i>PUTNAM: GARRISON</i> County <i>PUTNAM</i>   |                                  |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br><i>16 FOX HOLLOW LANE</i>   |                                  |
| 5. PROPOSED ACTION IS:<br><input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration   |                                  |
| 6. DESCRIBE PROJECT BRIEFLY:<br><i>GAZEBO</i>   |                                  |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially _____ acres    Ultimately _____ acres <i>DE MINIMIS</i>  |                                  |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly  |                                  |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other<br>Describe: |                                  |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:<br><i>Town of Phillipsown BLDG DEPT</i>      |                                  |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:  |                                  |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |                                  |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE   |                                  |
| Applicant/sponsor name: _____   | Date: <i>3/19/18</i>             |
| Signature: <i>Elizabeth Anderson</i>  |                                  |

**If the action is in the 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? <span style="float: right;">If yes, coordinate the review process and use the FULL EAF.</span>  |   |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No   |
| B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? <span style="float: right;">If No, a negative declaration may be superseded by another involved agency.</span>        |   |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> 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)?  |   |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No <span style="float: right;">If Yes, explain briefly:</span> |
| E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?   |   |
| <input type="checkbox"/> Yes   | <input type="checkbox"/> No <span style="float: right;">If Yes, explain briefly:</span> |

**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.

|  |   |
|--|---|
| <input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.   |   |
| <input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> 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) |

**Reset**

**George Burgulere**  
Your Hometown Handyman  
36 Market Street  
Cold Spring NY 10516  
914-906-0145 PC lic. 2807A

April 14, 2018

Max Garfinkle  
Natural Resource Officer  
Phillipstown, NY

Re: Wetlands Permit Application for Elizabeth Anderson, 16 Fox Hollow, Garrison, NY  
Construction scenario and description of proposed activity

Dear Mr. Garfinkle,

There will be minimal grading around the area of the proposed structure. Excavation will consist mainly of digging (9) 12" wide x 48" deep Sonotube piers with 30" square by 10" thick concrete footings. A mini-excavator will be used, approximately 7200 lbs. with 12" rubber treads. Excavated soil will be hauled away; only what is needed for backfill will be kept on site and covered with a plastic tarp until ready for use. Concrete will be caddied to the work site from the driveway over plywood laid on the grass. All unused concrete will be cleaned up and hauled away. A silt fence will be installed between the work site and waterway.

Construction material will consist of doug fir framing, composite decking and cedar trim and roofing components. Material will be ordered and used as needed. Whatever is not used immediately will be stored in the driveway and covered with a plastic tarp. All generated construction debris will be hauled away on a daily basis. No toxins or pollutants will be used during the construction. No trees or vegetation will be displaced. No paths or trails will be established for access to the site.

Per customer's choice for aesthetic purposes, there will be no gutters installed on the structure. A 24" wide x 4" deep DEA gravel bed will be installed around the perimeter of the structure to accommodate rain water runoff from the roof. There will be no underground utilities piped to the structure.

Please contact me if you have any questions or concerns.

Thank you,



George Burguiere  
914-906-0145

STATE NEW YORK  
 COUNTY - Putnam  
 TOWN - Philipstown  
 SWIS - 372689

2 0 1 3 F I N A L A S S E S S M E N T R O L L  
 T A X A B L E SECTION OF THE ROLL - 1  
 TAX MAP NUMBER SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 049.00

PAGE 866  
 VALUATION DATE-JUL 01, 2012  
 TAXABLE STATUS DATE-MAR 01, 2013

| TAX MAP PARCEL NUMBER  | PROPERTY LOCATION & CLASS | ASSESSMENT | EXEMPTION CODE-----  | COUNTY-----   | TOWN----- | SCHOOL |
|------------------------|---------------------------|------------|----------------------|---------------|-----------|--------|
| CURRENT OWNERS NAME    | SCHOOL DISTRICT           | LAND       | TAX DESCRIPTION      | TAXABLE VALUE |           |        |
| CURRENT OWNERS ADDRESS | PARCEL SIZE/GRID COORD    | TOTAL      | SPECIAL DISTRICTS    | ACCOUNT NO.   |           |        |
| ***** 71.6-1-21 *****  |                           |            |                      |               |           |        |
| 71.6-1-21              | 23 Fox Hollow Ln          |            | STAR B 41854 0       | 0             | 0         | 096800 |
| Brown George Kirby     | 220 2 Family Res          |            |                      |               |           | 26,600 |
| Brown Joann            | Garrison Union 372604     | 90,300     | COUNTY TAXABLE VALUE | 510,000       |           |        |
| PO Box 245             | Land & Residence          | 510,000    | TOWN TAXABLE VALUE   | 510,000       |           |        |
| Garrison, NY 10524     | 003000000000000000139     |            | SCHOOL TAXABLE VALUE | 483,400       |           |        |
|                        | 51-1-63                   |            | FD013 Fire #1        | 510,000 TO    |           |        |
|                        | FRNT 300.00 DPTH          |            |                      |               |           |        |
|                        | ACRES 1.39                |            |                      |               |           |        |
|                        | EAST-0647379 NRTH-0926646 |            |                      |               |           |        |
|                        | DEED BOOK 1537 PG-22      |            |                      |               |           |        |
|                        | FULL MARKET VALUE         | 1040,816   |                      |               |           |        |
| ***** 71.6-1-22 *****  |                           |            |                      |               |           |        |
| 71.6-1-22              | 52 Lisburne Ln            |            |                      |               |           | 084445 |
| Lowry George S         | 210 1 Family Res          |            | COUNTY TAXABLE VALUE | 581,290       |           |        |
| Lowry Judith C         | Garrison Union 372604     | 104,000    | TOWN TAXABLE VALUE   | 581,290       |           |        |
| 15 W 81St St Apt 14d   | Land & Residence          | 581,290    | SCHOOL TAXABLE VALUE | 581,290       |           |        |
| New York, NY 10024     | 001250000000000000303     |            | FD013 Fire #1        | 581,290 TO    |           |        |
|                        | 51-1-66.1                 |            |                      |               |           |        |
|                        | FRNT 125.00 DPTH          |            |                      |               |           |        |
|                        | ACRES 2.47                |            |                      |               |           |        |
|                        | EAST-0647552 NRTH-0926952 |            |                      |               |           |        |
|                        | DEED BOOK 1603 PG-79      |            |                      |               |           |        |
|                        | FULL MARKET VALUE         | 1186,306   |                      |               |           |        |
| ***** 71.6-1-23 *****  |                           |            |                      |               |           |        |
| 71.6-1-23              | 24 Fox Hollow Ln          |            | STAR B 41854 0       | 0             | 0         | 081650 |
| Frost Robert W Jr.     | 210 1 Family Res          |            |                      |               |           | 26,600 |
| Frost Christina M      | Garrison Union 372604     | 86,100     | COUNTY TAXABLE VALUE | 410,000       |           |        |
| PO Box 198             | Land & Residence          | 410,000    | TOWN TAXABLE VALUE   | 410,000       |           |        |
| Garrison, NY 10524     | 002900000000000000138     |            | SCHOOL TAXABLE VALUE | 383,400       |           |        |
|                        | 51-1-64                   |            | FD013 Fire #1        | 410,000 TO    |           |        |
|                        | FRNT 290.00 DPTH          |            |                      |               |           |        |
|                        | ACRES 1.08                |            |                      |               |           |        |
|                        | EAST-0647669 NRTH-0926652 |            |                      |               |           |        |
|                        | DEED BOOK 1846 PG-416     |            |                      |               |           |        |
|                        | FULL MARKET VALUE         | 836,735    |                      |               |           |        |
| ***** 71.6-1-24 *****  |                           |            |                      |               |           |        |
| 71.6-1-24              | 53 Rt 403                 |            |                      |               |           | 081700 |
| H & E Group LLC        | 312 Vac w/imprv           |            | COUNTY TAXABLE VALUE | 69,200        |           |        |
| Cuneo Ryan A           | Garrison Union 372604     | 69,200     | TOWN TAXABLE VALUE   | 69,200        |           |        |
| % Mark Lacko           | Land                      | 69,200     | SCHOOL TAXABLE VALUE | 69,200        |           |        |
| PO Box 168             | 002320000115000000000     |            | FD013 Fire #1        | 69,200 TO     |           |        |
| Garrison, NY 10524     | 51-1-65                   |            |                      |               |           |        |
|                        | FRNT 232.00 DPTH 115.00   |            |                      |               |           |        |
|                        | EAST-0647674 NRTH-0926822 |            |                      |               |           |        |
|                        | DEED BOOK 1861 PG-444     |            |                      |               |           |        |
|                        | FULL MARKET VALUE         | 141,224    |                      |               |           |        |

STATE NEW YORK  
 COUNTY - Putnam  
 TOWN - Philipstown  
 SWIS - 372689

2 0 1 3 F I N A L A S S E S S M E N T R O L L  
 T A X A B L E S E C T I O N O F T H E R O L L - 1  
 TAX MAP NUMBER SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 049.00

PAGE 835  
 VALUATION DATE-JUL 01, 2012  
 TAXABLE STATUS DATE-MAR 01, 2013

| TAX MAP PARCEL NUMBER  | PROPERTY LOCATION & CLASS | ASSESSMENT | EXEMPTION CODE       | COUNTY        | TOWN | SCHOOL |
|------------------------|---------------------------|------------|----------------------|---------------|------|--------|
| CURRENT OWNERS NAME    | SCHOOL DISTRICT           | LAND       | TAX DESCRIPTION      | TAXABLE VALUE |      |        |
| CURRENT OWNERS ADDRESS | PARCEL SIZE/GRID COORD    | TOTAL      | SPECIAL DISTRICTS    | ACCOUNT NO.   |      |        |
| ***** 71.-2-18 *****   |                           |            |                      |               |      |        |
| 71.-2-18               | 20 Fox Hollow Ln          |            |                      |               |      | 097510 |
| Schauffler William     | 210 1 Family Res          |            | STAR B 41854 0       | 0             | 0    | 26,600 |
| PO Box 199             | Garrison Union 372604     | 162,500    | COUNTY TAXABLE VALUE | 195,000       |      |        |
| Garrison, NY 10524     | 05100000010550010000      | 195,000    | TOWN TAXABLE VALUE   | 195,000       |      |        |
|                        | 005500000000000000849     |            | SCHOOL TAXABLE VALUE | 168,400       |      |        |
|                        | 51-1-55.1                 |            | FD013 Fire #1        | 195,000 TO    |      |        |
|                        | FRNT 550.00 DPTH          |            |                      |               |      |        |
|                        | ACRES 8.49                |            |                      |               |      |        |
|                        | EAST-0647658 NRTH-0926259 |            |                      |               |      |        |
|                        | DEED BOOK 1840 PG-387     |            |                      |               |      |        |
|                        | FULL MARKET VALUE         | 397,959    |                      |               |      |        |
| ***** 71.-2-19 *****   |                           |            |                      |               |      |        |
| 71.-2-19               | 22 Fox Hollow Ln          |            |                      |               |      | 096850 |
| Rogers Thomas K        | 210 1 Family Res          |            | COUNTY TAXABLE VALUE | 92,500        |      |        |
| #3 Hidden Wood Park    | Garrison Union 372604     | 53,700     | TOWN TAXABLE VALUE   | 92,500        |      |        |
| Littleton, MA 01460    | Land & Residence          | 92,500     | SCHOOL TAXABLE VALUE | 92,500        |      |        |
|                        | 001750000091000000000     |            | FD013 Fire #1        | 92,500 TO     |      |        |
|                        | 51-1-67                   |            |                      |               |      |        |
|                        | FRNT 175.00 DPTH 91.00    |            |                      |               |      |        |
|                        | ACRES 0.19                |            |                      |               |      |        |
|                        | EAST-0647253 NRTH-0926389 |            |                      |               |      |        |
|                        | DEED BOOK 1569 PG-124     |            |                      |               |      |        |
|                        | FULL MARKET VALUE         | 188,776    |                      |               |      |        |
| ***** 71.-2-20 *****   |                           |            |                      |               |      |        |
| 71.-2-20               | 352 Rt 403                |            |                      |               |      | 080100 |
| Baker David Jansing    | 210 1 Family Res          |            | COUNTY TAXABLE VALUE | 675,300       |      |        |
| Baker Suzanne B        | Garrison Union 372604     | 110,600    | TOWN TAXABLE VALUE   | 675,300       |      |        |
| PO Box 196             | Land & Residence          | 675,300    | SCHOOL TAXABLE VALUE | 675,300       |      |        |
| Garrison, NY 10524     | 0034900000000000000305    |            | FD013 Fire #1        | 675,300 TO    |      |        |
|                        | 51-1-56                   |            |                      |               |      |        |
|                        | FRNT 349.00 DPTH          |            |                      |               |      |        |
|                        | ACRES 3.05                |            |                      |               |      |        |
|                        | EAST-0647551 NRTH-0925633 |            |                      |               |      |        |
|                        | DEED BOOK 1723 PG-177     |            |                      |               |      |        |
|                        | FULL MARKET VALUE         | 1378,163   |                      |               |      |        |
| ***** 71.-2-21 *****   |                           |            |                      |               |      |        |
| 71.-2-21               | 324 Rt 403                |            |                      |               |      | 100205 |
| Musgrave Michael       | 250 Estate                |            | COUNTY TAXABLE VALUE | 461,000       |      |        |
| Bailey Janie Elizabeth | Garrison Union 372604     | 177,900    | TOWN TAXABLE VALUE   | 461,000       |      |        |
| PO Box 318             | Land & Res                | 461,000    | SCHOOL TAXABLE VALUE | 461,000       |      |        |
| Garrison, NY 10524     | 005100000000000001031     |            | FD013 Fire #1        | 461,000 TO    |      |        |
|                        | 51-1-55.2                 |            |                      |               |      |        |
|                        | FRNT 510.00 DPTH          |            |                      |               |      |        |
|                        | ACRES 10.31               |            |                      |               |      |        |
|                        | EAST-0647927 NRTH-0925474 |            |                      |               |      |        |
|                        | DEED BOOK 1486 PG-414     |            |                      |               |      |        |
|                        | FULL MARKET VALUE         | 940,816    |                      |               |      |        |

STATE OF NEW YORK  
 COUNTY - Putnam  
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 SMLS - 372689

2 0 1 3 F I N A L A S S E S S M E N T R O L L  
 T A X A B L E S E C T I O N O F T H E R O L L - 1  
 TAX MAP NUMBER SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 049.00

PAGE 834  
 VALUATION DATE-JUL 01, 2012  
 TAXABLE STATUS DATE-MAR 01, 2013

| TAX MAP PARCEL NUMBER    | PROPERTY LOCATION & CLASS | ASSESSMENT | EXEMPTION CODE-----  | COUNTY-----   | TOWN----- | SCHOOL |
|--------------------------|---------------------------|------------|----------------------|---------------|-----------|--------|
| CURRENT OWNERS NAME      | SCHOOL DISTRICT           | LAND       | TAX DESCRIPTION      | TAXABLE VALUE |           |        |
| CURRENT OWNERS ADDRESS   | PARCEL SIZE/GRID COORD    | TOTAL      | SPECIAL DISTRICTS    | ACCOUNT NO.   |           |        |
| ***** 71.-2-14 *****     |                           |            |                      |               |           |        |
| 71.-2-14                 | 4 Old Cat Rock Rd         |            | STAR B 41854 0       | 0             | 0         | 26,600 |
| McNicholl Brian          | 210 1 Family Res          |            |                      |               |           |        |
| 4 Old Cat Rock Rd        | Garrison Union 372604     | 85,000     | COUNTY TAXABLE VALUE | 185,000       |           |        |
| Garrison, NY 10524       | Land & Residence          | 185,000    | TOWN TAXABLE VALUE   | 185,000       |           |        |
|                          | 001800000206000000000     |            | SCHOOL TAXABLE VALUE | 158,400       |           |        |
|                          | 55-5-13                   |            | FD013 Fire #1        | 185,000 TO    |           |        |
|                          | FRNT 180.00 DPTH 206.00   |            |                      |               |           |        |
|                          | ACRES 1.00                |            |                      |               |           |        |
|                          | EAST-0649800 NRTH-0922059 |            |                      |               |           |        |
|                          | DEED BOOK 1761 PG-199     |            |                      |               |           |        |
|                          | FULL MARKET VALUE         | 377,551    |                      |               |           |        |
| ***** 71.-2-15.-1 *****  |                           |            |                      |               |           |        |
| 71.-2-15.-1              | 200-203 Osborn Dr         |            | volunteer 41690 0    | 1,470         | 1,470     | 1,470  |
| Oslands Inc              | 250 Estate                |            |                      |               |           |        |
| PO Box 70                | Garrison Union 372604     | 577,500    | COUNTY TAXABLE VALUE | 1653,230      |           |        |
| Garrison, NY 10524       | Land & Res & Gar/qrts     | 1654,700   | TOWN TAXABLE VALUE   | 1653,230      |           |        |
|                          | 16800000000000010207      |            | SCHOOL TAXABLE VALUE | 1653,230      |           |        |
|                          | 55-5-1                    |            | FD013 Fire #1        | 1653,230 TO   |           |        |
|                          | FRNT 1680.00 DPTH         |            | 1,470 EX             |               |           |        |
|                          | ACRES 102.07              |            |                      |               |           |        |
|                          | EAST-0650684 NRTH-0921564 |            |                      |               |           |        |
|                          | DEED BOOK 740 PG-00106    |            |                      |               |           |        |
|                          | FULL MARKET VALUE         | 3376,939   |                      |               |           |        |
| ***** 71.-2-16 *****     |                           |            |                      |               |           |        |
| 71.-2-16                 | 410 Rt 403                |            |                      |               |           |        |
| Howell Martha C          | 210 1 Family Res          |            | COUNTY TAXABLE VALUE | 784,500       |           |        |
| 110 Riverside Dr Apt 12a | Garrison Union 372604     | 267,500    | TOWN TAXABLE VALUE   | 784,500       |           |        |
| New York, NY 10024       | Land & Residence & Pool   |            | SCHOOL TAXABLE VALUE | 784,500       |           |        |
|                          | 00580000000000000430      |            | FD013 Fire #1        | 784,500 TO    |           |        |
|                          | 51-1-59.4                 |            |                      |               |           |        |
|                          | FRNT 680.00 DPTH          |            |                      |               |           |        |
|                          | ACRES 7.23                |            |                      |               |           |        |
|                          | EAST-0646097 NRTH-0926157 |            |                      |               |           |        |
|                          | DEED BOOK 1316 PG-88      |            |                      |               |           |        |
|                          | FULL MARKET VALUE         | 1601,020   |                      |               |           |        |
| ***** 71.-2-17 *****     |                           |            |                      |               |           |        |
| 71.-2-17                 | 16 Fox Hollow Ln          |            |                      |               | 092550    |        |
| Anderson Elizabeth P     | 210 1 Family Res          |            | COUNTY TAXABLE VALUE | 412,400       |           |        |
| 16 Fox Hollow Ln         | Garrison Union 372604     | 133,700    | TOWN TAXABLE VALUE   | 412,400       |           |        |
| Garrison, NY 10524       | Land & Residence          | 412,400    | SCHOOL TAXABLE VALUE | 412,400       |           |        |
|                          | 00520000000000000510      |            | FD013 Fire #1        | 412,400 TO    |           |        |
|                          | 51-1-57                   |            |                      |               |           |        |
|                          | FRNT 520.00 DPTH          |            |                      |               |           |        |
|                          | ACRES 5.10                |            |                      |               |           |        |
|                          | EAST-0647312 NRTH-0926001 |            |                      |               |           |        |
|                          | DEED BOOK 1832 PG-174     |            |                      |               |           |        |
|                          | FULL MARKET VALUE         | 841,633    |                      |               |           |        |