

CONSERVATION BOARD
238 Main St., Cold Spring, NY 10516
June 12, 2018 7:30 PM

MEETING AGENDA

1) Approval of Minutes:

- April 10, 2018
- May 8, 2018

2) Old Business (all old business pending):

3) New Business

Dana & Kevin Reymond

TM# 89.7-1-7 & 8

28 & 30 Hudson River Lane, Garrison

(The applicants are seeking approval for a new, single family residence and 2 garages, which require various variances from the ZBA for both the principal structure as well as the accessory structures, and a special permit for the enlargement of non-conforming structure. The applicants also seek approval to make repairs to a sea wall.)

Garrison Property Holdings LLC

TM# 90.-1-21

88-92 Whipoorwill Pond Rd.

(The applicant is seeking approval for the installation of underground electric service for pond aeration device, installation of precast 6'x8' footing for sculpture, and phragmites australis control project using herbicides, which is to be performed within the 100 foot wetland buffer.)

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
APRIL 10, 2018
DRAFT MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, April 10, 2018.

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

Absent: Eric Lind

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

Chairman Galezo opened the meeting at 7:30 pm.

Gary Rogoff/ Sue Bricker, 217 Lane Gate Road

TM# 49.-3-12.1

Mr. Gary Rogoff was present and explained that it is a simple project, just adding a deck to the back of the residence. He stated he does not believe it will have any impact on the wetland whatsoever. Chairman Galezo stated the footings are all being hand dug and he doesn't see an issue with it from a building perspective, and the applicant intends to erect silt fencing to prevent anything from getting into the wetland. Mr. Garfinkle suggested the applicant show the silt fencing on the plans. He added that this is within 100 feet of a state listed wetland which is regulated by the DEC, so at the very least the applicant needs to correspond with them to see if they wish to take jurisdiction over the project and issue a permit for that work. Mr. Garfinkle stated he would assist the applicant in getting in touch with someone at DEC. Mr. Garfinkle reported that some of the plant species the applicant has chosen are exotic and suggested he would take the time to go over the list with the applicant and choose more native plantings. Mr. Rogoff stated he has a significant deer issue and the intent was to try and select things that are deer resistant. Mr. Garfinkle stated they could do the same. Ms. Martin suggested there are some beautiful native options available.

Mr. Galler moved to grant a conditional wetland permit and Mr. Kingsley 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

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 10th. 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 applicant's 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

**TOWN OF PHILIPSTOWN CONSERVATION BOARD
238 MAIN STREET, COLD SPRING, NY 10516
May 8, 2018
DRAFT MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, May 8, 2018.

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

Absent: Lew Kingsley
MJ Martin

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

Chairman Galezo opened the meeting at 7:33 pm.

Old Business:

Gary Rogoff/ Sue Bricker, 217 Lane Gate Road TM# 49.-3-12.1

Mr. Garfinkle stated that the board is still awaiting the submission of a DEC permit from the applicant before a wetlands permit can be issued.

Surprise Lake Camp, 382 Lake Surprise Road TM# 27.-1-1.1

Mr. Garfinkle reported that the board needs to re-vote on the conditional approval since the Planning Board became the lead agency under SEQRA, so the board's vote prior to that is deemed invalid. He stated he has been in contact with the consulting firm and they have agreed to meet all of the stipulations of the Conservation Board, DEC and State Parks, which were previously discussed. Mr. Repetto asked if there had been any changes made. Mr. Garfinkle stated that all the changes were positive and things that had been requested previously by the board. Mr. Garfinkle stated he is still waiting on paperwork back from the DEC confirming their plan in regards to rattlesnakes.

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

Mark Galezo - Aye

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

Filipe Ribeiro, 65 Steuben Road

TM# 91.5-1-26

Applicants Filipe & TJ Ribeiro were in attendance as well as Tim Cronin of Cronin Engineering. Mr. Cronin reported they were present this evening based on a revised plan and explained that the submitted plan that the board is in receipt of is based on the septic plan which was approved by the Putnam County Board of Health back in December. With that plan, he continued, they were able to eliminate the bank run, which was a major encroachment into the buffer area, as well as eliminate the need for the waiver on the 50% expansion area. Mr. Cronin explained, when this permit was originally granted by the Board of Health back in 2008/2009, the Health Department required a design flow of 200 gallons a day per bedroom. He continued, in 2013, they lowered that flow rate by to 150 gallons a day per bedroom, essentially reducing the required septic system by 25%, which allowed this applicant to eliminate the expansion waiver and the back run into the wetland buffer. Back in 2008/2009 when they did have the encroachment, this board did grant an approval for that encroachment. Mr. Cronin stated, based on this plan and what they have approved by the Health Department, if this board feels as though a wetland permit is required, the applicants respectfully request that it be granted. In the alternative, if the board agrees that they are no longer in the wetland buffer, that information be conveyed to the building department.

Mr. Lind clarified that with this revised plan, there is no fill entering the 100-foot buffer, noting that it is very close on the plan. Mr. Cronin stated they are indeed very close to the buffer but do not need bank run. Mr. Lind stated, on the previous plan there was a small triangular section of fill that would enter the buffer. Mr. Cronin clarified that fill is no longer needed. Mr. Lind stated the applicant may not need a wetland permit. Mr. Cronin showed the board the differences between the old plan and the new plan and where things have changed to show that there is no longer a plan for work to be performed within the 100-foot wetland buffer. Mr. Lind clarified that the Conservation Board only regulates that first 100 feet.

Mr. Repetto suggested that since the work is being performed so close to the buffer, he would recommend a wetland permit be issued, simply from a monitoring standpoint, to ensure that there is no disturbance to that area. Mr. Lind questioned if some temporary snow fencing or construction barrier could be placed on that 100-foot line. Mr. Cronin agreed.

Mr. Garfinkle questioned where the silt fencing currently sits and if it is on that 100-foot line. Mr. Cronin stated he was not 100% sure but assumes it is. He added, they will stake out that line and explained that the work with installing the septic system should be finished in less than a day and is not a difficult job.

Mr. Garfinkle stated, another reason he wanted Mr. Cronin present was to get a more in-depth explanation about the septic system itself, in terms of the standard being used to fit that system there. He questioned if they currently have Department of Health permit. Mr. Cronin responded they did and provided Mr. Garfinkle with the permit as well as showed him the approved, stamped plans from the Health Department.

Mr. Galler asked if there would be fill brought in. Mr. Cronin stated there would not. Mr. Galler questioned how deep they are digging the pipes. Mr. Cronin stated the septic fields themselves, the bottom of the trench is 18-24 inches deep and you put 12 inches of gravel, 4-inch perforated pipe and 6 – 12 inches of backfill on top of that. Mr. Cronin stated that is going into what is there already; they will excavate into the existing ground 18 – 24 inches, install the gravel and the perforated pipe, then backfill it with what is coming out of the trench.

Mr. Garfinkle questioned if the plan in front of them was the same plan that was approved by the Health Department. Mr. Cronin stated he has the stamped plan and can provide as many copies as necessary but explained that he took the layout from the approved plan and put it on one sheet that shows and explains that they are outside the wetland buffer and had removed the information that was necessary for the Board of Health approval to make it simpler for the board, but it is the same plan.

Mr. Garfinkle reported that he had visited the site in warmer weather to take a look at some of the wetland plants and the auxiliary channel. He stated there is a berm in one location and somewhat dips back down and there are some horsetail and things like that in that area. He stated the buffer line could essentially be drawn at the crest of that berm and potentially extended in further than the identified 100-foot buffer as it stands now.

Mr. Cronin stated they have no objections to putting up the silt fencing and erosion controls along that barrier as well as provide monitoring and keep the board abreast as to when they are out there doing the work. Mr. Cronin reiterated that the activity in the area closest to the buffer should only take a day.

Mr. Galler stated they are offering to voluntarily put up a barrier and allow monitoring as good faith so they don't end up with a violation.

Mr. Repetto stated the resident's in that area will be interested and it will be nice to be able to say they are aware, it is being monitored, the board is on top of it, to alleviate concerns.

Mr. Garfinkle stated the board would issue a wetland permit and keep the escrow open. Mr. Cronin stated it would then be a permit for erosion controls along the barrier and some monitoring. Mr. Garfinkle stated he was unsure what the mechanism for monitoring would be if they were not to issue a permit.

Chairman Galezo questioned if the septic permit was a separate open and close permit from the Health Department. Mr. Cronin stated they call the Health Department to come out and do the open health inspection and make sure everything is okay and tell them they can be backfilled. Immediately upon backfilling they will rake it and seed it. However, they can not apply for the

construction compliance as built until the house is done. Therefore, the health department permit stays open until they receive their CO.

Mr. Garfinkle asked if there was any present who wished to make a public comment on the application.

Mr. Ed Pollick of 63 Steuben Road stated that he lives directly next door to the applicant. He asked what is involved in the monitoring adding that his house sits quite lower than the proposed property. He stated he is concerned with any type of drainage from the site. Mr. Pollick reported that when he first moved in, there were wooded lots on both sides of his property. He stated there was since a house built on the lot on the other side of his property which required truckloads of fill in order for them to obtain a septic permit. He reported that the original owner of the property in question now lives on the other side of the lot and, at the time Mr. Pollick moved in, told him there was no way to put a septic in at that property, it always failed and never worked. Mr. Pollick stated he was unaware of when septic testing had last been done. Mr. Pollick reported that his property does not have a well, it is Town water.

Mr. Garfinkle asked Mr. Cronin if, from an engineering perspective and in this scenario, if it would make sense to use clay barriers or something to delineate the septic area with. Mr. Cronin responded that he believes that would create more harm in terms of the excavation and trucking in clay that would be necessary. Mr. Garfinkle stated he was asking more so from a system failure standpoint. Mr. Cronin stated gravity is going to make the water go down, not to the sides and added that there were no confining layers down to at least 7 feet. He stated he could not envision a scenario where you would get any runoff from the septic onto that neighboring lot.

Mr. Pollick stated that initially, a much larger house was proposed. Mr. Cronin stated that originally, he believes the house was planned to be approximately 4500 square feet and is now somewhere around 1700. Mr. Pollick stated he does not oppose someone building on the property but wants to ensure that it is done up to standard and following the rules of the town.

Mr. Repetto stated this design is a vast improvement from the prior design which encroached on the wetlands. He added, based on prior applications they have encountered over the years, and what he knows about that area, he would have not been able to approve the original plan. He added, he feels much better about this plan.

Mr. Garfinkle reported, part of the permit stipulation is that he will have to be contacted before work has begun, once they have the snow fencing and silt fencing in place to mark the boundaries. He explained that if the neighbors feel that there is some issue during the construction they can always reach out to him and he can come out to the property and take a look.

Kris Thornton of 67 Steuben Road stated he lives on the other side of the applicant's property. He stated that way back, when they first came in, the first thing they did was clear cut the land, which, he claims, is exactly what the board did not want. Mr. Thornton stated it was tough looking at the 100-foot buffer line because he knows and has seen that water rise above that berm

all the time and stated he had provided pictures of such. He added the lake has been closed numerous times due to high fecal matter in the water.

Mr. Repetto stated that is an area that has been talked about a lot amongst the board members and with other applicants and why he has recently changed his opinion that if this were within the wetland buffer and is new construction and is not grandfathered like some of the other systems they have come across, he would vote against it.

Mr. Lind stated that this board is really focused on the 100-foot buffer and the stream itself from a conservation standpoint. If the septic did encroach in that 100 feet then they do get to review it. He continued, the functionality of the septic really falls to the Putnam County Health Department; that is the group that considers the effectiveness of the water treatment plan for a project like this. Mr. Lind stated he is not an engineer and the board has to rely on the Health Department's regulations which are a little different than what the Conservation Board is mostly focused on, which is disturbance to the buffer from a habitat point of view, and those kinds of things.

Mr. Thornton stated the Conservation Board has a much more vested interest in trying to preserve the whole area as a community, a lake, a watershed, as everything, than the Health Department. He stated he does not believe the Health Department has ever been to the property.

Mr. Repetto stated the Health Department monitors the lake. Mr. Repetto stated the board is actively looking for ideas on how to improve the lake and what can be done from an outreach standpoint to inform people about septic system maintenance and problem prevention. He stated the most important thing you can do to prevent issues from occurring is pump out the septic every few years, which some people may not realize is necessary.

Mr. Pollick questioned what the procedure is, if there is an issue. Mr. Garfinkle stated if they see some sort of illicit discharge coming out of the septic fields they should contact the Putnam County Health Department to come out and dye test the house. He continued, if that is found to be the case then the town can also seek out reparations for the violation. Mr. Repetto added they could always call Code Enforcement during the construction if they feel that something is not being done correctly.

Mr. Thornton expressed that he feels, due to all the variances necessary all around the house, it is not ideal.

Mr. Lind stated that the Conservation Board has encountered this situation before, where the board is working off zoning and building lots and decisions that were made years ago. He continued, the Conservation Board has to work within their parameters, what they regulate on what is considered a legal building lot and making the best of it. In this situation, it is a narrow lot, but is a legal building lot. He reminded everyone, the Conservation Board only regulates that 100-foot band from the edge of the stream, that is their purview. Mr. Lind stated they can not speak to the building and the variances that were necessary for the structure.

Mr. Repetto questioned if the variances had already been approved. Mr. Cronin stated they were.

Mr. Thornton claimed that he had also never been informed of any of these meetings and happened to stumble upon tonight's meeting agenda which is why he was present. He stated there was also no sign on the property. Mr. Garfinkle stated there is typically no sign on the property. Mr. Garfinkle stated the notice would have been mailed out when the initial application had been received and there has been a large lapse since the last time they were in front of the board. Mr. Cronin stated the variance was granted March 23, 2009.

Mr. Thornton stated his concern about construction vehicles encroaching on his property and what he should do if that becomes an issue. Mr. Garfinkle suggested that once they obtain their building permit, they could erect some type of boundary such as snow fencing. Mr. Cronin reported that they plan to have the surveyor out to put markers up at the boundary of the property and then put up appropriate fencing where necessary.

Mr. Lind questioned the applicants if they would be doing the work themselves, because he wanted to ensure that all of this information is relayed to the contractor. The applicants stated they would be doing the work themselves as it is what they do for a living. Mr. Ribeiro stated they have had the property for some years and he plans to live there when the work is complete, adding that they are licensed in Putnam County.

Mr. Cronin reported that the septic system will be the first thing done. There are no intentions to shut down Steuben Road during construction at any point in time.

Chairman Galezo called for a vote on the wetlands permit with the stipulations for the silt fencing and demarcation for disturbance prevention.

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

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

Mr. Galler made a suggestion that the applicant speak to the neighbors on both sides of the property and mark the property lines to ensure that everyone knows where their property begins. Mr. Ribeiro stated he plans on keeping his neighbors informed during construction.

New Business:

Elizabeth Anderson, 16 Fox Hollow Road

TM# 71.-2-17

Mr. George Burguiere was in attendance representing the applicant. He noted on the plans exactly where Ms. Anderson would like the gazebo to be and that it certainly falls within the 100-foot buffer of the brook. Mr. Burguiere stated there will not be much excavation done and no fill brought in. He stated, as far as the foundation goes, there will be 9 sonotubes dug and that soil will be taken away.

Chairman Galezo questioned why they were planning to use an excavator to dig those holes. Mr. Burguiere explained there will also be a concrete slab which will need to be dug out too and it just seems more convenient to use an excavator, with the auger attached.

Mr. Galler questioned what the dimensions of the proposed gazebo are. Mr. Burguiere stated it will be 19-foot x 19-foot once it is done and will be shaped like an octagon.

Mr. Lind stated he was unable to go on the site visit but believes the board has been to the property before. He asked Mr. Burguiere to clarify the current conditions of a certain area of the parcel. Mr. Burguiere stated that area had been cleared and is referred to as "the Hollow". Mr. Lind clarified that the access for the machine would be off of the dirt road.

Mr. Garfinkle reported that due to various storms, there is a lot of cupping, banking and erosion going on in the stream. He stated that Mr. Burguiere had stated that Ms. Anderson had a very rough idea of restoring the stream banks to native, vegetative area, creating a naturalized buffer on either side. Mr. Garfinkle stated they spoke of adding a long line of silt fencing to segregate the work area from the stream, not placed on the stream bank itself but further in.

Mr. Garfinkle stated it was his hope that a plan would be submitted showing what work would be done in there, before issuing a permit, but stated that would be up to the rest of the board. He added that this is also a DEC regulated Class B stream and they would need a water quality clarification from the DEC in order to disturb the banks and the bed of that stream.

Mr. Garfinkle reported that Mr. Baker suggested not coupling the permits together so as to not hold up the work but Mr. Garfinkle was concerned that if the permits are not coupled together, there is no guarantee for the restoration work of the stream banks. Mr. Baker suggested that without some sort of stream restoration or planting, there is going to be continued erosion.

Mr. Garfinkle suggested they could issue a conditional permit; the applicant would have to supply the DEC approval as well as their plan for planting the stream bed. He continued, once those materials have been received, a permit would be issued and construction on the gazebo could begin. Mr. Baker clarified, the plan for the restoration must be submitted before the work for the gazebo would be permitted. Chairman Galezo suggested the final CO should be contingent on that planting being done. Mr. Garfinkle stated the permit would be kept open until that is done.

Mr. Lind stated he doesn't like the applicant being tied into a complicated repair/restoration, although it sounds like this applicant is very committed to the idea. He clarified, he would not want that fairly extensive project to interfere with the gazebo. He feels that all he really needs is a commitment from the applicant that that work will be done. Mr. Burguiere stated the applicant

“lives by plants” and he had spoken to her about the idea earlier that day and she was very excited about the idea.

Chairman Galezo suggested a vote on the conditional permit at this time adding, the conditions of the permit are: a restoration plan needs to be provided, DEC needs to sign off on the disturbance to the banks of the stream, commitment to silt fencing being erected, commitment to using an auger on the machine, and the CO will only be issued upon completion of the planting remediation. Mr. Lind stated he would be willing to issue a CO as long as a completed planting remediation plan had been issued. Chairman Galezo stated he believes the CO should be contingent on that remedial work being completed, so there is a guarantee that it will be done. Mr. Burguiere stated he had no objection to that.

Mr. Baker moved to issue a conditional wetland permit and Mr. Lind seconded the motion. The vote was as follows:

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

Other Discussion:

Comprehensive Plan Update Committee

Mr. Garfinkle reported that he had invited a member of the Comprehensive Plan Update Committee, Bob Rhodes, to attend this evening to allow for any of the CB members to relay any thoughts or ideas that have come about since last month’s meeting.

Mr. Repetto reiterated his thoughts from last month about septic system care and maintenance and making information available to residents who may not know that these systems need to be pumped out every few years and maintained to help prevent them failing.

Mr. Garfinkle suggested clarifying the definition of ‘clean fill’. He stated that the DEC regulates what goes into fill and what constitutes as clean fill but suggested that a home rule could take affect and the town could set a higher standard. Mr. Garfinkle stated the town has run into an issue with people using what is deemed as clean fill, based on old DEC regulations, that won’t get phased out until 2019.

Mr. Garfinkle also suggested that, with some of these larger projects that deal with more than one board, it would be great if there was some sort of mechanism where, automatically, if a project falls within an overlay district, it would have to be a joint review, instead of a back and forth between said boards. It would provide the applicant with further clarification and the ability for

the boards to speak about their concerns, in a joined setting, with all vested parties at once. The process could be more coordinated & efficient for the applicant, as well as the boards.

Chairman Galezo suggested that certain regulations need to be refined, specifically the calculations that are used in subdivisions to determine the amount of buildable land to be divided. Mr. Galler stated that recently, Beacon had revised their code to state that all steep slopes, wetlands, etc. be removed from the equation before doing any calculations. Mr. Lind stated it is essentially a refinement of the Conservation Subdivision regulations, which is needed. Chairman Galezo stated, the calculations should be based strictly on what is buildable land. Mr. Baker wondered if this was something that the Town could do promptly rather than waiting for the Comprehensive Plan amendments.

Mr. Galler stated he does not believe that the Comprehensive Plan is discussed much throughout the Town Code. He recommended that the Comprehensive Plan Update Committee take a look at the City of Beacon's code as they may find it very helpful in making necessary changes to Philipstown's plan.

Chairman Galezo questioned if the Conservation Board has the authority to deny a permit for a septic system, which the Health Department has approved, if it falls within the 100-foot wetland buffer. Mr. Garfinkle also questioned if this was possible. Chairman Galezo stated, if there is some place else it could be built, if the old existing system is being abandoned, there has to be something the board can do to refute the Health Department's allowance.

Mr. Lind reminded everyone that the code is the template and every applicant that comes before the board is seeking some form of code relief, they're looking for exemptions to the code. The job of the board is to find that balance. Chairman Galezo agreed and stated the board needs to ensure that these exemptions are applied evenly and fairly.

Mr. Garfinkle suggested a possible language change to the chapter 93 code. It needs to be reiterated and stressed how important it is that applicants provide other practical alternatives or prove that there are no practical alternatives, when submitting an application. Mr. Garfinkle stated this could be incorporated in the instructions for permits.

Mr. Lind questioned if there was room in the plan for any of the new invasive species regulations or native plant ordinance. He added that he is aware of a town in Pennsylvania that had passed a native plant ordinance. Mr. Garfinkle stated he believes there is a section in the Comprehensive Plan which promotes native plantings but is unsure if it is codified at all. He suggested that the state regulations on exotics also be referenced somewhere in the Comprehensive Plan. Mr. Galler suggested also adding information on what can be done, remediation, in the areas where invasive species already exist.

Mr. Garfinkle the other mechanism for new construction and promoting, for these larger scale projects, is the stormwater regulations, which mimic the state standard for doing that general permit for any disturbance over an acre to get a SWPPP going. He suggested adding to those sections, utilization of native plants for things in rain gardens, so those things are automatically added into plant lists.

Mr. Repetto stated the board has faced issues in the past with technology, adding that things such as cell towers and a wind turbine have come in front of the board before. He questioned what would stop someone from coming in and erecting something such as a solar farm and suggested adding some language in reference to these new forms of energy, some sort of guidance on technology. Mr. Galler stated, 5G will come out, which would be cell tower based, but right now the space race is on with satellite communication and suggested that cell towers will soon be obsolete.

Mr. Baker suggested that, for commercial projects, the town ought to have the ability to hire whatever experts it wants, at the expense of the developer.

Mr. Galler suggested that the town look at mining with a bigger and broader stroke, not just soil mining. He added, there may be other minerals or other reserves here and he doesn't believe it would be in the town's best interest to allow mining of any type in Philipstown.

Mr. Lind stated that the outcome of the cell tower proposal for Vineyard Road was that there was no clear definition of the "significant gap in coverage" which the applicants representatives claimed existed. He continued, if everybody had the same, clear definition of that phrase, everyone would have been working off the same information as opposed to assumptions. Mr. Lind stated he had assumed the gap existed in voice communications, but that was not the case. He suggested this would be an important thing to clarify. Mr. Baker expressed his opinion that the gap in coverage was not clearly presented and explained in the way it should have been.

Going back to Mr. Repetto's statements about new technology, Mr. Lind stated they have to be careful about not pushing back too hard on alternative energy sources because we have to get there. But, he added, they have to be sited appropriately. Mr. Repetto suggested a framework, something that starts the conversation and addressed the technology-based impact on the environment.

Mr. Garfinkle suggested, thinking about how the town's stormwater regulations could also be refined, to clearly define the term "clearing".

Chairman Galezo and Mr. Rhodes spoke about the protection of a construction site and measures to be taken to preserve certain trees or plantings on any given parcel. Chairman Galezo stated they have measures in place, such as placing fencing at the dripline of trees and adding a level of mulch on top of roots that may have to be worked over and requiring removal of that mulch when the work is complete. Chairman Galezo added, these measures are not always successful. A further step could be the implementation of a maintenance plan or guidelines and incorporating these things in the actual guidelines for any given application. Chairman Galezo stated this is another thing that Beacon recently addressed in their new tree cutting law.

Mr. Galler suggested the Timber Harvesting Ordinance be looked at again. He added, he was part of rewriting it about 20 years ago but stated it needs to be completely redone; it is not rational. Mr. Galler stated there are times when proper forestry makes sense and can improve habitat. He stated, nowadays, you need to use forest management which is balancing spatial versus temporal

changes to be made to the forest in the long run. Mr. Galler reiterated that it really needs to be looked at because what the town has now doesn't make sense. Mr. Lind stated he had a document on forest management which he would share with the board.

Mr. Lind questioned if the Climate Smart Community group had discussed sea level rise at all and suggested that information on such be worked into the Comprehensive Plan.

Approval of Minutes:

Minutes of January 9, 2018 were reviewed. Mr. Galler moved to approve the minutes as presented and Mr. Lind seconded the motion. The vote was as follows:

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

Minutes of February 13, 2018 were reviewed. Mr. Lind moved to approve the minutes as presented and Mr. Galler seconded the motion. The vote was as follows:

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

Stormwater:

Mr. Garfinkle reported there was an issue on Upland Drive which ended up impacting some homeowners downstream. There was a homeowner with a clogged culvert which was at the outflow of a wetland on his property. The resident unclogged the culvert which released much of the water in that wetland which flowed down onto Winston and caused some flooding issues. Mr. Garfinkle stated the Highway Department had contacted the resident and required them to pay for the cleanup of the roads that was necessary. Mr. Garfinkle stated he also wrote a letter to the resident reiterating that the town does regulate those areas, which was also transmitted to the Town Board. Mr. Garfinkle stated that he had received an email from an Upland Drive Community email address wondering what the response was going to be. Mr. Garfinkle stated he believes the resident basically returned the wetland back to normal flow. He continued, if they did want to take any further action, it would be to issue a violation and attempt to collect the fine associated with it. Mr. Garfinkle stated there wasn't really any mitigatory work to be done.

Mr. Galler moved to adjourn the meeting and Mr. Baker seconded the motion. All were in favor and the meeting adjourned at 9:14 pm.

Date Approved: _____

Respectfully submitted by,

Tara K. Percacciolo

HOGAN & ROSSI

Attorneys At Law
Three Starr Ridge Road-Suite 200
Brewster, New York 10509
Telephone: (845) 279-2986
Facsimile: (845) 279-6425
(845) 278-6135

RECEIVED
JUN 01 2018
A

John J. Hogan
Donald M. Rossi
David Simon
Michael T. Liguori*
Jamie Spillane
Sean Lewis
* Also Admitted in CT

Of Counsel
Charles J. Acker
Nancy Tagliafierro*
Mary Jane MacCrae

June 1, 2018

Hon. Mark Galezo, Chairman and Members of the Conservation Board
238 Main Street
Cold Spring, New York 10516

Re: Project: Wetland Permit for Kevin and Dana Reymond
Applicant: PP11, Inc. & Lucky Enough Inc.
Location: 28 & 30 Hudson River Lane

Dear Chairman Galezo and Members of the Board:

We represent PP11, Inc. & Lucky Enough Inc., who's officers are comprised of Kevin and Dana Reymond, in connection with the redevelopment of 28 and 30 Hudson River Lane, Garrison, New York. The project consists of the merging of the parcels into one parcel, the tearing down of the existing two houses and garages and the construction of a single-family residence, two garages and a sea wall repair. Notably, the residence consists of two structures connected by a pervious deck. The project is described in detail in the attached memorandum but for ease of reference, we note that the following permits are required: Town Wetland Permit; DEC Wetland Permit; DEC SPDES Permit and ACOE.

We also note that the project was submitted to the Zoning Board of Appeals (the "ZBA") and a public hearing was opened but was recently referred to the Conservation Board as predicate to any action by the ZBA.

Consistent with the referral, we enclose the following for your review:

1. Town Wetland Permit Application;
2. Short Form EAF;
3. Memorandum of Michael T. Liguori, Esq.
4. Letter of Ted Kozlowski;
5. Plans prepared by DC Engineering, PC (2 Pages); and
6. Check in the amount of \$1,500.00.

We look forward to meeting with the Conservation Board on June 11, 2018 to discuss all of the foregoing.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Liguori". The signature is written in a cursive style with a large, stylized initial "M" and a long horizontal flourish at the end.

Michael T. Liguori

TOWN OF PHILIPSTOWN
PUTNAM COUNTY, NEW YORK

238 Main Street
Cold Spring, NY, 10516
(845) 265-5202

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: _____
Date _____ Conservation Board _____
Fee _____ Wetlands Inspector _____

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

1. Owner: Name: Lucky Enough Inc. PP11 Inc.
Address: 28 Hudson River Lane 30 Hudson River Lane
Garrison, NY 10524 Garrison, NY 10524
Telephone: c/o Hogan & Rossi- 845-279-2986
If Corporation, give names of officers:
Dana Reymond, Pres. Kevin Reymond, Pres.
Kevin Reymon, VP. Dana Reymond, VP.
Mailing Address: same as above

2. Name of Agent Michael T. Liguori, Esq. + John Kalin, PE
(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)

Mailing Address: _____

Care of: Hogan & Rossi, 3 Starr Ridge Road, Suite 200,
Brewster, NY 10509; 845-279-2986; mtliguori@hoganandrossi.com

Telephone: _____

3. Location of Proposed Activity: 28 & 30 Hudson River Lane

Tax Map #: 89.7-1-8 & 89.7-1-7

Acreage of Controlled Area Affected: .726

Square footage of soil disturbed by the entire project: .27

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

Construction of Residence + Sea wall repair

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.

ZBA; PCDOH; NYSDEC; and ACOE:

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. 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.

* Christine Oneil & Jack Ward- 26 Hudson River Lane & *

(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.)

* James and Melanie Matero, 32 Hudson River Lane

Date: 6-1-18

Signature of Applicant:



DANA SOTILE REYMOND

Short Environmental Assessment Form

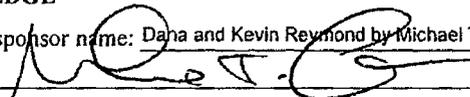
Part 1 - Project Information

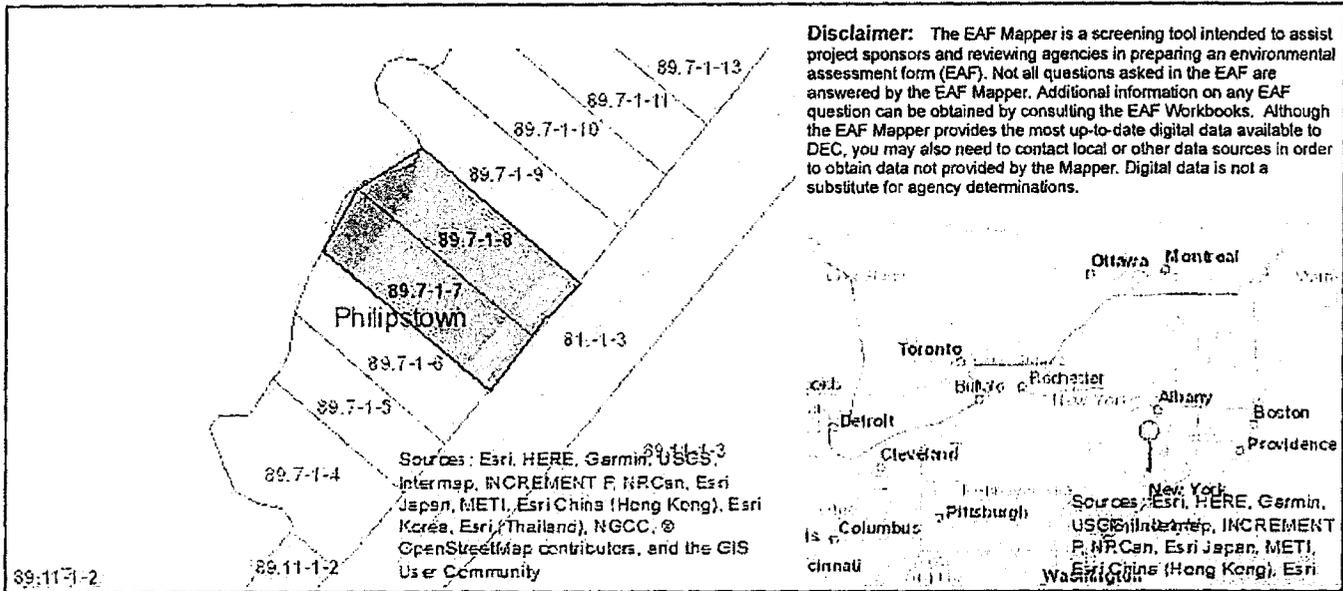
Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Dana and Kevin Reymond House Construction			
Project Location (describe, and attach a location map): 28 and 30 Hudson River Lane, Garrison, New York 10524			
Brief Description of Proposed Action: Applicant seeks to tear down two houses and two garages located on two separate but adjoining parcels and then merge the parcels into one parcel and construct a new single family house and two garages. Approvals required: Conservation Commission; ZBA; NYSDEC; NYSDOS; ACOE and PCDOH.			
Name of Applicant or Sponsor: Dana and Kevin Reymond		Telephone: 914-5535920	
		E-Mail: polke14@outlook.com	
Address: 28 & 30 Hudson River Lane			
City/PO: Garrison	State: NY	Zip Code: 10524	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Phillipstown Conservation Commission; NYS DEC; and ACOE			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ .726 acres			
b. Total acreage to be physically disturbed? _____ .27 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .726 acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Dana and Kevin Raymond by Michael T. Liguori, Esq.</u></p>		<p>Date: <u>6/1/18</u></p>
<p>Signature: <u></u></p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat, Atlantic Sturgeon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

APPLICATION FOR
WETLAND PERMIT

by
PPII INC. & LUCKY ENOUGH INC.
To
TOWN OF PHILIPSTOWN WETLAND COMMISSION

Property Location
28 and 30 Hudson River Lane, Garrison, New York, 10524

June 1, 2018

PREPARED BY:

HOGAN & ROSSI
3 Starr Ridge Road, Suite 200
Brewster, New York 10509
845-279-2986

SITE INTRODUCTION

Dana and Kevin Reymond own two adjoining parcels of land in Garrison, New York located at 28 and 30 Hudson River Lane in the hamlet of Manitou. The parcels are shown on Filed Map 308-G, which was filed in the Putnam County Clerk's Office on September 9, 1946. The parcels lie in a Rural Residential District and the Scenic Protection, Flood Plain and Regional Aquifer overlay districts. The parcels lie within the AE flood zone, which has a Flood elevation of 7 feet above the North American Vertical Datum of 1988 according to the flood maps revised March 4th, 2017, NAP/Panel 361026/0178.

28 Hudson River Lane (Tax Lot 89.7-1-8) was acquired by Deed dated April 9, 2013 by Linda A. Borger to LUCKY ENOUGH INC. (Dana Reymond, President, Kevin Reymond, Vice-President), which was recorded in the Putnam County Clerk's in Liber 1919 cp 387.

30 Hudson River Lane: (Tax Lot 89.8-1-7) was acquired by Deed dated September 7th, 2012 by Phillip and Karen Jache to PP11, INC. (Kevin Reymond, President, Dana Reymond, Vice-President), which was recorded in the Putnam County Clerk's Office in Liber 1905 cp 99.

EXISTING CONDITIONS

28 Hudson River Lane is a 15,850 sq. ft parcel improved by a 1-story, 2-bedroom, single-family residence consisting of 876 gross sq. ft., a 396 sq. ft. garage, a well and a non-conforming septic pit. The residence was built in the 1940's as a summer fishing cottage. The parcel is non-conforming as to size (5-acre minimum) and the structures are non-conforming as they presently lie within the side-yard setbacks. The structures on 28 Hudson River Lane have never been renovated, maintained or properly insulated and the structures are inadequate for the Reymond's in both construction methods and their programmatic requirements.

30 Hudson River Lane is also 15,850 sq. ft parcel and is improved by a 2-story, 2-bedroom, single-family residence consisting of 1,497 gross sq. ft., a 396 sq. ft. garage, a well and a non-conforming septic pit. This residence is believed to have also been built as a one-story summer fishing cottage, which was then renovated with vertical and horizontal additions. The parcel is also non-conforming as to size (5-acre minimum) and the structures are also non-conforming as they presently lie within the side-yard setback. The structure on 30 Hudson River Lane are also not properly insulated and the foundations were not engineered correctly leaving the structure sloping significantly to the east. Any efforts to make the proper repairs would require them to lift the structure. This structure also will not function for the Reymonds; it is a two-story home and they wish to reduce climbing stairs as much as possible.

INTENT

Mr. and Mrs. Reymond wish to demolish the two homes, the metal shed and the concrete block garage and build anew. Their plan, following receipt of all approvals, is to merge the two separate parcels into one parcel and construct a two-bedroom single-family residence consisting of [2] one-story structures (totaling 2,180 sq. ft.) with pervious shading devices [open overhangs] connected by a pervious deck and [2] garages (totaling 792 sq. ft. The improvements also include a complete replacement of the two non-conforming septic systems with one [1] new improved system and the repair of an approximately seventeen [17] foot long section of sea wall. All of the forgoing are shown on the attached plans.

DESIGN

The design of the new residence is driven by two main factors: (i) the location of the inlet in the center of the two parcels and (ii) the location of the new septic system. The Reymonds analyzed moving the new house to the center of the parcel and further to the rear, however, they have avoided that location due to the very close proximity to the river. Also, that design would eliminate the possibility of having garages given the location of the new septic system, would cause the position of the house to be out of synch with all of the other houses on Hudson River Lane, and, potentially, could cause loss of the river view. It was determined that separating the house into two structures was more beneficial.

To offset any potential impacts, the new house will comply with the updated flood elevations, will maintain the existing setback to the rear (the Hudson River side), the existing setback to the north side-yard (28 Hudson River Lane) and to the side-yard to the south (30 Hudson River Lane). When compared to the two existing houses, the new house is 193 square feet smaller than the combined total of the existing houses, reduces the bedroom count from 4 bedrooms to 2 bedrooms, is lower in height than the house on 30 Hudson River Lane, and eliminates the use of home heating oil and replaces it with propane.

Additionally, the Reymonds could have easily chosen to construct two new houses and not merge the parcels, however, they have agreed to merge the lots in an effort to reduce the density on Hudson River Lane and attempt to achieve the goals of the Zoning Code.

COMPARISON OF LIVING SPACE, SQUARE FOOTAGE AND BEDROOM COUNT

Area	Proposed	Existing	Decreased Square Feet
Living space	2373	2,180	193
Building Storage	792	825.38	33.38
Bedrooms	2	4	2

PERMITS REQUIRED

Town of Philipstown Wetland Permit
ZBA Variances and Special Permit
NYS DEC Wetland Permit + SPDES
ACOE Permit
PC DOH

WETLAND CRITERIA

Chapter 93 of the Town Code of the Town of Philipstown sets forth the following criteria for which the Conservation Commission shall base its determination. We have supplemented the criteria with our comments in support of the issuance of a wetland permit for the project. Our comments are set forth in italics under each.

A.

The following are criteria applicable to the approval of wetlands permits for proposed regulated activities in controlled areas:

(1)

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

The activity being regulated is the construction of the new residence and the sea wall repair. Detailed construction sequencing is provided to ensure that the Hudson River is protected from the construction activity. Those details include the installation of appropriate erosion and sedimentation controls such as silt fence and haybales between any proposed disturbed areas and the water; additional protective measures proposed in the water; appropriate demolition plans including plans for the the drainage and removal of the existing fuel oil tanks; appropriate locations for the dumpster during construction; appropriate locations for the storage of natural materials on site during construction; and anticipated inspections by the Reymond's engineer during construction for compliance with the Federal, State and local permits together with inspections by the Town's Building Department officials and State officials in connection with same.

(2)

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

There is no work proposed that could change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.

(3)

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

Like all construction activities near water, strict adherence to the construction plans will be required and shall be maintained. Based thereon, no degradation or pollution of waters should occur.

Post construction, the any potential for degradation or pollution of waters should be reduced even further by the benefit to be provided by the repair of the cinder block sea wall, as it will prevent soil erosion into the Hudson River; the installation of an upgraded septic system; the reduction in density of the parcels; and the replacement of home heating oil with propane as a fuel source.

(4)

The activity will not increase the potential for flooding;

The new structure shall be constructed so that is compliant with the updated flood plain elevation. No other activities are proposed that will increase the potential for flooding.

(5)

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

This answer is detailed in item 1, above.

(6)

No practicable alternative location is available on the subject parcel; and

No practical or alternative locations are available on the subject parcel. As stated earlier, the merger is voluntary and while it may appear that other areas are available on site due to same, the site constraints drive the design.

(7)

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

We have had the enclosed plans prepared by a licensed engineer and reviewed by Ted Kozlowski, a wetland scientist, who is also the wetland inspector for the Town of Patterson. We have incorporated his review comments in the enclosed plans and believe that all of the available safeguards have been incorporated into the design.

(8)

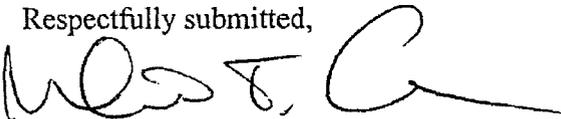
The activity will alleviate or remove a hazard to the public health or safety.

The sea wall repair will certainly remove a hazard by preventing or eliminating any erosion that currently occurs. While the erosion is very minor in scale as compared to the breadth and scope of the river, the repair will certainly provide a benefit. We do not believe this section applies to the remainder of the work, but we do believe that upgrading the septic, reducing the density of the parcel and eliminating the oil heat does provide a benefit to public health and safety.

B.

In evaluating the criteria and the determination required in § 93-8A above, the Natural Resources Review Officer and Conservation Board shall utilize the objective methodology for determining the functions of a wetland set out in the publication entitled "A Rapid Procedure for Assessing Wetland Functional Capacity," dated May 1998, by Magee and Hollands, a copy of which is on file in the office of the Town Clerk of the Town of Philipstown.

Respectfully submitted,



Michael T. Liguori, Esq.
Hogan & Rossi
3 Starr Ridge Road, Suite 200
Brewster, New York 10509

TED KOZLOWSKI
136 BIG ELM ROAD
BREWSTER, NEW YORK 10509
(845) 278-6169
TKOZLOW@AOL.COM

June 1, 2018

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

RE: Reymond property
28-30 Hudson River Lane, Garrison, NY

Dear Mr. Galezo;

I have been retained by Kevin and Dana Reymond to review and provide environmental technical assistance with regard to their current site plans for the above residence. My mission is to inspect the site and review the plans to evaluate any and all potential environmental issues, especially any that may have significant relevance to impacts to wetlands and the Hudson River.

I have extensive experience in working as the Environmental Conservation Inspector in the Town of Patterson where I regularly assist the Town Planning Board with wetland and other environmental issues. I have enclosed a copy of my resume for your review.

I have been to the site to perform my initial review and followed up with comments that will be incorporated in the plans being developed by D.C. Engineering. At this time I am fully confident that this project will have no impact upon the NYS DEC State Wetland PK-2 located east of the railroad tracks and will have no impact upon the Hudson River as long as the proper erosion controls are installed prior to site disturbances. I have reviewed section 93-8 (Criteria for Approval) of Chapter 93 within your Town code and feel that these valuable and necessary standards are being safeguarded.

I expect to be available throughout this project and will be working with the project team so that we do our best to protect the environmental resources in your Town. Please feel free to contact me directly with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Kozlowski", written over a horizontal line.

Ted Kozlowski, Certified Wetland Delineator

Theodore C. Kozlowski

136 Big Elm Road ♦ Brewster, New York 10509 ♦ (845) 278-6169 ♦ tkozlow@aol.com

Education

COOK COLLEGE – RUTGERS UNIVERSITY, NEW BRUNSWICK, NEW JERSEY

B.S. Natural Resource Management – Forest Management, 1979

SUNY AGRICULTURAL & TECHNICAL COLLEGE, COBLESKILL, NEW YORK

Associate's Degree Conservation and Management of Recreational Lands, 1976

Professional Experience

WESTCHESTER COUNTY DEPARTMENT OF PARKS, RECREATION & CONSERVATION

Coordinator of Natural Resource Management and Forester/Arboretum Manager, Lasdon Park & Arboretum, 1984 – present

- ♦ Develop and manage the forestry program for Westchester County;
- ♦ Coordinator of natural resources for the Department including most environmental compliance, environmental evaluation, resource conservation and record keeping.
- ♦ Duties include working with local, state and federal agencies on forestry and tree issues, monitoring forest health and tree care on 18,000 acres of County parklands, inspecting environmental conditions and providing technical assistance to the general public.
- ♦ Routinely responsible for writing grant proposals; developed a trust fund for tree planting projects that has generated over \$800,000 in donations and grants.
- ♦ In 1997 assumed additional responsibility of directly managing Lasdon Park & Arboretum, which includes 234 acres and a staff of four full-time and six part-time employees
- ♦ Responsible for all arboretum operations including scheduling, record keeping, planning, maintenance and budgets
- ♦ Regularly meet with volunteers and the 100 member Friends of Lasdon organization
- ♦ Assist in developing long range planning with the County landscape architects, Facilities Director and Parks Commissioner
- ♦ Regularly plan and conduct public events and programs related to horticulture.

TOWN OF PATTERSON, PATTERSON, NEW YORK

Environmental Conservation Inspector, 1991 – present (part-time)

- ♦ Responsible for the enforcement of the Town Wetland and Watercourse Law.
- ♦ Regularly inspect wetland permits, issue wetland violations, and work with engineers and developers on wetland identification and protection
- ♦ Process wetland permits and provide technical assistance to the Town Planning Board
- ♦ Assist the Town on various environmental issues including tree care and maintenance
- ♦ Regularly attend training seminars and programs in wetland science

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, STONY BROOK, NEW YORK

Forester, 1980 – 1984

- ♦ Responsible for conducting State forestry programs in the Long Island region, including the development of forest management plans for local, state and private forest lands
- ♦ Provided technical assistance to the public and established a network of tree care programs between private industry and municipalities
- ♦ Regularly attended forestry and arboricultural training workshops

Memberships and Certifications

- ♦ Society of American Foresters (SAF)
- ♦ American Chestnut Foundation, Board of Directors (Elected)
- ♦ American Association of Botanical Gardens and Arboreta
- ♦ SAF Certified Forester
- ♦ NYC Watershed Forester
- ♦ Certified Wetland Delineator – Rutgers University
- ♦ NYS Certified Pesticide Applicator, Categories 2 (Forest) & 3A (Ornamentals & Turf)

MAX GARFINKLE

NATURAL RESOURCE OFFICER PHILIPSTOWN, NY
238 Main Street
Cold Spring, NY 10516
(845) 265-3929

Wetland Permit Application

MEMO TO APPLICANT

1. Use this form to apply for a Wetlands Permit as required by the Freshwater Wetlands and Watercourses Law of the Town of Philipstown, Chapter 93 of the code of the Town of Philipstown.
2. Fee: The application fee varies according to the nature of the activity. The fee schedule is attached. The full fee is required at the time you file the application.
3. Number of Copies: You must submit (9) copies and one PDF of the application form and all supporting documents. These (9) copies are in addition to any copies you must submit to any other agency to which you are making a separate application for the same activity. (Example: Application to the Planning Board for subdivision or site plan approval) application to the Zoning Board of Appeals for a variance or Special Use Permit.)
4. Supporting Documentation: See the application form for a list.
5. Return the (9) copies and (1) PDF of the application, supporting documentation, and the full fee by check made out to Town of Philipstown and dropped off at the Building Department. Applications should be submitted no later than 4pm on the last Tuesday of every month.
6. The Wetlands Inspector will review the application for completeness and make a site visit. After the site visit, he will refer your application to the Conservation Board, which will place your application on the agenda of its next meeting. After they have had a chance to also inspect the property. You will be notified of the time and place of that meeting. Your attendance is not required, but can be helpful.
7. If the CB also finds that you have provided enough information to allow a decision, it will determine whether or not to recommend granting a permit.
8. If you are applying for a Wetlands permit in conjunction with an application to the Planning Board, Zoning Board of Appeals or Town Board, you will be notified by that board of any difference in procedure.

LIST OF REGULATED ACTIVITIES (~ 93-5, Code of the Town of Philipstown)

The law regulates most activities within 100 feet of a wetland or watercourse including but not limited to those listed below.

- A. Dredging or excavation; grading and removal of soil, mud, sand, gravel, silt, earth material and other aggregate, either directly or indirectly.
- B. Dumping or deposition of soil, stones, sand, gravel, mud, rubbish, material, matter or fill of any kind, either directly or indirectly.
- C. Construction or installation of any structure or facility, including, but not limited to, roads, buildings, driveways, parking facilities, swimming pools, tennis courts, bridges, pipes or conduits; installation of sewage disposal systems or sewer outfall, drilling of wells, placing of other obstructions, or driving of pilings.
- D. Alteration or diversion of any flow of watercourse or wetland. This includes, but is not limited to, docks, dams, pilings and bridges.
- E. Use of chemicals, dyes, fertilizers, animal waste, herbicides, pesticides, deicing materials or similar materials.
- F. Inflows of high thermal content capable of causing harmful ecological effects unless water is properly treated in recycling, including, but not limited to, groundwater heat pumps for other than one-family dwellings.
- G. Clear-cutting or other vegetation removal affecting surface water runoff.
- H. Establishment of trails for such purposes as, but not limited to, walking, skiing, horseback riding, bicycling, motorcycling, snowmobiling and off-road vehicle travel.
- I. Installation of service lines, cable conduits or utilities.

- E. Use of chemicals, dyes, fertilizers, animal waste, herbicides, pesticides, delcing materials or similar materials.
- F. Influent of high thermal content capable of causing harmful ecological effects unless water is properly treated in recycling, including, but not limited to, groundwater heat pumps for other than one-family dwellings.
- G. Clear-cutting or other vegetation removal affecting surface water runoff.
- H. Establishment of trails for such purposes as, but not limited to, walking, skiing, horseback riding, bicycling, motorcycling, snowmobiling and off-road vehicle travel.
- I. Installation of service lines, cable conduits or utilities.
- J. Introduction of any form of pollution, by means including, but not limited to, the installation of a septic system, running of a sewer or storm water outcall, or discharge of sewage treatment or other solid waste into or so as to drain into a controlled area.
- K. Installation of drainage or water supply pipes or wells.
- L. Installation of dry wells, retention basins, filters, open swales or pond

WETLANDS PERMIT FEE SCHEDULE

- M. Wetland and watercourse determination by the Wetlands Inspector, regarding whether activity will be in a controlled area and describing permit application requirements: \$180.00
- N. Dwelling unit and accessory buildings and structures (including well and septic system if constructed contemporaneously with dwelling unit), or other structures (for example, stream crossing), in or containing a controlled area or portion thereof on a residential lot: \$500.00. Plus either a \$500.00 or \$1,000.00 escrow fee that may be refundable.
- O. Dredging or removal of soil, mud, sand, gravel, silt, or earth material and other aggregate from a controlled area, or dumping or deposition of any material in a controlled area when such activity is not associated with any of the other activities specified in this schedule and is not an activity of minor significance: \$500.00 Plus either a \$500.00 or \$1,000.00 escrow fee which may be refundable.
- P. Residential subdivision: \$500.00 for each lot in which a regulated activity is proposed in a controlled area. Plus 1,000.00 escrow fee which may be refundable.
- Q. Road, pipeline or in-ground utility: \$1,000.00 for the first 500 linear feet or fraction thereof in a controlled area, and \$1.50 for every linear foot over 500 feet in a controlled area. Plus 1,000.00 escrow fee, which may be refundable.
- R. Regulated activities not covered in Subsection B, C and D of this fee schedule: \$375.00 for the first affected acre of controlled area or fraction thereof, plus \$260.00 for each additional affected acre of controlled area or fraction thereof. Plus a 1,000.00 escrow fee, which may be refundable.
- S. Activities of minor significance, as defined in Section 93-7 of the Wetlands Law: \$125.00. Above fees are waived pursuant to Section 93-7.

TOWN OF PHILIPSTOWN
PUTNAM COUNTY, NEW YORK

238 Main Street
Cold Spring, NY, 10516
(845) 285-5202

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: _____
Date _____ Conservation Board _____
Fee _____ Wetlands Inspector _____

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

1. **Owner:** Name: Garrison Property Holdings LLC

Address: 88-92 Whippoorwill Pond Rd

Telephone: _____

If Corporation, give names of officers:

Chris Hughes
Genevieve Powers

Mailing Address: same as above

2. **Name of Agent** Thomas Lewis, President, Trillium Invasive Species Management, INC
(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)

Mailing Address: PO Box 96, Esopus, NY 12429

Telephone: 914-466-9086

3. Location of Proposed Activity:

Tax Map #: 90.-1-21

Acreage of Controlled Area Affected: _____

Square footage of soil disturbed by the entire project: _____

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

Installation of underground electric service for pond aeration device
Installation of precast 6'x8' footing for sculpture
Phragmites australis control project using herbicides.

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.

none

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. 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: 5-31-18

Signature of Applicant:


G. Powers
Provisional Environmental Consultant

Check List for a Complete Wetlands Permit Application

****All supporting materials must be submitted to the Conservation Board/Wetland Inspector two weeks prior to the scheduled meeting date to allow to distribution to members before the meeting.

Ten (10) sets of all material as follows:

Application Form

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

A plan of your site drawn by a design professional, such as an engineer, architect or land surveyor. All plans must show: wetlands delineation boundaries, 100' buffer zones from wetlands and watercourses, location of access route for construction activities, the location of any well or sewage or wastewater disposal system and, in most cases, the topography of the site. Site plans must include all proposed work within the 100 'foot buffer zone and be full sized for easy reading by CB members

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

A written outline of the proposed activity, along with a construction scenario that should include specific items such as the estimated quantities of material excavated or the amount of fill required and the total square footage of soil to be disturbed.

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

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

§ 93-8. Criteria for approval. [Amended 11-1-2001 by L.L. No. 4-2001]

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

- (1) The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse as set forth in § 93-2B;
- (2) The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system;
- (3) The activity will not result in the degrading or pollution of waters.
- (4) The activity will not increase the potential for flooding.
- (5) Sufficient provision has been made for control of pollution, erosion, Siltation and sedimentation during and after conduct of the activity;
- (6) No practicable alternative location is available on the subject parcel.
- (7) No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area; or
- (8) The activity will alleviate or remove a hazard to the public health or safety.

B. In evaluating the criteria and the determination required in § 93-8A above, the Council and the permitting authority shall utilize the objective methodology for determining the functions of a wetland set out in the publication entitled "A Rapid Procedure for Assessing Wetland Functional Capacity," dated May 1998, by Magee and Hollands, a copy of which is on file in the office of the Town Clerk of the Town of Philipstown. [Amended 7-14-2005 by L.L. No. 2-2005]

Short Environmental Assessment Form

Part 1 - Project Information

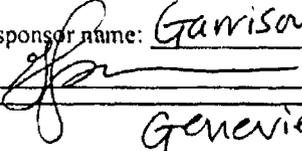
Instructions for Completing

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

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

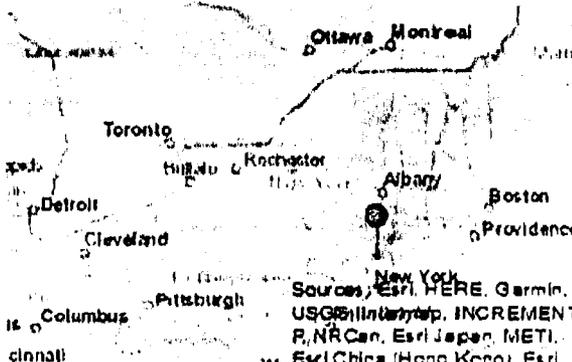
Part 1 - Project and Sponsor Information			
Garrison Property Holdings LLC			
Name of Action or Project: Backyard Pond Improvements			
Project Location (describe, and attach a location map): within 100' buffer of man-made pond behind home at 88-92 Whipoorwill Pond Road, Garrison NY 10524			
Brief Description of Proposed Action: Three Actions: Installation of underground electric for pond aeration device Installation of precast 6'x8' concrete base for sculpture Elimination of invasive plant, Phragmites australis, from pond edge (multiple year project)			
Name of Applicant or Sponsor: Garrison Property Holdings LLC		Telephone:	
		E-Mail:	
Address: 88-92 Whipoorwill Road			
City/PO: Garrison		State: NY	Zip Code: 10524
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ ~3 acres	
b. Total acreage to be physically disturbed?		_____ 0.007 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 81.4 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Unnamed man-made pond, ~1 acre in size, trench and footing occur within buffer so will not alter waterbody, removal of invasive plant, phragmites australis, will not physically alter the pond beyond.			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Timber Rattlesnake, Norther...	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	NO	YES
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Garrison Property Holdings</u></p>		<p>Date: <u>5-31-18</u></p>
<p>Signature: <u></u> <u>Genevieve Paners</u></p>		

Project Name: [Redacted]
 Project Location: [Redacted]
 Project Description: [Redacted]
 Date: [Redacted]

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Timber Rattlesnake, Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Short Environmental Assessment Form

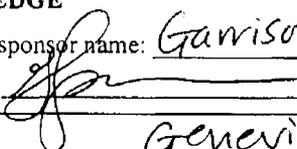
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Garrison Property Holdings LLC			
Name of Action or Project: Backyard Pond Improvements			
Project Location (describe, and attach a location map): within 100' buffer of man-made pond behind home at 88-92 Whippoorwill Pond Road, Garrison NY 10524			
Brief Description of Proposed Action: Three Actions: Installation of underground electric for pond aeration device Installation of precast 6'x8' concrete base for sculpture Elimination of invasive plant, Phragmites australis, from pond edge (multiple year project)			
Name of Applicant or Sponsor: Garrison Property Holdings LLC		Telephone:	
		E-Mail:	
Address: 88-92 Whippoorwill Road			
City/PO: Garrison		State: NY	Zip Code: 10524
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		~3 acres	
b. Total acreage to be physically disturbed?		0.007 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		81.4 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Garrison Property Holdings</u> Date: <u>5-31-18</u></p> <p>Signature: <u></u></p> <p style="text-align: center;"><u>Genevieve Paners</u></p>		



April 2018

Garrison Property Holdings LLC
88-92 Whippoorwill Pond Road
Garrison, NY 10524

Pond Improvement Proposal

Project Summary:

This application seeks a permit for three activities within the 100 foot buffer of an un-named, ~1 acre man-made pond with a man-made controllable outlet that is wholly owned by the applicant.

Activities:

1. Utility Trench – Installation of underground electric service provision for a pre-existing pond aeration device. A ~126' long trench is proposed that will terminate ~6' from the pond edge at a post.
2. Sculpture Base – Installation of a ~6'x8'x8" precast concrete base.
3. Invasive Species Control – Eradication of the invasive plant, *Phragmites australis*, from the pond edges using a combination of cutting and herbicide application that will treat half of the infestation in 2018 and the remaining in 2019. Follow-up applications of herbicide will be required in subsequent years to ensure eradication.

Site Description:

This proposal seeks a permit for work within the buffer and along the edges of a one-acre un-named man-made pond (NWI Code PUBHh). The pond is located behind the residence and is wholly owned by Garrison Property Holdings LLC. The maximum level of the pond is controlled by a piped outlet that may be controlled to withhold water if necessary (no outflow at time of visit on 20 Sept 2017) and does not drain into another waterbody.

Environmental and permitting factors:

The project occurs within a ~1acre pond and will a wetland/watercourse permit from the Town of Cortlandt.

Overall Anticipated Time Frame:

Activity 1 – 1-3 days

Activity 2 – 1 -2 days

Activity 3 - The anticipated timeframe of this project is approximately six-seven years at any location from when control is initiated. This timeframe allows for approximately three-four years of progressive reductions in the existing infestation and three years of monitoring to ensure eradication. Each infestation has its own unique considerations that will determine a specific timeframe.

For the initial two years, control work may be expected to consist of applications over most of the project area outlined in maps below. Typically, infestation density is significantly diminished (>80% reduction) from the first year of control work. However, in subsequent years it will be necessary to follow up with thorough herbicide applications to ensure the remaining stems are eliminated. Control in subsequent years at all sites is likely to only consist of targeted

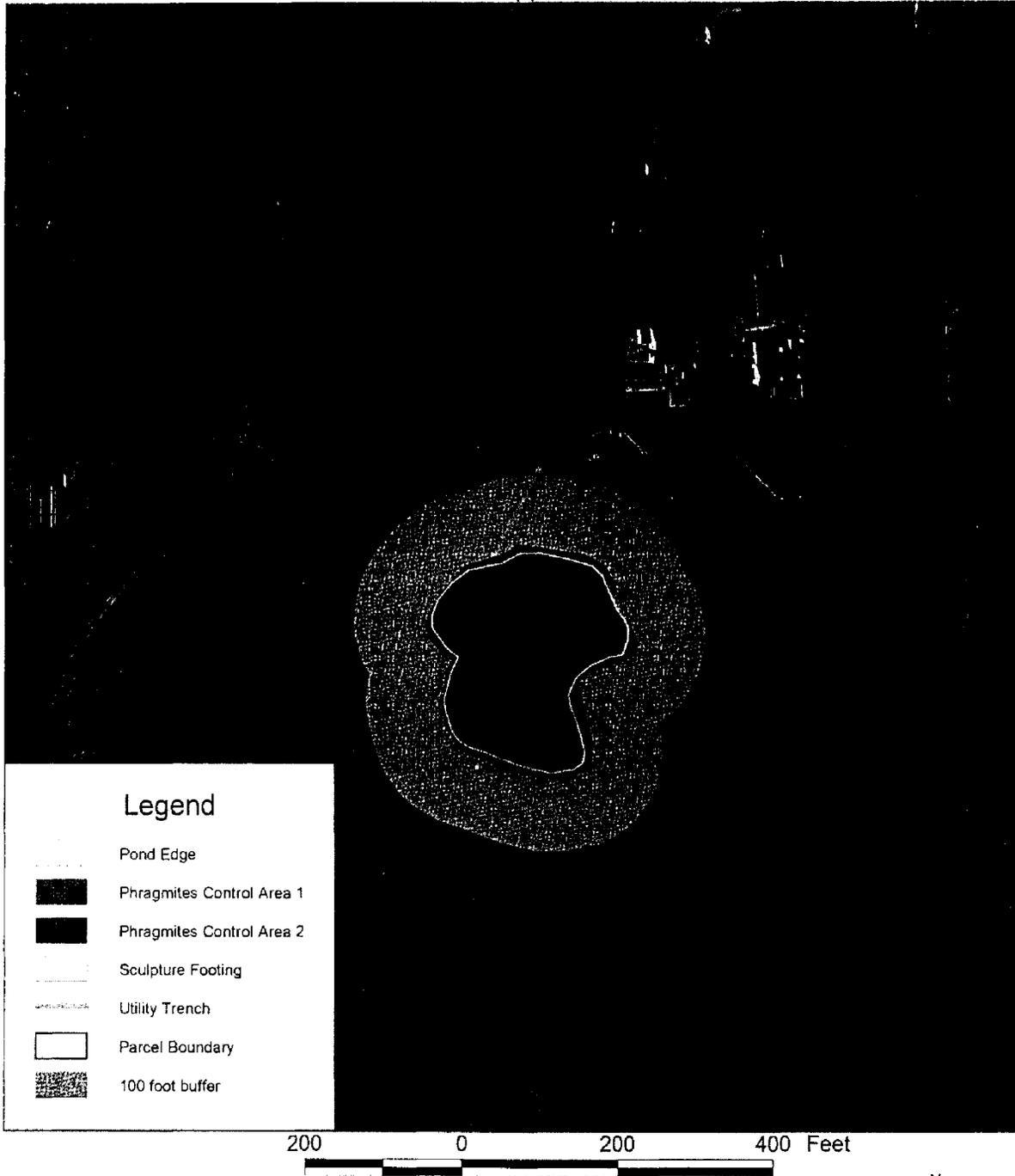


PO BOX 96
Esopus, NY 12429
NYSDEC Registered Business #15974

applications such as leaf wiping and cut-stem application. It may be expected that patches will be eliminated within three to four years. However, monitoring should be continued for at least three years post control to ensure elimination. Any individual patch may be considered eradicated after three consecutive years of no re-growth.

Project Map

**Garrison Property Holdings LLC
 Proposed projects within wetland/watercourse buffer area
 at 89-92 Whipoorwill Rd**



Map Created April 2018 - Trillium Invasive Species Management, INC
 Parcel Bounds Source - Putnam County GIS
 Orthoimagery Source - NYSGIS Clearinghouse





PO BOX 96
Esopus, NY 12429
NYSDEC Registered Business #15974

Specifications for work including soil disturbance:

Work may commence on activity 1 or 2 when;

- Soil is dry and will support equipment and,
- Rain has not occurred in previous 24 hours and not forecast for construction period.

Perimeter and erosion controls, such as silt fence, must be installed prior to construction and maintained during and after construction until establishment of vegetative cover.

All equipment **shall** be cleaned by pressure washer prior to delivery to project site.

Topsoil, seeding and straw cover (or similar) shall be installed immediately after completion.

During construction activity, measures must be implemented to reduce or eliminate sediment tracking. Impervious surfaces that have been tracked with, or had sediments spilled onto, must be removed by the end of the day.

Any disturbed soil remaining after activities will be removed from the location so as to not erode into the pond.

Project specifics.

Activity 1 – Trench – Contractor will dig trench, install conduit and backfill per code and industry standards, within one day or as practical.

Activity 2 – Sculpture footing/base – Contractor will level base location using crushed stone and compacted per industry standards.

Activity 3 - Please refer to enclosed Phragmites Management Plan

###



April 2018

Garrison Property Holdings LLC
88-92 Whippoorwill Pond Road
Garrison, NY 10524

Phragmites australis Management Plan

Project Summary:

This project will eliminate an infestation of phragmites growing on the edges of a backyard, man-made pond using a combination of cutting and herbicide application. The project will initiate control of one-half of the phragmites in 2018, the remaining half in 2019. For ~3-5 years the control will continue until the infestation is eradicated. During the control period, restoration plantings and seeding of native seed will take place to ensure bank stability is maintained.

Site Description:

This project seeks to eliminate an infestation of *Phragmites australis* growing along the edges of a one-acre un-named man-made pond (NWI Code PUBHh). The pond is located behind the residence and is wholly owned by Garrison Property Holdings LLC. The maximum level of the pond is controlled by a piped outlet that may be controlled to withhold water if necessary (no outflow at time of visit on 20 Sept 2017) and does not drain into another waterbody.

Note- The pond also contains overgrowth of the native large-leaf pondweed (*Potamogeton amplifolius*). This pondweed is overtaking much of the pond area and should be controlled to reduce chance of significant die-off, increasing nutrients in pond and depleting the pond's dissolved oxygen content. We recommend cultural control by eliminating any fertilization of nearby areas, increasing the width of the pond buffer to mown areas and by hand removal of a large percentage of the pondweed. If necessary, introduction of triploid carp may provide vegetation control.

Environmental and permitting factors:

The project occurs within a ~1acre pond and will a wetland/watercourse permit from the Town of Cortlandt.

Notes on the use of herbicides in natural areas:

Foliar application of herbicides such as glyphosate have the potential for off-target impacts through spray drift. All available best management practices shall be followed to reduce drift potential including but not limited to conducting spray operations in appropriate weather conditions (low wind, no rain or dew), cutting of the plant eight weeks prior to application to reduce spray height, conducting applications when water levels are low, and the use of air induction nozzles to increase droplet size. At times, alternative methods may be employed, such as leaf wiping or stem injection, which will reduce potential for off-target impact. This plan prescribes the use the product Rodeo (EPA Reg. No. 62719-324), a glyphosate based herbicide approved for application within wetlands and waterbodies. All label instructions and guidance shall be strictly adhered to.



PO BOX 96
Esopus, NY 12429
NYSDEC Registered Business #15974

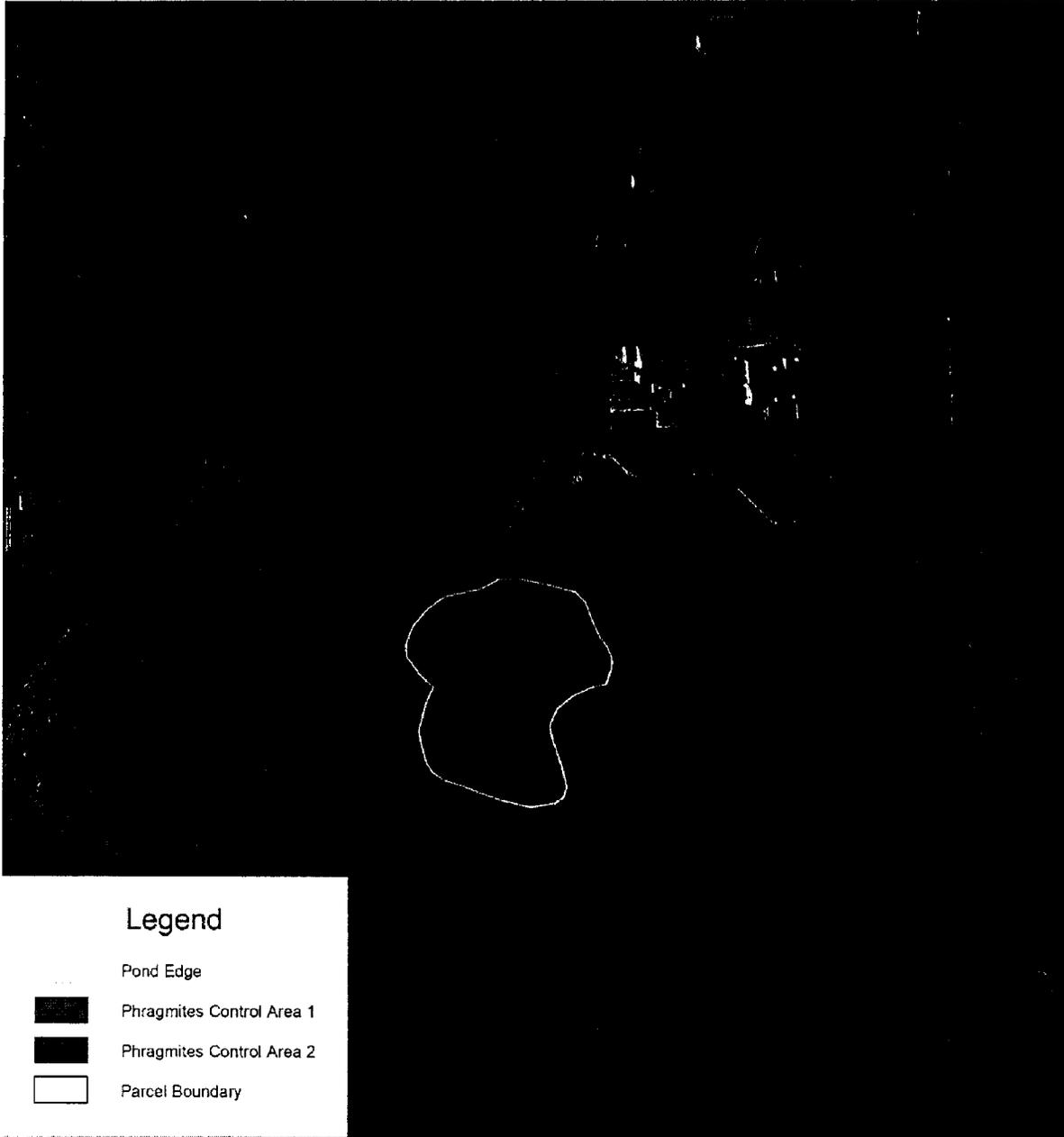
Overall Anticipated Time Frame:

The anticipated timeframe of this project is approximately six-seven years at any location from when control is initiated. This timeframe allows for approximately three-four years of progressive reductions in the existing infestation and three years of monitoring to ensure eradication. Each infestation has its own unique considerations that will determine a specific timeframe.

For the initial two years, control work may be expected to consist of applications over most of the project area outlined in maps below. Typically, infestation density is significantly diminished (>80% reduction) from the first year of control work. However, in subsequent years it will be necessary to follow up with thorough herbicide applications to ensure the remaining stems are eliminated. Control in subsequent years at all sites is likely to only consist of targeted applications such as leaf wiping and cut-stem application. It may be expected that patches will be eliminated within three to four years. However, monitoring should be continued for at least three years post control to ensure elimination. Any individual patch may be considered eradicated after three consecutive years of no re-growth.

Project Map

**Garrison Property Holdings LLC
Phragmites Control Areas**



Map Created April 2018 - Trillium Invasive Species Management, INC
Parcel Bounds Source - Putnam County GIS
Orthoimagery Source - NYSGIS Clearinghouse

Management Plan

Phragmites Control Schedule-

Year one –

- 1- Late Winter – Early Spring – Cutting to clear standing biomass
- 2- Summer – Cutting to reduce weaken plant and reduce height for herbicide application.
- 3- Late Summer (August 15-September 15th) – Over half of the treatment area, low-pressure foliar spray application of glyphosate by backpack, wiping and/or cut stem application depending on proximity to non-target plants. Foliar spray application of glyphosate using the product Rodeo applied at 2% v/v with the non-ionic surfactant LI-700.
- 4- Four Weeks Post Treatment Follow-up Application – A follow-up herbicide application to ensure complete coverage throughout patches.
- 5- Late Fall – Early winter – Cutting of treated areas to clear standing biomass.

Year Two

- 1- Late Winter – Early Spring (if not done previous Fall due to weather) - Cutting to clear standing biomass.
- 2- Summer – Cutting to reduce weaken plant and reduce height for herbicide application.
- 3- Late Summer (August 15-September 15th) – Low- pressure foliar spray application of glyphosate by backpack (in second half), wiping and/or cut stem application as required depending on density of regrowth and proximity to non-target plants (in first half). Foliar spray application of glyphosate using the product Rodeo applied at 2% v/v with the non-ionic surfactant LI-700.
- 4- Four Weeks Post Treatment Follow-up Application – A follow-up herbicide application to ensure complete coverage throughout patches.
- 5- Late Fall – Early winter – Cutting of treated areas to clear standing biomass if required depending on density of regrowth.

Year Three

1. Late Winter – Early Spring (if not done previous Fall due to weather) - Cutting to clear standing biomass.
2. Late-Summer – Foliar wiping or cut-stem application of glyphosate.

Following Years - Moving forward with ongoing monitoring and spot treatments

Monitoring and spot treatments will be required to ensure eradication. This is required not only due to the plant's persistence, but also by an existing seed bank. Follow-up treatments will be required to ensure eradication of each patch and monitoring will be required for at least three years after no re-growth is observed to confirm eradication.

Notes –

Unless otherwise noted, no other control treatment may be exercised during the implementation of this plan. All records of any other herbicide use on the property during each management year shall be shared with Trillium ISM, INC immediately after their application in order to property calculate the amount of herbicide allowed for knotweed control.



PO BOX 96
Esopus, NY 12429
NYSDEC Registered Business #15974

All plants treated with herbicide shall not be cut for a minimum of 30 days to allow for herbicide translocation.

All plant material will be left to dry or disposed of on-site.

Prior to herbicide application, NYSDEC law requires all neighboring landowners within 150 feet of the treatment area be notified of the application. This is the responsibility of Trillium ISM, INC.

###