



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

**May 10, 2016**

**MINUTES**

The Conservation Board held its regular meeting at the Town Hall on Tuesday, May 10, 2016

Present: Mark Galezo, (Chairman)  
David Klotzle (Wetlands Inspector)  
Andrew Galler  
Lew Kingsley  
Eric Lind  
M. J. Martin  
Robert Repetto

Absent: Max Garfinkle

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

Mr. Galezo opened the meeting at 7:35 P.M.

**1) Garrison Station Plaza                      7 Station Road                      TM# 60.-17-1-7                      WL#16-264**

Present for the applicant was Mr. Glenn Watson from Badey and Watson and Mr. Delmar Karlen who is the President of the Garrison Station Plaza. Mr. Watson reviewed the history of the project and noted that it had been previously approved by the Planning Board three different times by three different applicants. The current proposal is for a restaurant which will include selling coffee and newspapers in the morning. The upper floor will be two apartments. The floor plans for the apartments have changed since the last proposal. The new plans propose both apartments to be about the same size. A patio is being proposed for outdoor dining in the summer time. Landscaping will also be done. A Wetlands Permit is needed since everything involved in the project is within 100 ft. of a wetlands.

**Sewage treatment** - Currently there is no Sewage Treatment Plant. Sewage goes to a tank with a pipe leading to the river. A Tertiary Treatment Plant is being proposed which will collect the toilet waste, other household waste and grease which will be collected in one of the two tanks. The treated cleaned water will then go into the river. There will be bank disturbance for the discharge pipe. The whole system will be contained in a water proof vault. The system is controlled by the gallons of water per day being used which is a predetermined figure. The flow is capped to what it previously was. The unit will be a UV system with a check valve for the two chamber units and will treat the water from beginning to end.

**Permits:**

- The State Pollutant Discharge Elimination System (SPDES) Permit is current.
- The Stream Disturbance Permit has expired and needs to be renewed.
- The Putnam County Sewage Treatment Plant Permit has expired and needs to be renewed.

**Erosion control** – The storm water during construction that gets silted up will be collected into a big bag made of filter fabric (a porous material). The water will ooze out the walls of the bag and the silt will be kept in. The bag be will located by a tree that is close to the proposed patio.

**Building** – The exterior of the building will be cleaned up. The windows will be replaced. The Stucco must remain on the building since it was determined to be of acquired significance by the Office of Parks, Recreation and Historic Places.

The Army Core of Engineers have not been contacted directly by the Applicant but they are aware of the proposed project through a joint application process.

**Plantings** – A repair and buffer planting currently exist. An existing driveway will be cleaned up and repaired.

Mrs. Martin asked about planting on the shore line between the Rip Rap and the lawn to help stop erosion.

Mr. Karlen responded that currently between the shore line and the grassy area is Rip Rap that was planted several years ago with a permit received from the Army Corps of Engineers.

Mr. Lind noted the proposal sounds great and he liked the protective measures that are in place such as the big bag to collect the silt. Mr. Lind suggested that the bag should be placed behind a silt fence. Mr. Lind suggested that native plants should be used for any plantings or landscaping that will be done.

Mr. Galler noted he didn't believe native plants would grow in that area but requested that plantings should be non invasive. Mr. Galler moved to grant the permit and Mr. Kingsley seconded the motion. The motion passed unanimously by the following vote:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

Mr. Watson asked if it was okay to have the Board Secretary update the Planning Board on the granting of the permit for Garrison Station Plaza. Mr. Galezo and Mr. Klotzle both agreed to the request. Mrs. Martin noted that the conditions decided at this meeting will be put on the permit.

2) Riverview property, LLC,      625 Route 9D      TM# 81.-1-39      WL#16-263

Mr. Glenn Watson from Badey and Watson represented the applicant. Mr. Watson noted that a permit by the Planning Board was never issued. Mr. Watson noted he emailed Mr. Klotzle information and records from previous meetings with Riverview Property, LLC.

Mr. Watson noted there has been one change to the Site Plan about a pipe that pumps the affluent from the house to the septic, which is in response to a concern from the April 12, 2016 meeting. The pipe is still a 2" pipe but as extra protection, it will now be encased in K-Crete. The pipe will only have liquids pass through it.

Mr. Galezo expressed concern over the pipe leaking and asked if a leakage occurred, if it would be visible or if it would leak into the stream and not be noticed? Mr. Galezo suggested a clay barrier on the stream side for extra protection from leakage. Mr. Watson responded that they would not have added the protection if they didn't think it was going to work. A discussion ensued over possible ways to identify a leakage if one were to occur. Daylighting the stream was mentioned but is an unlikely choice.

Mr. Galler commented about the forest being lost for the septic system to be put in. Mr. Galler noted that he noticed that the property had several restrictions. Mr. Watson responded that the location of the septic system was chosen due to the property being very steep and also has a lot of rock around the well area.

Mr. Lind noted that 1/2 of the existing septic is located in the buffer of the stream and asked if there were any special design features of the septic? Mr. Lind asked if the septic system worked by getting the quality of soil to get down to infiltrate as quickly as possible? Mr. Watson replied that it's the idea and noted that the pipe is seen from the Health Department as mitigation.

Mr. Watson noted that the Perk Rates would have to be adequate or the Putnam County Health Department would not issue a permit. Mr. Watson noted that they have a renewal of the permit from the Putnam County Health Department.

The Board discussed the location of fields as being in the buffer of the piped stream. The design is respecting the 50 ft. Putnam County Health Department Line. If the pipe were to leak, it will head towards the river.

Mr. Lind moved to grant the permit and Mrs. Martin seconded the motion. The motion passed unanimously by the following vote:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

**3)Victoria Manor, Lot 1A Victoria Dr.**

**TM# 27.11-1-9.12**

**WL# 16-265**

Mr. Nick Lisikatos represented the property owners. Mr. Lisikatos noted that the driveway is already installed. The silt fence is up but will be upgraded. There is septic system approval from the Putnam

County Health Department. There is a 360 ft. section of the existing driveway that is covered in grass and runs within the 100 ft. buffer of the intermittent stream. Mr. Lisikatos noted that he will need to scrape off the grassy parts of the driveway and then add item 4. A 24 -30 ft. trench will be dug for utilities. All permits except the building permit have been received.

Mr. Galezo and Mr. Lind noted that after a site visit was done the Board Members agreed that a flagged accurate map showing the wetland and all regulated areas will be needed.

Mr. Lind noted that steps have been taken to prevent flooding such as a septic with a clay berm. A culvert is present but seems very high.

A discussion ensued over the condition of the culvert. It seemed to be very high and possibly damaged at some point. The Board discussed possibly lowering the culvert. Mr. Lisikatos will make a determination on what to do with the culvert while doing the excavation work.

Mr. Galler suggested giving a conditional permit contingent on receiving the map. Mr. Galler noted that this permit is needed to close on the property. The driveway already exists. Mr. Galler noted he would be comfortable giving a permit to Mr. Lisikatos so the sale of the property can take place and it will be contingent that Mr. Lisikatos must provide an updated map that is flagged showing the wetland areas and the regulated areas.

Mr. Klotzle noted that the silt fence must be replaced and brought to the end of the area.

**Utilities** - The utilities are not shown on the Site Plan and Mr. Klotzle noted the work being done for the utility trenches should be filled in at the end of each day.

Material scraped off the driveway and other excavation will be used for back-fill and moved to another location on the site.

Stockpile of material will be surrounded by a silt fence and covered.

Mr. Klotzle noted that he will write up a permit which will be contingent on receiving an updated flagged map. The beginning of the driveway can be worked on.

Mrs. Martin moved to approve the granting of the permit with the following condition: That an updated Site Plan is received showing current wetland delineation and also showing buffers and flags. Mr. Repetto seconded the motion. The motion passed by the following vote:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

**Storm Water Discussion** – Mr. Klotzle asked for the Town Attorney's Contact information in order to clarify information regarding restrictions from agricultural use of property and legal definitions.

**Open Space Index revision** - Mrs. Martin noted that a grant, had been approved to have an intern, Nicole Pidala, for 11 weeks. Ms. Pidala will be doing administration work researching the parcels in the Open Space Inventory.

Mrs. Martin asked for a mini workshop to be added to the June agenda with Ms. Pidala to talk with the Conservation Board and determine if the Board would like her to include other things such as climate resilience. Mrs. Martin will look into the process for guidance of reviewing and updating the Open Space Index.

**Minutes:**

The minutes of April 12, 2016 were reviewed. Mr. Galler moved to approve the minutes as presented and Mr. Lind seconded the motion. The minutes were approved as follows:

Mr. Galezo	Aye
Mr. Galler	Aye
Mr. Kingsley	Aye
Mr. Lind	Aye
Mrs. Martin	Aye
Mr. Repetto	Aye

Town Councilman Mr. Leonard discussed a possible joint training session with the Town Planning Board and the Conservation Board.

Mr. Kingsley moved to adjourn the meeting and Mrs. Martin seconded the motion. The meeting adjourned at 8:50 pm by a unanimous vote.

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

DATE APPROVED: \_\_\_\_\_

Respectfully submitted,

Linda Valentino  
Secretary

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

JULY 14, 2015

MINUTES

The Conservation Board held its regular meeting at the Town Hall on Tuesday, July 14, 2015

Present: Mark Galezo (Chairman)  
David Klotzle (Wetlands Inspector)  
Eric Lind  
Robert Repetto  
M. J. Martin  
Lew Kingsley  
Max Garfinkle  
Absent: Andrew Galler

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

**1. Anne and Edward Morrison                      TM#61.-4-5                      WL-15-256**  
**862 Old Albany Post Road**  
**(Construction of pole barn and gravel entry from road.)**

Mrs. Morrison proposed a 22'X36' pole barn which would be used for storage with the option to occasionally store a car. The pole barn will have access to the road. Mrs. Morrison noted she is open to change the size of the Pole Barn if she needs to.

There is a lot of invasive Bamboo on the property which spreads about 3 or 4 feet every year. As part of the process, she will remove the bamboo along the wetland water but not in the water. Mrs. Morrison will do the bare minimum of excavating that is needed to be done. The structure will be built on gravel so the water will run through the gravel. A rain garden was proposed and the gutters from the roof of the barn will feed the rain garden. About 20 yards of fill will be used (which will be the gravel for the driveway). Natural stone and rock is proposed to be used around the driveway.

Mr. Klotzle read part of an email from Mr. Geller in the email Mr. Geller noted that he often does not allow building in a wetlands buffer but here *"if habitat improvements are made that compliment the surrounding habitat. Removal of the bamboo stand is paramount and should be undertaken by a professionals that are familiar with the use of herbicides*

*in a wetland environment. The proposed 'rain garden' is also a welcome improvement and should be designed to make the best use of sustainable native plantings, while performing the function of*

*Dissipating rain/runoff from the pole barn's roof and the surrounding drive. The northeast edge of the wetland currently has a significant invasion of mugwort; and removal of this invasive would be an improvement."*

Mr. Klotzle noted that the more mitigation being done the better, that is how building on a wetland buffer is allowed.

Mr. Lind noted he agreed with Mr. Geller's email regarding the need to get rid of the bamboo. The rain garden is essential because it will bring in native plants and will also deal with draining issues. Some ground will be lost because of the gravel pad and the structure, but it is just a matter of working through the details. Bamboo is not easy to get rid of, if a herbicide is used, a permit will be needed. The rain garden has to be designed in such a way that it will deal with the capacity of the runoff. There are still a lot of details that have to be worked through. There is really no other option for storage. The plan could contain a statement that states and documents "that there is no other viable alternative on the property other than the selected location in the buffer". Mr. Lind suggested moving the building out of as much of the buffer as possible without impeding on the septic fields. The rain garden design will have to be worked on.

Mrs. Morrison noted that hazardous materials will not be stored in the proposed structure.

Mr. Klotzle noted there are environmentally safe preservatives that could be used on the proposed structure and he could provide the applicant with a list if she would like.

Mrs. Morrison noted that the foundation will be Sonotubes with the gravel. A floating concrete slab will be used just where the car would be.

Mr. Klotzle asked the applicant if she would consider hiring an Engineer or a Landscape Architect to determine the computation for the amount of rain water that can be held in the rain garden. That calculation would be used to determine the size of the rain garden. The gravel allows water to perambulate into the soil.

Mr. Lind noted the construction material for the pole barn should not be stockpiled in the area of the wetland buffer.

Mr. Klotzle – noted the applicant should submit something in writing noting that hazardous chemicals will not be stored in that area. A final plan is needed showing the exact location of the rain garden, locations of silt fencing. The Bamboo removal process must be in writing.

There are several ways to remove the Bamboo some suggestions were the following:

- Treated with herbicides if the Board will allow it.
- Dug out but the hole will have to be dug about 3-4 feet.

- A heavy black plastic can be used to cover the area.
- Grading the area and put gravel down which will need a silt fence and inspection.
- Cutting it down.

Mrs. Morrison asked if she can cut down the Bamboo and cover the area with plastic. The Board members agreed that they did not have a problem with her doing that. Mrs. Morrison will be put on the August agenda for bamboo remediation and final location of the rain garden Mrs. Morrison will need a statement in writing that chemicals will not be stored in the proposed pole barn. Mr. Klotzle noted that the neighbors are in favor of the applicant's proposal.

**Nick Rockwell (Cold Spring Farm), Route 9**

**TM#38.-3-25**

Discussion and advice on possible requirements for an upcoming application before the Planning Board.

Mrs. Marion Rockwell described the proposal for the 85 acres as putting up a horse barn with hay fields below. Most of the property will be left undeveloped. A parking area was proposed near a wetlands area by billboards that is located on Route 9.

The wetlands area is an intermittent drainage way which drains essentially into a state wetland.

Mr. Nick Rockwell noted they are currently in the process of having the property listed in the Agricultural Zoning District. Mr. Rockwell noted that the Putnam County Agricultural Board noted that the Town of Philipstown must agree to the agricultural Zoning of the property before it can be completed.

Mr. Klotzle expressed concern over the grading being proposed since the grade and the storm water runoff will run across Albany Post Road and go into the wetlands. Infiltration systems will be needed. A Storm Water Pollution Prevention Plan (SWPPP) will be required before any action can be taken by the Board since it is believed the plan is to grade more than 1 acre of land. The applicant needs to show how all sediment will remain on site and all the water that is generated by turning pervious surfaces into impervious surfaces will be somehow absorbed into the ground on site including anything that the applicants had nothing to do with. The applicant will have to pick up any drainage that is cutting gullies on the hill sides to pick and keep it on site by doing ponds and trenches or something else. The stream is not big enough to be classified by the DEC.

Mr. Rockwell noted that they are going to all the appropriate Boards to review their intentions on having their property listed in the Agricultural District so the Town of Philipstown will be comfortable enough with the proposal to recommend it to Putnam County or want it zoned as Agricultural.

**Correspondence and wetlands discussion:**

Letter from James Hartford regarding the use of Herbicide on Fishkill Road. - The Board discussed the letter. Mr. Lind noted he will contact the County Highway Department to discuss the issue.

Mr. Lind noted he got a call from a resident regarding the State coming in and working on the drainage ditches and clearing swales on route 9D.

Mr. Kingsley noted there is massive run off of gravel from the pit going into Clove Creek stream.

The meeting ended at about 8:30 P. M.

**\*\*NOTE:** These minutes were prepared for the Conservation Board on June 2, 2016 by listening to a taped recording and are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: \_\_\_\_\_

Respectfully submitted,

Linda Valentino  
Secretary

**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 # \_\_\_\_\_

Received by: \_\_\_\_\_

Date \_\_\_\_\_

Fee \_\_\_\_\_

Planning Board

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: Boscobel Restoration Inc.

Address: 1601 Route 9d Garrison, NY 10524

Telephone: 845-265-3638

2. Agent Name: Badey & Watson Surveying & Engineering P.C.

*(Applicant must be owner of the land. The Application may be managed by an authorized agent of such person possessing a notarized letter of consent from the owner.)*

Name of Agent Glennon J. Watson

If Corporation, give names of officers:

Steven Miller, Executive Director, Barnabas McHenry, Board President

Alexander Reese, Board Vice President, Col. Wm. Harrison, Board Treasurer Arnold Moss, Board Secretary

Mailing Address 1601 Route 9d Garrison, NY 10524

Telephone: 845-265-3638

3. Location of Proposed Activity:

8 Inverugie Lane

Tax Map No.: 49.-1-29

Acreage of Controlled Area Affected: 1,200 sf

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

Construction of a barn and related improvements within 100 feet of a stream (controlled area)

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

N/A

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

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

b. A completed short form environmental assessment form.

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

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

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

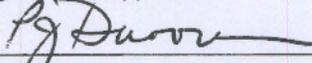
3. The location, extent, and nature of the proposed activity

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

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

Date May 27, 2016

Signature of Applicant:



Peter Davoren

# 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:		Approval of Wetlands Application for Boscobel Restoration, Inc.	
Project Location (describe, and attach a location map):		8 Inverugie Lane Garrison, NY 10524	
Brief Description of Proposed Action:			
Construction of a barn and related improvements within 100 feet of a stream (controlled area).			
Name of Applicant or Sponsor:		Telephone: 845-265-9217	
Glennon J. Watson, L.S. Badey & Watson Surveying & Engineering, P.C.		E-Mail: gwatson@badey-watson.com	
Address:			
3063 Route 9			
City/PO:		State:	Zip Code:
Cold Spring		New York	10516
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			<b>NO</b>
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.			<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			<input checked="" type="checkbox"/>
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>
Town of Philipstown Conservation Board for Wetland Permit			<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		22.08 acres	
b. Total acreage to be physically disturbed?		0.813 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		22.08 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 type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			





18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Peter Davoren Date: May 27, 2016  
 Signature: *Peter Davoren* Surveyor for Applicant

49.-1-29.1 & 29.2  
DAVOREN  
ADJOINER'S LIST

49.-3-37.1  
CITY OF NEW YORK DEP  
465 Columbus Ave  
Valhalla, NY 105951336

49.-1-33  
BEN-ADI, ZSACH  
18 Belle Ln  
Garrison, NY 10524

49.-1-30  
DEAN, JAY  
PO Box 80  
Garrison, NY 10524

49.-1-21, 23 & 36  
BOSCOBEL RESTORATION INC.  
1601 Route 9D  
Garrison, NY 10524

49.-1-34  
DESAI, SHASHIKANT O  
530 Regency Drive  
Fishkill, NY 12524

49.-1-28  
PETER MALONEY  
10 Inverugie Lane  
Cold Spring, NY 10524

49.-1-35  
KISER, SHERYL  
c/o Richard Ferguson  
26 Belle Ln  
Garrison, NY 10524

# BOSCOBEL



Boscobel Restoration, Inc. • 1601 Route 9D • Garrison, NY 10524 • 845-265-3638 • Fax: 845-265-4405  
[www.boscobel.org](http://www.boscobel.org)

May 27, 2016

Town of Philipstown  
David Klotzel, Chairman  
238 Main Street  
PO Box 155  
Cold Spring, NY 10516

This letter allows Peter Davoren to file a Wetlands Application through Badey and Watson Surveying and Engineering for Boscobel's property on the tax map #49.-1-29.2 at Inverugie Lane in Philipstown.

Boscobel's officers are as follows:

Steven Miller, Executive Director  
Barnabas McHenry, Board President  
Alexander Reese, Board Vice President  
Col. William Harrison, Board Treasurer  
Arnold Moss, Board Secretary

Sincerely,

Diane Gocha  
Business Manager  
Boscobel Restoration, Inc.  
[dgocha@boscobel.org](mailto:dgocha@boscobel.org)  
(845) 265-3638 ext. 118

*Diane Gocha appeared before me on May 27, 2016.*

Susan K. Truax  
Notary Public, State of New York  
Dutchess County No. 01TR6209733  
Commission Expires 08/03/2017

Required Statement in Support  
of  
APPLICATION FOR A FRESHWATER WETLANDS PERMIT  
from  
The Town of Philipstown  
of  
BOSCOBEL RESTORATION, INC.  
under  
Chapter 93 of the Philipstown Code

Boscobel Restoration, Inc. has applied for a freshwater wetlands permit to construct a storage barn on property that it has leased to Peter J. Davoren. The proposed location falls within the Controlled Area of the unnamed stream that flows out of Dale's Pond, which pond is located adjacent to Lane Gate Road. The barn is intended for storage of equipment used in connection with Mr. Davoren's agricultural activities that he conducts on the subject property.

Section 93-8A of the Philipstown Code provides the "criteria applicable to the approval of wetlands permits for proposed regulated activities in controlled areas". Each of the eight (8) criteria is quoted below in *italics*. Following each is our statement regarding this application.

- (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."*

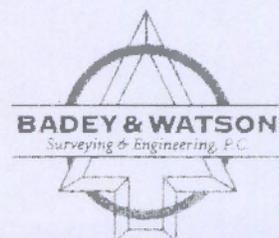
The site for the barn chosen by Mr. Davoren is the site of a house that was razed at least 50 years ago. The site was chosen for several reasons. Its location is remote from two residential structures, one on the property and another on neighboring property, making his activities less intrusive on Boscobel's residential tenant and the newly arrived neighbors. The selected site contains two retaining walls, one of which is a portion of the foundation of the former house and is suitably graded for construction of the barn. The site is easily reached over the driveway that served the house that used to occupy the selected site. The selected site does not reduce the amount of land available for growing crops.

- (2) *"The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system."*

While it is close to the stream, virtually all of the site drains stormwater to the west and away from the stream. The plan submitted does not change the stream, nor does it direct additional water into it.

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

The selected site had been occupied by a residence. Some of its remnants lead one to easily surmise that the stream was an aesthetically and practically important feature of the property. However, the siting of the house makes it clear that it was positioned and graded to take advantage of the view across the fields between it and the Hudson River. Understanding this makes the grading around the building, which slopes down to the west and away from the stream understandable. Because the site sheds water to the west, stormwater will shed into the woods and not into the stream. Because the stormwater is not flowing into the stream it will not degrade or pollute the waters.



The barn is for equipment and storage. It will not house animals and it will not have a septic system. Accordingly, there will be no possibility of wastewater finding its way into the ground water and possibly leaching into the stream.

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

Clearly, the barn and associated driveway will increase the impervious surface on the site. However, the footprint of the barn (3,000 square feet or .07 acres) is very small in comparison to the 20-acre parcel on which it will be located. The location chosen for the barn, where there previously stood a residence, will not impede the stream's flow.

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

The plans submitted by the applicant show silt fencing and a stabilized construction entrance, along with standard erosion control notes. The standard notes provide specific guidance measures designed to minimize erosion both during construction and following its completion. If followed properly, pollution, erosion and siltation should not be a problem.

- (6) *"No practicable alternative location is available on the subject parcel."*

The nature of the use of the property, agriculture, makes an alternate location of the barn into the field impractical for Mr. Davoren because it will reduce the amount of land available for planting. Locating the barn near the existing residential unit is not desirable because of possible disturbance to the tenant or nearby neighbors. Locating the barn on other portions of the property where the grades are relatively steep will require more disturbance and likely crossing the stream, which would present a greater possibility of unintended damage to the stream.

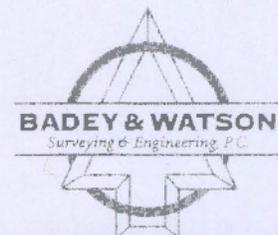
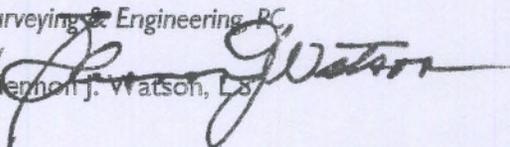
- (7) *"No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area."*

The plans provided by the applicant employ standard measures to protect the stream that, if properly installed and maintained, will provide adequate safeguards for the stream.

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

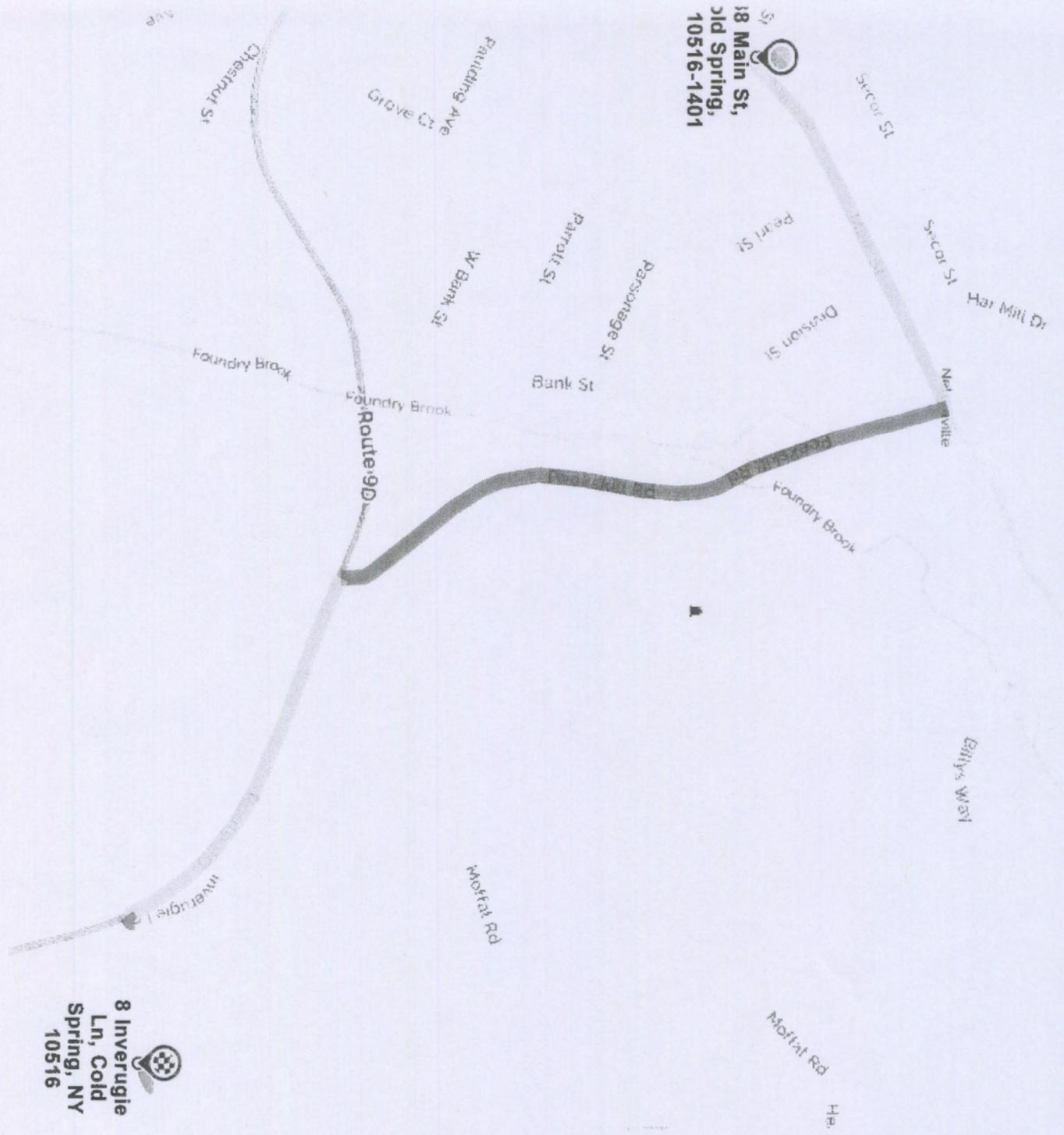
The activity will not alleviate or remove a hazard to the public health or safety.

Respectfully submitted,  
BADEY & WATSON,  
Surveying & Engineering, P.C.  
by  
Glennon J. Watson, L.S.



18 Main St,  
Cold Spring,  
10516-1401

8 Inverugie Ln,  
Cold Spring, NY  
10516



## YOUR TRIP TO:

8 Inverugie Ln, Cold Spring, NY 10516

**3 MIN | 1.1 MI** 

Trip time based on traffic conditions as of 3:15 PM on June 1, 2016. Current Traffic: Moderate

mapquest



1. Start out going **northeast** on Main St/NY-301 toward Parsonage St.

Then 0.29 miles

0.29 total mile



2. Turn **right** onto Peekskill Rd/County Hwy-16.

*Peekskill Rd is just past Spring St.*

*If you reach Nichol Ln you've gone a little too far.*

Then 0.47 miles

0.76 total mile



3. Turn **left** onto Route 9D/NY-9D.

Then 0.29 miles

1.05 total mile



4. Turn **sharp left** onto Inverugie Ln (Portions unpaved).

*Inverugie Ln is 0.2 miles past Gilbert Ln.*

*If you reach Belle Ln you've gone about 0.1 miles too far.*

Then 0.01 miles

1.06 total mile



5. 8 INVERUGIE LN is on the **right**.

*If you reach Moffat Rd you've gone about 0.2 miles too far.*

**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 # \_\_\_\_\_

Received by: \_\_\_\_\_

Date \_\_\_\_\_

Fee \_\_\_\_\_

Planning Board

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: \_\_\_\_\_ Edward Kreps \_\_\_\_\_

Address: \_\_\_\_\_ 10 Deerland Acres Cold Spring, NY 10516 \_\_\_\_\_

Telephone: \_\_\_\_\_ 845-265-2708 \_\_\_\_\_

If Corporation, give names of officers:

\_\_\_\_\_ N/A \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address \_\_\_\_\_

2. Agent Name: \_\_\_\_\_ Badey & Watson Surveying & Engineering, P. C. \_\_\_\_\_

*(Applicant must be owner of the land The Application may be managed by an authorized agent of such person possessing a notarized letter of consent from the owner.)*

Name of Agent \_\_\_\_\_ Glennon J. Watson \_\_\_\_\_

Mailing Address \_\_\_\_\_ 3063 Route 9 Cold Spring, NY 10516 \_\_\_\_\_

Telephone: \_\_\_\_\_ 845-265-9217 x14 \_\_\_\_\_

3. Location of Proposed Activity:

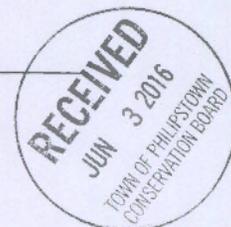
\_\_\_\_\_ 10 Deerland Acres Cold Spring, NY 10516 \_\_\_\_\_

Tax Map No.: \_\_\_\_\_ 17.-2-68 \_\_\_\_\_

Acreage of Controlled Area Affected: \_\_\_\_\_ 28,330 s.f. \_\_\_\_\_

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

Dredging pond and repair of dam. Dredged material will be deposited on another part of his property not within the controlled area  
\_\_\_\_\_



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

N/A

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

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

b. A completed short form environmental assessment form.

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

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

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

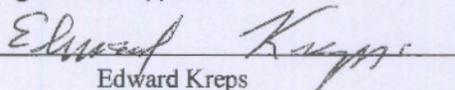
3. The location, extent, and nature of the proposed activity

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

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

Date May 27, 2016

Signature of Applicant:

  
Edward Kreps

17.-2-68  
KREPS, EDWARD  
ADJOINER'S LIST

17.-2-69  
LUSK, TIMOTHY J  
30 Deerland Acres  
Cold Spring, NY 10516

17.-2-64,66  
KREPS, EDWARD M  
239 E 78Th St  
New York, NY 10075

17.-2-70  
TSCHINKEL, PAUL  
692 East Mountain Road S  
Cold Spring, NY 10516

17.-2-72  
GLASS ROCK PROPERTIES LLC  
11 Broadway Ste 950  
New York, NY 10004

17.-2-67  
SNOWDEN, GRACE  
668 East Mt Road So  
Cold Spring, NY 10516

17.-2-17.1  
CITY OF BEACON  
1 Municipal Plaza - Ste 1  
Beacon, NY 12508

17.-2-71  
TSCHINKEL, SARAH  
PO Box 380  
Cold Spring, NY 10516

17.-3-33.1  
STATE OF NEW YORK  
40 GLENEIDA AVENUE  
Carmel, NY 10512

# 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <p style="text-align: center;">Approval of Wetlands Application for Edward Kreps</p>			
Project Location (describe, and attach a location map): <p style="text-align: center;">10 Deerland Acres Cold Spring, NY 10516</p>			
Brief Description of Proposed Action: <p style="text-align: center;">Dredging pond and repair of dam. Dredged materials will be deposited on another part of his property. Not within controlled area</p>			
Name of Applicant or Sponsor: <p style="text-align: center;">Edward Kreps</p>		Telephone: 845-265-2708	
		E-Mail: emkreps@aol.com	
Address: <p style="text-align: center;">10 Deerland Acres</p>			
City/PO: <p style="text-align: center;">Cold Spring</p>		State: <p style="text-align: center;">New York</p>	Zip Code: <p style="text-align: center;">10516</p>
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 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: <p style="text-align: center;">Town of Philipstown Conservation Board for Wetland Permit.</p>			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		48.630 acres	
b. Total acreage to be physically disturbed?		.886 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		48.630 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 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: _____          _____ Existing dam to be rehabilitated 70,840 sf. (1.6 acres) _____          _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" 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>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Edward Krebs Date: May 27, 2016  
 Signature: *Edward Krebs* Surveyor for Applicant

Required Statement in Support  
APPLICATION FOR A FRESHWATER WETLANDS PERMIT  
of  
**EDWARD KREPS**  
from  
The Town of Philipstown  
Under  
Chapter 93 of the Philipstown Code

Edward Kreps has applied for a freshwater wetlands permit to repair the dam and dredge a portion of the pond on his property located at 10 Deerland Acres on East Mountain Road in the Town of Philipstown. His application is supported by a 2 sheet plan set prepared by Badey & Watson, Surveying & Engineering, PC, dated June 2, 2016. The plan calls for the removal of approximately 11,600 cubic feet of accumulated sediment from the pond and provides a program for the dredging operation that incorporates erosion control measures both at the pond and at the spoil site, which is not located in a Controlled Area.

While the pond is being dredged, the dam that forms the pond will be inspected and repaired in a manner suitable to the conditions found during the inspection. Possible solutions include patching and re-facing the pond or installation of a liner behind the dam. Specifications for the repair of the dam will be provided to the applicant by Michael P. Carr, PE.

Section 93-8A of the Philipstown Code provides the "criteria applicable to the approval of wetlands permits for proposed regulated activities in controlled areas". Each of the eight (8) criteria is quoted below in *italics*. Following each is our statement regarding this application.

- (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 pond is a manmade pond. For this reason, it is difficult to say that it has a natural function. However, it has existed for over 80 years and has served as a sediment trap preventing sediment from flowing further downstream, thus reducing potential damage from downstream sedimentation. The mere fact that Dr. Kreps' plan calls for the removal of 11,600 cubic feet of material from a pond, that for many years provided a recreational resource for the Deerland Acres neighborhood, is evidence of the effectiveness of the pond as a sediment trap. Unfortunately, the sediment has virtually eliminated the use of the pond for swimming.

- (2) *"The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system."*

While there will be a temporary change in the characteristics of the pond when during the dredging operation, ultimately the "natural" function of the pond will be restored and even improved by providing more volume for sediment to be trapped in the future. Of course, in the meanwhile the ability of the neighborhood to enjoy a swim in the pond will be restored.

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

The plan provides both standard and specific erosion control notes and details. Included in it is a specific requirement to conduct the dredging activity during a period of minimum base flow.



The plan also calls for protection of the banks and vegetation in and around the pond.

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

Theoretically, the volume of the pond will be increased and thus the potential for flooding will be reduced. However, as a practical matter, once the pond is full, there will be little change in the potential for flooding one way or the other. Still, the increase in the volume of the pond will not increase the potential for downstream flooding. The repairs to the dam will improve the function of the dam and reduce the possibility of failure. For this reason, it can be concluded that the potential for flooding will be reduced.

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

As stated in Item 3, above, the plans provide both standard and specific erosion control notes and details designed to minimize erosion. The notes also specify that the machinery used during the operation be kept out of the water, except for the bucket actually gathering the sediment. This minimizes the risk of petroleum products fouling the water. The plan calls for the minimum possible disturbance over the minimum period of time, further minimizing the risk of pollution. Finally, the plan specifies that the site will be stabilized as quickly as possible thus reducing the threat of erosion.

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

The pond is where it is. Thus there is no practical alternate location for the dredging and repair activities other than in the pond. It is, however, important to note that the spoil is being placed and stabilized in a location that is outside of the Controlled Area, where it will be stabilized and less likely to reenter the pond of the stream that flows from it.

(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."*

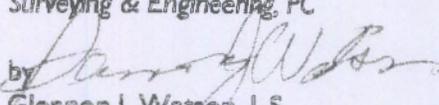
The plan sets forth a minimize schedule for the operation at a time when base flows through the pond are expected to be minimized. In addition to standard erosion control notes and details, the plan contains site specific notes and details that are intended to minimize the threat of environmental damage.

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

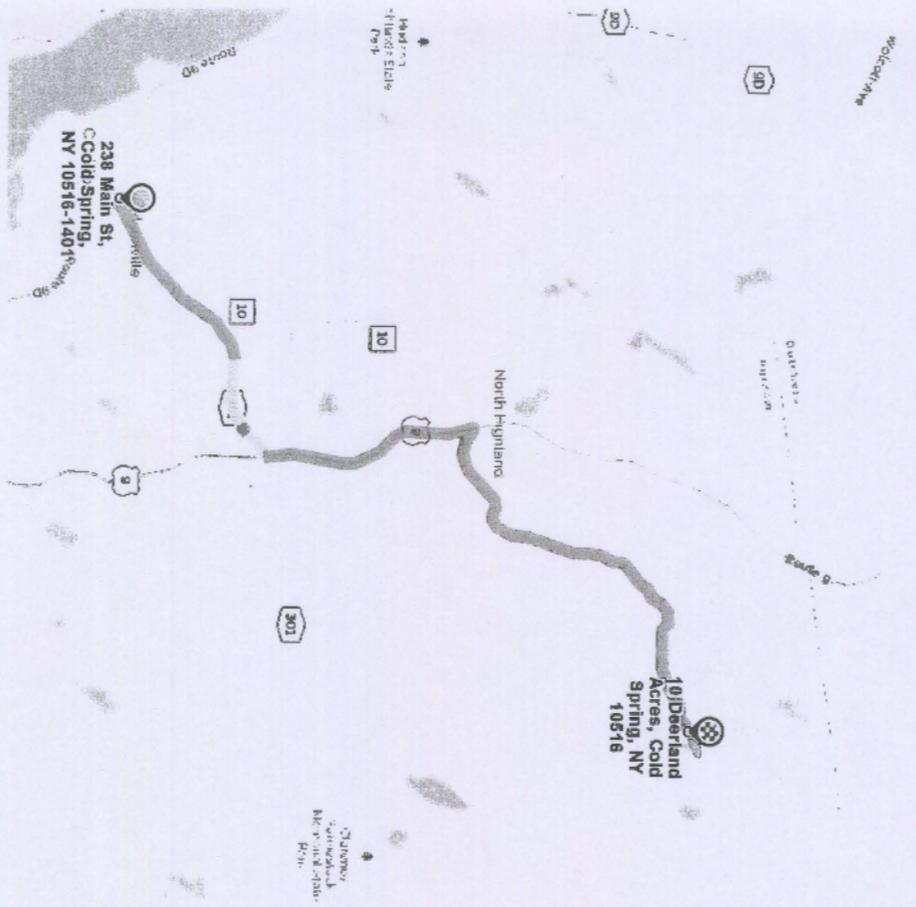
The activity will not have any significant effect on public health or safety, except that, as stated above, it will increase the capacity of the pond to act as a sediment trap and it will restore a recreational opportunity to the residents of the Deerland Acres neighborhood.

Respectfully submitted  
**BADEY & WATSON,**  
Surveying & Engineering, PC

by

  
Glennon J. Watson, L.S.





## YOUR TRIP TO:

10 Deerland Acres, Cold Spring, NY 10516

13 MIN | 6.8 MI 

Trip time based on traffic conditions as of 11:43 AM on June 1, 2016. Current Traffic: Light

mapquest

-  1. Start out going **northeast** on Main St/NY-301 toward Parsonage St. Continue to follow NY-301.  
Then 2.16 miles 2.16 total mile
  
-  2. Turn **left** onto Route 9/US-9 N.  
*Route 9 is 0.2 miles past Country Hill Ln.*  
*If you reach White Rocks Ln you've gone about 0.1 miles too far.*  
Then 1.52 miles 3.68 total mile
  
-  3. Turn **right** onto E Mountain Rd S.  
*E Mountain Rd S is 0.1 miles past Roessel Rd.*  
*If you reach Old Postal Rd you've gone a little too far.*  
Then 3.02 miles 6.70 total mile
  
-  4. Turn **left** onto Deerland Acres.  
*Deerland Acres is 0.2 miles past Philangeli Forest Rd.*  
*If you reach E Mountain Rd N you've gone about 0.5 miles too far.*  
Then 0.11 miles 6.81 total mile
  
-  5. 10 DEERLAND ACRES is on the right.  
*Your destination is at the end of Deerland Acres.*

Use of directions and maps is subject to our [Terms of Use](#). We don't guarantee accuracy, route conditions or usability. You assume all risk of use.