

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

MEETING AGENDA

SEPTEMBER 9, 2014

1.) APPROVAL OF MINUTES

2.) RALPH AND ROBIN ARDITI TM# 60.-2-5 WL-14-242
200 AVERY RD
(REPAIR LEAK IN EXISTING SPILLWAY IN POND)

Philipstown Conservation Board
Town Hall, 238 Main Street Cold Spring NY 10516
August 12, 2014
Minutes

The Philipstown Conservation Board held its regular meeting at the town hall on Tuesday August 12th 2014. Chairman Eric Lind opened the meeting at 7:30 pm.

Present:

Eric Lind (Acting Chairman)
David Klotzle (Wetlands Inspector)
M.J Martin
Lew Kingsley
Robert Repetto
Max Garfinkle
Tina Andress - Landolfi (Secretary)
Michael Leonard (Town Board Liaison)

Absent:

Andrew Galler
Mark Galezo

Conservation Board performed a site visit earlier in the day for the below applicant sites.

Agenda Items:

Wood Applicant

TM No. 71-2-39-1. WL -14-241
316 West Point Road
Garrison

Permission to dig underground 410 foot ditch for buried power lines. Ditch falls within wetland buffer.

Applicant anticipated Construction to be performed within one day. Mitigation plan recommended by Conservation Board included installation of hays bales to help block potential sediment flow from construction to adjacent wetland. Applicant agreed to conditions proposed.

Conditional wetlands permit issuance motion was made by CB member MJ Martin and seconded by CB member Lew Kingsley and approved by all CB members. Wetlands inspector oversight of project was agreed to by applicant.

Kehr Applicant

TM No. 16-20-18,20 & 21
3330 Route 9

Cold Spring

Planning Board referral request made of Conservation Board to review proposed plan. Applicant discussed subdivision proposal currently before town board due to zoning re-designation request made. Site Plan encompasses wetlands buffer and steep slopes along with adjacent clove creek frontage. Conservation Board had no areas of concern regarding any wetlands impact from plan and shall send report to Planning Board before their September meeting to reflect such.

Other matters:

Conservation Board discussed ongoing Banker property Mitigation plan (storm water, landscaping, disturbance needs, etc.) which is located adjacent to the Hudson River. Wetlands Inspector shall continue to provide guidance and necessary oversight required.

Also discussed was a general discussion of new innovative deer deterrent fencing designed to protect newly planted trees and plants. Also discussed was safe practices towards invasive plant removal.

Storm water Management discussion:

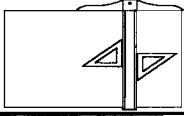
Wetlands Inspector lead off discussion which included storm water drainage labeling considerations for town which has been performed already in the Continental Village section of town along with Educational materials and attendance at meetings in an attempt to better educate fellow towns people towards the protection of wetlands, watercourses and steep slopes.

A recommendation to consider the appointment of a Conservation intern was discussed and shall be further looked into for possible recommendation to the town board.

Adjournment:

Chairman Lind entertained a motion for adjournment of meeting. CB Member Lew Kingsley made motion and CB Member M.J Martin seconded. All members concurred and meeting was adjourned at 8:50 pm

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



MICHAEL P. CARR P.E.
Consulting Engineer

13 Woodland Drive
Garrison, NY 10524
Phone: (845) 424-6119
email: carrm@cyberchron.com

Date: August 25, 2014

Mr. David J. Klotzle, Wetlands Inspector &
Members of the Conservation Advisory Committee
Philipstown Town Hall
238 Main Street
Cold Spring, NY 10516

Dear Mr. Klotzle and Members of the Conservation Advisory Committee:

Attached is an application package for your consideration. The subject property, owned by Ralph and Robin Arditi, is located at 200 Avery Road, Garrison, NY 10524.

Included in this package are the following items:

1. Application for Wetlands Permit.
2. Short Environmental Assessment Form.
3. List of adjacent property owners.
4. Written outline of proposed activity.
5. Photos of existing conditions.
6. Response to Criteria for Approval 93-8:
7. Reproduction of section of survey showing location of proposed work
8. Letter to Mr. David Klotzle, dated July 30, 2014.
9. Application Fee
10. Survey of property, dated November 24, 2009

Thank you for your consideration of this application. Please let me know if further information is needed.

Regards

Michael P. Carr, P.E.

APPLICATION FOR WETLANDS PERMIT

Note to Applicant:

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

(Office Use Only)

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

Pursuant to Chapter 93 of the Code of the Town of 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: Ralph and Robin Arditi
Address: 200 Avery Road, Garrison N.Y. 10524
Telephone: 845-424-4154

2. Agent: Name: Michael P. Carr, P.E.
(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)

3/ Name of Agent Michael P. Carr, P.E.

If Corporation, give names of officers:

Mailing Address: 13 Woodland Drive, Garrison, N.Y. 10524
Telephone: 845-424-6119

3. Location of Proposed Activity: 200 Avery Rd., Garrison, N.Y. 10524

Tax Map No.: 60.-2-5

Acreage of Controlled Area Affected: < 1.0 acre

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

Repair of leak in existing spillway in pond

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: August 22, 2014

Signature of Applicant:



RALPH ARBUT

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR RALPH ARDITI / Mike Carr	2. PROJECT NAME ARDITI - REPAIR OF SPILLWAY
3. PROJECT LOCATION: Municipality <u>Town of Philipstown</u> County <u>Putnam</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>200 Avery Road, Garrison</u> <u>Approx 1.1 miles north of Snake Hill Rd.</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration (<u>repair of existing structure</u>)	
6. DESCRIBE PROJECT BRIEFLY: <u>repair of leak in and around existing spillway</u> <u>at north side of existing pond</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>< 1.0</u> acres Ultimately <u>< 1.0</u> acres (<u>size of pond</u>)	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Ralph Arditi</u>	Date: <u>8/22/2014</u>
Signature: _____	

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

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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

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

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

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

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

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

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

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

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

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

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

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

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

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)

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List of adjacent properties for Arditi, 200 Avery Road, Garrison, NY

Applicant:

Ralph and Robin S. Arditi TM# 60.-2-5
P.O. Box 240
200 Avery Rd.
Garrison, NY 10524

Adjacent property owners:

Immediately Adjacent:

George L. and Rose Lorenz TM# 60.-2-4
P.O. Box 146
206 Avery Rd.
Garrison, NY 10524

Morgan and Jennifer Stebbins TM# 60.-2-8
186 Avery Rd.
Garrison, NY 10524

City of NY Dept. of Environmental TM# 60.-2-28
Protection
Attn: Bureau of Water Supply
465 Columbus Ave., Suite 350
Valhalla, NY 10595

Across Avery Road:

Peter L. and Grace A. Wilkie TM# 60.-1-39
5 Quiet Acres Ln.
Garrison, NY 10524

Ken Hoff and Patricia Rich TM# 60.-1-45
8 Quiet Acres Ln.
Garrison, NY 10524

Clare Cosslett TM# 60.-1-46
219 Avery Rd.
Garrison, NY 10524

Written Outline of Proposed Activity

Mr. and Ms. Ardititi wish to obtain a Wetlands Permit to perform repair activities on a leaking spillway / dam structure at the north (outlet) end of the pond located on their property, at 200 Avery Road, Garrison, NY.

The process will proceed as follows:

1. The existing pond water level will be lowered approximately 12” to allow access to the bottom of the spillway / dam structure. This will be done by pumping water from the pond, over the spillway, and into the chamber behind the spillway. The chamber behind the spillway will be lined with plastic and a small holding pond will be constructed to allow the water velocity to dissipate. The pumped water will then proceed through the under-driveway culvert pipe, and along its natural drainage path towards the north.
2. Once the pond level has been lowered sufficiently to allow for inspection and repair on the bottom of the spillway / dam to proceed, wire backed silt fencing will be installed in a semi-circle perimeter around the work area, providing a buffer between the work area and the pond surface.
3. The previously installed EPDM liner will be removed, (see letter from MPC to Dave Klotzle, dated 7/30/14), and the area under the spillway will be examined to determine if voids are found. If voids are found, bentonite clay will be packed into the voids. If no obvious voids are found, the spillway / dam structure will be removed, and any voids found below it will be packed with bentonite clay.
4. Following these repairs, the spillway / dam structure will be re-set.
5. Following the re-setting or repair, the silt fencing will be removed, the outlet will be returned to original conditions, and the pond will be allowed to re-fill. Should inspection reveal that the leak is continuing, further repair, following the above guidelines, will be made.

Total square footage of soil to be disturbed: < 30 sq. ft.

Estimated quantity of soil to be excavated: < 30 cu. ft.

Amount of fill (bentonite clay) required: <30 cu. Ft.

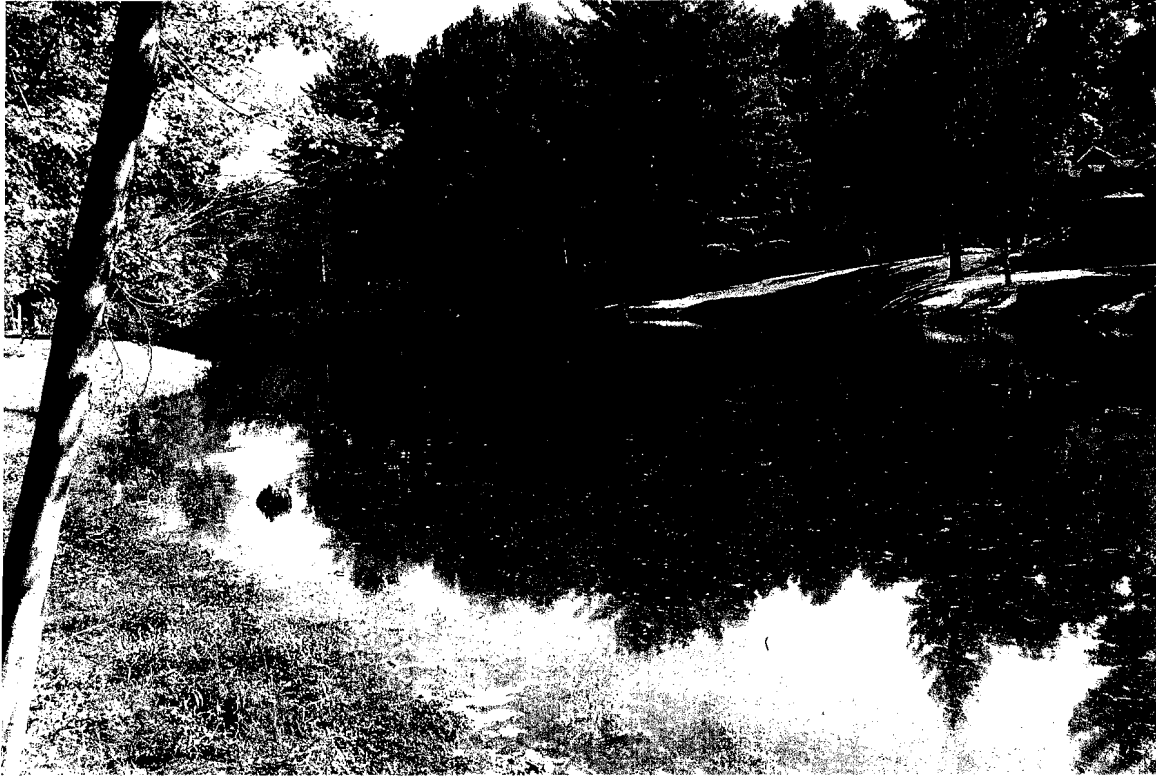


Photo 1 showing pond as viewed from south end looking north (spillway seen at north end).



Photo 2 showing pond as viewed from north end looking south.

Michael P. Carr, P.E.

Consulting Engineer



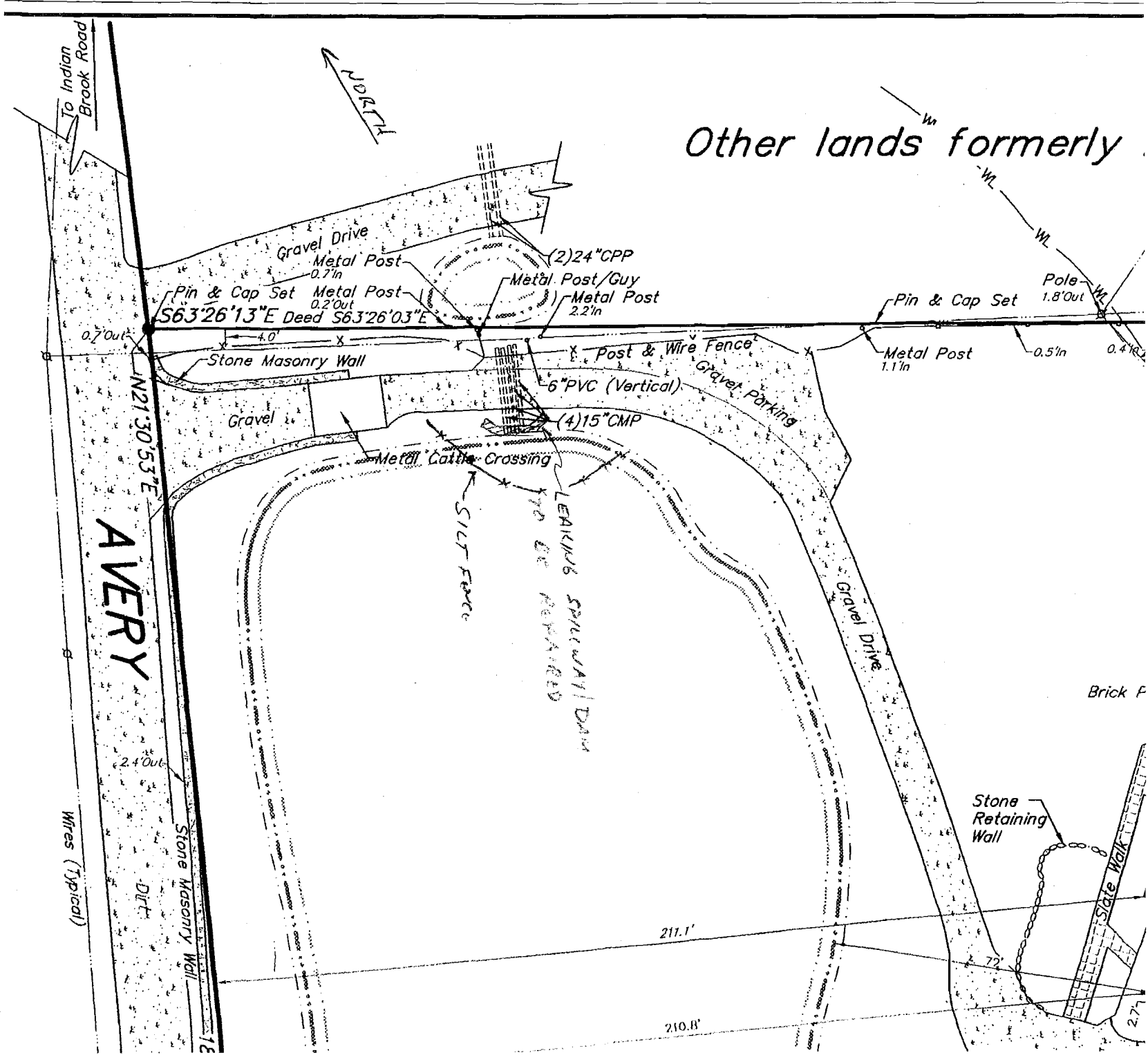
Photo 3 showing north end of pond and spillway / dam.



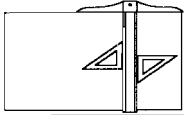
Photo 4 showing chamber behind dam where leakage is evident.

Response to Criteria for Approval 93-8: Arditi Pond Spillway / Dam repair

1. The activity will not have a substantial adverse effect upon the natural function and benefits of wetland or watercourse as set forth in 93-2B.
Response: Affirmative, resealing of spillway / dam will not adversely affect the wetlands or watercourse. Upon re-filling of pond, conditions will be returned to pre-repair conditions.
2. The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.
Response: Affirmative, resealing of spillway / dam will not adversely affect the natural channel of the watercourse.
3. The activity will not result in the degrading or pollution of waters.
Response: Affirmative, The pond and watercourse will be protected during the repair with wire backed silt fencing.
4. The activity will not increase the potential for flooding.
Response: Affirmative, Following the repair, the spillway / dam structure will be returned to pre-repair conditions.
5. Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity.
Response: Affirmative, The pond will be protected during repair with wire backed silt fencing. Repair operations will be prohibited during periods of heavy precipitation.
6. No practicable alternative location is available on the subject parcel.
Response: Affirmative
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.
Response: Affirmative
8. The activity will alleviate or remove a hazard to the public health.
Response: Affirmative, A properly functioning spillway / dam will allow accurate control, including lowering, of the pond's level, and allow the pond's volume to be controlled.



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MICHAEL P. CARR P.E.
Consulting Engineer

13 Woodland Drive
Garrison, NY 10524
Phone: (845) 424-6119
email: carrm@cyberchron.com

Date: July 30, 2014

Mr. David Klotzle
Town Wetlands Inspector
Town of Philipstown
238 Main Street
PO Box 155
Cold Spring, NY 10516

Reference: Pond dam repair at residence of Robin and Ralph Arditi, 200 Avery Road, Garrison, NY

Dear Dave,

As we have discussed in our recent telephone conversations, the dam structure at the outflow of the pond at the front of the Arditi property, at the above listed address is leaking. It appears that the seal between the bottom of the dam structure and the pond bottom is not intact, and is allowing water to pass under the dam structure.

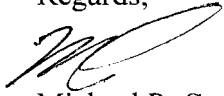
As the water level is dropping fairly quickly, you have authorized an emergency repair to the dam structure. As we had discussed, the repair will include the following steps.

1. The owner or his agent will clear all sticks, and other sharp objects from the pond bottom in an area approximately 50' long (parallel to dam side of pond), X 20' wide (perpendicular to the dam side of the pond).
2. Following the clearing of the area adjacent to the dam, the owner or his agent will hand position a 20' x 50' sheet of 45 mil thick pond liner material along the water side of the dam. The liner should be positioned to closely conform to the pond bottom, keeping wrinkles and folds to a minimum, and should be neatly positioned. The liner should extend up the water face of the dam structure to a height at least as high as the level of the spillway. The liner will be purchased from Pondliner.com, their p/n E20050, or equivalent.
3. Following proper positioning of the pond liner sheet, a 2" – 4" layer of ballast stone should be placed on top of the liner. This stone should be clean (washed) ¾" to 1.5" gravel. This gravel should consist of smooth round edged material,

such as obtained by screening bank-run. The gravel should **not** be screened crushed stone.

Should you have any questions, or should further information be required, or further steps be needed, kindly advise.

Regards,

A handwritten signature in black ink, appearing to be 'M. Carr', written in a cursive style.

Michael P. Carr, P.E.

cc: Ralph Arditi