

**PHILIPSTOWN CONSERVATION BOARD  
238 MAIN STREET, COLD SPRING, NY 10516  
OCTOBER 14, 2014**

**MINUTES**

**Doug Banker  
TM# 81.-1-27.2 WL-14-TBD  
43 Kings Dock Rd  
(Modification of Two Existing Structures)**

Mr Marino ( Banker Engineer) gave an overview of the mitigation progress addressing the Stop Work Order. He stated that over the summer the majority of the plantings had been done, and that Mr. Banker secured a permit to clear very specific areas of very specific species. He said that Mr. Banker went above and beyond site clean up. Mr. Marino said that he felt that a good mitigation plan had been put in place to take care of some of the issues. Mr. Marino gave a description of what was planted and what was removed. He said that some of the required plants were not available until the fall, and that they have been ordered and are waiting for the arrival of them so that they can also be planted. He said that deer fencing would be placed particularly around the elderberry. He said that Mr. Klotzle had lifted the stop work order.

Mr. Klotzle asked about the embankment next to the so called Greek Temple that has not been replanted yet. Mr. Marino said that 16 of the 21 plants on order are scheduled to be planted in that area. He said that blueberry and some other plants have been planted there, and that the huckleberry is a special order and still trying to locate some.

Mr. Lind stated that it seemed many of the plants that were planted were dry and did not survive, and there were heavy deer browse in the wetland. Mr. Marino said that if the bayberry needed to be replaced it would be while there was still time. He said that they had a maintenance and monitoring plan in place and in the spring time what did not survive would be replaced. Mr. Lind informed the board that the phragmites and knot weed have been cut. Mr. Marino said that the plan is to keep cutting it, and if need be then a separate application to apply herbicides would be made in the future.

Mr. Marino explained more of the proposed plan, and discussed with the board. Mr. Klotzle also recommended that seed mix be put on the hillside that was disturbed to prevent further erosion.

Mr. Marino discussed with the board the future plans for the existing buildings.

Mr. Marino said that they wanted to bring in fill to repair the exposed pipe area of the septic system, and use it as a part time driveway.

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The board asked about hazardous material such as lead paint, and asbestos during the demolition. Mr. Klotzle said that information on how the materials would be contained needed to be submitted to them, because it is in the wetland buffer area.

Mr. Galezo stated that he did not feel that the mitigation has been done properly, and should not yet be allowed to move forward with this application until the mitigation has been done. He stated that the deer fencing should be properly put in place, and more added to protect the areas that have been planted. He said that many promises have been made by the Mr. Banker many times, and there has been no follow through, and that it is a problem. He said that a stronger hold on the reins with Mr. Banker is necessary until he has completed what he promised to do. Mr. Marino said that much work had been done, and they have made an effort. Mr. Galler also stated that he was very uncomfortable with what has occurred on the Banker property as well. Mr. Galler said he was shocked to see how Mr. Banker had denuded the property. Mr. Galler said that he agreed that Mr. Banker should not be allowed to move forward until what needs to be done is done, and also the board and Town should have a very broad idea of what exactly is going to occur on that property in the future. Mr. Galler said that the steep slope had also been severely denuded as well. Mr. Marino said that some Mountain Laurel had been planted up on the steep slope. Mr. Marino said that it will take some work, and that a three year maintenance plan had been put in place to ensure they keep an eye on everything and its progress. The board and Mr. Marino talked about other methods pertaining to riding the invasive that will not be addressed by simply cutting annually.

Mr. Marino asked if fill could be brought in to restore the driveway and cover the exposed septic system. The board did not have a problem with that and said that they were ok with some gravel coming in, but Mr. Klotzle needed to know exactly what material and how much would be brought in before they did anything.. The board also said that the ledge needed to be addressed to help prevent further erosion. The board suggested placing hay over the seed mix. They also suggested laying some oats down as well to help preserve the area.

Mr. Galezo said that he felt the stop work order should be put back in place until Mr. Banker made good on all of his mitigation work. Mr. Marino disagreed and said that Mr. Banker is making an effort.

New areas of silt fence were discussed and required by the board.

The application will be discussed again when updates are made and submitted.

**Terry and Bonnie Turner**

**TM# 49.-3-20 WL-14-246**

**4 Circle Dr**

**(Tree Removal, Invasive Species Removal, Use of Herbicides, with Wetlands Mitigation)**

Mr. Watson (Turner Engineer) explained the property and what the applicant was proposing to do and handed out some photos of the site. He then introduced Mary Rice who is the Landscape Architect on the project. Ms. Rice explained the trees and invasive areas that needed to be addressed in order to allow them to maintain the property and to try and convert the view back to what it was when they bought the property. Mr. Klotzle agreed that the original view has tremendously been lost due to overgrowth. Ms. Rice went over the property size and the sections of the property that would be targeted in removal of overgrown areas. She gave the board a list of the species that she identified while on the property and their locations.

The board was happy with the ecological and aesthetic improvements that were proposed for the project. Mr. Klotzle said that the area was not regulated by the DEC and may not require a permit to apply herbicides, but it would need to be confirmed. Mr. Klotzle said that the board would want a certified applicator with at least several years experience to apply the herbicides. Ms. Rice said that she would like to give the area a good mowing to expose the area and get a good look at the area. The board said that the wood chips would need to be removed and hauled off the site.

Mr. Lind entertained a motion to grant the phased permit and approve tree cutting, and removal of invasive to get a better view and idea of what definitely needed to be removed with the condition that there was proof the DEC was ok with the application of herbicides without a permit. Mr. Galezo made motion to approve permit with set conditions. Mr. Kingsley seconded the motion. All members voted in favor. Permit was granted.

**David and Joanna Brenner**

**TM# 17.-2-52 WL-14-245**

**530 East Mountain Rd S.**

**(Installation of septic fill pad, septic system, underground service line for utilities, underwater supply well )**

The applicant was not present, but the board felt they had enough information to act on the application. The board discussed the proposed work and the site. They said that there was very little buffer disturbance. Mr. Lind said that all they really needed was appropriate silt fencing. Mr. Lind wanted to know if there was another area the well

could be placed. It was determined that it could probably not be relocated, and they were ok with that. Mr. Klotzle put restrictions that silt fence be installed, and whatever is removed to place the well be removed off the property or move the tailings 100 feet away from the buffer.

Mr. Lind entertained a motion to grant the permit with set conditions. Mr. Galezo made motion to approve. Mr. Galler seconded the motion. All members were in favor. Permit was granted.

### **Storm Water Discussion**

Mr. Klotzle said that a storm water presentation will be made in Continental Village meeting November 20th. Mr. Klotzle said that the Auth property will require a SWPPP located on the South West corner of 301. He said there are no wetlands or water, but they will be disturbing more than an acre of land and that is why a SWPPP will have to be done. He said the plan has been sent to Ron Gainer for his review.

### **Adjournment**

Mr. Lind entertained a motion to close the meeting. Mr. Galler made the motion. Mr. Garfinkel seconded the motion. Meeting was closed at 9:00 pm.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Tina Andress-Landolfi". The signature is written in a cursive style with a large initial 'T' and 'A'.

Tina Andress-Landolfi

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