

CONSERVATION BOARD
238 Main St., Cold Spring, NY 10516
February 12, 2019 7:30 PM

MEETING AGENDA

1) Approval of Minutes:

- February 12, 2018

2) Return of Escrow:

3) Old Business (all old business pending):

Open Space Institute (Glynwood), 362 Glynwood Rd TM# 28.-1-15 WL 17-293
(Neal Tomann will be in attendance to discuss. The project was last in front of the CB in late 2017.)

4) New Business:

5) Stormwater:

6) Other Discussion:

May Monthly Meeting - Request to change the date of the May meeting from May 14th to either May 7th or May 21st (requested by secretary)

**TOWN OF PHILIPSTOWN CONSERVATION BOARD
238 MAIN STREET, COLD SPRING, NY 10516
January 8, 2019
DRAFT MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, January 8, 2019.

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

Absent: Andrew Galler
Lew Kingsley
VACANCY

****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.

Old Business:

Robert Ashley, 3 Ethan Drive

TM# 91.6-1-50

Joel Greenberg, architect, & Robert Ashley, applicant, were in attendance. Mr. Greenberg reported that he made a submission prior to the meeting which included revised drawings that include the 5 items that the board requested be added. Mr. Greenberg stated he included correspondence from the Town of Cortlandt and noted that they state they have no objection to the development of the property and entrust the environmental review to the Town of Philipstown. Mr. Greenberg stated that the few items that the Town Engineer of Cortlandt requested have been added to the drawings as well.

Mr. Greenberg noted on the plan being displayed that the blue represents the property itself, the pink represents the house, yellow represents Ethan Drive and the driveway, and the green represents the intermittent drainage course that comes from Ethan Drive, along the adjacent property, onto this parcel, and then eventually winds down into the Town of Cortlandt. He noted that there is also another culvert pipe under Ethan Drive on the east side which sets drainage down into the property on the other side, the east side of this property. He stated there are drainage courses on either side of this parcel.

Mr. Greenberg pointed out there is an area for a leeching basin to collect all the roof drains and gutters and such. He stated there is town water at this property and pointed out the water line

going into the structure. Mr. Greenberg pointed out the area where the septic will go and stated it will be located between the house and Ethan Drive.

Mr. Repetto questioned if that location is where the current septic is. Mr. Greenberg responded that they had done some excavation trying to find it and noted the area where there seems to be some evidence of its location, adding that it has deteriorated quite a bit. Chairman Galezo questioned if the applicant has any idea of when the septic is originally from. Mr. Greenberg stated he does not but would guess that its been quite some time.

Chairman Galezo asked what Mr. Greenberg believes was there in terms of the septic. Mr. Ashley stated there definitely has to be a septic system there, as there was a house there up until 2011. Mr. Greenberg responded it is likely a concrete or metal tank. Chairman Galezo stated that the septic that is there is obviously horrendous. He noted that the entire property is in the 100-foot buffer and the board can not deem the property not-buildable, so the goal is to make it the best they can, and this new system is definitely a step in the right direction. Chairman Galezo questioned the possibility of a clay barrier. Mr. Greenberg stated one of the things they planned on doing is, at the end of each field put plugs so it can't go beyond the end of those fields. He stated, if the board feels it is necessary to install a clay barrier, they have no problem doing so.

Chairman Galezo questioned if there was a second drywell to collect runoff. Mr. Greenberg stated the one drywell will catch both. Chairman Galezo stated he sees 2 on the plan. Mr. Greenberg responded that Mr. Galezo is correct. Chairman Galezo asked what those calculations were based on. Mr. Greenberg stated they were based on the 25-year storm. Chairman Galezo stated other towns require calculations based on a 100-year storm. Mr. Greenberg stated he would be happy to submit the calculations to the board.

Mr. Repetto questioned if they have received a permit from the Board of Health for the septic yet. Mr. Greenberg stated they have a letter from the Board of Health stating that they can replace the septic system with a maximum of a 2-bedroom house. Mr. Garfinkle noted that the most recent plans submitted are for a 3-bedroom house. Mr. Greenberg stated that was a mistake on his part and brought with him the corrected plans showing it as a 2 bedroom.

Chairman Galezo stated the applicant is building the smallest house possible and replacing the septic system, which is a huge improvement. He stated they are suggesting a clay barrier and they would like to see the calculations for the runoff from all the impervious surfaces. Mr. Greenberg stated they would submit them to Ms. Percacciolo in the very near future.

Mrs. Martin asked if the driveway was to be paved. Mr. Ashley responded it is.

Chairman Galezo stated he personally does not believe there is anything more the board can ask for on this. Mr. Baker stated he believes this is the best solution possible.

Mr. Repetto stated that maybe this isn't the project, but at some point, the board has to be able to say no and to prevent these septic systems from going in the buffer of the wetlands, otherwise there will never be any improvements to the health of these wetlands and watercourses.

Chairman Galezo stated that sometimes the wetlands inspector is required to supply the Health Department with a wetland determination, noting where the wetland boundaries are located on the property, if any. Mr. Garfinkle stated sometimes the Health Department requires that before they will offer any approval. Chairman Galezo suggested the board could contact Joe Paravati and have a conversation regarding the approval process.

Mr. Baker moved to issue a wetland permit conditioned on the submission of calculations on the 2 drywells & the addition of the clay barrier to the plan and Mrs. Martin seconded the motion. The vote was as follows:

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

Kristan Connolly, Route 403

TM# 82.7-1-2

Glenn Watson was in attendance along with Mr. & Mrs. Connolly.

Chairman Galezo stated he would like to ask a question before beginning and asked if any test holes had been done up above to see if there is any chance part of the septic could go up behind the house. Mr. Watson stated he did not know the answer to that question though he is certain they looked at all the possible options.

Mr. Watson stated this is obviously a constrained site. They found suitable soils; they're not the best soils in the world. He stated they've proposed a clay barrier which is designed to keep the drainage from going out and under, its to keep it going down, and once it gets through the soil that's where it gets its cleansing action. The clay barrier forces the water to go down instead of out into the wetland. Chairman Galezo asked how long a clay barrier typically lasts. Mr. Watson explained that they can last forever, they shouldn't break down or wear out. Chairman Galezo questioned what percentage of the water that goes into the fields evaporates versus drains. Mr. Watson explained that very little evaporates anymore for the reason that the leeching fields are now put 24 - 30 inches underground as opposed to 6 inches like in the old days.

Mr. Watson reiterated this is a constrained site and they have tried to do their best with it. He stated the Planning Board had asked that they consider moving the driveway up and taking it around a different way, but that would ruin the only suitable septic area available. One thing the engineer pointed out is, if they were to push the driveway up there would be ponding and it would flood the driveway.

Mr. Watson reported they are certainly willing to work with a condition with regard to the plantings on the side slope and having Mr. Garfinkle suggest plans; they have no objection to that or to the randomness of it either.

Mr. Watson stated they did just receive a permit from the Health Department and supplied the board with a copy of such. He stated there has been considerable discussion with the Health Department regarding the septic system and where it is. He stated the proximity of such to the wetlands is shown right on the plan that the Health Department received and approved.

Mr. Watson reported they could essentially push the house back but that would create the need for a variance. He noted they show the Zoning District line on the plan as well. Mr. Watson stated they are sort of "between a rock and a steep slope" on this site.

Chairman Galezo stated at the last meeting one of the things the board wanted was confirmation that the septic couldn't be placed up behind the house and that the location shown is the best possible option for it. Mr. Connolly stated the reason why it can not be located up behind the house is that is ledge. Mr. Garfinkle questioned what the discussion with the Health Department was in terms of their ultimate approval of this proposal. Mr. Watson stated the thing that "turned the trick" on it was the clay barrier and obviously their having seen the ledge in the back.

Chairman Galezo recalled a previous project on Ox Yoke where there was a stream that came down through the middle and they wanted to put the septic in that wetland barrier so they allowed him to pipe the stream; the closest the Health Department would allow him do it was 50 feet, if he piped the stream. He continued, in this case they are 0 feet, it's touching it. Chairman Galezo questioned how the Health Department perceives these 2 situations differently, a wetland versus an actual stream. Mr. Watson responded he does not know the answer to that question and to be perfectly honest, it is a guessing game sometimes.

Mr. Baker stated, when they went out on the site inspection a few weeks back, he viewed it as a terribly challenging site and added he is impressed with Mr. Watson and his colleague's ability to arrange the Site Plan in the way they have.

Mr. Repetto stated this is a new septic system, it is not replacing an existing system, and is designed in a great way but questioned where the line is; when does the Conservation Board get to a point where the answer is no, you can't do it? Otherwise, anyone can put a house anywhere. Chairman Galezo responded, as he understands it, the line is between building the most difficult possible system that can physical be engineered, or it being a taking.

Mr. Garfinkle questioned what the discussion with the Planning Board consisted of. Mr. Watson stated their initial thought was that this was a wetland, which it did turn out to be and they responded to. The PB's other thought was the location of the driveway, which could accomplish a better grade if moved up, but that would ruin the septic location. Mr. Watson stated he thinks they are over that hurdle but with regard to the CB's involvement, their concern was the septic and the wetland. Mr. Watson stated there was the concern about the driveway but in working with Mr. Garfinkle regarding that, he believes they will be good and it will be addressed adequately.

Mr. Garfinkle stated that he and Chairman Galezo were discussing, on the technical side, what assurances are in place besides the clay barrier, to justify this work being done; what are the

failsafe's for allowing it? Mr. Watson stated they hit on it earlier, it would be a taking if not allowed.

Regarding drywells, Chairman Galezo questioned if some cultec's could be added to catch the water first before it goes into the rain garden. Mr. Watson noted on the plan where one might be able to be added. He stated they could catch the roof runoff but doesn't see any point in catching the footing drain. Mr. Watson stated they could put a drywell on line with the roof runoff and then bring it over.

Chairman Galezo stated the driveway will be paved and questioned where that runoff will go. Mr. Watson showed on the plan where it will run and stated they will put a culvert under the driveway. He stated they might be able to put a series of check dams across the ditch in order to create little dams that can cascade and make its way down, dropping its solids in the process.

Mr. Garfinkle suggested the applicant prove their 'no-alternative' standpoint regarding the septic system. He questioned what harm there would be in testing the soil up behind the house outside of the wetland boundary. Mr. Connolly reiterated that there is ledge there, making the area unsuitable for the placement of a septic system. Mr. Garfinkle questioned if it is possible to make that location suitable. Mr. Watson explained that a septic system can only be placed somewhere where you have at least 3.5 feet of natural soil, so if you have ledge you really don't have a shot at it. He clarified, you have to end up with 7 feet and 3.5 feet has to be naturally in place.

Chairman Galezo stated there has been at least one case in the past where the board has requested that the applicant just certify, with a letter, that there is no other viable location on the property for the septic. Mr. Watson stated they will supply the board with such.

Mrs. Martin stated she is not an engineer by any stretch of the imagination but questioned if the fields could be moved to be longer and move the reserve area to be in the other location. Mr. & Mrs. Connolly stated that had been looked at. Mr. Watson stated the same but could not recall why they decided it would not work. Mr. Watson stated he would also rather not run this back through the Health Department. He stated he would look back into it and include the reasoning in that letter to the board.

Mr. Connolly informed the board that they do not own the property yet but are under contract to do so. He stated the contract expires in March so they would really like to get moving on this so as to not lose the property and all the money they have put into this process already.

Chairman Galezo expressed his understanding and requested a letter from Mr. Watson stating why the fields can't be moved and that there is also no other viable site to locate the septic. Chairman Galezo also requested calculations for the roof runoff and the addition of check dams on the driveway. He requested calculations showing the rain garden's capacity to hold all of the water that will be draining into it as well. Mr. Watson clarified that there will be some water going into the wetland, but due to immediate downstream conditions it will not move out of there very quickly.

Mr. Repetto questioned if there is any other type of barrier, other than a clay barrier, that could be put in place as sort of a double protection measure. Mr. Watson explained he does not know of any that are not outrageous and expensive. He noted that the design of this system meets the Health Department requirements and is specifically designed to.

Chairman Galezo expressed his curiosity as to whether the Health Department has more stringent requirements for a system that is being placed so close to a wetland. Mr. Garfinkle stated he thinks it is kind of interesting that the Health Department approved this plan without any confirmation or discussion with this board. He stated with the last applicant, on Ethan Drive, they were taking their CB approval and going back to the Health Department. It goes back to the process and which step should be taken first and when. Chairman Galezo suggested that be discussed with Mr. Paravati at the Health Department.

Mr. Baker moved to issue a wetland permit conditioned on the items discussed above and Mrs. Martin seconded the motion. The vote was as follows:

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

Mr. Watson stated he has those conditions down as the drainage calculations, the insertion of the cultec, and the check dams and questioned if he missed something. Chairman Galezo stated the only other thing is the letter.

Mr. & Mrs. Connolly thanked the board for their time.

Mr. Garfinkle asked if a copy of the Health Department stamped plan had been submitted to the town. Mr. Watson stated it has not and he only brought one copy this evening but he would supply extra copies if necessary.

Other Discussion:

The Conservation Board held a lengthy discussion with Councilman Leonard regarding the permitting process, specifically the sequencing and whether it is appropriate for the applicant to obtain approval from the Health Department for SSTS before visiting this board or after.

Mr. Garfinkle suggested that every new build application that comes in to the Building Department should come before him for a quick once over to determine whether there are wetlands in the vicinity. Chairman Galezo suggested that a map showing the wetlands in Philipstown should be attached to each application.

Mr. Garfinkle reported that the board is technically supposed to be declaring certain types of actions based on how the projects are designated through SEQRA, if there is no other board involved.

The board discussed possible changes to Chapter 93 of the Town Code, Wetlands & Watercourses, with Councilman Leonard.

Mr. Garfinkle suggested having the Town Attorney sit in on a meeting or 2 to observe the boards process and make any suggestions necessary in terms of following the correct permitting procedure.

Minutes:

The minutes of October 9, 2018 were reviewed. Ms. Martin moved to approve the minutes as presented and Mr. Baker seconded the motion. The vote was as follows:

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

The minutes of November 13, 2018 were reviewed. Mr. Baker moved to approve the minutes as presented and Ms. Martin seconded the motion. The vote was as follows:

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

Return of Escrow:

Galotti, 589 Route 9d

TM# 81.-1-32

Mrs. Martin moved to approve the return of escrow and Mr. Baker seconded the motion. The vote was as follows:

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

Ms. Martin moved to adjourn the meeting and Mr. Baker seconded the motion. All were in favor and the meeting adjourned at 9:03 pm.

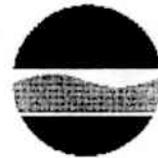
Date Approved: _____

Respectfully submitted by,

Tara K. Percacciolo

**New York State Department of Environmental Conservation
Division of Environmental Permits**

NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561
(845) 256-3054



January 25, 2019

GLYNWOOD CENTER INC
PO BOX 157
COLD SPRING, NY 10516-0157

Re: DEC ID # 3-3726-00137/00006
GLYNWOOD FARM / ENVIRONMENTAL EDUCATION

CENTER

Dear Applicant :

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 1/28/2019 on any day Monday through Friday.

The official newspaper of the Town (City) of PHILIPSTOWN.
Contact the Town (City) Clerk's office to confirm the official newspaper.

On the Notice of Complete Application, that information presented between the horizontal lines, on the enclosed page(s) should be published. Do not print this letter or the information contained below the second horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

If you have any questions please contact me at the above address or phone number above.

Sincerely,

TRACEY L O'MALLEY
Division of Environmental Permits

THIS IS NOT A PERMIT



**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: 01/25/2019

Applicant: GLYNWOOD CENTER INC
PO BOX 157
COLD SPRING, NY 10516-0157

Facility: GLYNWOOD FARM / ENVIRONMENTAL EDUCATION CENTER
GLYNWOOD RD
PHILIPSTOWN, NY 10516

Application ID: 3-3726-00137/00006

Permits(s) Applied for: 1 - Section 401 - Clean Water Act Water Quality Certification
1 - Article 15 Title 5 Stream Disturbance

Project is located: in PHILIPSTOWN in PUTNAM COUNTY

Project Description:

The applicant is proposing the placement of 200 feet of rip rap along the Trib of Clove Creek, Waters Index Number H-95-5-6, Class B, in order to mitigate erosion along the embankment. The bank is starting to undermine the main driveway and endangering a residential structure.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency None Designated

State Historic Preservation Act (SHPA) Determination

Cultural resource lists and maps have been checked. The proposed activity is not in an area of identified archaeological sensitivity and no known registered, eligible or inventoried archaeological sites or historic structures were identified or documented for the project location. No further review in accordance with SHPA is required.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 02/14/2019 or 15 days after the publication date of this notice, whichever is later.

Contact Person

TRACEY L O'MALLEY
NYSDEC
21 S Putt Corners Rd
New Paltz, NY 12561
(845) 256-3054

CC List for Complete Notice

Chief Executive Officer
GLYNWOOD CENTER INC
Neal Tomann, The Glynwood Center
Erik Kulleseid, Open Space Institute
ENB