

**TOWN OF PHILIPSTOWN CONSERVATION BOARD**

**238 MAIN STREET, COLD SPRING, NY 10516**

**February 11th 2020, 2019**

**MINUTES**

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, February 11th, 2020.

Present: Andrew Galler (Acting Chairman)  
Robert Repetto  
Anthony Deos  
Krystal Ford  
MJ Martin  
Lew Kinglsey  
Max Garfinkle ( Natural Resources Review Officer)

Absent: Mark Galezo (Chairman)  
Jan Baker

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

**Andrew Galler opened the meeting at 7:30**

**Riverview Industries, 3012 Route 9, Cold Spring New York TM# 27.20-1-7 WL#20-320**

Max Garfinkle stated that Glenn was here because of a larger discussion that is in front of the Planning Board right now in regards to a referral that came in front of us pertaining to Riverview Industries. The property is on 9 by Griffin Landscaping that has illegally at this point utilizing the lot in the manor they are. They don't have an official site plan that allows them to currently utilize the property for trucks storage. This was referred to Mark and he saw the plans and max and mark went out to the site to get a

sense of what is going on there right now. Glenn stated the Planning Board has seen this once in front of the board and once in the field. Max stated that there is a site plan in front of the planning board now that has a proposed use that is going to be considered. Our Board takes jurisdiction because there is a small wetland on the property. There are some violations that have occurred on the property that violate our Chapter 93 code a few years ago. Greg and Bob pursued a stop-work order and notices of violations on the property owner. I think they are in court with the town, Andrew said they are in court. At this point we are trying to move forward and rectify the situation and figure out what is going to be acceptable from the town's perspective for the use of that property and the boards involved. Are you going to be making an application next month on behalf of that property owner, so this can be a larger discussion when you all have had a chance to see the plans and the property. Glen said that max summed it up, but he didn't know if you had any comments. There is clearly issues with the site, I want to gather as much information as I can because it is going to be an upward struggle to get this thing rectified. Max stated that his initial thoughts were the boards going to have to weigh out after you see the property and the violations, there is a filling with the wetlands that abuts to the property where he is currently storing trucks and truck bodies. The use was not permitted as a parking lot by the wetlands Conservation Board. You are going to have to weigh out not only the site plan they are proposing but also what you would want to see to rectify the violation. There is going to have to a quantification of what was lost and how to structure mitigation moving forward that would balance that out.

Andrew Galler asked what kind of use does he want to have for the land going forward? Glenn Watson stated he wants to use it as a parking facility. This is on the riverside of Route 9, it is opposite the truck part store he has there. He has two sites across the street the big blue garage and big brown garage. You can have an offsite parking facility across the street, it's an allowable use. I can't characterize that place other than what it is. It is not in good condition, it's not orderly and has to be cleaned up one way or the other. It will be to his benefit to do that, and it has a history of being used that way. It was started in the 60's it was used as a staging area for building 84. It has some history of being pre-existing use and also has some wetland.

Krystal ford asked if there have been any soil samples taken from the area? I can only imagine leaking truck oil in to the surrounding soil. Glenn responded I don't know that. Krystal stated I'm sure it has been leaching into the wetlands. Glen said that he is there because he doesn't want to miss anything on the discussion. Max stated the bigger discussion will be in March when the board has more information. Glenn stated that he has to get together with the property owner and his lawyer and lay the cards out on the table for him too. Max said he thinks that would be the best way to go about it because when we get referrals from the Planning Board, we only get one set and they always go to mark and sometimes I never get to see them until after the meeting. Glen asked if you have seen the size of the wetland? Max stated he doesn't think they have determined that yet, I would be hesitant to give an answer right now because I think that is something that needs to be qualified in the field. MJ asked so there has not been a delineation? Glenn stated yes there has been, It has been delineated and it is on the plans. It does go off the site zone but doesn't go to far back because when you get back

a couple of hundred feet it is a very steep slope. Max asked who did the delineation? Glenn answered Steve Marino. Max stated it is a tricky situation because like Glenn said the use has been on going, but initially they filled the wetland to create the space. You can see what they have done up to three years ago looking at old aerial from 2011 and comparing it to now. You can see the size difference. MJ stated that has been since the re-zoning.

Robert Repetto stated that is a good point about the sampling, we might need him to hire somebody to do that kind of testing. Glenn stated he will make sure he gets that done. Makes said his point for bringing that up is that this has been an on-going us maybe not to the extent now but if we start doing soil testing, hydric soil you may get into a grey area of what's there. Glen stated that was a commercial lot so he may have had some done when he bought it, I will have to ask him. Robert stated it is kind of irrelevant if he bought the lot and something that was not a prier condition known and there was a spill doesn't, he inherit that liability? Glenn stated he believes that is correct but it does have a difference because if it is different today then it was then there would be an actual blame. Robert said it was used by the state right in 84. Glenn stated it was used in 84 by one of the contractors that was building it not directly by the state. I think there is an affidavit in the packet.

### **Manitou Point Preserve, LLC , 100 Mystery Point**

Chris Egger, Race Coast Engineering stated we filed the application for the proposed dock. The project site is on the Hudson River and here are some pictures of the shore line. It is a 4 foot wide by 63 foot long pier with a 15 foot by 8 foot (In auditable) there is a kayak lift and a floating dock and gangway. Last time we were here the biggest questions was about ice. We have been working on the final design and construction drawings for the pier itself and in the structural detailing we have designed the piles to account for an ice flow load. We looked at AASHTO referred to the old Navy manual for Ice (In auditable). These piles are going to be steel piles, reinforced concrete and drove down into the bedrock so, they will be robust and also the steel will be smoother than the timber and less likely catch on the ice. Andrew asked what was the diameter of the pilings? Chris stated 8 piles 18 inches supporting the dock and 4 12 inch piles to anchor the float. Andrew asked if the work was going to be done from the river predominantly true? Chris stated Yes.

Max asked if they have copies of the actual State and Federal permits and are they finalized? Oh, we got them in the other packet. Chris stated that DEC permit issued on Aug 5<sup>th</sup> 2019 I believe the Army Corp. Was issued also. Max stated that those were the biggest components that they had and typically the protection measures they set we are comfortable with. Andrew asked if there was any water on the dock? Chris asked like utilities? Andrew stated he assumed there is power. Chris stated there is power on the gangway hoist. Andrew asked with the utilities I assume you will be using marine grade not only with ground fault. Chris stated water proof, sealed connections.

MJ stated she had a small issue with there salt fence detail, on the paperwork we just got you specified hay bales, but we would prefer straw bales. Chris stated that would be okay. MJ stated that they typical want silk fence be wired backed. Chris stated okay.

Andrew asked what ice projections were you making? Chris said he doesn't have the specifics on them but we can send them as a condition for the permit. The Structural Engineer was looking at both the New York State Ice flow report and got some information from that. I'm not sure what the loading was but I can find out. Andrew said he things that they should have that in the records.

Robert asked if the dock comes out in the winter? Chris stated the dock could be removed. Robert said I thought that is what we said the dock would come out so it was not actually be, the pilings would stay. Andrew said what would stay in the gangplank is the major structure which is about 57 feet long if your looking at the right of the plan that would stay in. That's the only thing I'm concerned about subject to Ice box when the ice gets pushed up. The basic condition at this point from whatever you want on it from a logistic stand point and we should have on file the ice loading predictions that were done. Andrew asked if he had a motion to approve the permit?

Lew Kinsley: I'll make a motion

Andrew Galler: Second

MJ Martin: Second

Andrew Galler: All in favor

Robert Repetto: Aye

Krystal Ford: Aye

Andrew Galler: Aye

Kerry Choy, 12 Hudson River Lane, Garrison

TM#89.7-1-16 WL#20-321

Chris Egger representing 12 Hudson River Lane. There is three parts to this project, the first is we are replacing this concrete crib seawall with a new slopped revetment adding floating dock and gangway and regrading the lawn. There is a little fill work which is in the application.

Andrew asked what was all the construction that was torn up in the back, there was grass there and there's no more grass? Chris Yes there was grass but this picture was taken sometime in November. The house is under renovation and she has a building permit for that. I don't know how disturbed it was when you were there. Everything is an ongoing part of the house renovation so they are focused on the house right now. I know that part of this site grading when they were excavating for the house around the foundation, they have a little extra fill to use for grading. Andrew said the whole area from basically the deck in front of the house on the river side, from there on when we were there was disturbed. What mark and I were talking about is where the septic system is, which should be shown. We took a video which is not wonderful, but you can

look at this, where there seems to of been run off that is not from rain. That was from something from the ground and it is not ground water in that area. Robert said we were wondering if there was septic work done? Chris stated not the we are aware of. From what we have heard the well is up here closer to the road and the septic is on the back corner of the house near that deck. Outside of the proposed work area that we are looking at but definitely with the house renovations. Andrew asked the old masonry well was abandoned? Chris stated yes that one is abandoned, so from my understanding there is a well up here next to the driveway and the septic is over here. We didn't field locate or test pits or anything but that's what we have gathered.

Robert asked max what about fencing? You can clearly see the dirt is running towards the Hudson so it would probably need some fencing. Max stated yes there should be some fences installed now if there is any earth work going on. Chris stated he would let the owner know and she can pass it on. Andrew said somehow, we should figure out if the septic system is functioning. Max stated that they should call the department of Health and see if we can get them to do a dye test. Lew asked it is on the river edge, doesn't the coast guard get involved with this when you start breaking up area's like that? Max asked if they actually had permits from DEC or Army Corp? Chris stated no. Max stated that they would wait to issue anything from the town's stand point until those permits are issued. The board is not going to vote on this tonight because of site issues with the septic. Robert asked about the water softener discharge. Max stated that is where they initially thought the water discharge was coming from. Andrew stated that the water softener discharge would either need to go into either the septic or more preferred (In auditable) but that is easier said or done. To mark and I when we went into the house it looked like they might still be using this old masonry well because water was going through a significant water system that looked like tanks with chlorine water purifier as well as two holding tanks as if it is a low compacity. A couple of gallons per minute so they can build up water. Since they are using some kind of water purification it looked like a water softener, we really need to know the functioning of the septic system. Max asked if the homeowner to could made aware and they can contact him. Max stated in terms of a permit we will wait until your final comments came back and you received the state permits before we issue anything. Chris asked if the board would be willing to consider entertaining the idea of issuing a permit with a condition not valid until the state permits are issued. Max stated that essential that is what we are doing but I don't know if we would go that far right now. Andrew said if there was not a prudential issue with the septic then we might do that, but in this case, there is to many moving parts. Robert stated that his concern is that so much dirt was moved with a machine near the Hudson and it is clearly moving towards the Hudson they need to demonstrate a little conscientious work here. Andrew asked if the work would be done more from the water side or land side? Chris stated he things the land side.

**Garrison Fishing Game Club Pond, 183 South Highland Road TM# 61.-4-16 WL# 20.322**

Max stated that we have this permit from the Fishing Game Club and that he would be more comfortable have the town contact them. Andrew stated he would be more

comfortable having the consultant come down and he is going to be the applicator as well. Max stated that this is just the application not the permit and they are just finishing there public noticing for the DEC side of things for the treatments. After that is done the DEC might issue the permits if no one raises any issues. The Town of Philipstown is a jacent land owner to one of those properties. Shares water rights to the outflow in some compacity so we were notified of the application being in front of the DEC and I did comment back. They were going to be required to have a town permit before they can perform work. Andrew stated he is not against treating ponds or lakes, since the main thing they are going after water shield. Max stated that he would like to see a management plan and there reasoning why. In the paperwork it just stated that is has become a hassle to control and keep the pond free of water shield.

Krystal asked if it is a sign of excessive amount of nutrients? Because you will get a plant that is thriving phosphorus. Andrew said not usually with water shield. Max said that all would bubble to the surface if they did have a (In auditable) testing done. You could see what the internal nutrients there are and fish composition is, all these different components are. Max stated that they need to have a written plan or discussion with the applicant or representative of the Fishing Game Club, I think that can be accomplished either way. They have completed the application with DEC Pesticide Bureau where they are evaluating what chemicals you are putting in and the effects are going to be on down stream property and the water body itself. The rational is to why are you making a decision. Max asked me to reach out to the Applicant and let them know what the board as decided before any decision can be made.

Andrew asked to vote on minutes. First would be September, Doe's anyone have any comments? I only had one comment on the September minutes on page two, third to last paragraph they are talking about a 6 foot high wall in the back Justin Way Property. I think we should just change that to already a stone wall in the back. Do I have a motion to except the September minutes.

Lew Kingley: Ill make a motion

MJ Martin: Second

Andrew Galler: All in Fvavor

Robert Repetto: Aye

Krystal Ford: Aye

Andrew said now we go to November Minutes, Any comments? Do I have a motion to except the minutes?

Robert Repetto: I'll make a motion

Lew Kingsley: Second

Andrew Galler: All in favor

Robert Repetto: Aye

Lew Kingsley: Aye

Andrew Galler: Aye

Andrew Galler: We will now go to January, any changes or comments?

MJ Martin: I'll make a motion

Robert Repetto: Second

Andrew Galler: All in favor

Robert Repetto: Aye

Lew Kinglsey: Aye

Andrew Galler: Aye

MJ Martin: Aye

Krystal Ford: Aye

Andrew Galler moved to adjourn the meeting and Robert Repetto seconded the motion. All were in favor and the meeting adjourned at 8:33 pm.

Date Approved: \_\_\_\_\_

Respectfully submitted by,

Kelly MacIntyre

