

TOWN OF PHILIPSTOWN CONSERVATION BOARD

Claudio Marzollo Comm Center

107 Glenclyffe Dr Garrison, NY 10524

March 10th 2020

Minutes

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, March 10, 2020.

Present: Mark Galezo
 Krystal Ford
 Lew Kinglsey
 Jan Baker
 Max Garfinkle (Natural Resources Review Officer)

Absent: Robert Repetto
 MJ Martin

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

Mark Galezo opened the meeting at 7:30

Karry Choy 12 Hudson River Lane

TM#89.7-1-16 WL20 321

Marked opened with calling Hudson River lane. Max stated that their application was postponed because they are waiting for them to get the State and Federal approvals first. Max and mark will go and meet the engineer and talk to them about the issue mark has with the drainage.

Glenn Watson appear on behalf of the applicant along with Luke Hilpert the attorney for the applicant. Glenn Watson stated that this matter is before the court, and they are trying to come up with a solution to resolve the issues. They made an application for a wet land permit. They are looking to make a formal parking lot and do landscaping which does push into the wetlands towards the back. The more serious wetland is towards the south west of the lot. Glenn Watson stated that they have been using this property this was since the 60's. Glenn Watson is questioning if the ditch on the property is actually a wetland, it was flagged by Steve Marino. Glenn Watson stated that from what they can tell it is not flowing.

Mark Galazo asked if this is just our jurisdiction or is it state also? Max stated that it is just our jurisdiction.

Glenn Watson stated that they can try and get away from the wetlands by moving things around. Max stated that the first thing they need to do is set up a site visit for the rest of the board to go look at the property. Max said that the next thing they should do is quantify some of the potential violations on the property that would affect the chapter 93 code. Max stated that quantification of the fill that was brought in there should be shown as that would help determine whether or not the wetland boundary you are asking us to consider is hydrologically connected to that area. Max also stated that there is a wetland boundary to the south and the buffer line comes up almost straight and curves to the north, I was wonder why it didn't extend to the east? Glenn stated that he didn't know the answer but would find out. Max stated that he feels that should get corrected also to re-quantify what's in the buffer. Max stated that if this was to come in front of the board as a clean slate, and we know there has been a lot of site disturbance over the decades, we would have to weigh out if we would want a parking lot in this area if this was a fresh application. That should be considered as well and what its intention is for the future. Glen Watson stated that his client want's to be put in a position that he can use this property legally and is willing to work with the board.

Mark Galezo stated that there have been drippings from the trucks into the ground and polluting the ground and now it is being expanded. Glenn Watson stated that it is not be expanded now and they are pulling this back from the disturbed area. Mark stated that he would like to see them clean up what has been dumped into the wetland. Mark stated as a trade off to clean up part of parking lot and put up a barrier so that the stuff that would be leaking would not be able to get in so Easley and in addition to that show that you are doing some kind of grading and impervious and the parking lot is going to be improved because right now it is just gravel and anything leaking is going into the ground and into the wetland. Glenn Watson stated that it is there intention to pave the parking lot.

Luke Hilpert stated that Kevin stated that it will be more for truck bodies and not for the trackers part themselves. Jan stated that he believes mark is right that they are not starting fresh this has been going on for a very long time. Jan stated that all parties need to come up with a solution that makes sense for the Town and Glenns client.

Glenn Watson would like the Board and Max to talk before they come back in front of the board.

Max Garfinkle said he would like to figure out why the buffer was not quantified on the southern portion. Max stated that essential 50 percent or greater of the site is with the wetland buffer. Max would like to quantification on that and showing what the violations are and what you would need to improve would be very helpful to the board. Where Steve delineated those two lines there is fill that goes from East to West and that would be in violation of our Code. I was probably done in conjunction when this parking lot was regraded and expanded to accommodate his use now. Those are things that need to be looked at because those would be used for mitigation for the project. The board would have to look at rectifying this situation to allow something like this. Max asked to set a site walk with the board. The Board agreed on March 16th 2020 8:15am. Max asked Glenn Watson what was going on with the Planning Board agenda? Glenn Watson stated that the Planning Board asked them to get straight with Conservation Board first and they will follow there lead on the wetland. Max asked what about the Town law suit? Luke Hilpert stated that he was operating without a site plan and there were allegations of expanding the use of the file. That has been fined and he needs to get a site plan approval.

N. Scott Johnson, Mountain Brook Drive, Cold Spring New York

WL#20-323

Jason Steiner with Badey and Watson representing the applicant Scott Johnson. The applicant owns 5 adjacent parcels at the end of Mountain Brook Drive. The applicant wants to build a house at the end of the maintenance road which was for the Dam which is the old Fishkill Reservoir. Jason stated that there is a road that starts out on the applicant's property then goes off then comes back on again. Jason stated that they have done some deep hole testing for the septic system and the ground water is elevated. The area that they want to build on is the only area that would be viable without getting into more wet lands. The application is to build a construction road to the septic area and install a curtain drain. Jason stated that the curtain drain needs to be installed so they can continue the analysis of the septic area. Jason stated that they need 6 feet of dry usable soil between total depth 4 feet below a 2-foot trench.

Mark Galezo asked if this is just a 7 foot by 2-foot trench how long? Jason stated it is about 300 feet long. Mark asked is it 7 feet down? Jason stated yes. Mark asked if it this going to be a curtain drain or just a trench for the time being? Jason stated it will be a curtain drain. Mark asked is it going to be finished with fabric and the whole thing, and if the project doesn't go through for whatever reason the curtain drain stays there? Jason stated the curtain drain will stay there and they will have to explore other areas or other areas. Jason stated that they have been at this for a very long time, monitoring and testing and they can't go any further with this project until they know if this is a viable septic area. Jason stated that they can't tell the DEC or the Health Department that this is a viable septic area without the curtain drain. Jason stated that there is no access without building a road. Mark asked if the road will be crossing over any wet lands or buffers? Jason stated there is an intermittent water course that runs down and goes through the neighboring property then comes onto the client's property use to come

straight down and go into the ravine. We have had people driving 4 wheelers and diverting the water course down to an old road. Jason stated that the whole thing is the buffer. Mark asked when you get down to the lake are you 100 feet from the lake? Jason stated it is all within 100 feet of the lake. Jason stated that the curtain drain is outside the buffer, the discharge pipe is inside the buffer.

Mark Galezo asked about doing a site visit. That they will be permitting clean ground water to be re-directed and it doesn't seem to be a big impact.

Max Garfinkle stated that it would be piping for the intimidate stream at that crossing. Mark stated if they get a clean septic then it will be a new game. We will have the crossing and a road going through a buffer. Jason stated that no matter how these 50 acres is developed they need this road to access the property. Mark asked if there is no way to get permission from the land owner to use the old road without having to build the new road in the buffer to get in to do the curtain drain and get out? Jason stated that they would still need the crossing. Jason stated that they would only need one 4-foot culvert buried 12 inches so the bottom is the natural sub-straight. Mark asked if the intermittent stream is flowing now? Jason stated it is probably trickling. Mark asked if it is possible to do it as an intermediate job where you put in a 12-foot pipe to just carry whatever water and do it in a dry season? Where you can do the least amount of damage. Jason said there is other ways to develop this property but it is a lot more permitting then what we are permitting now. We would have to cross bigger streams, cross perennial streams we would have to cross Federal and DEC. Regardless how we do this development we can't go down this ravine. All parties agreed that the board should go see it. Jason stated that it is going to be a rough road. It is just so a dump trucks can get in and remove materials and bring materials in. The Board will do a site visit on March 16th, 2020 at 9:00 am.

Mark Galezo asked if there are any minutes to approve? Krystal stated yes February

Mark asked all in favor to approve

Krystal: Aye

Jan: Aye

Lewis: Aye

Mark: Aye

Max Garfinkle stated that he just wanted to give an update on the Loja project, Greg, Chris, Max and Jose Engineer all met on the project site to discuss the violations currently on the property. He has filled in the entire area that we told him he could not touch. He has also created a lawn space, cut the tree's down and has not fulfilled the entire planting plan. Max stated that he has been in touch with his Engineers and they said that they are going to preparing a site plan to show current conditions and what they are proposing to rectify the situation by next months meeting. Greg has not issued

the permit for the garage which was part of that application. Max stated that after they come to the meeting then the board will have to figure out how to move forward with the project. Max stated that the applicant did admit that he didn't do what the board gave him permission to do.

Max Garfinkle stated that he wanted to just add one more thing about the Scott Johnson project. The reason they are putting that curtain drain in is one, to see if they can put in a normal septic field there. Two, the DEC requires you to prove beyond a shadow of a doubt that you cant put a septic system in the ground before they allow you to apply for an application where you would treat your septic to discharge into a water body such as the stream that flows out of the old reservoir. They need to go through this step before they can make an application to the DEC to evaluate that approach. Which would need to be permitted by us too.

Jan Baker asked what kind of water treatment would that have to have? Max stated it would have to meet drinking water standards. Jan asked what kind of system would the homeowner need? Max stated they would have to have close to a commercial grade system that would not need a lot of maintenance. Max stated if they are going to discharge into the water stream, they are going to have to have monthly water testing at the outflow.

Krystal Ford asked is there 50 acres? Why is it so confined to that area? Max stated that it is a complicated property. The applicant owns property on the Putnam County side and the Dutchess County side. The majority of the land is on the Dutchess County side but only can be accessed by driving through that road they showed you and building a bridge on the outflow of that lake into Dutchess County. Max stated that they would have to go see the property and move forward from there.

Mark Galezo moved to adjourn the meeting and Krystal Ford seconded the motion. All were in favor and the meeting adjourned at 8:45 pm.

Date Approved: _____

Respectfully submitted by,

Kelly MacIntyre