

TOWN OF PHILIPSTOWN CONSERVATION BOARD

Via Zoom

October 13th, 2020

Minutes

The Conservation Board held its regular meeting on Tuesday, October 13th, 2020.

Present: Mark Galezo
Andy Galler
Jan Baker
Robert Repetto
Max Garfinkle (Natural Resources Review Officer)

Absent: Lew Kinglsey
MJ Martin
Krystal Ford

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

Mark Galezo opened the meeting at 7:30 pm

Roland Heitmann & Jeanne-Marle Fleming, Angle Hill Road, Garrison TM#71.-3-15

Max Garfinkle stated that he met with Roland Heitmann on the site and it has been referred to the Conservation Board from the Planning Board as to the fact that the driveway that they will be constructing to access the house itself traverses some slopes that triggered a referral to the Conservation Board. Max Garfinkle stated that they are small areas and not extensive lengths of driveway. The only thing that Max stated he saw that might be potential impacts were timing for any sort of land disturbance or tree removal for timber rattlesnake impacts. Most of the site that they are going to develop are already cleared. Mark Galezo asked the Board their opinion regarding the project and the Board stated that they are good with it. Mark Galezo asked Max Garfinkle to write a letter to the Planning Board that they are in agreement with the plan.

Andrew Kepler, 176 Moog Road, Garrison, NY

TM# 49.-3-48

Mark Galezo stated that no one from the site visit had a problem with the project. The work is being done in a previous disturbed area, the ridgeline question was moot because the structure is fairly low and the work being done in the front is not going to detract from the views.

Andy Galler asked where they are putting the reflecting pool it seems to have a huge amount of rock ledge. I think we should know if they are planning to build up?

Glenn Watson stated that they are planning on building up and minimize it.

Mark Galezo stated that they had a question regarding the condition of the driveway

Glenn Watson stated that they have issued a plan to the Planning Board addressing the driveway with a number of crossings that will rip it out and get the water across and relieved it at several points along the driveway and then spill it onto level spreaders.

Mark Galezo asked Max Garfinkle to write a letter to the Planning Board stating that the Conservation Board is okay with the project.

Riverview Industries, 3012 Route 9, Cold Spring, NY

TM#27.20-1-12.1

Mark Galezo stated that the board had some concerns after the site visit.

Glenn Watson stated that the two main things they talked about was the surface of the parking lot, which the applicant intends to use tailings and I talked to Jason Snyder and we believe this will work to carry the water and he has no problem with the oil separator before the water goes under the road into the downwards clove creek. Glenn Watson stated that they have to get a 3 percent grade across the parking lot. Glenn Watson stated that they did talk about breaking the pallets and putting them in a trailer. The applicant stated that breaking them up has caused a big mess so he will just put them in the trailer as a whole.

Mark Galezo stated if he just wants to put them in a fenced area, he would be fine with that also. Mark Galezo stated that his concerns are the rear ends of things that have hydraulic fluid and oil and no matter what he does they are going to leak. Can the applicant put them all in one spot where it has a concrete bottom or some way to isolate any of the drippings?

Glenn Watson stated that they can do that and if you mention that to the Planning Board, we will identify that location that is as far away from the wetlands.

Andy Galler asked if they are paving the lot or not?

Glenn Watson stated that the applicant didn't want to pave and wanted to use the asphalt tailings and when I spoke to Jason Snyder, he stated that we could grade in a way that it will still drain towards the oil separator.

Mark Galezo asked is a gravel driveway pervious or impervious?

Glenn Watson stated that it is impervious

Mark Galezo stated that he would personally like to see it paved.

Andy Galler stated that he would like to see the tailings not migrate towards the wetland, have a small cement wall, curb at the Western end of the property.

Glenn Watson stated that it makes perfect sense to put a post-rail fence to the back end of the parking lot to discourage incursion in the back area.

Mark Galezo asked where are we on mitigation in the back trying to fix the cattails, phragmites that were knocked over? There has to be some kind of definitive barrier there so there is no continuous intrusion. What is going on with the existing intrusions?

Glenn Watson stated that it is an opportunity for them to do some cleaning up and he has to take the tailings out of the area. Glenn Watson stated that he expects that the board would want some sort of mitigation plan behind the proposed fence.

Max Garfinkle stated that he thinks the plan that Glenn Watson has stated sounds good and would make the project whole. If he is going to have to address the invasive species component and prevent that from taking over any plantings that are put in place, we are going to need a multi-year agreement. Max Garfinkle stated that the Board needs a final set of drawing for the Conservation Board that they can include in their permit narrative then they can move forward. We then can submit that to the Planning Board and inform them that we have issued a permit. We may have to wait to see if there is a SEQUA determination before we can actually submit an official permit. We can submit a letter to the Planning Board once Glenn Watson submits the final drawings.

Mark Galezo stated the final drawings should show the tailings, grease trap, curb at the back of the property and the mitigation efforts, plantings in the back and add something about the pallet storage and the fence in the back.

Dana & Kevin Raymond, 2,4,6, Hudson River Lane LLC, Hudson Rover Lane, Garrison WL# 328 TM#89.7-1-19

Mark Galezo stated that the Board went down to the Project site and got a good overview of t\what they are doing. There are some questions that came up about the Peat System and how it functions. The maintenance and occasional replacement of the Peat, a maintenance agreement or a plan which would involve testing of the effluent coming out of the Peat into the drainage below.

John Kalin (Engineer) stated that the Health Department likes to have a maintenance agreement. There is a one-page document between the owner and the operator. They do an annual inspection checking the effluent quality checking on the media making sure the pump is operational. The system has alarms on the system, if there is high water conditions the alarm will activate. The effluent sampling will be done on a yearly

basis, if there was a reason to do it more frequently it would show up in the degradation of the media.

Mark Galezo asked if this was a modular system?

John Kalin stated that they are their own individual pods and they can handle 150 gallons per day per bedroom per pod.

Mark Galezo asked what the gallon count is from the Health Department per bedroom?

John Kalin stated that it is 150

Mark Galezo asked are they adding for the kitchen?

John Kalin stated no, everything is based on the bedroom count. The Health Department use to use 200 gallons a day per bedroom but they have reduced that to 150 gallons per day per bedroom.

Andy Galler stated that they have the Peat unit modules and then it goes to a dissipation area, then what is happening from there?

John Kalin stated that all the work happens within the box itself, within the Peat media. It is a fixed film filtration and the biology is living on those surfaces of the Peat media. Effluent is trickled past the media and in doing so, aerobic and anaerobic bacteria consume the waste constitutes and the organic materials within the wastewater, by the time it gets to the bottom it's considered classified and then it goes down into a gravel bed. That gravel bed has been sized based on the perk rates of the soil below the Peat units. It is the same as a septic system but we have a different application rate per square foot. All of our work is being done in the box and now once it gets to the gravel we just reintroduce in into the soil.

Andy Galler asked when you are reintroducing it into the soil, where is it actually going on the property? We are dealing with shore line terrain which is somewhat artificial as that whole strip has been built up overtime. I am concerned if the ground gets super saturated that's a problem for the entire system making stuff float.

John Kalin stated that they have selected one of the best spots on the property. The watershed above it is very limited if not isolated, the elevation of the septic pad is at least 11 to 12 feet above the Hudson River level. It is one of the most unsaturated areas of the property.

Max garfinkle asked if they have received approval from the Health department on this system.

John Kalin stated yes, we have approval for the system to install it. The Health Department came out and did soil testing with us and they didn't have really any comments.

Mark Galezo asked if the unit comes with the gravel bed?

John Kalin stated that no, the gravel bed is something they place. We will excavate the area, box it out and create a level pad. We will apply the gravel on a six-inch-thick layer

and then once it is level then you would apply the units pipe them and back fill with more gravel. The you would filter fabric them to cover the port sides.

Mark Galezo asked how high is the bottom of the gravel pad from the high flood level?

John Kalin stated that there is a grading around 12 ½ so the bottom of the unit and the top of the gravel would be about elevation 10 the bottom of the gravel would be elevation 9.5. The flood elevation is at seven, so the bottom of the gravel would be 2 ½ feet above.

Mark Galezo asked what if there was a force main leak and no one knew about it

Any Galler stated that leads into a question the he has which is, is there any type of automated monitoring system that records what is going on daily?

John Kalin stated no, not for something as small and simple as one of these septic's. If it was a larger advanced treatment system you would have monitoring. You could put a dose counter on the system but that would only tell you how many times the pump turned on and off. The force main is pressure tested before it is put into use. It is SDR-21 pipe and 200 PSI burst.

Andy Galler asked if there is a sudden event and the river is well above normal mean, high tide and the soil gets super saturated how does it effect the operation of the system?

John Kalin stated that if you have a flooded condition the units are installed on a mound so they never fully in an area that would be flooded. If the soil below the septic is saturated to the point where its up to the top of the gravel, its still going to work. The only time that you would run into a situation is if we were flooded with saturated soil right to the top of the rim of the units. The units are not sited to where this can happen, and if it did it would have to be an exceptional flood. If there was that kind of flood the owners would not be there or using the system and it would just park itself until the water receded and the tanks are sealed.

Mark Galezo asked in case of a power outage is there a generator?

John Kalin stated that if there is a power outage there is the ability to store days plus worth of storage in the tanks. If they do go with a generator it will be a self-sustained system.

Robert Repetto asked how often does the Peat need to be changed?

John Kalin stated it last about 10 to 15 years.

Mark Galezo asked if he could get a motion with a contingency regarding a maintenance plan to approve the permit

Andy Galler made the motion, Jan Baker second the motion. The vote was as follows:

Jan Baker: Aye

Andy Galler: Aye

Mark Galezo: Aye

Robert Repetto: Aye

Mark Galezo stated motion passes.

**Chloe Swansen & Edward Murphy, 720 Route 301, Cold Spring, NY WL-329
TM#39.-2-5**

Mark Galezo recused himself as he knows the applicant

Chloe Swansen represented herself. Chloe stated that they are planning on building a two-bedroom family dwelling. The lot previously had a home on it which burnt down. There is currently a septic, well and driveway and concrete pad from the previous house. We plan to keep close to as we can to the same foot print of that home.

Andy Galler asked if the septic field is functioning and up to standard?

Chloe Swansen stated that Public County Health Department did come out to the property and inspect. We excavated the top of the tank and they were able to look inside and see what sort of tank it was and they did give us approval for a bedroom home which expires on June 24th 2021. We also have the original proposal for the sewage treatment system repair that occurred in 2015.

Mark Galezo asked if the tank shown on the site plan?

Chloe Swansen stated that it is not clear but it is where the curve of the driveway and the proposed house is going to be there is a dark square that is the top of the tank and the septic fields are to the west.

Mark Galezo asked if there would be any reason to build the house out of the buffer?

Chloe Swansen stated that one of the things they were looking out when they were looking to place the house and trying to figure out where it is with pre-existing and the septic fields, well and where the driveway already is, we wanted to keep the house as close to the original area as possible. There is ledge rock and a retaining wall on the Northern end and that is why we are keeping the same end point.

Mark Galezo asked the board if anyone has any comments or thoughts regarding this plan, the Board stated no. Mark Galezo asked Max to coordinate a site visit with the Board.

Terry Young, 342 Avery Road, Garrison, NY,

TM#49.-4-8

Kristopher Schmitt represented the applicant. The applicant is looking to install a gunite swimming pool approximately 10x40 in the rear yard. The pool is located within the wetland buffer of the stream that runs behind the house. The buffer encompasses the entire house in a good portion of the front yard and the driveway. It is within the wetland buffer as well as in currently maintained lawn area. The pool will be raised at the

elevation of the house and will be about 10 feet above the stream. The rest of the property is fairly wooded and sloped and we feel the impact on the environment would have been more to place in those locations as opposed to where it is in the current lawn.

Max Garfinkle stated that he believes this property is located near the aqueduct and that the Board should go do a site visit.

Mark Galezo stated that it is very close to the stream. Mark stated that he sees that the water is being channeled by stone retaining walls.

Kristopher Schmitt stated that was done by the previous owner. They build some retaining walls the redirected a portion of the stream which does make it come close to the pool.

Mark Galezo asked if it is going to be a chlorinated or salt water pool?

Kristopher Schmitt stated that it will be a salt chlorine generator which is the plan as of right now.

Mark Galezo stated that on concern will be chlorinated water getting into the stream, where is it going to be pumped to, if it pumped down. If there is heavy rain where is the overflow going to go.

Kristopher Schmitt stated that those are things that will come up in the building proses and they can dechlorinate the water or put in a system to contain that.

Mark Galezo asked if max could set up a site visit for the board.

Desmond-Fish Public Library, 472 NY-403, Garrison, NY TM#71.6-1-12&71.6-1-13

Jenn McCreery was not at the meeting.

Max Garfinkle stated that he would reach out to the applicant and set up a site visit for the Board.

2020 Philipstown Natural Resources Inventory

Roberto Muller Climate Smart Coordinator presented information regarding 2020 Natural Resources Inventory. They have enough maps and narrative to open it up to the public comment period. We want to open this up to the Conservation Board and other Philipstown committees. They have created a page called climatesmartphilipstown.org/nra where you can find PDF's of the maps and you can see versions of the report text that have already been completed. Roberto Muller went over the different sections of the website of what has been completed that what still remains to be completed.

Mark Galeza asked if there was anything to discuss regarding Jose Lojano project

Max Garfinkle stated that Margaret from Badey & Watson reached out to Max and wanted the Board to go out to the site and conduct another site visit. Max stated that

Lojano is under the impression that the Board is willing to negotiate as to what he wants to propose to do on the portion of the property that we had already agreed that he wouldn't fill. I told Margaret that we have already gone over this with Jose Lojano, we have met on the property several times and what we need is a plan that restores the area back to what we had permitted for originally and then potentially, we may consider moving forward with the rest of how he would like to proceed with this project aside from the filling the grass field in reference to him finishing his garage on his property which was outside the buffer. Margaret was going to reach out to Jose and reiterate what I had told her.

Mark Galezo asked the Board how they feel about the whole process

Robert Repetto stated that the Board has not seen any kind of remediation plans so nothing has changed.

Max Garfinkle stated that he didn't have a problem with Jose renewing his wetland permit because he didn't finish the restoration planning. Any money owed needs to be settled with the Supervisors Office.

Mark Galezo stated that Jose went against everything we permitted so, until he comes back with some kind of restoration plan, we will not give any permits. The Board was in agreement.

Mark Galezo asked for a motion to adjourn? The board's vote was unanimous. Meeting adjourned at 8:55 p.m.

Date Approved: 4/13/24

Respectfully submitted by



Kelly MacIntyre

Board Secretary