

TOWN OF PHILIPSTOWN CONSERVATION BOARD

Via Zoom

November 10th, 2020

Minutes

The Conservation Board held its regular meeting on Tuesday, November 10th, 2020.

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

Absent: Lew Kinglsey

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

Terry Young, 342 Avery Road, Garrison, New York TM#49.-4-8

Kris Schmitt appeared for the applicant. Kris stated that he has come up with a revised proposal based off of some of the information that he has gathered at the site visit with the Board. We have moved the pool back and during the site visit we had discussed moving it behind the front plane of the house. We have looked at a bunch of difference things, the amount of disturbance, excavation, grading and trying to maintain the existing vegetation. We are trying to eliminate the amount of disturbance in regards to the utilities that run from the house out to the shed from the propane tank that runs the house and the generator. There are several utilities that we have learned about since the site visit that are all in the upper area where we discussed putting the pool. We have

also looked at what would be involved with locating the pool in the upper section and moving the spa and lowering the grading and retaining walls. We were actually going to have about 40 percent more area of disturbance. We feel putting it in the lower level will be less disturbance overall in the wetland buffer. One of the major concerns when the Board was there was the runoff entering the stream. We feel there is a way to mitigate that with a silt fence hay bales and another layer of silt fence. After looking at the overall picture we feel that the best place would be on the lower level coming in from the driveway is going to be the best for limiting disturbance as well as maintaining a connection to the back of the house.

Mark Galezo asked about the utilities running to the hot tub, what does that consist of?

Kris Schmitt stated that there is a feed for the hot tub and also a buried propane tank which is near the well and runs into the house. There is also small electric that runs to the shed.

Andy Galler stated that the Board doesn't allow building in a wetland buffer, particularly for something that is not essential. Andy Galler stated that he is not comfortable with the revised plans.

Jan Baker stated he is not comfortable with the revised plans

Krystal Ford stated she is not comfortable with the revised plans

MJ Martin stated that she is never for non-essential items being constructed within 100 feet of wetland buffer.

Mark Galezo stated that he has to agree with the entire Board. We understand that it is hard to put the pool around where the Board had suggested but it would be a very enormous give on our part and I think if we allow a completely non-essential thing like this that close to the stream the Board is not doing their job. Mark Galezo stated that the Board cannot approve the application as it is now.

Kris Schmitt stated that if it is just a non-buildable project inside the buffer, you can see the hardship that we have here. The house was built within the buffer and there is really no other place to put the pool. We are not encroaching upon any protected land, so I guess I would look to the Board for any suggestions. Is it nothing inside the buffer or is it only in the location that we have discussed on site?

Mark Galezo stated that you can see the buffer in the front of the house and the Board did walk onto that area in the woods which would get you out of the buffer. I am not sure about the setback requirements, you have a privacy issue with the neighbors but, there looks like there is a spot you can put it. Arguing that there is no other place to put it unfortunately is not a valid argument in this case.

Robert Repetto stated that the board went over a lot of options of where you could situate the pool that would be more acceptable and, we told you clearly that we were

against this house being so close to the wetlands already to do anything even closer. Robert Repetto stated that he is against the application.

Mark Galezo stated you should find a place where it is completely out of the buffer and do the cost analysis and decide if it is worth it and if you can put it someplace where it may slightly encroach on the buffer and is behind the house and the house represents a substantial more of an intrusion into the buffer so the additional intrusion of the pool can be seen by everyone as minimal then I personally would be willing to look at it again.

Kris Schmitt stated that he would go speak to his client and get his feedback.

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

Mark Galezo recused himself from the discussion as his daughter is friends with Chloe.

Chloe Swansen stated that they are looking into the well and septic and the plan is we have a plumber who is going to come onto the site and essentially drain the well and check to make sure everything works, see how much water is in the well and while we are doing that we will be pumping the water into the septic tank to do a dye test to make sure the septic works. We will be looking to see where the fields and the pits are.

Robert Repetto stated that when the Board was on site and looked at the situation that was there, we felt there was a more favorable spot to build back further and you were limiting your opportunities with the future of the home and trying to limit yourself to that same footprint. The Board thought by starting with a clean slate and you abandoning the septic and well and moving it further back would provide a better outcome

Chloe Swansen stated that the reason why they want to keep that footprint is because all the ground where the house is going is already pre-disturbance from where the house was originally before it was torn down. If we decided to move the house back, we would have to drill and blast as it is all rock ledge in that area. We didn't want to disturb areas that have not been touched.

Robert Repetto stated that the Board thought it would be better to get the septic out of the wetlands as it is in the buffer area. We don't know the quality of the septic and the design is probably substandard. The Board thought when we were out in the field that there would be better spots.

MJ. Martin asked if the septic has to be re-certified by the County?

Chloe Swansen stated that it has already been re-certified and did a bedroom count. There is a thousand-gallon concrete tank which the county required us to have. We do have the approval from the county from the bedroom count. The previous owner was going to build a house on the property and got approval from the county with that same septic. The only requirements were that it was a thousand-gallon concrete tank.

Max Garfinkle asked if he approval from the county was new or from a few years ago?

Chloe Swansen stated that the last copy from the county was approved in 2019 and expires in 2021.

Max Garfinkle asked if it is a repair permit?

Chloe Swansen stated that the county is considering the entire property an addition, they are not considering it new construction due to the infrastructure that's already there.

Max Garfinkle asked what the County was provided in terms of the application?

Chloe Swansen stated that they were provided site plans and the structure of the house. They already had the septic information.

Max Garfinkle asked if the county was aware that it is within the wetland buffer? It is not shown on any of the previous drawings that were provided to them.

Chloe Swansen stated that she is not sure but the county has been provided everything plan wise.

Max Garfinkle stated that his biggest concern with these repair permits is, the county is not fully informed of what the site looks like unless they go out and look or have detailed site plans.

Chloe Swansen stated that the county has gone out and looked at the site and gave the approval.

Andy Galler stated that his concern is the leaching fields.

Chloe Swansen stated that they are going to get it tested and make sure there are no leaks and they are working properly.

Max Garfinkle asked if the septic system leaching fields fail what is the next step or plan?

Chloe Swansen stated that they have confidence that it will not fail but if it does, they will move onto the next step whatever that may be.

Robert Repeto stated that if the applicant doesn't want to abandon the septic as the Board is suggesting and keep putting repairs into a septic without complete drawing that demonstrate that it is truly in the wetlands then the board is going to need to have that put together somehow so, maybe a visual inspection with a borescope and an engineer and then come back to the Board with a plan and foot prints.

Andy Galler stated that he agrees with Robert Repetto and an engineer needs to draw up with a plan of the existing system and testing it. The board needs to see where it is in terms of the wetlands and the stream.

Max Garfinkle stated that he feels when they are out there with an engineer they should always find an alternative location for a waste treatment system just in case there is an issue.

Chloe stated that she will speak with her engineer and have the system looked at and the testing done the Board is asking to be completed and submit the information.

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

Jennifer McGreery and Anita Prentise represented the application for the Library.

The Board went out on a site visit and Mark Galezo stated that they feel it is a great plan. Mark stated that the Library is going to be getting about 70 percent of their power off of the solar panels. Mark Galezo stated that there were a few questions at the site visit regarding screening and about the location of the little bridge.

Andy Galler stated that he had no issues with the project but the more screening they have for the solar panels the better it would be. Andy Galler stated that more screening that they have so that from all points of view they can't really see the panels the better it will be.

Mark Galezo asked how high are the panels?

Jennifer McGreery stated that it is one panel and is about 6 feet off the ground.

Krystal Ford stated that it seems that there is minimal disturbance where the bridge is going

Jan Baker stated that he feels it is going to a great addition to Philipstown.

Max Garfinkle stated that he feels there would be a great benefit of putting a condition in this permit to do native gardens along the edges of the outflow that's on the South Western portion of the property to compensate for the disturbance that's going to be permanent within the wetlands. I think that would offset putting in a boardwalk and solar panels and a utility line within a regulated area.

Jennifer McGreery stated that in the plan they have native plantings throughout the site, we are doing a reading garden so that is our goal. Jennifer stated that they did have a question from there Building Supervisor which was the maintenance for the planting like that along the stream. That is a main drainage stream for the library, all the drainage from the whole property drains into that one system.

Max Garfinkle stated that planting along the upper edge of that overflow and nothing within the water course. You could feather the plantings from lower to higher like dogwoods farther away from the area.

Robert Repetto stated that he supports the project and the garden would be a great addition.

Mark Galezo asked if there is going to be monitoring equipment set up to see what the generation is as you move along?

Jennifer McGreery stated that it is not in the site plan itself. I think that is something that we would have to incorporate into the plan.

Mark Galezo stated that he feels this is a great tool for kids to really understand the potential for this clean energy.

Mark Galezo made a motion to pass the project with conditions presented by Max Garfinkle.

Andy Galler: Aye

Jan Baker: Aye

Robert Repetto: Aye

MJ Martin: Aye

Krystal Ford: Aye

Mark Galezo: Aye, motion passes

Neal Tomann appeared in front of the Board to give a pre-application regarding Glynwood farms. Neal Tomann showed plans that Glynwood Farms is going to be presenting at a later date regarding the Jordan Dam on the property. They have found some weeping around the pond and the grounds have become soft. They have to do some new piping and redirect the water at the dam. They are working with engineers and the DEC on the project and will present the application when they are ready and have all the information they need.

Mark Galezo asked Max Garfinkle to set up a conference with Neal Zuckerman regarding the referral from the Planning Board on 3622 Route 9 LLC.

Max Garfinkle stated that he reached out to Ron Gainer regarding the application and why it was referred to the Conservation Board. The site itself is going to be used as a storage for landscape material, road salt and mulch that could potentially wash away into DOT right of way with the catch basin and culvert that would be piped into Clove Creek. Ron Gainer wanted to see if the Conservation Board had any concerns with the future from things like runoff, piles of salt uncovered and other items. Max stated that he doesn't think the Board has much to say about permitting for that project.

Mark Galezo asked for a motion to adjourn the meeting, Andy Galler made the motion, second vote was anonymous. Meeting adjourned at 8:55p.m.

Date Approved: 4/13/21

Respectfully submitted by



Kelly Macintyre

Board Secretary