

TOWN OF PHILIPSTOWN CONSERVATION BOARD

Via Zoom

December 8th, 2020

Minutes

The Conservation Board held its regular meeting on Tuesday, December 8th, 2020.

Present: Mark Galezo
Andy Galler
Jan Baker
MJ Martin

Absent: Lew Kinglsey
Krystal Ford
Robert Repetto
Max Garfinkle (Natural Resources Review Officer)

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

Mark Galezo opened the meeting at 7:40 pm

Riverview Industries, 3012 Route 9, Cold Spring

TM27.20-1-12.1

Glenn Watson represented the applicant. The applicant appeared in front of the Planning Board and they have referred the applicant back to the Conservation Board because we have made some changes to the plans. There are two things that are of concern are what they have done with protecting the wetland behind the parking area and the parking area itself. We had come to the conclusion when we were in front of the Conservation Board last month that we would put in chain link fence along the edge of the parking. We also stated that we would do a cubing in the back-parking lot to prevent breaking and cracking and migrating into the wetland. We presented the idea to the

applicant and he suggested an alternate which we feel it might be better. Glenn Watson stated that the applicant would like to put a ready rock wall around the wetlands and the rest of the parking area. It would substitute for the fence and the curb. The ready rock is a precast concrete building block. The blocks will be on a drain stone foundation, build up above ground. It would hold items from migrating into the wetlands and it would substitute for the fence. Glenn stated that they would like to use the tailings and direct the drainage across the parking lot to the North side. Glenn stated that they have not included a planting plan as they are going to develop a plan with Max Garfinkle that would take care of the phragmites in the southwest of the parking area and come up with a suitable plan by the wetlands.

Andy Galler asked how high will the ready rock be above grade?

Glenn Watson stated he believes it will be two blocks above grade which will make it 4 feet high.

Mark Galezo referred to the letter that went to the Planning board. The installation of the chain link fence and curbing around the entire area seems to be rolled into this one solution. Also, mandating that a completely impervious surface be installed over the parking area so no oil contaminants could wash into the wetlands watercourse which ties into grading of the site towards a center drain catch basin with an oil catch containment contaminant filter that could be removed cleaned and replaced. Mark stated that the drain has now been moved to the North corner. Does it include the requirements that Max pointed out?

Glenn Watson stated yes it does. We did push it towards the North because we want don't want a puddle in the middle of the parking lot.

Mark Galezo stated that Max Garfinkle and he spoke and he believes that Max was happy with the planting plan but he will have to speak with him pending his agreement.

Glenn Watson stated that they have not done a complete planting plan until they speak with max.

Mark Galezo stated that the planting plan includes the restoration plan.

Andy Galler stated that his recommendation is that there is some kind of maintenance agreement for the oil separator.

Glenn Watson stated that he doesn't think that would be a problem.

Mark Galezo stated that he didn't think that tailings are completely impervious

Glenn Watson stated that from a drainage point of view they are impervious and they will catch the gravel.

Mark Galezo asked about the dumpster in the back-South corner.

Glenn Watson stated that it is going to be moved and he will speak to the applicant.

Mark Galezo stated that Max Garfinkle will write up a follow-up letter to address the new plan.

Andy Galler stated that it is a difficult site and they have pretty much addressed the concerns. We don't have a planting/mitigation plan for the wetland which they can work with Max Garfinkle on. When they spread a roll the tailings that they keep grade.

MJ Martin stated that she is interested in Max's planting plan and any mitigation work done in the area. The Conservation Board is waiting on the input of Max Garfinkle and we can make recommendations to the Planning Board.

Jan Baker stated that he likes the plan of the rock wall blocks instead of the chain link fence and the tailings sound better the item four. Jan stated that he feels the maintenance agreement is very important also.

Mark Galezo stated that he would reach out to Max and get his input for the planting plan and Glenn will look up the formation for the maintenance agreement, the dumpster is getting relocated and Glenn is going to confirm with the Board what is contained in the separators, filters.

**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 he is a friend of the applicant

Chloe Swansen stated that they had a certified Plummer come out to the site and did and well inspection. They did a depth, sound and recovery rate check on the well and we have that information for the Board. Chloe stated that they did a dye test with the well water and we did not find any leaks.

Margaret McManus from Badey & Watson spoke on behalf of the applicant. Margaret stated that she has reviewed the application that was presented to the Board in November. She stated that the Board has some issues with the location of the septic system and the house. In 2015 Badey & Watson was hired to see if there was an expansion area for a septic system in the area and there was extensive soil testing done which didn't allow for any additional bedrooms or expansion of the system. The house burnt down and the Health Department issued a permit in order to keep the septic system where it was. It was in working condition at that time and the Health Department wanted a new tank installed made of concrete which was completed. There is an open permit from 2019 and the Health Department would want Badey & Watson to do a dye test. Margaret stated that Chloe had a certified Plummer perform the dye test and it seems the septic is working well. If Badey & Watson wants to certify the septic we will do our own dye test. Margaret McManus showed the plan for the applicant. Margaret explained the plans as to where the house and the septic will be. Margaret stated that to her understanding they are within the buffer area and there was contemplation of moving the house farther up the hill. Margaret stated that they can look into moving the house slightly so it is out of the buffer but the septic has to stay where it is.

Andy Galler stated that the Board cannot vote on the application tonight as there is not a quorum as Mark Galezo has recused himself. Andy Galler stated that the Board is

going to need a plan that delineates where the septic system is going to be located. The Board would like to know roughly where the pipes are, septic fields and if there are any clay barriers.

Margaret McManus stated that they will look to see what records they have and they will foil the Health Department to see what records they have. Margaret stated that they will provide the records that the Board is requesting and do an update to the plans.

Andy Galler stated that it is not only to abide by the Town ordinance but the septic and the grade that exists if they were to fail, there is a water course close by.

Margaret McManus stated that is also a concern of the Putnam County Health Department whose jurisdiction it is to review and approve Septic Fields. Margaret stated that they are comfortable with the location of the septic and if there is a failure of the system it would be repaired under a repair permit. They would have to take out what is there and replace it in kind because there is no other place, they can out it. There was an extensive investigation done in 2015 and if there was a better site, we would have located it there.

Andy Galler stated that it is not a septic system that the Board would normally approve, it is near a water course that feeds into a class A water course and it has not been used in quite some time. Andy stated that he feels it needs to be delineated and certainly feel that a certified engineer should do the dye test.

Chloe Swansen stated that they will have the information put on the plans and Badey & Watson will do any testing that is needed.

Eben Shapiro, 420 Indian Brook Road, garrison, New York TM#50.-2-16

Mark Galezo stated that this is a non-conforming building, the deck is in the buffer. Mark stated that they are increasing the non-conformity but by building an impervious structure substantially into the buffer.

Juhee Lee-Hartford from River Architects represented the applicant. Juhee Lee-Hartford stated that the applicants have limited site and they have an existing deck in the 100-foot setback area. They are hoping to include a screened in porch and a sauna enclosed below the screened porch. We have looked into how far the deck projects into the 100-foot setback and we are proposing to stay within that protrusion. Juhee Lee-Hartford showed a plan of the site and stated that the property boundary is a little over five acres. We are proposing to build a screened in porch and half of it is existing deck and steps. The existing deck is about 19 feet into the 100-foot setback. We are proposing less than that, seventeen foot four and the sauna would be tucked in about half of that area and the patio would be the other half.

Andy Galler stated that this is something that is non-essential being put in the wetland buffer. Andy asked why this plan could not be moved down so it is out of the buffer.

Andy stated that the Board needs to go out and do a site visit.

Mark Galezo stated that the Board will reach out to Max Garfinkle and set up a site visit.

Mark Galezo asked for a motion to adjourn the meeting, Andy Galler second vote was anonymous. Meeting adjourned at 8:30p.m.

Date Approved: 4/13/21

Respectfully submitted by



Kelly Macintyre

Board Secretary