

TOWN OF PHILIPSTOWN CONSERVATION BOARD

Via Zoom

February 9th, 2021

Minutes

The Conservation Board held its regular meeting on Tuesday, February 9th, 2021

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

Absent: Krystal Ford
Lew Kingsley

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

**Garrison Golf Club PDD/Hudson valley Shakespeare Festival, 2015 US Route 9
Garrison, NY TM# 60.-1-5-.2 & 59.3**

Mark asked about the Garrison Golf Club Hudson Valley Shakespeare Festival Referral letter from the Planning Board. He did not see any specific guidance on what needs to be reviewed. Mark stated the first step would be to wait for the snow to clear and allow for some site visits and then the board will get some further guidance on what they are going to be asked to review. Mark stated that like Andy Galler said obviously steep slopes, wetlands, view sheds, overlays, etc. Mr. Galezo asked the board if anyone felt the need to discuss, no one replied and the board moved on to next item.

Mark Galezo asked if anyone had taken a look at what was submitted. Jan Baker replied that he had. Mr. Galezo asked Mr. Garfinkle if he saw the restoration plan and if he was good with it.

Max Garfinkle stated that he had seen the plan and the only thing that he wanted to include in there was invasive species removal component which is not included in the current plan. He stated that the planting plan looks adequate. He like the species choices that they used for that area so that's something that we need to have the applicant include.

Mark Galezo asked to move Glenn Watson in to the meeting.

Glenn Watson joined the meeting and stated that he did not understand Mr. Garfinkle's last comment about what was deficient.

Max Garfinkle explained that there is a significant invasion of phragmites australis which is an invasive species in that in the area that you're intending on restoring as part of the restoration we want to include control of that invasive in conjunction with reestablishing native plantings in the area. He asked that it be included in the restoration plan and stated that it would probably take three seasons was the only addition to improve on what they are looking for.

Glenn Watson stated that they had agreed on that and he thought it was already in the plan. He will add it to the plan if it's not there. Mr. Watson stated that the plan does take some time due to the plants being difficult to get rid of.

Max stated if the board's comfortable with it he would support using herbicides in that area and having a licensed applicator that's familiar with working in wetlands, treat that plant. He stated that is the most efficient and effective way to get rid of it.

Glenn recalled a method called clip & drip, where the stalks are treated individually.

Max Garfinkle stated that realistically a contractor hired to do this would probably not use that method due to the amount and denseness of the area. The best approach if the board is ok with it might be a broadcast application from a low pressure sprayer from a backpack.

Andy Galler asked if the board is familiar with Rope Wick? He believes that is a small enough area to use Rope Wick.

MJ Martin asked how the Rope Wick works.

Andy Galler stated that it's basically a giant PVC wand that is impregnated with the herbicide.

Mark Galezo asked that Glenn Watson add a note to the plan.

Glenn Watson stated that they had agreed to treat this before and he will add the program to the plan set.

Mark Galezo stated that the second point is Reichard will fund an annual inspection for a period of five years to ensure compliance with the site plan and landscape plan. He inquired what everybody's feeling is about a five-year window on that and also stated that the board did discuss a bond, and tying into that was a maintenance agreement. that was going to investigate the maintenance agreement for the oil separator well that was agreed to at Appalachian Market. He stated that he keeps bringing that point back up I'm not sure if we've gotten that information yet, the maintenance agreement that we agreed to back then and should something similar be added to this program?

MJ Martin asked Glenn Watson if he could find that in his files.

Glenn Watson replied that he had given it to somebody.

Mark Galezo stated that the parking spaces dedicated for collection of scrap metal, for storage and for used parts have been moved to the Northeast corner which addressed the issue of seepage not having to run across the parking area before getting to the drain, now it's all close to the drain which is a big improvement. He stated the only thing bothering him is used parts thing. Mr. Galezo would like clarification that a dumpster for anything used, that is dripping oil be in a container to minimize the spillage.

Glenn Watson noted that he will have to look in to that.

Mark Galezo stated those were his only comments and he felt the applicant had made a lot of effort to get it right. He asked what the board thinks.

Andy Galler stated that he is in agreement with Mr. Galezo and agrees the board is very close. He absolutely agrees with regarding any type of oil residual or hydraulic fluid and he does think there needs to be an ongoing maintenance agreement.

Jan Baker also agreed.

Robert Repetto asked if the 100 foot floodplain development plan had been developed and whether that had been covered. He stated he didn't recall hearing about that item.

Glenn Watson stated that he did not know what that would involve since they are not raising the grade or flooding any waters, he stated he will have to look in to it.

Robert Repetto stated that he had never heard that before but it was right in the agenda that a floodplain development permit would be required.

Glenn Watson stated that his experience with that has only been when raising the grade or threatening to increase flooding which we are not doing here. He stated he will look in to it.

Andy Galler asked if the parcel is in the 100 year floodplain?

Glenn Watson stated that he did not know but would have to look. He said it could be because of Clove Creek which is across Route 9.

Mark Galezo asked if Mr. Watson would get back to the board in the interim and that they would not want to vote on a conditional permit at this point.

Glenn Watson replied that he will respond to these questions and he will be back.

Raymond Yi, 9 Winston lane, Garrison, New York WL# 21-334

Mark Galezo stated that Raymond Yi of 9 Winston Lane is next. Noel Yi joined the meeting to discuss this property. Mr. Galezo stated that the board has read through the application and asked Mr. Yi to give the board an introduction to what he's trying to accomplish.

Mr. Yi stated that they received a letter from the town two years ago because the water from his rear yard and side yard is dripping in to the public street which is Winston Lane and he needs to do something to his land to prevent the water to going to the public street. He stated the application is to proposing a trench to collect the water to connect the culvert to drain in to Canopus Creek. He said that is the whole proposal.

Mark Galezo said it's his understanding that you are proposing in addition to dig out a pond to replace an existing wetland and run a pipe from the pond to the culvert.

Mr. Yi stated that is his plan, his survey shows a wetland. There is spring water running all the time and that is why there is a wetland.

Mak Galezo stated that Mr. Yi would need to have someone stake out what the wetland boundries and the 100 foot setback.and have the board do a site visit. Replacing it with a pond would not be a positive direction. Mr. Galezo suggested that he reconsider the approach and that Mr. Yi will want to minimize the impact on the wetland while solving the problem that the Highway Department had made him aware of would be the right direction.

Robert Repetto asked how the water flows off of his property and where it goes on Winston.

Mr. Yi said the wetland is higher than the street and his side yard is a slope. It comes from the side of his building to the property line and the entire area is dripping, the driveway is always icy when it snows. That is why he's received a letter to resolve it. He stated that if there is other way he would like to follow the opinion of the board.

Andy Galler confirmed with Mr. Yi that the markings on the plans were not done by an engineer and suggested that before getting an engineer involved that perhaps the board should take a look at this when the snow is gone to be able to determine if it is a pocket wetland or a vernal pool. Andy stated that it may be as simple as just making a trench

along the driveway that connects into the culvert but they will be able to determine that once they can visit.

Mr. Yi said he does not mind leaving the wetland and will follow whatever the town suggests and whenever they want to visit is fine.

Andy Galler said we may just be able to take a less invasive approach and once the snow clears is really the perfect time.

Mark Galezo stated that the board will set a reminder and Mr. Yi is welcome to check in with Max Garfinkle once the snow has melted and the board will come take a look.

**Jena Girouard & Jesse Husted Wildrick, 28 & 30 River Lane, Garrison, New York
WL#21-333**

Mark Galezo stated next up is Jena & Jesse Wildrick with James Hartford as the architect.

Andy Galler asked if we have already seen this property on a different project and Max Garfinkle stated that this was the property of Dana Reymond with a similar project but then she bought the 2,4,6 parcel down the road.

James Hartford stated that the homeowners are looking to combine the two lots and make one single unit taking down the existing structures replacing with one home. It would be a passive house and that would address the flood issues there and mitigate the flood risks. The property extends out into the river approximately 50 percent or even more other their property is under on the Hudson River. He stated they are looking to take all of these four structures down there is a boat launch right here in the middle and the goal is actually to keep the ground floor of this open so that they would be able to access what they call the beach also to launch small watercraft through their yard and keep use of that that feature. The entire property is 100 foot distance from the river.

Andy Galler asked if Mr. Hartford could tell the board what is the difference in impervious surfaces.

James Hartford said the increase is less than 1%. That excludes the pool and the decks. It does include the top surface of the seawall.

MJ Martin asked if the pool is existing.

James Hartford replied that the pool is proposed.

Mark Galezo asked about the septic.

James Hartford said they are proposing a packaged septic system. He stated the civil engineer John Kalin who's previously consulted for the Putnam County Board of Health has had these approved in the past and anticipates it being no problem. They will be retaining the existing septic purely for the reverse osmosis process water filtration. The

existing well has intrusion from the Hudson River so using reverse osmosis to improve the water quality is important but we figured that using the existing septic system to deposit the runoff from that system is the goal.

Robert Repetto stated the well is basically taking the water from the water table and the Hudson and then using an RO system to remove the salt and that's where you're putting the waste water?

Mark Galezo asked for the existing and proposed bedroom count. James Hartford stated that it's currently 2 bedrooms in each existing house and they are proposing a total of 4 bedrooms over all.

Andy Galler asked what type of storage batteries they are planning to use.

James Harford said probably Tesla.

Andy Galler asked if they would be raised out of the 100 year floodplain.

James Hartford said yes, the new house will have no basement and they are elevating the floor to be higher than the floodplain.

Andy Galler stated that the biggest difference he is seeing to the property is the addition of the pool. He stated that the board has never been in love with putting non necessary structures in a wetland buffer.

Robert Repetto asked if there are any other options of where to put the pool.

Andy Galler stated that a huge amount of this property is previously disturbed in his opinion a lot of fill.

James Hartford stated that his guess is it's mostly fill.

MJ Martin stated that it doesn't mean it wouldn't have a substantial effect on the river if there was some issue.

Andy Galler and that he was more concerned with further inclusion into the wetland area vis-a-vis the pool and stated there are systems that could be used if it were to overflow that it would do no harm to the Hudson.

James Hartford stated that they could do some research on natural pool systems so that we put the river ecology at the least amount of risk if the pool is drained and you know pools can be drained for emergency reasons.

Mark Galezo stated that this is something that's a repeating issue so you know just the first question we asked is this going to be a salt pool or a chlorinated pool and is a salt pool less harmful to animals?

MJ Martin stated that it can be harmful to animals as they shouldn't be swimming in salt water.

Mark Galezo brought up condition of surrounding areas and cities and what is being dumped in the Hudson river such as sewage, etc.

MJ Martin stated that we are not responsible for what happens up river but rather our charge to make sure town properties meet or exceed the standard set by the town code.

Andy Galler stated that they have pretty much decided over time that they do not allow non-essential structures within a wetland buffer; a garage, a pool clubhouse whatever are non-essential. I understand what the land owner's homeowners want to do and would be more comfortable if there was a not a net increase in impervious surfaces which included the pool. He stated that if we are enlarging he doesn't feel we are setting a good precedent.

Mark Galezo asked if Phillipstown has an impervious surface limit.

James Hartford responded that there is limit and they are below. He stated that pools do not count as impervious surfaces.

Mark Galezo said they've had to put the brakes on no more unnecessary structures nothing within the buffer because there is no property left everybody is trying to squeeze the last piece in where they can and somebody's got to say we've reached the end. He also stated that in his opinion in good conscience he could not approve that pool and not approve the pool on Indian Brook.

Robert Repetto stated that each case is different but felt that with this one leaves almost no free land for creatures to come in and out of the Hudson and for that reason alone we don't want pools next to wetlands.

James Hartford noted that the gabion seawall which is where the pool would be beyond would not be where any creatures would come in and out of the river. They do have another path where the creatures can safely come up on to the property.

Mark Galezo made the suggestion of possibly putting the pool on the roof.

James Hartford stated that it's not beyond the realm of possibility.

Mark Galezo stated that this house is magnificent and how we should be building all of our houses.

MJ Martin stated that this is an inspired design but she is just not a fan of the pool.

Mark Galezo asked James if they might have another approach to the pool and might want to come back next month.

Jena Wildrick thanked the board for the work they do and the input on the plans.

Jan Baker said this is a stunning design we've spent a lot of as a board down on Hudson Lane. He said it's a very challenging site and when completed he thinks will be a stunning addition and a great template for future development down there so kudos James and your clients and everyone involved.

James Hartford said they will come back with a solution to the pool and also not only you know looking into the possibility of the roof but also water purification technologies that are safer and will address both those thoughts.

Max Garfinkle told Mr. Hartford that from an administrative standpoint on the permitting end of things they will need to get permits from the DEC, Army Corps Engineers and the Department of State for the repair of the wall which we're going to record. He stated that we'll need to have in hand before we can approve a permit on our end.

James Hartford said they are thinking of breaking that out as a separate application.

Max Garfinkle mentioned we also are going to require a construction sequence and erosion control plan and all that included before obviously we can issue permits so we can make sure that the site's contained during construction.

James stated that and he'll work very carefully with John Kalin knowing that this is a more challenging site in that regard than their usual sites.

Robert Repetto asked what type of septic they are putting in?

James Hartford replied that it's a packaged or peat system.

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

Mark Galezo stated that Chloe Swansen was next and he will recuse himself since he knows Chloe and Mr. Galler will be taking over.

Margaret McManus apologized for not getting this down to the town all but will present them now. She noted that there were several items that we talked about one was collecting the roof leaders and the footing drains and putting them into riprap discharge so they are shown on the plan. She said we also talked about adding a note that says that the proposed crushed three-quarter inch gravel will be placed under the deck and we added erosion and sediment control to the plan. She said we did not add a construction entrance because this is paved already and unless they rip up the pavement a construction entrance won't do them any good and then the last was about a peat system for this site. Ms. McManus stated that Chloe and Ed are comfortable with moving forward with that. They did some research and spoke with the county health department. If they put a peat system we cannot discharge to the stream we would have to discharge to probably this existing dry well. Margaret stated that the health department actually would prefer if we used the existing system. She said in order to put in a peat system they have to get waivers from the health department which basically says that there's no other system that you can use except for the peat system and we already have a system in place that works.

Robert Repetto stated that yes, the system works but in his opinion is 1950's technology.

Margaret McManus stated that she wanted to give an alternative, this is basically like an anaerobic system where you have solids and liquids that go to the tank the effluent goes into the dry wells instead of going into a trench you know a pipe. Ms. McManus added if we add an aerator in you change this from an anaerobic system to an aerobic system because you're introducing oxygen and that allows for a more varied type of bacteria to exist in this older technology. It's less expensive, it's it allows for the use of a system that doesn't require a waiver and from the peat system has to have a pump that runs 48 times a day because it's dosed at 10 gallons a day. She stated that right now she has a gravity, uses less electricity so although this is 1950s technology it it's approvable by the health department without a waiver.

Robert Repetto stated if you want a wetlands permit we're looking for mitigation to the water quality. He also said that he doesn't know much about the aerator system and

Margaret McManus replied that she can provide information on that. She stated that the aerator system is approvable by every county in New York State today.

MJ Martin stated that they are not saying it's not a usable system but it's the context of the use in this project.

Margaret McManus agreed but stated an instance with East of Hudson where there were many failures with the peat system and it has large maintenance issues and upfront costs. She stated that it's not necessarily better than what is there. Ms. McManus stated that if a peat system will make the members of the board happy they will put in a peat system. She stated that just because it was used by the Hudson River doesn't mean it's the best application for this site.

Robert Repetto stated that he would like data from Ms. McManus to show the best system to meet the need here.

Margaret McManus asked Chloe Swansen if she is comfortable she will put the peat system on the plan and hopefully that will be what is needed to get the wetlands permit.

Robert Repetto stated that they are looking for a system that is fit for purpose. He stated they are looking for some kind of mitigation to improve the water quality and not put at risk where the water goes to.

Margaret McManus stated that at the last meeting she mentioned an aerator but someone had shot that down right away. She added that an aerator is not going to clean the water to a degree as the peat system will but it does change the system from anaerobic to aerobic, instead of sending the effluent into the dry wells straight from the tank now you send it through an aerator. The tanks are just a way for the effluent to settle and it goes through a ring of stone around the stone gets bacteria on it works in a fashion that's similar to tile fields only it's a ring instead of a long pipe but it is a very similar bacteria eating the harmful of the effluent before it goes into the surrounding soils and makes its way.

Andy Galler stated that they are not saying no to the other system, they are just looking for data. He said they have heard of a lot of septic systems but have not heard of this one being used.

Robert Repetto stated that they are building a house today in the wetland buffer and you need to meet today's standards.

Chloe and Ed Swansen stated that they are willing to move forward with the peat system if that is what's needed to get the approval from the Conservation Board. They were looking for other more cost-effective options but are willing to go with the peat system to keep it moving forward.

MJ Martin wanted to clarify that this was the last thing, we've solved every other issue, we talked about the gravel we talked about the leaders and drains from the roof and where that drainage is going, a laundry seepage. She thinks we covered all this stuff.

Andy Galler stated that the board is close to issuing a conditional permit other than the septic. He stated that what he thought the applicant would like to hear is that if they come back next month with the peat system on this plan as well as all the construction safeguards and a constructive narrative. He asked the board if they feel if they come back with that and a full set of plans would they be comfortable considering this for a permit?

Robert Repetto stated that if they come back with more data on the peat system, yes.

Jan Baker said with all of that he thinks they would be able to move forward and hopefully approve a conditional permit.

MJ Martin and Andy Galler agreed.

Andy Galler suggested that Ms. McManus reach out to Max Garfinkle with any questions and to get everything ready so the board can vote next month.

Margaret McManus asked if a resolution would be prepared for next month once approved.

Andy Galler replied that there will not be a resolution they would be approving the permit.

Margaret McManus thanked the board for their time and stated she will update the plans and resubmit for next month.

Deborah Needleman, 761 Old Albany Post Rd, Garrison, New York TM#61.-3-45

Mark Galezo asked if anyone had come on from Needleman.

Kelly MacIntyre stated that no one had come on for Needleman

Mark Galezo asked Max Garfinkle if there was anything on stormwater, he replied they are good on stormwater.

Max Garfinkle stated that the Building Inspector had put a stop work order on Needleman. He said they were doing the proposed activities without a permit. He visited

the site and they've already put fill down along the back side of the property to create a walkway in between where they're proposing to put the pool filter and the pool itself so they're in a holding pattern right now and they've they're trying to reconcile what they've done. Mr. Garfinkle stated he would like to be get the board members out to the site or get photos of the site before the snow was on the ground to show you the fill in that area which probably will need to be removed and then you can evaluate whether or not you want to allow them to run those utility lines and then put the pool filter equipment in the in the proposed areas.

Andy Galler asked if the pool is existing.

Max replied yes, the pool is existing. The carpenter who is renovating uh existing barn on the property and the site work he's also responsible so he started down this road without any permits and it was a bit of a mess.

MJ Martin asked who the carpenter is.

Max Garfinkle replied Dave Merandy.

Any Galler stated that he looked at the plans and wanted to know why put that on the back side meaning the west side of the property when you could put it on the east side and be out of the buffer.

Max Garfinkle state that he's explained that to him and it's been a bit of a process and he will get in contact with the carpenter and let him know.

Robert Repetto asked Mr. Garfinkle where the electrical is now, why do they have to do this assuming there is some electrical already there and that it was permitted originally.

Max Garfinkle replied that he's not sure, he'd have to look back at the file where it is it's not apparent right now, you can see the pool and the area and the pump system is not visible really.

Andy Galler stated that he's going to guess that they're updating the filtration pump system and that the existing one was right next to the pool so they would hear it and since they have the barn there and they're doing work they wanted to move it far away so they don't hear it.

Max Garfinkle stated that he did inform the Avery Road project of Mark's comments on the plan of the alternative pool location and they're going to withdraw what they've proposed at this point and then reconsider something in the front yard closer to Avery Road. Max Garfinkle asked if this board could write a letter of support to that saying that this was a decision that was made because we are intending on protecting the water body. Mr. Garfinkle wanted to know if they go that down that road is this something that the board would consider for this family.

Mark Galezo stated that's what we have to do.

Andy Galler stated would make sense.

MJ Martin also agreed and stated she needs to look at the plan again.

Max Garfinkle asked if they have to go to the zoning board for approval he think that at that point we could write that letter.

Jan Baker mentioned that he meant to circulate a final draft of the language that the board talked about this past month. He asked if he was to do that this coming week what do we need to do as a board to get this language approved to be added to future applications.

Mark Galezo asked if Max would know the answer.

Max said he would have to ask Steve Gabba and wasn't sure if the Town Board would have to vote on the amendment to officially make the change and was curious if this board had the power to do that.

Andy Galler stated that he thought it makes the most sense to contact Mike and I think Mike is just going to ask one of the town's attorneys to just double check what we're doing.

Jan Baker stated that he will get the language this coming week and hopefully we can finalize that at the next meeting.

Robert Repetto stated that he thinks this will help this way people know what they're getting into up front.

Jan Baker stated that Mike's been saying for some time now that these problems are only going to get worse because there's less and less buildable land in Philipstown and it seems like we're spending more time in the meetings talking about exactly these kinds of issues.

Mark Galezo agreed that the more it is up front the less people will be surprised. Mr. Galezo then asked for a motion to adjourn.

MJ Martin motioned to adjourn.

Andy Galler seconded. The board was unanimous to adjourn. The meeting adjourned around 8:58pm

Date Approved: 5/11/21

Respectfully submitted by

Cheryl Rockett

Board Secretary

