

**TOWN OF PHILIPSTOWN CONSERVATION BOARD  
Virtually Via Zoom  
September 14<sup>th</sup>, 2021  
Minutes**

The Conservation Board held its regular meeting on Tuesday, September 14<sup>th</sup>, 2021

**Present:**

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

**Absent:**

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.**

**Approval of Minutes**

The board agreed to hold off on approval of the July minutes.

**Old Business**

**Betsey Haddad, 15 Lake Celeste, Garrison, NY 10524 TM#72.17-1-15 WL#21-336**

Max Garfinkle stated that some of the board members came for a site visit after the last month's meeting and after he reviewed the wetlands code a little bit more carefully the overall impact to the regulated area in terms of square footage falls below the threshold for a major permit application and can be considered a project of minor significance which can just be permitted through the Natural Resources Officer which would be himself and the board agreed that due to that fact and the folks that had visited the site post last month's meeting they all agreed there that Mr. Garfinkle could proceed with permitting the project. He added that he believes that the applicant is going to be attending the October Zoning Board meeting to get the final Zoning Board approvals and at that point he will either issue the permit before they attend that meeting or after they get Zoning Board approval to do the addition to the house.

Chair Galezo stated that he had been in conversation with Mr. Garfinkle and he completely agrees with all that and is curious if everybody understands and agrees?

Andy Galler wanted to confirm that they're talking about the 15 Lake Celeste?

Max Garfinkle confirmed.

Andy Galler stated that yes, he was there with Mr. Garfinkle and agrees to him there's really no change in the footprint so to speak.

Mr. Galezo stated, all right, he sees no other discussion.

**Raymond Yi, 9 Winston Lane, Garrison, NY 10524 TM#83.17-1-4 WL# 21-334**

Chair Galezo stated that he's not actually sure what their conversation is about. He recalls they were going to have a meeting or your client was going to have a meeting with the Highway Department and they're going to try to inform us as to when that meeting was going to happen and they Conservation Board was going to try to join but he believes the meeting happened without the board and the Highway Department was good with the approach which was based on the board's recommendations from the original site visits.

Mr. Johnson (the clients attorney) stated that's absolutely true.

Chair Galezo asked if anything has changed to this point?

Mr. Johnson stated, no they've been waiting for the Board's word. The Highway department told them to go ahead as far as they were concerned.

Chair Galezo asked if they approached Mr. Garfinkle about actually signing off on the wetlands permit?

Mr. Johnson stated yes but they were told they had to appear at this meeting and get a final approval.

Chair Galezo stated that he understands and as soon as Mr. Garfinkle connects back in, they should be able to expedite that. He then stated as he recalls the applicant has spoken to Mr. Garfinkle and he instructed them to come back into this meeting where we're going to give them a permit, correct?

Max Garfinkle stated that yes, he thinks the one last remaining item was essentially that the applicant was going to review what the board was comfortable moving forward with the Highway Department to ensure that they could tie into the town's stormwater system along the road their catch basin and culverts that would drain off the property. He added that they wanted an update on that meeting and then if the Highway Department was in favor of what the Board was going to allow then the Board can issue a permit to move forward.

Chair Galezo stated that his only uncertainty here is they did a site visit, came up with some suggestions then the meeting happened with the Highway Department and the board was not there so now they are taking the explanation from the applicant that the Highway Department said it's fine but the board doesn't actually have a final set of drawings and a final commitment from the Highway Department. He asked Mr. Garfinkle if there is there any way to kind of get that in a state that he's comfortable with that they're actually doing what they sort of discussed from the beginning and the Highway Department is on board?

Mr. Garfinkle replied that he believes that they have they sent a very rough drawing of the installation of this of a curtain drain.

Chair Galezo stated that he does recall that a hand-drawn sketch, he can't tell if it was done by an engineer or by the applicant but his concern is that this is the kind of thing that if there aren't some guardrails put up especially on that site with that slope and that amount of water that's coming down things could get out of hand quickly if somebody's not keeping an eye on it.

He added if Mr. Garfinkle were to take the lead on this one and require that he's informed well in advance 24 hours, 36 hours whatever he deems fit before they start work and he's had a chance to chat with the Highway Department and assure himself that they're doing what the Board said they could do and Mr. Garfinkle is informed as they're proceeding with the work and can take a look. He added that he knows Mr. Garfinkle's workload is pretty heavy so he's be more than happy to pitch in and take a ride over there and take a look as well while it's going on.

Mr. Garfinkle stated that's no problem. He asked if the applicant could just summarize for the Board and himself how that meeting went with the Highway Department. Were there any concerns from Carl Frisenda?

Mr. Johnson replied, no they just walked the site and showed Mr. Frisenda the drawing and the layout that they have which is on the on the site plan and it's just a drain line that goes around the house and at the street joins into drainage culvert that's already there and the one that's there is actually not very tightly constructed so they will tighten all of that up and make sure that it works well for the life of the project. They didn't get any negative response at all, Mr. Frisenda was very positive about it and he doesn't know what other what else they can give by way of proof but again they welcome the Board to come and meet with them there, they'll call 24 hours before and they welcome any inspections they want to do. He added that the applicant says it's a nightmare in the winter time because the water gets onto the road and then it freezes.

Robert Repetto added that he can attest to that, Winston Lane and that spot is very icy.

Chair Galezo stated that he just wants to make sure everybody understands when they looked at this, it's extremely steep in the back, it's a cliff and it comes down to lawn area sort of but very but still fairly steep and wraps around the house and terminates at the street. So, everything's coming off the cliff there's no way anybody's going to do anything about moving that water anywhere. They're going to be able to cut it off just before it gets to the house in the lawn area so his suggestion was just to run essentially a curtain drain around the back of the house and bring it over to the culvert and then there's a bunch of water that comes down away from the house to the right side not from the rear which might be helpful to have a leg of this curtain drain heading in that direction as well. But none of that has been really drawn out. He added that they don't know the depth of the curtain drain, they don't know the size of the pipe. It hasn't been specified that it's a perf pipe it doesn't hasn't been specified that it's got a gravel bed or not or filter fabric or anything else. He added that he thinks at least a small level of detail would be helpful.

Mr. Johnson replied, okay they could provide that for them no problem.

Chair Galezo continued and course you know exactly where it's going to go because he knows it's really tight back there, they don't have a lot of wiggle room and the Board is trying to accommodate any way they can so he thinks they're going to be pretty much right against the back of the deck and then right along that walkway that comes down to the final approach to the street, correct?

Mr. Johnson stated, that is correct and at the back of the house there's the house and then the stone cliff so there's really not much choice where they can dig so it's pretty much given to them what they can do but they can give a more detailed drawing and show exactly what's up. They just want to get this done before the weather changes.

Chair Galezo replied, right. To that extent as far as he's concerned, he's happy to turn this over to Max Garfinkle, he knows what they're trying to accomplish and if he can keep an eye on it they're good to go.

Robert Repetto stated that the only comment he would have is that he knows in the past the Highway Department has looked at the volume requirements of that drain so that basically they're not exceeding that requirement. So, he would just ask that Mr. Frisenda have some kind of dialogue in that discussion as well.

Chair Galezo stated that he agreed and that would go back to the pipe size you know if a 24-inch pipe is being put in or a 4-inch pipe is being put in that's going to have a little difference. He then asked if he could have a motion to issue a permit based on Mr. Garfinkle overseeing the whole thing.

Jan Baker made the motion, Andy Galler seconded the motion.

The board voted unanimously to approve the motion.

Mr. Garfinkle stated that he will just need the final detailed drawing sent to the Building Department so that he can that can make his final review before he actually issues the permit.

Mr. Johnson stated they'll get it to him as soon as possible because they really want to move on and he thank all of them.

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

James Hartford of River Architects joined the meeting and stated if you recall The Wildrick's own two adjacent lots down on Hudson River Lane, number 30 which he's showing now and 28 they are adjacent to each other. They're shown as two separate parcels since on the surveys here but in the drawing here they're showing the proposed combined lot of the two. They've recently received approval from the Zoning Board for their proposed designs for the project. So, that includes several variances for setbacks and lot area coverage. So right here you're seeing the roof of the structure. They've got a garage that's attached to the house and actually the house stepping down in two places in the similar footprint to the original two structures that we're removing. So, they're all new structures. Number 30 was flooded during Hurricane Sandy and it came pretty close to getting number 28 as well. So, they're raising the floor level of the house so that there's no occupiable space below flood elevation plus a couple feet. So, they're raising it three feet from the existing so that they're up higher than that one of our sections shows that as well. So here they've got basically two halves in the ground floor to allow for the use of the boat ramp and the natural beach that's there. It's one of the few natural features along that stretch in Hudson River Lane and it actually gives a little bit of relief to tides and some flooding mitigation too because the water's able to drain back out comfortably. It's got two sea walls, the one on the north side is in pretty bad shape, it's a gabion wall that's showing a lot of deterioration and probably wasn't built that well to begin with. They're proposing to replace that and they've got an application and engineering in front of the Army Corps of Engineers and the DEC currently. The idea is that the house steps down on the land on two different foundations essentially but then bridges across. Here on the second floor, you

can see how this kind of great room here is bridging across and it's glazed so that it has a light and airy view through. But it's a single-family residence, they've got a portion of it is green roof and they intend to put solar panels on here and are interested in the idea of putting a green roof on it but they have to look at budget and also how much solar they need to make this is a source net zero house. These are the elevations what it looks like and you can also see here the red is zone ae base flood elevation at seven feet. Hurricane Sandy clocked in at 9.4 at the blue line and they're proposing to raise it, he stated that he doesn't remember what the dimension is but a little bit higher than Sandy. If you recall they are also proposing a swimming pool that's on that north projection of the property. He stated that he's going to go back on to the site plan here and so the swimming pool is here. He added that they heard the Board's concerns about keeping chemicals out of the Hudson River and completely agree with that, so the intent is to use a natural bio-based pool 100% biological activity that is basically benevolent cultures that cleanse the water naturally. Traditionally these were done with a simulated wetland garden but now there are kind of methodologies to package that into a sand bed so the same organisms can live in the sand and the water is filtered through that sand and the bacteria activate and cleanse the nutrients out of the water to purify it. So, it's essentially drinking water when it's done with that process and I think that's about that.

Mr. Hartford continued and stated that he just wanted to go back to the thoughts that this is intended to be a certified passive house. They're working towards that goal. They haven't started energy modeling yet because they just wanted to get through the boards a little further so that they have a little more certainty on the shape and the outcome. There's a fair amount of glazing but they're looking at deep overhangs to offset overheating from the sun and that should probably work to their benefit in energy performance. There will be no fossil fuel use on the site. They are removing the two oil tanks from both structures and eliminating propane as a backup power source for the generator. The generator would go away, the idea is that they would use solar panel connected battery storage so that all of the energy demands are met through the battery system in case of power failure. But taking it one step further also using the battery system to lower their peak demand so they're taking less from the grid even when things are everything's fine and running, so they're minimizing the impact on the greater environment.

Mr. Repetto asked Mr. Hartford how long would that run? Is that days, or are they talking about hours?

Mr. Hartford stated that would really require some feedback from the battery system designer but he added that they've done that for a house a passive house up on the Kaaterskill River in the town of Catskill. They have power back up for critical systems. It's not 100% power but critical systems for three days and usually like the past storm you get one or two pretty miserable days and then you get brilliant spectacular weather, sunny weather afterwards so usually that's sufficient. Also, generators usually have enough propane or diesel to run for three days so that's kind of the targeted goal in general for that.

Mr. Repetto replied, okay, he's just trying to have an idea.

Mr. Hartford continued and let's see on some renderings of what it's hopefully going to look like. They're raising the grade a little bit it's like a two percent gradual grade increase would act which actually matches the neighboring property so that it sits more naturally in the landscape rather than having it projecting too high visually but it also keeps the water chestnuts from gathering in the front yard and things like that

Mr. Repetto asked Mr. Hartford how much fill they are adding into that property and when they said they're matching the neighbors obviously there was two different parcels, two different houses so how are they grading up to the adjacent neighbors so that you're not like raising this house so high that now you're out of the flood plain but that all the water then pours into the neighbors?

Mr. Hartford replied that's a great question. The neighbors to the north here the soil around the house itself is bermed up so that it looks like a gradual natural grade change. The neighbors to the south, he thinks it starts to descend further down. That's the question they should look at more carefully in terms of what that potential impact is. Then they'll also do a calculation on the quantity of soil that they're talking about.

Mr. Repetto stated that this is obviously tricky to remediate all these homes here that are in the floodplain like this and of course you all want to go up high but as soon as you start building the ground up you starting to block view shed, so with this project you need to balance the view and the impact of raising and pouring water onto a neighbor property so it's definitely tricky. He continued that he knows this house just in general this property has been before the Conservation Board several times with prior designs so he thinks they want to make sure that they take a good look at what's going on here. He knows they got the ZBA approval but what did the ZBA approve? Did they approve this design as shown here with the footprint of the foundation is that foundation in the exact footprint as the prior foundation? Or is this a new construction with a new foundation or is it grandfathered with the old foundation?

Mr. Hartford replied, no it's all new. It was approved as an all-new foundation so they're razing the two existing houses and the two existing garages and the increase in coverage is in the .03% range or something like that. It's a very minimal increase in impervious coverage so that's it was approved on that basis. It's essentially this design but They've pushed the design aesthetic further. They did elevations and sections and more details for them. They've actually shrunk the building footprint a little bit from what was approved so they're slightly smaller than actually what the ZBA had approved this for but it's essentially the same design as what they had approved.

Mr. Repetto stated, okay so those cantilevers you see where it's like a deck and then there's some cantilever like on towards the right that's actually living space so the ZBA is aware that is outside the foundation, that's okay with them?

Mr. Hartford stated that, yes, they were showing cantilevers previously. It's kind of slightly rearranged but those were cantilevers shown, decks and sun shades that were on the design previously and on this side they're actually in two feet from what the approved design was. They do overhang the setback about a foot with this design but that he believes is permissible for roof overhangs and this sort.

Mr. Repetto questioned, so the ZBA approved that you're overhanging over the setback requirement?

Ms. Wildrick stated that they didn't have this level of design when they saw the ZBA and so that was a little detail that was added after but they think it's within code. They just need to confirm and respond back.

Mr. Repetto stated that he's just trying to understand where we are because this is project's been before them before and other generations prior.

Mr. Hartford stated, let me stop you right there Mark, this is our second meeting with you.

Chair Galezo stated that he wanted to clarify for the record that it was Mr. Repetto speaking, not himself.

Mr. Hartford stated this is the first time you're seeing a design from them. There was a previous applicant, a previous but this is an all-new client, all-new project.

Mr. Repetto stated that he remembers the septic, they had conversations about the Peat system and things like that. He's seen the prior drawings from like January or February time frame that's what he was looking at, no problem. He added that he's just trying to understand the process. So, in the case of the Conservation Board there's things their interested in. Obviously, the pool is going to be one thing they'll have a conversation about, they talked about the septic back in February and you know he appreciates that that they put a good design there with the Peat system. The other purview or the other aspect is always the kind of the viewshed of the neighbors and the balancing of the impact to the neighbors. He really wants to see a good understanding of what is the current level of the house and what the houses, what they can see today. Can they see mountains or bridges and things like that? What would be the impact in the future and is that necessary to have like a walkway in the front there blocking it with a hard wall there or can you just take that wall down and then just have the deck or a railing so that it's not a hard wall block.

Mr. Hartford replied that the bridge area is all glass and he also wanted to point out that the height was not an issue, they are conforming with code on the height so that's not was never a variance issue.

Ms. Wildrick stated that she'd love to add to they know their neighbors very well, we're very close physically and with the pandemic have gotten closer and they absolutely wanted to make sure that they were on board. They met with the neighbors on both sides, specifically the neighbor to the south. They're actually receding the house further back so that will improve the neighbor's view. They're also going to replace the fence with a transparent fence. There are trees that were planted by the previous owner that blocks their view so they're really going to open that up, they're an invasive species and they want to take those down so that the neighbors can see better and they know how important that is. The only thing that would be a huge difference is to the neighbors on the north the house is going up to two stories where it was one but it's within the footprint and further receded another two feet from what had been approved. The neighbors were very happy about that. She added that also something someone asked earlier about the drainage to the Matero's on the south. The engineers working on their sea wall are had mentioned that when they do the grade, they can actually put drainage points within the yard that helps drain and create like a drain line that brings it back out so it would hopefully never flood the neighbors on that side and as Mr. Hartford mentioned, on the north they're elevating to match their grade. They're hoping to stay in lockstep with the neighbors as much as possible because we live too close to each other physically to not have everyone feel happy. We really want to maintain those friendships and relationships and we care about them.

Mr. Repetto replied that he looks at the design and sees it going up, getting out of the floodplain and is concerned. It's really hard to look at it and try to understand like what exactly you're meaning from coming up from sea level and then how much fill that's going to be and yes maybe you're in the letter of the law you know within that variance of or the town requirement of 40 feet or whatever but he just doesn't know how much fill you're adding there so and where that first point starts. So, he's concerned

this a layer of fill, then you got the foundation, then you've got the house, then you've got the second story and you've got the solar panels on the top and then you've got these overhangs that extend away from the property. He added that he thinks they said they moved the property back. It looked like it was 10 feet overhanging he's not sure from grade, the house to that other view that you had there that gray wall there or the brown wall, the one facing the house. How far is that what's that distance there?

Mr. Hartford replied that's an eight-foot cantilever.

Mr. Garfinkle stated that to Mr. Repetto's point he thinks there's a lot of moving parts with this application and the Town Engineer just sent to town today a notice that the applicants are going to also be in front of the Planning Board as well is that correct? He added that he thinks what would be really helpful at least from his perspective and the board can jump in here is that if they could get a site plan that was as complete as they feel they are going to be presenting to the Planning Board as well because the Planning Board is going to be referring this project back to the Conservation Board essentially to compile all these comments on a full application that you're going to be presenting them. A lot of what we're discussing here should be written into a narrative and assessed through the SEQRA process and part of the environmental assessment form and that way a lot of these questions about the design of the house and all of the mitigation components that the applicant is including will be in one place that we can actually refer back to and critique. It's a little difficult for him to look at just the floor plans here and then pick out some of the things that are highlighted in the applicant's minds that really make this a special project in terms of Conservation principles to the site. So, I want to make sure it's highlighted for the Board to review and allow them to compare this change and justify the change with applications in the future. He added that he noticed there too that in their cover letters they stated that they have applications to the DEC Army Corps and with RACE and those applications would also be reviewed by the Conservation Board as well so those are components of the project that they'd also like to review and basically see what the applicant is transmitting to those conservation agencies as well.

Mr. Hartford stated that they'll get the Conservation Board the applications that were submitted by RACE. It's essentially the same package. He added that they're meeting with the Planning Board on Thursday evening and this is essentially the same package that they've submitted to the Conservation Board as well.

Mr. Garfinkle added that if there are any major changes in the EAF that was submitted to them originally that will be submitted to the Planning Board then those should also be transmitted to this Board because that narrative component, all the different things that Mr. Hartford had spoken about, all the positives that are going to be affecting the site all the changes to the site via the addition of fill. All those things are going to need to be included in that document and those are the things that they're going to evaluate.

Mr. Repetto added that he's just going down the narrative of where they would be influencing. Obviously, the pool and the viewshed and then obviously it's critical about how this property is razed. Having seen some of the construction down there he saw the building that is going up on the end there it doesn't seem like what he thought it would be going back when they looked at that one in the past. So, he just wants to make sure that they're checking all the boxes here.

Chair Galezo stated that he just wanted to ask a question about the roof and the drainage from the roof. He knows there was a potential cistern on one side. He added that he said it to them last time and this is



the coolest house in the world and the environmental benefits to the way the house itself is being built and all electric and the panels and passive everything else to him outweighs and this is just his personal view, outweighs a lot of these other issues and he thinks if the neighbors are all fine with the views and as long as the flooding issues that Mr. Repetto brought up are dealt with up front that this is a home run. He's really curious about the roof runoff because it's a lot of surface area and he's had this question asked of him and in some towns decking is considered impervious. Can you tell me what the real rule is?

Mr. Hartford replied that the rule according to town code is that if the gap in the in the decking is an eighth of an inch or greater it's considered pervious, if it's tighter it's considered impervious. Sadly, and strangely green roofs seem to not count. It's a little bit of a punt on in the code on that and honestly that weighed in on the decision to not include more green roofs where we have a kitchen garden above the garage and the intent is to be able to grow vegetables and herbs but the rules matter and so when they're not helpful in making design decisions like that that are also beneficial on some things get nixed. But the intent is to include rainwater harvesting in cisterns so that's both beneficial for on-site irrigation but also stormwater mitigation. It's a double win for us.

Jason Angell stated so you were saying green roofs don't count in the code as roof, do you mind just explaining that for educational purposes?

Mr. Hartford stated, right so the absorptivity of green roofs are discounted in the code so they don't factor into your impervious surface calculations. So, the green roof is seen as the same thing as an asphalt or concrete driveway.

Chair Galezo stated so it is considered as though the water is not flowing through the roof is being retained on that square footage until such time as it overflows. So, it's considered impervious?

Mr. Hartford replied, right. So, it's not the same thing as a fully functioning soil profile of course but it still does reduce the amount of runoff.

Chair Galezo stated, they're fantastic. He added that thinking in terms of his own experience on three of his client's homes down county in this latest hurricane and the amount of water that comes off a roof and comes up out of the ground combined it just they just got destroyed. So, in this house you've got the event you've got the river right there all the water can be dumped into the river and it is essentially clean water. It's overflow from the green roof. What are the are the roofs tar and chip, rubber?

Mr. Hartford replied that they didn't get that far. He stated that he likes using TPO, so it's basically inert you know it's a thermoplastic but it's not asphaltic so it doesn't off gas.

Mr. Galezo stated, right and in terms of picking up oil and byproducts or whatever from running out into the river that's not a factor.

Mr. Hartford replied, exactly.

Chair Galezo stated that he wants the rest of the board to understand his point is there's a tremendous amount of water that's going to come off of this structure and it's going to go somewhere. So, the question is, is it being dumped in one spot, is it going to cause a rut, is it being diffused. Obviously, Mr. Hartford is thinking about that. He's just curious what the thoughts are where is it going to go.

Mr. Hartford replied that he really appreciates that and they'll develop that further and more deeply so that they can really give a satisfactory answer and hopefully something that that helps set a good precedent.

Chair Galezo added that he really looks forward to this he understands what Mr. Garfinkle was saying they're going to do a joint meeting with us to explain that pool, it's really interesting and be fascinating to see how that all works.

Mr. Garfinkle stated that he thinks beyond even beyond the pool there's just so many components to this that he doesn't want the applicants to have to keep running back and forth with like a laundry list of things between two different boards at two different meetings so if we can try to get this all in one place with all these comments synthesized together and typically they'll do that in a memo form eventually to you so that way you can nail out a laundry list of all these items that we're all talking about. So, he just wants that in mind and doesn't want anything to get lost in the shuffle here.

Mr. Hartford asked if it was going to be a joint meeting between the Conservation Board and the Planning Board to discuss?

Mr. Garfinkle replied that the memo that Mr. Gainer sent it's part of the just the State Environmental Quality Review Act it's just a part of the generic process. They're going to ask for either coordinated review or the Planning Board to be to be the lead agent on the project. That's something that will be coming down the line. He added that when the applicant goes to the meeting that's probably going to be one of the first actions the Planning Board takes and then they're going to look to the Conservation Board for their comments on all these different items that are coming up now. If the Conservation Board agrees that the Planning Board is going to be the lead agency on the project that's going to be the main group the applicant will be talking to. Once they make a determination of significance on the project then the Conservation Board can legally issue a permit based on all that discussion and review that's going on. So, in some ways it is a joint meeting or it could be, more likely it will be comments back and forth between the two.

MJ Martin asked what did these two properties look like after the last storm?

James Hartford replied pretty much unscathed.

Ms. Wildrick added that they actually need a new roof at 30. Currently 28 is not inhabitable, it was actually destroyed during Hurricane Sandy and they never rebuilt it so it's just been sitting empty. So, they live at 30 and have had a lot of rain and that has caused leaks in the roof and didn't hardly have any problems at all. They felt very lucky it wasn't it wasn't bad at all. She added that they hold their breath every time there's a big storm because they know what happened during Hurricane Sandy and it's not getting any better with climate change.

Mr. Hartford stated just for orientation this is a view from the river looking east. know sitting on the same footprint as number 30. It's actually receded, they're pushing it back from the river a little bit and that was out of a concern for the view for the (inaudible).

Ms. Wildrick stated that they receded it from all sides, right? Except the towards the railroad track where we connected it to the garage but we receded it in the middle too, right?

Mr. Hartford confirmed, right. This is 28. Currently the intent is this becomes one combine lot so their extinguishing the property line in the middle.

MJ Martin commented that it looks like an amazing design, it's just it's really impressive.

Ms. Wildrick replied they are really hopeful and excited.

Jan Baker stated kudos to Mr. Hartford and the owners, this is a breathtaking project. He thinks it's a wonderful development for Philipstown because it embodies so many of the things that all of our boards focus on and are increasingly worrying about in terms of development, the impact on the environment conservation, you know it really touches all of the bases and is integrated into a sort of eye-poppingly attractive and well-thought-out design format. He's very excited to see the progress of it.

Ms. Wildrick added that they forgot to mention bird glass, they are taking care of the birds because there's a lot more glass. They love all the views of this area but want to make sure the birds are okay so Mr. Hartford found some really cool glass that allows them to see the glass so we're excited about that too.

Mr. Angell stated that he's going to echo Mr. Baker's comment and just that how exciting it is and how important it is to have living examples of this sort of building in Philipstown to be a model for others in the community as we head into the future so he's excited about that.

Mr. Repetto stated that he's just trying to understand the concept of the green roof. So, you're growing something up there, it's got some roots in there it's got a nutrient system and some kind of soil. Is it typically just dirt or is it a specialized low weight soil or hydroponic?

Mr. Hartford replied that this roof would have an intensive green roof and so that is with soil with nutrients and a minimum of eight to you know really to infinity deep. Here they'll probably eight to fourteen inches deep in the soil there so there's enough room for roots and also water retention. The upper roof would have an extensive green roof system which is actually nutrient lean and they'll be using sedums and that sort of thing. The intent is that sedums don't require as much or any irrigation once they're established so they're not dumping good clean water on a roof. So, the soil itself doesn't hold a lot of water but it has a cup system integrated into the design so that there are cups that retain water and the evaporation of that water below the root system is what replenishes the soil above. You can see an example of that on Manitoga's green roof. In terms of water management and plant growth it's a little bit different. Generally, they don't consider the insulative properties of green roofs when designing a passive house because the amount of insulation in the building envelope is really doing all of that heavy work but a green roof over a conventional roof system actually reduces the heat stress that roof membranes go through so it increases the longevity of the roof as well so then you're doing less tear offs and there's less waste involved.

Chair Galezo asked how long will that roof typically last?

Mr. Hartford replied that a green roof can last indefinitely. Of course, the maintenance issue is you've got to keep trees from rooting in it and the roots can create that kind of harm if it's not properly designed there are root barriers designed specifically to keep roots from harming membranes but there are green roofs in Europe that are well over 100 years old there are several in Iceland that are 500 years old. It's technology that actually has quite a long track record.

Jan Baker stated that it sounds like the Phillipstown code may need some updating in terms of green roof support and encouragement.

Krystal Ford stated she was thinking the same thing with all that that pummeling runoff especially in the village just all going downhill.

Mr. Angell stated that he would love to work with Ms. Ford on that.

Mr. Repetto stated so it also just be a fine balance, right? Obviously, it's an engineering solution so there is some capacity to take the water in but obviously it's going to be somewhat limited it's not like you know ground where you have unlimited capacity so it could be fairly limited.

Mr. Hartford stated that he used to be super steeped in it when he was working as a Building Envelope Consultant in New York City years ago so he doesn't remember all the math on it but it an extensive green roof would handle something like 90% of the rain events. So, it's not 90 percent of all rain but 90 percent of the rain events are the small enough that it would be absorbed on the roof itself. But then designed into it as an overflow system and a capture system so that then whatever is in excess then would go into the cistern.

**Peter Lesser & Tina Park, 53 Phillipse Brook Road, Garrison, NY 10524 TM#61-3-50**

Tim Rasik stated that their project's not quite as complicated as the last one which was very nice to see. There is an existing house with a single-story garage where the garage is an ill repair so they're looking to take it down and rebuild it and extend the footprint a little bit. It's a total of 240 square feet it falls within the 100-foot buffer from Phillipse Brook. The issue is that they have a very steep slope that's behind the house so they wanted to create a little bit more room for the cars to get in to the garage. The dark gray is the existing house, this is the existing garage here with the entrance connector. The garage is an ill repair so they're looking to take that down and rebuild it. They would be extending the footprint in this hatched area that you see here. It's a total 240 square feet of go out 5' 8" in in this direction and 3' 4" in this direction here. They wanted to create more room so it's easier for the cars to get in to the space and they have some constraints with the site in terms that there's a very steep slope behind the house. He added that he can show some site photos. This is the garage as it is today, this is the slope behind. So, they're looking to extend out a little bit in this direction and then a little bit in this direction and on this side, we would be extending to roughly about here and take the runoff and divert it into a rain garden which would be situated right here so the water doesn't run directly onto the site as it does now and that's essentially the project.

Chair Galezo stated that he assumes that Mr. Rasik is aware of the immediate questions that are going to come with this that because it's within the buffer. The board really pushes back hard against any kind of increase in the footprint within the buffer.

Mr. Rasik replied that he doesn't know if anything they're doing really has an impact on the water course because as he said if they're just going essentially three feet this way and then five feet out, he would urge the board to come out to the site to understand the impact if any that this addition has.

Chair Galezo stated that the Board is asked constantly to approve small additions into the footprint and where the Board has settled now is unless it's absolutely essential it's a hard no. There have been applicants who have provided such an enormous amount of remediation or beneficial things. There was

a client that asked for a pool recently which is enormous. They moved the pool, they removed part of their old septic system and they're going to replace it with a new septic system. They're completely upgrading this wetland that's adjacent to their property. They're exchanging a tremendous amount of benefit for whatever minimal impact and he wouldn't say minimal in that case but he's just referring to this applicant's reference that this impact will be minimal. He added that he would suggest, and the Board would be happy to come out and take a look at the site but Mr. Rasik should be prepared to offer four to one. Whatever impact they're asking for come back with four times as much benefit to the environment, to the wetlands, to the downstream, a bigger rain garden. He added that he can't make too many suggestions but they can look at some of the Board's previous approvals to see what kind of things they like to see. That is what he suspects his fellow board members are going to be looking for.

Mr. Rasik replied that he didn't know if he made it clear though that they are going to take the runoff from the new roof and divert it into a rain garden right in the front.

Chair Galezo replied that he did hear that. He then asked where is the existing septic?

Mr. Rasik stated that the existing septic may be in the buffer but it's on this side of the house.

Mr. Galezo asked if they're bringing the runoff from the roof, they're referring to the entire garage not just the new area? They're building the rain garden to absorb sufficient capacity to take the entire new roof not just what they've expanded?

Mr. Rasik replied yes, the entire roof.

Chair Galezo stated that a suggestion would be to build it big enough to take the runoff from the entire house or some of the other impervious areas. He added that it's not going to make a huge difference in the size of the rain garden but it's something that's an offering in the right direction. He then asked if any other board members have any comments. He then asked Mr. Rasik to coordinate with Mr. Garfinkle and he'll try to set up a site visit.

#### **Other Discussion:**

##### **Jonathan Rose & Beth Evans 165 Cloudbank Rd, Garrison, NY**

Beth Evans stated that they finished the dredging project as they had promised in mid-July. They didn't have any more discharge of turbid water they had updated Mr. Garfinkle on their turbidity readings which were below the threshold for turbid water and from what she hears from Mr. & Mrs. Rose the pond is clearer than it's ever been and they're very happy. It's back to being full thanks to the storms and they are waiting for the sediments to dry so that they can distribute them in accordance with the DEC permit after November 1<sup>st</sup>.

Chair Galezo asked Mr. Garfinkle if he has any comments or questions.

Max Garfinkle stated no that was really it. He was just also curious about the next steps with the sediment and all that so if they can just keep the Board updated when the conditions are right for them to start spreading that'd be great.

Beth Evans stated that they will certainly do that. They anticipate that will be shortly after November 1<sup>st</sup> assuming that they don't have any more major storms. The material should be nice and dry and

ready to be spread, they have ordered the seed mix for the meadow area so that as soon as the material is spread hopefully, they can get it seeded and mulched and ready for germination next spring.

Robert Repetto stated that he knows we talked about it at one of the meetings but he thinks one of the things that was important what especially since this clay barrier was so difficult to understand he knows the applicant mapped it and had some drawings. He asked if they can somehow put that into the master plans or the package that would get passed down from generation to generation so they don't have to go through the same exercise.

Beth Evans stated that they will certainly do that. It appears that when the pond was built in the early 1900s that bentonite clay was much more available than it might be today and they will certainly make sure that their findings are documented for future owners of the property.

### **Robert Ashley, 3 Ethan Drive**

Max Garfinkle stated that he wanted to give just a brief update. The developer that owned the property essentially brought the property up to a point where he could sell it and during that process the Conservation Board had a permit on the property, it issued a few years ago because of a small intermittent watercourse that ran through the west side of the parcel and eventually drained into a DEC regulated stream in Continental Village along the Westchester Putnam County border. He ended up during the last few steps of cleaning up the property he filled the intermittent watercourse with gravel. Mr. Garfinkle stated that at that point he sent a notice of violation to the developer and told him that he had to remove the gravel and replant the area that he planted with grass seed. He removed the gravel and brought the watercourse back up to basically what it had looked like before and that was all by hand with shovels and essentially that's where we stand now. He's he got his C.O's and he believes the house is sold now and that was handed off to the Building Department after that was brought to his attention.

### **Swanson, Maintenance Agreement**

Chair Galezo asked Mr. Garfinkle if the Swanson maintenance agreement is the same one as the other Peat system down on Manitou.

Mr. Garfinkle replied that yes, it's the same system but it's a different contractor. Badey and Watson's handling the design of that project not the same engineering firm that the Hudson River Lane project was utilizing.

Chair Galezo asked if it is still one of those unitized systems, they're just bringing in cubes of Peat?

Mr. Garfinkle replied yes, it's the same system.

Mr. Galezo asked if the maintenance agreement is verbatim? He added that he's feeling like since these systems may be more common that the Board should require the exact same thing from everyone and not start reinventing the wheel every time.

Mr. Garfinkle replied yes, the main thing that's binding in that agreement to having that consistency is that the board is requiring them to utilize a certified professional to evaluate the system annually and make sure it's functioning and submit a report. Which is essentially what was required of the Hudson River Lane property. It will also be deeded into the county records as well.

Chair Galezo asked if this is verbatim, like literally a carbon copy of the one that was done for Manitou or is it a new one?

Mr. Garinkle replied that it's not verbatim he doesn't believe that the Manitou Marsh one is deeded into the county record but in terms of standard of inspection it should be the same.

Chair Galezo stated yes, he knows that was the main thing is again no self-inspection that just didn't seem to make any sense. It has to be third party certified inspector somehow and the fact that it's now deeded in is fantastic. He then asked who has to sign off on this, is that Mr. Garfinkle or Greg Wunner?

Mr. Garfinkle stated both. He continued that he needs to get a refresher and see if the Board approved the conditional permit or are still waiting for them to come back with all the remaining items that they had asked for but yes, once the Board signs off and issues a permit to the applicant then they would be issued a building permit by Greg Wunner.

Chair Galezo stated that he did not realize that they were remiss in that. He thought they had already let them go ahead last meeting.

Mr. Garfinkle stated that he needed to get back and see if they issued a conditional permit or not. He added that he hasn't issued anything yet based on their final plans or anything like that. That may be a conversation where this maintenance agreement was the last piece kind of a thing.

Chair Galezo stated that he's asking the board if that's the case if this was the last piece are we all okay with letting Mr. Garfinkle go ahead and issue the permit?

The board members all agreed that was fine.

Jan Baker stated okay subject to two questions about the agreement. First does the town maintain a calendar-based ledger of all agreements of this type with the date by which the report is due so that the town instantly knows if a report has not been submitted on time?

Max Garfinkle stated that we don't but we can do that. He added that he thinks these two projects are the most the only ones at this point that we really require that. The only thing that would be similar in the past is when they have maintenance agreements on planting projects and all those permits are closed at this point. He added that we can we can reinstate that and Ms. Rockett can set something up.

Jan Baker stated that he thinks for perpetual maintenance agreements that we may be seeing more of these whether they're Peat systems or something else and he thinks it's important that from day one the town maintain an organized record of them and have a system so that if it doesn't come in say within 30 days of the due date a non-compliance letter automatically goes out. He continued that his second question is should they insert some enforcement provision in here to basically say what happens to the homeowner if the homeowner simply doesn't do it.

Mr. Garfinkle asked if they would like to include that on the agreement that they sign?

Mr. Baker replied yes.

Chair Galezo stated revocation of the certificate of occupancy.

Mr. Baker replied he thinks that's a great incentive.

Chair Galezo stated the other one that the Board did is the pool, that's a prime example. There was a lot of maintenance that was going to have to go into that and they agreed to put it in the deed. He thinks that they should require that they see an updated copy of the deed when that has been inserted.

Mr. Garfinkle stated that they haven't come back at all with any additional information on that project. That laundry list that he had written out for the applicant, of all the items that they had discussed they haven't gotten any new updated plans. He can forward that stuff as that comes in just so the board is aware but yes, he thinks the calendar is a really good idea. He continued that they have permit renewals that happen every year on bigger projects that they can keep track of that way too and it will help the town stay on top of some of the financial commitments as well from homeowners so that's an added plus.

Mr. Baker suggested that Mr. Garfinkle put a tickler note in the calendar on the pool because he suspects they may have to contact them to get it.

MJ Martin asked if this is the pool that was just approved during the last meeting that she missed? When she was reading the minutes about that and that there's a requirement for them to use a certain type of system. The system can't be chlorinated, how is that going to be enforced because you can switch from a saltwater system to a chlorinated system from season to season and who's actually going to enforce that?

Chair Galezo stated that is a really good question it goes in with all the other enforcement things, we have no teeth. Somebody could go out and see that they had changed it but what do we do?

MJ Martin replied well who's even going to go out and see that they changed, we don't have anybody who can wander around pools and check chemicals. She worries when we make concessions that allow for something that maybe we're not that comfortable with to meet in the middle with a homeowner that we make sure that we've got that enforcement or there's some sort of you know in terms of the spirit of what we're trying to achieve.

Mr. Baker stated that there should be an annual third-party certification submitted to the town by the homeowner and there ought to be something they can come up with an equivalent that ought to happen automatically on upon failure to provide the certificate within 30 days of the due date.

Chair Galezo stated that goes on that calendar that was suggested it pops up every year, these are the ones that need to be contacted. He added that he doesn't know what it would cost for instance that property they'd have to have someone who was a horticulturalist to go out and make sure that all the plantings around that that lowland are all surviving in the correct percentages and then check that the pool is still not chlorinated and so the attempt was made to address when the pool overflows where's the water going is there some place where it's going to not directly go into the pond on one side or the wetland on the other and when they drain down the pool that there are some restrictions in place saying what they should do in order to do that. He continued that he has a client down in Scarsdale and he stated to Mr. Galezo that he's not going to drain this hot tub into that special drain that they made. he's just dumping it on the ground. It took a little convincing but he thinks he's convinced now but to Ms. Martins point people will do whatever the heck they want to do so how do you enforce it?

MJ Martin stated that to Jan's strategy there's a psychological benefit to contacting people. If they get an email from the town or you get a letter from the town and it says it's time for whatever it is or we're



waiting for your report you know you submit in 30 days or 45 days. There is a psychological kind of weight to that that does not exist presently.

Krystal Ford asked what happens when the homeowner sells?

Mr. Baker replied if it's deeded it passes with the property.

Andy Galler stated that's the problem then because the maintenance agreement we just did on the septic that wasn't deeded to my knowledge that's just an agreement.

Chair Galezo replied the first down in Manitou?

Mr. Galler replied as well as what was just sent out today or yesterday for Route 301.

Chair Galezo stated no, that one actually Mr. Garfinkle was saying that's the first one that actually says it's to be added to the deed. He added that's why he was saying they should make that their standard.

Mr. Baker stated absolutely if they're not deeded, they're not appropriate.

Mr. Garfinkle added that it's kind of a novel idea it's something that Eric had mentioned years ago and he had read it somewhere but there are certain communities that have similar boards to the Philipstown Conservation Board where any project that they end up approving big or small the homeowner would be required to put some sort of monument or plaque describing that this was approved by the Conservation Board and under X regulation and it would be set in stone essentially on the property in some conspicuous area. Whether it be in front of a restoration planting area or in front of a project area or tied into the project area so that for future generations or subsequent homeowners they could see it every time they come out to a certain area.

MJ Martin stated there's another piece to this and that's the Realtors and educating the Realtor. She wonders if there's a way that the board can do some sort of an education campaign with anybody who is selling real estate or acting as buyer's agent in the Town of Philipstown that they need to be aware of. They could create some sort of an information packet and also maybe require some sort of a training. Because if they know about it, they have to disclose it.

Jason Angell stated that the board members are all much more deeply knowledgeable than he is and Max Garfinkle has been helping catch him up to speed but any other municipalities charge any sort of a maintenance fee for these agreements or anything akin to a concession, some sort of a fee that helps for the cost of having a system that that follows up?

Chair Galezo stated that yes, they tried. He may have heard about the Banker project where there was a large violation of the permit and in the end he believes they made him do a bond which was going to pay for all the work that was going to go into watching it but it was only for a short period of time, five years something like. It's the kind of thing it seems like if it's a large concession to Jan Baker's point it should be in the deed and should be in perpetuity, they've now created something that is there forever so until they take it away, they need to maintain it period and the money needs to be there. Why should all the taxpayers in the town pay for their concession.

MJ Martin stated that this is an interesting idea because what if it's not you pay every year for whatever but what if you pay a percentage of the project cost? You have to pay that into a conservation fund. If you're going to have a project that really pushes the boundaries then you have to put whatever a

percentage of whatever the cost of the project is into this fund so that the town can have the capacity and resources to enforce it.

Chair Galezo noted that in Beacon they actually charge a small park fee if the property for some reason doesn't have enough open space, then the homeowners have to put into the parks fund.

MJ Martin stated that's for development, right?

Chair Galezo replied yes, he believes so.

Mr. Angell noted that this seems like such an important conversation if in the future and he doesn't know if the Conservation Board does this regularly but if they have a discussion about proposals or ideas for better enforcement mechanisms that seems like a very a good presentation or something for him as a liaison to the board to bring back or for the Conservation Board to present back. He added that he knows that conversation is not going to happen now but it seems so important to make sure that people are following the decisions that this board is doing. He continued that he would encourage that in the future if this conversation goes on somehow being able to summarize it back to the Town Board and come back and present these ideas to the Town Board.

Chair Galezo stated absolutely they've had this conversation innumerable times and it's just they hit a dead end so any help Mr. Angell can give in that regard would be greatly appreciated okay.

Max Garfinkle stated that he feels like this is a frustration that is very familiar to this Board and may not be familiar to the public at all so if there's a way that they can frame this discussion so that the other Town Board members understand where their coming from is going to be critical. (inaudible) He added that he thinks it's also a messaging thing too to understand have the remainder of the Board understand from a larger perspective what this all means so that the public can buy in, the town can buy in and understand exactly the Conservation Board's frustration.

Mr. Angell agreed with Mr. Garfinkle and stated if the conversation gets to a point where it can be proposed in a fairly clear and straightforward way, he thinks it would make sense to create space on an agenda for that sort of a proposal and discussion. Whether it's in a workshop first or in a Town Board meeting but it seems like it's essential to the work the Conservation Board's doing. To get it this discussion out in front of the larger public.

Chair Galezo stated that he and Max Garfinkle can put together a bullet point list of some of the things just talked about and circulate it and let people all add to it and they can just email it to the Town Board via Jason Angel here are our thoughts nice and simple.

Mr. Garfinkle stated that he thinks having a running open document because the board has a lot of great ideas every time they all get together he doesn't want that to get lost so maybe having that running open document would be a good idea and then they can pull from that as a group. He doesn't want anybody to be left out.

Chair Galezo asked Ms. Rockett when she does the minutes of this meeting if she can manage to focus on this one short section right in here where everybody was throwing in their suggestions. Just from that alone they could probably put that document together.

MJ Martin asked Mr. Angell if what he's craving is for the Conservation Board members to come up with a draft proposal that they could bring to a workshop and then kind of workshop it and sand it down and polish it off.

Mr. Angell replied that he thinks that's right. He's just the liaison and so as opposed to always just reporting back on a summary of the decisions if they gave him a proposal it's his job to bring it to the Town Board and say this is a conversation the Conservation Board wants to have and ask the Town Supervisor how to go about this, is it a workshop discussion? He added that he would leave that all in their court to say when it gets to the point where there is a piece of paper that everybody feels solid about then to instruct him to bring this to the Town Board, provide a rationale for why this conversation is happening in the Conservation Board and get some guidance on how to have that discussion with the Town Board and have Chair Galezo and Mr. Garfinkle present the discussion and the need for this.

Krystal Ford added that she doesn't think the town is ready to say any new builds should be just electric heating and cooling, right? She doesn't think we're ready to say hard no on propane and oil heating but can we have the builder/architects come before one of the boards and explain why they can't go electric? She would like to know why builders continue to keep putting in existing outdated infrastructure and so which board could that potentially go before would that be Planning? Would that be Conservation? She would like for them to explain more rationale for why they can't.

Chair Galezo replied that he can tell Ms. Ford in one word. Cost. If you compare a 2500 square foot house HVAC system with a couple of propane fired furnaces it's probably fifteen thousand dollars. Where if you did a couple of heat pumps it could be thirty thousand, thirty-five thousand but you have to do it. There need to be incentives from the state there need to be federal incentives. A town can help enforce it. He added didn't Beacon just do that? He thought he read it in paper today they're requiring solar panels of some sort of on all new construction, that's amazing.

Ms. Ford replied that is amazing. She added that she hears him on cost but the builders pass it on anyways it's not like not like they're taking the hit. Her biggest concern is when she talks to people who are building houses and no one brings up heat pumps, they don't they don't even ask the client would you like to have option A or B. It's like nope this is what we do, so how can someone say no they don't want it if you're not being told about it.

Chair Galezo stated he recommends heat pumps to every one of his clients. They are the way to go. It's clean, it's beautiful, it's efficient, it's inexpensive to run.

Jason Angell stated that he would like to look at the incentives, if it's not a ban maybe getting your project in an expedited line across the boards if you are installing X? That is a way to start but we're going to go too far down the rabbit hole if we begin.

Mr. Repetto noted that if we talk about fossil fuels, we've got to talk about wood burning stoves as well because they're pollution in small areas. They've got 10 people in a small couple blocks that have a wood burning stove, go through Continental Village and there's smoke like everywhere. All winter people are breathing in all those particles. Sure it's renewable but what about some scrubbers in the chimneys as environmental protection? There's got to be some solution here. It's cheaper to get the wood burning stove and heat your house that way, he knows several people that do it but all their

neighbors pay the price of breathing in that smoke and they smell it in the house it comes right in the house so they're breathing it in constantly so that's a big source of pollution as well.

MJ Martin asked are we going to see Hudson Highlands Reserve again?

Ms. Rockett stated that yes, they were in front of planning in July and back again this week but it was just kind of a reintroduction of the project.

Ms. Martin stated that she wants to make sure just for the record that she brought up that this project was referred to the Conservation Board in its first iteration. She continued that she thinks it's really important that they don't get bypassed in the consideration of this project in its new iteration in 2.0 Hudson Highlands Reserve. There are still some lingering issues in the plan from what she understands that were concerns for the CB. They had talked about and the density of the houses has now gone up because the equestrian center is gone. So, they're putting houses in place of the equestrian center. Are those on steep slopes? She added that they Conservation Board hasn't been provided with any of the new materials so she worries what might happen without them getting another look at it and getting to weigh in on it and she thinks it's important. It's the biggest development that this town has seen in more than a decade.

Max Garfinkle asked Chair Galezo if he would like him to draft a memo on behalf of the board to Chair Zuckerman just suggesting that they be brought.

Chair Galezo replied yes, and joked tell them they're going to be requiring all heat pumps in all those houses.

MJ Martin replied why not?

Mr. Repetto asked what about the golf course, the Shakespeare, they're closing this year and they plan on opening next year but are they ever coming to the Conservation Board? There's lots of wetlands.

Ms. Rockett replied, yes, they as well have been in front of the Planning Board every month and continue to be. She added she would assume they'll be coming to the CB as well at some point.

Andy Galler stated that he doesn't think they know exactly what they're doing yet.

Robert Repetto added that yes, that could be and the board doesn't want to see them until they know what they're doing.

Ms. Rockett stated that the submissions if they want to look at anything they've submitted to Planning is on the website for the month that they were there so it's broken down by month.

Mr. Repetto asked if those things available to the public on the website.

Ms. Rockett replied, yes that's kind of why they're there and to hopefully cut down on FOIL requests.

Ms. Martin stated that ideally for Hudson Highlands and possibly the Shakespeare Festival it would be good to have a dual meeting again so that they can work together and about what their concerns are and the Planning Board hears it directly and can react.

Chair Galezo stated that's a great idea.

Max Garfinkle stated to keep the Board informed he met with the wetlands consultant that was hired for the Shakespeare Festival project and they had submitted a request for a wetland determination. They had delineated all the wetlands on the property and he went and checked all the wetland boundaries that they had flagged. That's the only thing that's come to the CB's side of the equation. He added that he's still waiting on the final packet to be sent to the Conservation Board. He added that he brought up the fact to that consultant that they haven't really been in the loop on a lot of that work. He thinks it's probably prudent to follow up again with the Planning Board themselves. Once they have determined where the regulated areas actually are based on that determination then he's sure they're going to put together a packet for this board. They are aware that those resources are on the property so he thinks that being said there are other components of the project that this board would comment on beyond the wetlands permit based on the overlays and just the overall nature of the project itself. He stated that he will draft two memos up and the board can take a look.

Chairman Galezo asked for a motion to adjourn.

Andy Galler made the motion. MJ Martin seconded the motion. The board voted unanimously to adjourn.

Date Approved: 1/19/21

Respectfully submitted by



Cheryl Rockett

Conservation Board Secretary