

TOWN OF PHILIPSTOWN
PUTNAM COUNTY, NEW YORK

238 Main Street
Cold Spring, NY, 10516
(845) 285-5202

APPLICATION FOR WETLANDS PERMIT

Note to Applicant:

Submit the completed application to the appropriate permitting authority. The application for Wetlands Permit should be submitted simultaneously with any related application (e.g., subdivision approval, site plan approval, Special Use Permit, etc.), being made to the permitting authority.

(Office Use Only)

Application # _____

Permitting Authority _____

Received by: _____

Date _____

_____ Conservation Board

Fee _____

_____ Wetlands Inspector

Pursuant to Chapter 93 of the Code of the Town of Philipstown, entitled "Freshwater Wetlands and Watercourse Law of the Town of Philipstown" (Wetlands Law), the undersigned hereby applies for a Wetlands Permit to conduct a regulated activity in a controlled area.

1. Owner: Name: RALPH KOOS

Address: 180 BERGELY ROAD, MOUNT KISCO 10549

Telephone: _____

If Corporation, give names of officers:

Mailing Address: _____

2. Name of Agent STEVE MARINO, PWS

(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)

Mailing Address: 10 NORTH STREET, COLD SPRING

Telephone: 845 265 4400

3. Location of Proposed Activity: 80 JUSTIN'S WAY

Tax Map #: SBL 49-4-51.14

Acreage of Controlled Area Affected: 1,189 SF WETLAND, 12,239 SF BUFFER

Square footage of soil disturbed by the entire project: 74,909 SF

4. Type of Activity: (See list of regulated activities)

CONSTRUCTION OF A DRIVEWAY TO REACH A PROPOSED RESIDENCE (SEC 93-5c)

5. Other permit(s) required and agency or agencies responsible for granting such permits such as but not limited to P.C.B.O.H, N.Y.D.E.C, Army Core of Engineers, EPA, DOT, Building Dept. Planning Board, and Z.B.A.

PCBOH FOR WELL & SEPTIC

6. Each copy of this application shall be accompanied by:

- a. A detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in §93-8 of the Wetlands Law. (See below)
- b. A completed short form environmental assessment form (*included in the application folder*)
- c. A map prepared by a licensed surveyor, landscape architect or engineer showing:
 1. The controlled area(s) wetland buffer zone 100 feet from the edge of any wetlands, lakes, ponds or streams on the site;
 2. Any wetland or watercourse therein and the location thereof;
 3. The location, extent, and nature of the proposed activity.
- d. The names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice and the names and addresses of all owners of record of properties abutting and directly across from the proposed activity as shown on the latest tax record.

(Note: Any map, plat or plan showing the above information that is required to be submitted for any other permit or approval in connection with the regulated activity, and that is acceptable to the Permitting Authority, may be used.)

Date: 4.21.21

Signature of Applicant:  FOR RALPH KOOS

Application for Wetlands Permit
Town of Philipstown Conservation Board
Additional information and project narrative
April 21, 2021

1. Owner name and address:

Ralph Koos
180 Beverly Road
Mount Kisco, NY 10549
Phone

2. Agent:

Steve Marino, PWS
Senior Wetland Scientist
Tim Miller Associates
10 North Street
Cold Spring, NY 10516

3. Location of proposed activity

80 Justin's Way
Garrison, NY 10524
SBL 49-4-51.14

1,189 sf wetland affected
12,329 sf buffer affected
61,391 sf other lands affected

4. Construction of a driveway to reach a proposed residence (Section 93-5c).

5. Other permits required: Putnam County Department of Health for the septic system and well installation

6. The applicant is proposing the stabilization and completion of a driveway to a house site in an existing residential subdivision. When the subdivision was approved in 2004, the existing travelled way was shown as a driveway to a potential house site further upslope. At that time it was understood that a small wetland area would be filled to allow for the final grading and completion of the driveway. A conceptual mitigation plan was submitted and approved in 2004. It is now proposed to complete that driveway as part of the marketing for the existing lot. A total of 1,189 sf of delineated wetland will be filled for this activity.

As shown on the attached plans, the driveway follows an existing traveled way that includes existing utility poles. The proposal is to complete the driveway to a 12' wide traveled way to the optimum house location at the top of the hill. Since the traveled way already exists, only the minimum amount of filling and regrading will be necessary to complete the work. No final plans for the residence are yet available, but the driveway

improvement will be necessary regardless of the size or final location of the house. The future house, septic system and well will all be placed well outside of the regulated area.

The subdivision approved in 2004 included a conceptual wetland mitigation plan for the loss of wetland area as a condition of the subdivision approval and creation of this lot. Since significant time has passed since the subdivision was approved, a wetland scientist from Tim Miller Associates re-flagged the wetland in 2020. The attached mitigation plan is a revision to the original based on the new delineation. The site wetland is 21,942 sf. Based on the current delineation and grading plan for the driveway, the amount of wetland to be impacted has been reduced from 3,072 sf to 1,189 sf.

The proposed mitigation for the loss of 1,512 sf of wetland will include the removal of non-native species, particularly *Phragmites*, in the wetland and adjacent area. A combination of wetland shrubs and herbaceous plant material will be planted in and adjacent to the wetland to add diversity and layers to the habitat. By removing the top 6 to 12 inches of soil from the identified area and replanting and reseeding, 2,485 sf of additional wetland can be created (see the attached Mitigation Plan).

Comparison to criteria for approval:

- (1) *The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse as set forth in § 93-2B.* The proposed driveway crossing will occur in an existing traveled way at the southernmost and highest extent of the wetland. This area is already disturbed by the existing crossing and installation of the utility lines.
- (2) *The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.* An existing 10" culvert will remain and a new 12" culvert will be installed to ensure that existing flows will persist after construction.
- (3) *The activity will not result in the degrading or pollution of waters.* Erosion controls will be employed during construction; no sources of pollutants or degradation will be present after construction.
- (4) *The activity will not increase the potential for flooding.* The wetland exists on a slope. Properly sized culverts will be installed to maintain current flow patterns.
- (5) *Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity.* Erosion controls and long term stormwater management are shown on the submitted plans.
- (6) *No practicable alternative location is available on the subject parcel.* When the lot was created as part of this subdivision it was acknowledged that this location is the most appropriate for the crossing. Any other location would require significantly more grading and a larger wetland crossing.
- (7) *No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area.* There are no additional technical or structural improvements to the plan that would further minimize the potential impacts of a simple driveway crossing.
- (8) *The activity will alleviate or remove a hazard to the public health or safety.* There is currently no known hazard to public health or safety.

The following is a list of abutting and/or adjacent land owners:

**Eric and Carolyn Arnold
73 Justin's Way
Garrison, NY 10524**

**Howard Kaplowitz and Robert Gaudreau
1051 Old Albany Post Road
Garrison, NY 10524**

**Van der Koos Construction
180 Beverly Road
Mount Kisco, NY 10549**

**Robert Alva Noe
1067 Old Albany Post Road
Garrison, NY 10524**

**George and Mary Beth Usry
1085 Old Albany Post Road
Garrison, NY 10524**

**Putnam Highlands Audubon Society
75 Mountain Laurel Lane
Cold Spring, NY 10516**

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
PROPOSED DRIVEWAY FOR SINGLE FAMILY RESIDENCES			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
80 JUSTIN'S WAY, GARRISON NY			
Brief Description of Proposed Action:			
CROSSING OF SOUTH EDGE OF EXISTING LOCAL WETLAND TO ACCESS BUILDABLE AREA OF EXISTING TAX LOT			
Name of Applicant or Sponsor:		Telephone:	
RALPH KOOS			
		E-Mail: VANDERKOOS@GMAIL.COM	
Address:			
180 BEGLEY ROAD			
City/PO:		State:	Zip Code:
MOUNT KISCO		NY	10549
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
TOWN OF PHILLIPSTOWN CONSERVATION BOARD			<input type="checkbox"/> NO <input type="checkbox"/> YES
3.a. Total acreage of the site of the proposed action?		7.15 acres	
b. Total acreage to be physically disturbed?		1.72 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		14.92 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>STEVE MARINO, PWS FOR RAAT</u> Date: <u>4.21.21</u></p> <p>Signature: <u><i>[Signature]</i></u> <u>KOOS</u></p>		

PRINT FORM