

CONSERVATION BOARD
238 Main St., Cold Spring, NY 10516
June 11, 2019 7:30 PM

MEETING AGENDA

1) Approval of Minutes:

- May 14, 2019

2) Return of Escrow:

Herron, 563-569 Route 9D

TM# 81.-1-25 & 26

(The Wetlands Inspector has performed a final inspection and deemed the project complete and the permit ready to close.)

3) Old Business (all old business pending):

Surprise Lake Camp, 382 Lake Surprise Rd.

TM# 27.-1-1.1

WL 19-318

(The applicant is seeking remedy for work that was done in relation to the Phase 1 improvements that was not consistent with the approved plan (a pipe was installed within 100 feet of a regulated watercourse.) The applicant is proposing to remove the recently installed drainage system and to construct the stormwater collection and conveyance in accordance with the plans. In addition, they are proposing the re-establishment of a grass swale uphill of an existing driveway culvert, to install end sections on the recently replaced driveway culvert, and to stabilize the area between the outfall of the driveway culvert and the watercourse.)

4) New Business:

5) Stormwater:

6) Other Discussion:

TOWN OF PHILIPSTOWN CONSERVATION BOARD
238 MAIN STREET, COLD SPRING, NY 10516
May 21, 2019
MINUTES

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, May 21, 2019.

Present: Mark Galezo, Chairman (late arrival)
Jan Baker
Andrew Galler
Max Garfinkle (Natural Resources Review Officer)
Krystal Ford
Anthony Deos (Alternate)

Absent: Robert Repetto
Lew Kingsley
MJ Martin

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

Acting Chairman Galler opened the meeting at 7:30 pm.

Old Business

Betsy A. Haddad, 19 Lake Celeste Dr.

TM# 72.17-1-14

WL 19-317

Joanne Tall, architect on the project, and Betsy Haddad, applicant, were in attendance this evening.

Mr. Garfinkle reported that a site visit had been performed a few weeks ago. There wasn't a lot of additional comments for the board except for the suggestion that they look into the use of a rain garden for any of the additional downspouts coming off of the covered porch area to infiltrate any of the runoff that would be coming across the property towards the stream. Mr. Garfinkle reported that is the only addition to the plan the board would like to see as a condition of the approval. Ms. Tall & Ms. Haddad agreed that would not be an issue to accomplish.

Mr. Baker moved to issue a wetland permit conditioned on the submission of a revised plan with the addition of the above discussed rain garden and Ms. Ford seconded the motion. The vote was as follows:

Mark Galezo	-	Absent
Robert Repetto	-	Absent
Andrew Galler	-	Aye
Jan Baker	-	Aye

Lew Kingsley - Absent
MJ Martin - Absent
Krystal Ford - Aye
Anthony Deos - Aye

Berland Property, 22 Hudson River Lane

TM# 89.7-1-11

WL 19-316

Mr. Garfinkle reported that he reached out to the applicant's representative to inform them that the board was prepared to act on a conditional permit for the project this evening under the stipulation that all other involved comments and permits are submitted to this board. The representative informed Mr. Garfinkle that the applicants would prefer to wait until all other permits are in place before coming back to the Conservation Board for the wetland permit.

Open Space Institute (Glynwood), 362 Glynwood Rd

TM# 28.-1-15

WL 17-293

Neal Tomann, agent for the applicant, was in attendance and stated that this project first came before the Conservation Board back in late 2017. He explained that Clove Creek runs right through the property and when hurricane Sandy & hurricane Irene came through the area a large amount of water ran through there along with animals getting out and getting into the streambed. Subsequently, a redirection of the path of the stream started to occur. Therefore, what they are trying to do is put in some armoring, or what's often called a revetment, using a fair amount of rip-rap to armor the bank. As shown on the 2 drawings provided, the existing path is now going to the one corner whereas it used to go all the way around to the north side of the cottage. Mr. Tomann explained with the flattening of the streambed it is starting to make its way around in. He added, part of the stream has split and coming around and half the water flow is now getting into the driveway and into the cottage.

(Chairman Galezo arrived to the meeting at this time.)

Mr. Tomann reported that where this left off after the last meeting he attended on the matter, they were starting to get into the details about finishing. He stated he was under the impression there was a general agreement about the project and what has to be done to protect the stream banks and redirect the waterflow back around the building. The last meeting ended with discussion about how to finish it. Mr. Tomann stated there is detail provided on the plan about how they will replant the area, the rip-rap, in order to get some native vegetation running through. Mr. Tomann the project was left there for a number of reasons; Glynwood had to stall the project because of rain as well as some budgeting issues. So, in the meantime he followed through with the Article 15 from DEC and supplied the board with a copy of that permit this evening.

Mr. Galler questioned when they intend on completing this work. Mr. Tomann said their window for this work is July through August of this year, when there is the least amount of potential for rain. Mr. Galler stated he was away for all of last August but heard it was very wet. Mr. Tomann agreed and explained that Glynwood does not want to get into disturbing anything if it's just going to be raining all month. He explained they have given themselves plenty of lead time on this project and can delay another year if necessary, as the Article 15 permit is good until the end of 2020.

Mr. Garfinkle reported the Article 15 states that sufficient flow must be maintained on the downstream side of the work, divert stream flow away from the work area if it's flowing, work in dry conditions, ensure water clarity, and no equipment in the water essentially.

Mr. Tomann backed up and explained that this is actually the second phase of the project. The original proposal consisted of two phases, the first being a parking area on the other side of the house, which has been taken out of the drawings and is no longer a part of the project.

Mr. Garfinkle recalled there had been discussion about replanting on top of the rip-rap with a soil component to change the diversity of species but the engineer explained that was not a good idea because it could essentially just erode away to the rock again. Mr. Garfinkle suggested there shouldn't be an issue with the regrowth, it may just take a season or 2.

Mr. Garfinkle stated he recalls from the last discussions had that the board was essentially ready to act once the Article 15 was in hand and questioned if the board was ready to vote on the matter this evening. Mr. Tomann explained that he did not come this evening expecting a motion on the matter but is grateful if the board chooses to move this evening. Chairman Galezo explained the routine Conservation Board process and questioned if anyone felt the need to perform another site visit. All members stated they are familiar with the property and felt another site visit is not unnecessary.

Mr. Baker moved to issue a wetland permit incorporating the same conditions listed in the Article 15 permit from DEC and Mr. Galler seconded the motion. The vote was as follows:

Mark Galezo	-	Aye
Robert Repetto	-	Absent
Andrew Galler	-	Aye
Jan Baker	-	Aye
Lew Kingsley	-	Absent
MJ Martin	-	Absent
Krystal Ford	-	Aye
Anthony Deos	-	Aye

Surprise Lake Camp, 382 Lake Surprise Rd.

TM# 27.-1-1.1

WL 19-318

Dawn McKenzie from Insite Engineering was in attendance representing the applicant in Mr. Williams absence along with Gene Kelly, caretaker of Surprise Lake Camp. Ms. McKenzie apologized for Camp Director Bradley Solmsen's absence this evening. She explained that since last month they have received the jurisdictional determination from DEC and once that condition was met, they were allowed to start back up on the project outside of the area of the violation. Ms. McKenzie informed the board that camp opens a few weeks after Memorial Day so that work really needs to be finished before the campers start arriving on the 23rd of June.

Ms. McKenzie informed the board they have made revisions to the site plan based on comments from last month's meeting. Those revisions include the extension of the rip-rap swale up to the road, the addition of a gully with a low berm, check dams within the swales, a turbidity curtain

down at the bottom of the swale during construction and a permanent stormwater maintenance schedule which will be kept in the office as well as provided to camp staff. Ms. McKenzie reported the site plans have also been provided to Mr. Gainer for review. She stated they have not yet received any comments from him. Mr. Garfinkle questioned if there were any calculations provided to Mr. Gainer. Ms. McKenzie explained she would have to check with Mr. Williams. Mr. Garfinkle explained that due to the changes in the stormwater management in the board had requested that all calculations in terms of flow rates, discharge, etc. be provided to Mr. Gainer for review.

Chairman Galezo explained, as far as the flow rates, there's an issue further up the road that is dumping into a little culvert that goes across the way and winds up coming down that newly constructed swale and the board wants to ensure the water from that is accounted for in the calculations. Ms. McKenzie stated she believes that was all accounted for. Chairman Galezo requested those calculations be provided to Mr. Gainer for review. Ms. McKenzie questioned if they were included in the SWPPP that was prepared. Mr. Garfinkle explained they are in there but they still haven't determined if that includes all the drainage, such as the sheet flow across the road. Ms. McKenzie stated she would check with Mr. Williams to ensure that everything necessary is included in those calculations that were provided.

Mr. Galler reminded the board there was also the issue of the stream crossing the campers use that is not functioning. Chairman Galezo mentioned it was stated at the last meeting that those repairs are not in the budget at this stage of the project. The existing culvert is completely clogged and the campers cross there and at the last meeting the Director explained they would find an alternate route for the campers to cross for the time being until that can be adequately addressed. Mr. Galler stated he would be more comfortable if they, as a temporary measure, just removed the culvert. Ms. McKenzie stated it was her understanding that the budget is not there to currently support that work and there is also more permitting involved and with camp coming up quickly it is just not feasible at this time. She stated it is her understanding that that is one of the reasons why check dams were installed, to encourage more infiltration within the swale and less water ends up coming out down at the bottom.

Chairman Galezo stated the only other thing he recalls discussion of at last month's meeting was some additional measures in the one grass swale. Ms. McKenzie explained they are going to clean, reshape & stabilize that swale and install stone check dams. This is shown on the plan. Ms. McKenzie explained what the stone check dam does is it slows the water down; behind the check dam you get some settling which takes some sediment out of the water and because it slows the water down it encourages more infiltration in turn reducing the amount of runoff.

Mr. Garfinkle questioned what the construction schedule is for the rest of the season and when they expect to complete the work. Ms. McKenzie explained it is her understanding that the goal is to try and wrap this all up before the start of camp on June 23rd. She reported that the town has been supplied with weekly erosion control inspection reports and it's pretty clear on the map that they are moving forward with the work that they can. Ms. McKenzie reported that when she last visited the property a few weeks ago they are working on finishing and stabilizing where they can. Mr. Garfinkle stated he had recently visited the property and reported the one swale that sits above that pipe that connects to that junction is in pretty bad shape.

Regarding the water quality swale Mr. Garfinkle questioned if it is a perforated pipe that has a grass component on top of it that infiltrates into the pipe that then goes into the junction box and then out? Ms. McKenzie stated she would have to check the detail but is aware that there is one in the other one. According to the detail it looks like a section of the swale is perforated but is solid pipe further up. The perforated pipe would be at a different elevation than the solid pipe because they're picking up other runoff. Chairman Galezo stated that is carrying piped water but there is all the sheet flow that is coming across down the little hillside into the top of the swale and they want to make sure that the water that's percolating down through the swale to the pipe and running down the swale eventually is getting caught and has been calculated in at that culvert. Ms. McKenzie stated it is her understanding that all of the upslope contributing area is going through the water quality swale.

Chairman Galezo reported the board had also asked if something more could be done in the one spot where the one pipe comes down to the new swale that is being built, something where there were more plantings and so on because right now it is just grass. Mr. Garfinkle questioned what the feasibility of a vegetated retention area would be there that can then overflow into that system. Ms. McKenzie stated she believes that is why they suggested the check dams in the grass swale, to provide for some sort of sediment settling and infiltration. Mr. Garfinkle suggested they show some sort of comparison between check dams versus a vegetated retention area in terms of outflow into the stream.

Mr. Garfinkle stated the maintenance schedule is great and requested they show the staff at the camp before it's finalized so they can understand it completely and ask for clarification of things that they may not understand. Chairman Galezo reported that all the staff they met while on site were great and seemed to be right on top of things. Ms. McKenzie stated both the contractor and the camp are very interested in protecting the water quality; it's one of the things they teach at the camp, environmental stewardship.

Mr. Garfinkle stated the stop work order is essentially lifted and they are making progress which is good. He suggested the applicant get those pieces of information to the board and incorporate them into the SWPPP for Mr. Gainer to review and sign off on.

Ms. McKenzie requested they quickly go over everything that the board is looking for to ensure she does not miss anything. She stated they need to ensure that Mr. Gainer has all the calculations to review, confirm how campers will access the fields on the other side of the stream, and information comparing the outflow from the grass swale with the check dams versus a bioretention area, something with vegetation.

Mr. Garfinkle reported he received a phone call about some logging going on at the property and asked if Mr. Kelly could provide some insight as to what is going on. Mr. Kelly explained there are trees along all of the cabins and they are working to get a contractor who can come in and clear out those areas and at the same time he's making a trail. Mr. Kelly suggested Mr. Garfinkle come up and take a look and explained there is one unit that is actually already all cleared out. Mr. Garfinkle suggested they set something up before they get too far in. Mr. Kelly explained what he's doing right now is coming in so the SLC board can see what he's doing and then see

where it needs to go. Mr. Garfinkle informed Mr. Kelly that there are clearing & grading restrictions in the Town that may require permits. Mr. Kelly explained it is his understanding that if they are making a trail they don't have to worry about permits, which he is planning on getting for the Fall if he expands. Mr. Garfinkle explained that is incorrect. He raised the issue of rattlesnake & bat habitat in the area, the forester should know that. Mr. Galler stated it sounds like more like a timber production than a consulting forester. Mr. Kelly stated he had no problem bringing Mr. Garfinkle up to the property to show him what was done and what they have planned. Mr. Kelly supplied Mr. Garfinkle with his phone number and Mr. Garfinkle stated he would reach out to Mr. Kelly to set something up. Chairman Galezo suggested no more work be done there until Mr. Garfinkle has the opportunity to come look at the area in question.

Other Business

Janet & Tom Wahlman – 28 Justin's Way

Mr. Wahlman supplied Mr. Garfinkle with a copy of the memo issued by Mr. Gainer following the pre-application meeting for their property located at 28 Justin's Way and questioned if he had seen it. Mr. Garfinkle stated he had. Mr. Wahlman explained that they intend on building their dream home on that property and they want to ensure they are interpreting that memo correctly that they can proceed with getting a building permit.

Mr. Garfinkle informed them that they will need to come before the Conservation Board. He explained that he went out on the site and did a rough wetland delineation, nothing official, so he could make a suggestion to Mr. Gainer & Glenn Watson. He explained there is an intermittent stream that is basically bisecting the property that is currently flowing and is showing characteristics of a wetland, a wet meadow essentially, on either side of it. Mr. Garfinkle stated there could be a potential conflict with the location of the proposed septic system & proposed driveway for the home. He stated there are 4 culverts that run underneath Justin's Way, the second culvert to the south is where that stream flows underneath the road and that is where the most substantial flow of water is right now. Mr. Wahlman stated he has been to the property numerous times and that area is usually dry.

Mr. & Mrs. Wahlman asked what they should do from here. Mr. Garfinkle explained that he reached out to Glenn Watson to suggest they retain a wetland biologist to delineate the wetland and stream on the property but has not received a response yet. That will help establish the boundaries of the wetland and from there establish the 100-foot setback from that area. That can they be overlaid on the plan and accurately depict those boundaries. From there, they would have to make an application to the Conservation Board for a permit. Mr. Garfinkle explained the proposed plans may require some tweaking in terms of positioning of the proposed driveway and septic system, especially if it hasn't been Board of Health approved yet. Mr. Wahlman stated they have Board of Health approval already. Mr. Garfinkle explained, if the wetland and wetland boundaries weren't shown on the plan presented to the Health Department, they wouldn't have recognized that there could be a potential conflict there in terms of water quality. That's why it is important to have an accurate plan that depicts all of the regulated areas when submitting. Mr. Garfinkle explained that Mr. Watson knows these applications and what is required. He added, from looking at the plan it appears there is potential to reconfigure the driveway.

Mr. Galler questioned where on Justin's Way the property is located. Mr. Wahlman explained it is kind of in the middle. Mr. Galler explained that back when that road was built there were some very serious violations and a lot of damage was done. Mr. Baker explained that Philipstown takes very good care of its waterways and streams and the job of this board is not to keep homeowners from building their dream house but to help them figure out how to do it in compliance with the laws of Philipstown.

Minutes

The minutes of April 9, 2019 Regular Monthly Meeting were reviewed. Mr. Galler moved to approve the minutes as presented and Mr. Baker seconded the motion. The vote was as follows:

Mark Galezo	-	Aye
Robert Repetto	-	Absent
Andrew Galler	-	Aye
Jan Baker	-	Aye
Lew Kingsley	-	Absent
MJ Martin	-	Absent
Krystal Ford	-	Aye
Anthony Deos	-	Aye

Mr. Galler moved to adjourn the meeting and Mr. Baker seconded the motion. All were in favor and the meeting adjourned at 8:48 pm.

Date Approved: _____

Respectfully submitted by,

Tara K. Percacciolo