



# **COPAKE PLANNING BOARD**

**APRIL 13, 2019**

**MINUTES OF SPECIAL GRJH, INC.**

**GEOLOGIST WORKSHOP MEETING**

**DRAFT**

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A special meeting of the Copake Planning Board was called to order at 10:37 a.m. by Bob Haight, Chair. Also present were Chris Grant, Marcia Becker, Julie Cohen, Ed Sawchuk and Jon Urban. Steve Savarese was excused. Attorney Ken Dow and Town Board Liaison Richard Wolf were also present. Lisa DeConti was present to record the Minutes.

## **SUBDIVISIONS/SITE PLANS**

### **2017-38      SITE PLAN REVIEW – GRJH INC. – State Route 23 [Craryville]**

Mr. Haight welcomed everyone to the meeting and advised them that this was an informational workshop meeting for the Board and although open to the public no comments will be taken. He did note that comments can be made at the next regularly scheduled Planning Board meeting.

Alicia Metz appeared before the Board and introduced Independent Geologist Consultant Jean Patota, P.G. who has worked for her firm for many years. Ms. Metz acknowledged that Ms. Patota has reviewed all materials and will address the Board with comments.

Ms. Patota addressed the Board and acknowledged that she is a licensed professional geologist in New York State which means she is authorized to practice to the public, and her specialty is hydrogeology and she has over thirty-three (33) years of experience. Ms. Patota started in the areas of hazardous waste, water supply, environmental assessments and impact analysis. For the last 20-25 years she has concentrated on petroleum spills, regulatory compliance in the environmental field, and ground water contamination. She has also been directly responsible for remediating and investigating hundreds of spills.

Although she is new to the project Ms. Patota has assessed the area maps and noted that as a licensed professional she doesn't have the luxury of withholding information and will not give information selectively. Ms. Patota addressed the fact that a narrative has come out and she would like to take a few minutes to address some of the issues in that narrative. Ms. Patota noted that she would proceed on the assumption that there is an aquifer in this area Ms. Patota wanted to address how risks can be reduced and noted that there are ways to do this. She stated that there are ways to mitigate potential risks to ground water quality and surface water quality. Ms. Patota also wanted to make note of the fact that some of the streams and lakes in the area are degraded and designated by the DEC as being of impaired water quality but that is not a reason to further degrade those resources.

Ms. Patota explained that the proposed project is considered a regulated activity and anyone who is legally selling gas is under state and federal regulations. Ms. Patota explained that New York State has its own petroleum bulk storage regulations that everyone has to comply with and noted there are also federal regulations for underground tanks. Mr. Sawchuk asked what federal agency monitors this and Ms. Patota advised him that this is under the Code of Federal Regulations 40CFR for Environmental Regulations. Ms. Patota wanted to point out that every facility, including the gas stations presently operating on Route 23 are subject to the petroleum bulk storage regulations in the State as well as Federal regulations. She noted that things are regulated throughout the equipment from valves to double wall tanks and piping, everywhere from the tanks to the dispensers and even inside the office where things are monitored. She also made note of the fact that there are several kinds of early warning systems that the public isn't aware of to monitor everything.

Ms. Patota went on to explain that inventory has to be taken and things are monitored by the DEC who does routine inspections that are both announced and unannounced. She also noted that there is operator training, inspections and routine testing that has to be done. She continued to point out that all bulk storage facilities have to have an 'as built' diagram of what is actually installed which is reviewable by the DEC to see if it meets their regulations. Ms. Patota also noted that facilities are registered to insure that they meet the proper standards and she stressed the fact that this is a government regulated activity.

Ms. Patota explained that petroleum is an organic chemical consisting of hydrogen and carbon and pointed out that organic chemicals such as hydrocarbons degrade with time. Ms. Patota continued to address the physical and chemical properties of petroleum and explained that in general petroleum is 'volatile' which means it goes into the air from a liquid which creates an odor so anything that can be smelled is in the air. Ms. Patota stressed the fact that because it is volatile it evaporates and does not build up but some gets absorbed which is why a concrete pad is used. She pointed out that despite best efforts it is inevitable that spills will happen but made note of the fact that shut-off valves help to keep spills at a minimum. She explained that in the event that there is a spill the fact that a concrete pad is used and the fact that petroleum volatiles evaporate ensures that there will not be build up that will wash away. Ms. Patota pointed out that in the event that petroleum gets into the concrete it will evaporate over time due to the fact that it is a volatile organic chemical.

Ms. Patota brought up the fact that another property of petroleum is that its specific gravity is less than water which means it has buoyancy and floats so that when there is a large spill it will float and not sink. She continued to note that despite that fact, there are some soluble portions down about ten feet (10') or so below the spill that can get into the aquifer. However she did point out that when there is a high ground water table all the time it tells her that the ground water will keep the petroleum at the surface. She did add that low levels of some of it will dissolve within the first ten to twenty feet (10'-20') depending on the severity of the release. She added that in the event it reaches the soil it will evaporate as it is a volatile substance. She explained that oxygen and microbes are in the soil as well as the ground water so carbons will get pulled off and broken down through multiple physical and biological processes.

Ms. Patota addressed the issue of what the fate and the transport of these contaminations would be to the aquifer. She noted that the most effective thing at the surface is sunlight, heat and wind which volatilizes petroleum and makes it degrade. Ms. Patota said that aerial photos of crude oils spills like in Texas are proof of this as over the years these photos show the areas to gradually disappear.

Mr. Sawchuk asked what financial assurances are in place should a spill occur. Ms. Patota advised him that this would have to be addressed with the owner. Mr. Haight did not believe that Site Plan Review addressed this. Mr. Sawchuk felt this should be considered and was concerned. Ms. Patota asked if Mr. Sawchuk could give her a scenario so she could address his concerns. Mr. Sawchuk had concerns about brownfields, superfund sites and hazardous waste. Ms. Metz addressed the fact that the definition of brownfields is important as it was very difficult to determine who did what on these sites. She pointed out that in these cases contamination discovered in 2005 could have been traced back to the 1940s and there could have been several different companies that owned these buildings during that time so no one knew who was responsible for what. Ms. Metz acknowledged that in this particular case the owner is required to register these tanks and have to support the fact that they are able to handle the financial responsibility. She also noted that there are State and Federally sponsored back-up programs in place, depending on what happens.

Ms. Metz described the Stage I Recovery process whereas the truck goes onto the property from the terminal to deliver the product into the ground. She explained that the tanker has two hoses, one that brings the product into the ground and another that brings the vapors back into the tanker and when they go back to the terminals to fill up they do the opposite, they fill up with product and then the vapors get sucked back into the terminal and are burned right on the site. So on the vapor side, that is eliminated right on site. Many states do a Stage II Recovery which is at the pump however New York never instituted this. However she did note that Connecticut did this but found it didn't work and pulled it back. Ms. Metz acknowledged that the issue of vapors is an apparent concern of residents and the Vapor Recovery Process alleviates this fear. Ms. Metz also addressed the fact that the tanks that are used are inspected annually with some components inspected much more often.

As part of an earlier meeting Ms. Metz acknowledged a submission of specs on the equipment that they will be using. She addressed the fact that Ms. Patota previously alluded to the double wall fiberglass tanks. Ms. Metz pointed out that not only is the space between the tanks monitored but the tanks themselves are monitored with ATGs which is an above ground automatic gauging system. She also made note of the fact that there are new requirements all the time and this past October the EPA changed the rules and now there is a Federal monthly inspection form to be recorded for every single site required every month. She added that the State comes at least every one or two years for a formal inspection. Ms. Metz also made note of the fact that although not required, on their own they have installed electric line leak detection on their new sites. She explained that other detectors will immediately shut down a dispenser should an incident occur such as someone running into one and knocking it over and thus, not a drop of product will touch the ground. She also noted that there are underground sensors to detect product seepage should there be a leak from one of the dispensers.

Ms. Metz also acknowledged that Ms. Patota addressed the organic processes of what would happen to any spill, which would even include a spill of gasoline from a tractor that spilled five (5) gallons of gasoline onto farmland. Ms. Metz also made note of the fact that product does not seep into the ground and immediately contaminate the drinking water and Ms. Patota could expand on that fact. She added that should a tanker turn over, the spill is relatively contained pretty easily with the concrete pads and the asphalt. She also noted that DEC regulations required that if a spill cannot be cleaned up within two hours it is assigned a spill number. Ms. Metz pointed out that there are all kinds of mechanical and electronic safeguards in place to address any situation.

Ms. Metz asked Ms. Patota to address the issue of the aquifer in relation to the proposed site. Ms. Patota believed that there has been some mis-information given and she wanted to clear it up because she didn't want this to be driven by false information. Ms. Patota addressed Mr. Sawchuk's concerns about hazardous waste and advised him that his concerns surround a different set of chemicals and they are dealing with a whole different class of chemicals when dealing with petroleum as petroleum can be seen and smelled. Ms. Metz asked that Ms. Patota address the issue of the aquifer.

Ms. Patota went on to address the concerns of the residents regarding chemicals getting into the environment from small releases. Ms. Patota moved on to the issue of the wetlands first and she noted that there are a lot of microbes in the very rich organic wetland soil as well as water and oxygen. Ms. Patota made note of the fact that in some large major oil facilities and refineries they have constructed wetlands because they are very good at remediating petroleum. She added that a lot of what they have learned in the ground water remediation fields was learned from the technologies used in the oil industry. Ms. Patota pointed out that should petroleum get into the surrounding wetlands it would be very low levels due to all the safeguards and would not cause a disaster in her opinion. She also noted that with all the new equipment and safeguards in place they don't see the large spills they saw years ago that were often caused by rusted tanks. She added that we are dealing with a new facility to which the DEC is constantly evolving the regulations and we know what works and what doesn't. Ms. Patota also brought up the fact that there is no way to jam open the handles of the nozzles being proposed by GRJH so that also alleviates the chance of petroleum spilling while filling up. It was Ms. Patota's opinion that the potential low concentrations of petroleum are not a significant environmental threat.

Ms. Patota continued to go on the assumption that there is an aquifer at the site and if as reported, there is a thick sand body that is always wet, so any wells that are completed in bedrock are going to be cased through that whole unconsolidated sand otherwise the sand would collapse into the well and the casing would be seated into the rock in a bedrock well. Then it's an open well through bedrock so any contamination in the upper aquifer would likely not reach the bedrock because residential wells only pump one to two (1-2) or a few gallons of water a minute and not one-hundred (100) gallons of water per minute like a high capacity well would do, so ground water wouldn't be drawn down and de-water the upper aquifer and pull contaminated water in there. It was Ms. Patota's opinion that the likelihood is very low. If the aquifer is shallow and it isn't very thick then it wouldn't be good for a shallow water supply but because the water table is high and as she stated before the properties of petroleum tend to support that buoyancy that the petroleum will float.

Ms. Patota did acknowledged that she did notice forested wetlands on the air photos however she noted that wetlands are pretty good at processing waste as they tend to bind things that aren't organic and transform and degrade things that are organic so they are an important resource part of the eco-system. Ms. Patota also acknowledged that in the area of the wetlands on the map you can see that there is farming going on and she also can see large vegetated areas that are good because the more roots there are the more they tend to biodegrade organics.

Ms. Patota submitted aerial photos that show the proposed GRJH property and referred to the 2013 map showing the pre-existing building and road access and then addressed the fact that you can look back in time which shows that this site was like this for quite some time. Ms. Patota made note of the fact that the darker colors on the infrared photo show where there is water however she

acknowledged that much of the wetland area appears forested and farmland which she views as a good thing. Ms. Patota acknowledged that the wetlands are important resources however she did not see them being negatively impacted by a small surface spill should one occur.

Ms. Patota addressed air emissions next. Ms. Patota pointed out that there are air emissions from the tanks vents and that is why they are elevated. Ms. Patota also noted that the new dispenser handles have guards to reduce vapors and shut-offs on them so a person cannot walk away from them or over-fill their tanks. She also brought up the fact that there is vapor recovery when filling the underground tanks so that when they are filling the vapors are recovered so you don't get the odors from them that you got years ago. She also noted that there is an over-fill alarm so the tanks cannot be over-filled. Ms. Metz added that under New York State and Federal rules the applicant is only allowed to fill the tanks to 90% and the equipment performs accordingly to accommodate this.

Ms. Patota pointed out that vehicle traffic and operations are toward the back of the building so the building will help to block the wind from traveling south and affecting the residents. She noted that general wind patterns are from west to east and when the winds come from the south in the summer the building will be downwind from the residences and when the winds come from the north and west in the winter windows are usually closed so that also helps to minimize odor.

Ms. Patota brought up the fact that spills are regulated by the New York State Department of Environmental Remediation and a spill needs to be reported and failure to do so is punishable. Ms. Patota also brought up the fact that in comparison to other chemicals petroleum spills can relatively easily be cleaned up with absorbents but even simple kitty litter works which is another way that helps minimize negative effects.

Ms. Patota made note of the point that most large spills are old spills that happened pre-2000 with a lot of these spills due to old underground tanks, old piping and fittings that leaked. She noted that now there are equipment controls and impervious surfaces. Ms. Patota also noted that spills have to be cleaned up within 2-hours and there are specialized contractors on 24-hour call that are ready to come out and clean up spills any time of day or night and will come out with absorbents and vacuum trucks to address this. Ms. Patota did acknowledge that minor drips and drabs can be expected at any gas station however she feels it is a finite kind of thing that they are absorbed onto the soil and are very low level and degrade and most of them never reach the environment. She added that the DEC is cognizant of this. Ms. Patota also acknowledged that there is a concern when there is shallow groundwater but there are the microbes, the heat, the light and the wind to address minor amounts.

Mr. Grant made note of the fact that down the road from the applicant's site there was an old filling station that is currently being monitored by the DEC. Ms. Patota asked whether anything had been dug up at that site. Neither Mr. Grant nor Mr. Haight could remember anything being dug up there. Ms. Patota did advise that if there were tanks there and the DEC is monitoring it the tanks would have been dug up. Mr. Grant did acknowledge that he wanted Ms. Patota to be aware of this in the event there are contaminants present. Ms. Patota did make note of the fact that if the DEC is monitoring the situation and felt there was a threat to wells there would be active remediation going on. Ms. Patota addressed the fact that there are 15-17,000 spills in New York State every year and the only reason she brought this up is because most people are not aware or inconvenienced by this. She did note however that most of these are very minor. Ms.

Metz did point out that if there was a spill at that site the protocol of the DEC would put into place a much more urgent response if they felt there was any danger

Ms. Patota did note that there are concerns and then there are issues and people are bringing up legitimate concerns such as the wetlands, the water supply and individual wells but is it not an issue because the risks can be mitigated.

Mr. Grant asked if Ms. Patota can address sign-offs from the Federal EPA and New York State EPA. Ms. Patota explained that the EPA has audited facilities however because they are national they are not as visible so a lot of it goes through DEC. Mr. Grant asked at what point do they sign off. Ms. Patota explained that it is not a sign-off as such and you have to meet the Code of Federal Regulations for construction of facilities and that is what all the equipment previously discussed is all about. Mr. Grant clarified that it has to be designed to DEC and EPA regulations. Ms. Metz added that the manufacturer's specifications also have to be met. Mr. Grant asked how the Board can be assured it meets DEC specifications. Ms. Patota told him that the DEC would not give the applicant a registration if their specifications are not met. Ms. Patota added that the applicant cannot dispense gasoline until they receive a registration from the DEC that has to be renewed on a yearly basis. She added that the DEC has to be notified of any changes, if a tank is added, if a tank is removed, if there is a spill, etc.

Ms. Patota also addressed the fact that to continue to pump gas every tank inventory has to be monitored daily and every 10 days there can't be more of a calculated gain or loss. She did note that fluids expand and contract and the DEC is aware of this and that is why there is a 10-day reconciliation so as to monitor this and ensure it stays within the proper range. She added that the Federal Government has a reconciliation every month but New York requires more often. Ms. Metz added that there is a 10-day reconciliation that is kept on-site that is also sent to their office and they have someone that reviews it and looks for discrepancies and any variance is turned into the office immediately. Ms. Metz also brought up the fact that the DEC will go back 2 years to ensure that the applicant has investigated any discrepancies. Mr. Grant asked for clarification that fuel levels are monitored within the tanks and not with a stick. Ms. Patota acknowledged that this is correct however they can still be monitored by a stick although not usually done. Ms. Metz added that they have to know how to do this in the event of a power outage.

Mr. Grant asked what mitigation is there on-site should there be a spill. Ms. Metz explained that the cement pad is the first indication that there is a spill and most of the time the public will report it and it is cleaned up immediately. Should it be raining she noted that there is a gleam and odor to indicate a spill and they would automatically assume there is a spill and clean it up. She added that kitty litter is a great method to accomplish this. Ms. Patota clarified that rain will dilute the spill and in summer the elements will react on it and it will evaporate. Mr. Grant asked whether there was anything on-site to contain it. Ms. Patota explained that this is what the grading and storm water pollution prevention plan is. Mr. Grant believed this was just for the construction and is not on going. Ms. Patota and Ms. Metz both clarified that this plan is ongoing. The SWPPP determines what stormwater is going to fall where so they can be sure the pipes can handle it and that is why they had them cleaned and inspected.

What Ms. Patota was trying to point out today in seeing some of this narrative was the absence of information and awareness of all these regulations and it seemed to her that in the absence of the actual chemical and physical properties assertions that were made are invalid from that

perspective. She did add that she is not saying that there isn't a valid concern but to say the petroleum is going to build up residue onto the pavement and when it rains it will run off into groundwater, as a licensed geologist she could not agree with this.

Ms. Becker asked if the new equipment standards incorporate catastrophic situations. Ms. Patota explained that above ground tanks are in concrete vaults with a cover over them so rain water is prevented from hitting the tanks and collecting in them. Ms. Patota continued to explain that the same secondary containment is applied to underground tanks except that a double wall is used so there is a cylinder inside another cylinder and there is a probe in the outer cylinder so if the inner tank fails there is another tank outside holding it. She added that the probe is set at the bottom so that they will know if there is a problem right away pointed out that everything is designed to be an early warning. Ms. Metz explained that there is also a sump on top of the tank with a sensor that will alert them that something got into the sump even if it is plain water. She suggested going to watch a fuel delivery to see what a regulated process it is. Ms. Metz added that if there is product within the outer tank of the double walled tank you know immediately that the inner tank has failed and if there is water in the space between the tanks that means that the outer tank has possibly failed. She made note of the fact that these monitors will get triggered with as little as a gallon of liquid. Ms. Patota pointed out that the warning systems have to be tested as well and noted that there is a line leak detector that also has to be tested every year.

Mr. Grant asked if Ms. Patota can explain what the hydrodynamic separator is and what the purpose of it is. Ms. Metz said that this would have to be directed to the engineer however she believed that this had to do with anything that was produced inside coming out through the waste system or might be where the sediment gathers on the property . Ms. Metz will get an answer on this. Mr. Urban expressed concern for what is dripped onto the property on a day to day basis as was Mr. Grant. Ms. Patota explained that this is handled by the storm water run-off system that is built into the design and that grading handles the erosion and sediment. Ms. Metz added that this was submitted to the DOT in November of 2017 and when they made changes to accommodate the new Zoning Code the numbers and calculations were re-submitted to them and they will be reviewing them again. Ms. DeConti asked whether a new report would be forthcoming and Mr. Haight acknowledged that one had been received. Ms. Metz made note of the fact that this will be resubmitted to the DOT for their review.

Mr. Urban asked whether an oil spill from someone adding oil to their car would be contained. It was Ms. Metz' understanding that the topography of the property is going to be designed so that all the water will theoretically go to one area where it will be treated by the appropriate equipment. Ms. Metz will have the engineer address this. Ms. Patota acknowledged that there are ways to address this such as berming and sand filters and pointed out that this has to be done in accordance with the DEC. Ms. Metz added that the DEC signed off on this a long time ago. Ms. Patota made note of the fact that everything has to be done in accordance with DEC regulations.

Mr. Grant questioned how salt and winter treatment is dealt with. Ms. Metz didn't see how this was different than how the Post Office or any other establishment dealt with it. Ms. Becker believed this would be addressed in the SWPPP. Mr. Grant did acknowledge that New York State deals with this as well.

Mr. Haight brought up the fact that the New York Water Association sent the Town a disk about ground-water research mapping for Columbia County done by Stephen Winkley of the New

York Water Research Association and Supervisor Nayer gave it to him. Mr. Haight acknowledged that he sent a map to everyone. Ms. Patota did blow up a portion of the map Mr. Haight sent to her and brought up the fact that this is a very large-scale map so it won't be precise. She added that all the dots on the map are data points and show wells that have been inventoried so they know the well depth and they know whether they are completed in bedrock or not. Ms. Patota did make note of the fact that this is a map by one person and is not a refereed publication but can be viewed as a good starting point. Ms. Patota pointed out that the area in question is designated in pinks and purples which mean that at the surface it is a glacial till and is a mish-mash of boulders, cobbles, sand and clay of variable sizes. Ms. Patota explained that although it is hard to imagine, at one point there was a mile thick glacier over Albany and when it melted away it dropped all this sediment that is ground up rock and that is why we now have these sand and gravel deposits.

Ms. Patota did acknowledge that there are challenges as there is sand and gravel and it can co-exist with till underneath it or lie on top of it and till could act to keep the water table high. She noted that water tables change over time but when it is high all the time that tells her that this aquifer is close to the surface and is generally connected to the bedrock but to get to the bedrock you would have to have contaminants that are heavier than water or by pumping. She did add that this doesn't mean that a gas station cannot be put on this site.

Mr. Grant addressed the fact that inasmuch as Ms. Patota is the expert, the Board would like to hear from her as to what the best practices are for mitigation such as permeable pavers. Ms. Patota acknowledged that some of this is addressed in the engineering plans so in the area where there is dispensing fuel storage you don't want permeable pavers. She noted that the regulations incorporate the best practices for managing, storing, handling and dispensing petroleum. In addition to that outside the paved areas they are going to maintain vegetation and at the end of the pavement they would have to ask the engineer whether they could put a little slight bermed area that would delay and retard the water from moving very quickly however most of the time you would want to collect and channel it. She added that a hedge row for visual screening would also act as a buffer however she did note that the site would be graded so that the water wouldn't collect on it. They would want to direct it, collect it, contain it and treat it before it is discharged but this would need to be permitted per the SWPPP. She added that if you want things incorporated for conservation, speak to the engineer. Plants are great filters and many soil microbes process petroleum as carbon is one of their food sources. Hydrocarbons are relatively simple organic compounds and not something that isn't regulated. It is hazardous but the good news is that petroleum is very familiar and well understood.

Attorney Dow asked Ms. Patota what the double hulled tanks consist of. She advised him that they are certified by the manufacturer to be compatible with the fuel that it is carrying so jet fuel and gasoline tanks may be a little different. Ms. Metz added that these tanks will be compatible for diesel or gasoline. Attorney Dow then asked for clarification about an earlier statement Ms. Patota made regarding spills that were caused by fittings. Ms. Patota explained that it is the same principal as a fitting in a water faucet that would cause it to leak, that loose fittings on old tanks and piping were the source of many spills.

Attorney Dow then asked whether the fittings are all double contained as well. Ms. Metz explained that years ago no one would know when the dispensers would drip and now there are sumps under there with all kinds of triggers and should they fill up, the sensors will literally shut

down the dispensers and in some cases shut down the entire submersible so you won't be able to get that product at all. Ms. Metz noted that in most cases if there is a leak, it will go underneath the dispenser and go back into the tank. She added that the lines are designed like that and sloped so if there is a leak it will not even fill up the sump and it won't go over it, it will go into the lines and then back into the tank which is monitored with different leak detection.

Ms. Patota made note of the fact that a couple of years ago the DEC upgraded their regulations and there is a more consistency between the state and federal regs since they didn't require sumps at the dispensers and now they do. Ms. Patota added that now, in addition to the shear valve under the dispenser should someone knock the whole dispenser out it not only will shut off the pump, there are sumps underneath to monitor the routine drips and drabs as well. Attorney Dow also reiterated that slight drips onto the concrete will evaporate and when it rained any residual would flow off of the lot into the containment tank as addressed in the SWPPP which would involve separation and filtration. Attorney Dow asked if it eventually seeps into the ground once it is contained. Ms. Patota explained that it is designed to seep back into the ground after it is treated. Ms. Metz felt this would be better addressed by the engineer. Ms. Metz also asked what would happen if someone thought they had water in their car and dumped 5 gallons of gasoline off the side of the pavement. Ms. Patota said that incidental drips speaks to the grading as it is not being graded to be on a slope, it is being graded so that it is flat and fairly level with directed drainage and will get absorbed by the concrete some and the storm water coming off the canopy will be collected.

Mr. Grant asked if there will be berming on the edge of the site. Ms. Metz acknowledged that during construction this is usually done because everything is usually not in place. Mr. Grant then asked whether there would be any berm around the site that would prevent wash over the sidewalk. Ms. Cohen pointed out that there is a natural swale there to which Ms. Patota agreed and noted that the stream is not an active stream and is only active during storms.

Mr. Grant once again questioned whether there is anything on the site that would slow the water down in a heavy rain event. Ms. Patota acknowledged that there is and this is addressed in the Storm Water Pollution Prevention Plan. Mr. Grant was under the impression that this was temporary however Ms. Patota advised him that nothing is temporary and this will be an ongoing occurrence and the regulations do not only apply today, they apply always. She noted that things have to be maintained and if a sand filter fails it has to be replaced just as you would with a septic.

Mr. Grant asked if it would slope down when you are looking at the grade. Ms. Patota did not want to comment on the engineer's design however she noted that they work with the topography and vegetation. Ms. Metz will have the engineer address this.

Mr. Grant noted that the first thing that needs to be addressed is what happens to sheet run-off and how is it handled and second is whether there is any way to slow the flow off the site prior to going into ditch and the third thing is whether any information can be provided regarding the DEC monitoring of the old gas station site down from the applicant's site. Ms. Patota acknowledged that there are ways to accomplish the first two issues and asked if we have the Storm Water Pollution Prevention Plan. She also noted that a FOIL can be submitted to Region 4, Schenectady for the information regarding Mr. Grant's third concern. Although the issue of the old gas station down from the applicant's site isn't relevant to their project Mr. Grant felt this should be addressed because there is a problem there. Ms. Metz asked whether Mr. Grant was

aware of the nature of the problem. Mr. Grant believed that the old tanks were removed and there was some degradation there. Ms. Becker questioned why this is still being monitored. No one was aware of the reason for this.

Ms. Metz reviewed what needed to be addressed and acknowledged the DEC monitoring of the second site, the collection of surface water and the question of whether there will be any berms to impede water flow into the ditch. Ms. Patota suggested that the engineer address the maintenance of post construction and storm water management practices and what will be left in place permanently. Ms. Metz will have the engineer compile a memo with this information.

### **ADJOURNMENT**

There being no further business, on a motion made by Mr. Haight and seconded by Mr. Grant, the Board voted unanimously to adjourn the meeting. The meeting was adjourned at 12:40 p.m.

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Bob Haight, Chair

**Please note that all referenced attachments, comprising 00 pages, are on file with the Copake Town Clerk and in the Planning Board office. The referenced attachments are filed in the individual project files. An annotated listing follows:**

**ADMINISTRATION**

GRJH INC.

December 6, 2018

Svenson to Haight/CPB (6)

January 2, 2019

Haight & Visconte (1)