

ROBERT LAGA  
*Chairman*

NICHOLAS FANNIN  
*Vice Chairman*

RICHARD FRANZETTI, P.E.  
*Wetland Inspector*

ROSE TROMBETTA  
*Secretary*

**TOWN OF CARMEL**  
**ENVIRONMENTAL CONSERVATION BOARD**



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 - Ext. 190  
[www.ci.carmel.ny.us](http://www.ci.carmel.ny.us)

**BOARD MEMBERS**

Edward Barnett  
Anthony Federice  
Nicole Sedran

**ENVIRONMENTAL CONSERVATION BOARD AGENDA**

**JUNE 3, 2021 – 7:30 P.M.**

**SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION**

<b><u>APPLICANT</u></b>	<b><u>ADDRESS</u></b>	<b><u>TAX MAP #</u></b>	<b><u>COMMENTS</u></b>
1. Rivera, Celena & David	775 & 777 South Lake Blvd	75.42-1-28,29	Replace Existing Seating Wall & Flagstone Patio

**MISCELLANEOUS**

2. Minutes – 05/06/21

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**APPLICATION FOR WETLAND PERMIT OR LETTER OF PERMISSION**

Name of Applicant: Celena & David Rivera

Address of Applicant: 280 Rockwood Ct. Email: \_\_\_\_\_

Telephone# 4 Name and Address of Owner if different from Applicant: \_\_\_\_\_

Property Address: 775+777 S. Lake Blvd, Mahopac, NY Tax Map # 75.42-1-28,29

Agency Submitting Application if Applicable: N/A

Location of Wetland: Lake Mahopac

Size of Work Section & Specific Location: 750 Sq Ft.

Will Project Utilize State Owned Lands? If Yes, Specify: NO

Type and extent of work (feet of new channel, yards of material to be removed, draining, dredging, filling, etc). A brief description of the regulated activity (attach supporting details)

Replace existing seating wall (45ft x 4) 30 inches (H)  
+ Replace existing flagstone (750 Sq. Ft)

Proposed Start Date: 6/4/21 Anticipated Completion Date: 6/18/21 Fee Paid \$ \_\_\_\_\_

**CERTIFICATION**

I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief, false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. As a condition to the issuance of a permit, the applicant accepts full legal responsibility for all damage, direct or indirect, or whatever nature, and by whomever suffered, arising out of the project described here-in and agrees to indemnify and save harmless the Town of Carmel from suits, actions, damages and costs of every name and description resulting from the said project.

Celena Rivera  
SIGNATURE

6/1/21  
DATE

# 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			
Name of Action or Project: <i>Wall + Flagstone</i>			
Project Location (describe, and attach a location map): <i>775-777 S. Lake Blvd. Mahopac NY</i>			
Brief Description of Proposed Action: Replace an old pre existing seating wall with new modular block wall. Replace deteriorating existing flagstone patio with a new flagstone patio. approximately 5 cubic yards of ASTM 57 stone will be used to level patio area out. Patio area is roughly 750 sqft.			
Name of Applicant or Sponsor: <i>Celena Rivera</i>		Telephone: _____	
		E-Mail: _____	
Address: <i>280 Rockwood Ct.</i>			
City/PO: <i>Yorktown Heights NY 10598</i>		State: <i>NY</i>	Zip Code: <i>10598</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <i>2526 S.F. acres</i>			
b. Total acreage to be physically disturbed? <i>750 S.F. acres</i>			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>No potable water is needed. Porta potty onsite.</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>Porta Potty onsite</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Celen [Signature]</u>	Date: <u>6/1/21</u>	
Signature: <u>Celen [Signature]</u>	Title: <u>Owner</u>	

Richard Franzetti, P.E.  
Town Engineer



(845) 628-1500  
(845) 628-2087  
Fax (845) 628-7085

*Office of the Town Engineer*  
60 McAlpin Avenue  
Mahopac, New York 10541

## NOTICE OF VIOLATION

May 28, 2021

Mailed:

Celena Rivera  
280 Rock wood Ct,  
Yorktown Heights, NY

**Re: Property of Celena Rivera – 775 and 777 South Lake TM #75.42-1-28 and #75.42-1-29**

Dear M. Rivera:

An inspection of the above referenced property by the Town of Carmel Wetlands Inspector on May 26, 2021 revealed that the work being performed on site is in violation of the Carmel Town Code and New York State Environmental Conservation Law. The specific violations are enumerated below. **You are hereby directed to cease and desist any and all operations at this location. This includes any entity or persons that are operating as your agent/contractor. This prohibition shall not apply to any activity necessary to protect life or safety of any persons or property. You are also directed to immediately install all necessary erosion control measures including but not limited to silt fence. Please refer to the most recent version of "New York Guidelines for Urban Erosion and Sediment Control."**

### SPECIFIC VIOLATIONS:

1. Town of Carmel Code §89-4 Wetlands – General Regulations (B) (2)

*"None of the activities set forth below shall be commenced or carried out in or within 100 feet of any wetland, body of water, watercourse or intermittent stream or adjacent area within the Town of Carmel until, except as provided herein, a permit or letter of permission has been duly issued in accordance with the procedures set forth in this chapter:*

*(2) Constructing or permitting to be constructed any building or structure or part thereof of any kind, including roads and dwellings.*

The penalties for this offense are as follows:

*"Any person who violates, disobeys or disregards any provision of this chapter, including any provision of any permit issued pursuant to this chapter, or any rule or regulation adopted by the ECB pursuant to this chapter, shall be liable to the people of the Town of*

May 28, 2021

**NOV- Property of Celena Rivera – 775 and 777 South Lake TM #75.42-1-28 and #75.42-1-29**

*Carmel for a civil penalty not to exceed an amount to be established by the Town Board for every such violation, to be assessed, following a hearing or opportunity to be heard in Town Court upon due notice and with rights to the specification of the charges and representation by counsel. Constructing or permitting to be constructed any building or structure or part thereof of any kind, including roads and dwellings.*

*Such civil penalty may be released or compromised by the Town Attorney with the consent of the Town Board and such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town Attorney with the consent of the Town Board.*

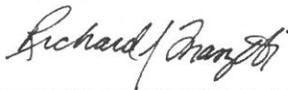
*In addition, the Court shall have the power to direct the violator to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible, within a reasonable time and under the supervision of the ECB. Any such order of the Court shall be enforceable in an action brought by the Town Attorney at the request of the Town Board and in the name of the Town of Carmel in any court of competent jurisdiction.*

*The ECB shall require an application for a permit be made and conditions for a permit be met for activities which were conducted without an appropriate permit or may require an application and a permit for the restoration of the violated regulated area.*

*Any civil penalty or order issued by the court pursuant to this subdivision shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.*

*Any person who violates an order, permit, rule, or regulation of the agency regulating freshwater wetlands and adjacent areas pursuant to this chapter shall, following a hearing or opportunity to be heard in any court of competent jurisdiction, upon due notice and with rights to the specifications of the charges and representation by counsel, in addition for the first offense, be guilty of a violation punishable by a fine of not more than \$250 per day; for a second and each subsequent offense he or she shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not less than 15 days nor more than six months, or both." (Town of Carmel Code §89-17).*

Remedial work for this must be identified on a plan which you will have to submit to the Town of Carmel. Please contact this office to acknowledge receipt of this letter and set up a plan to remedy the noticed violation.

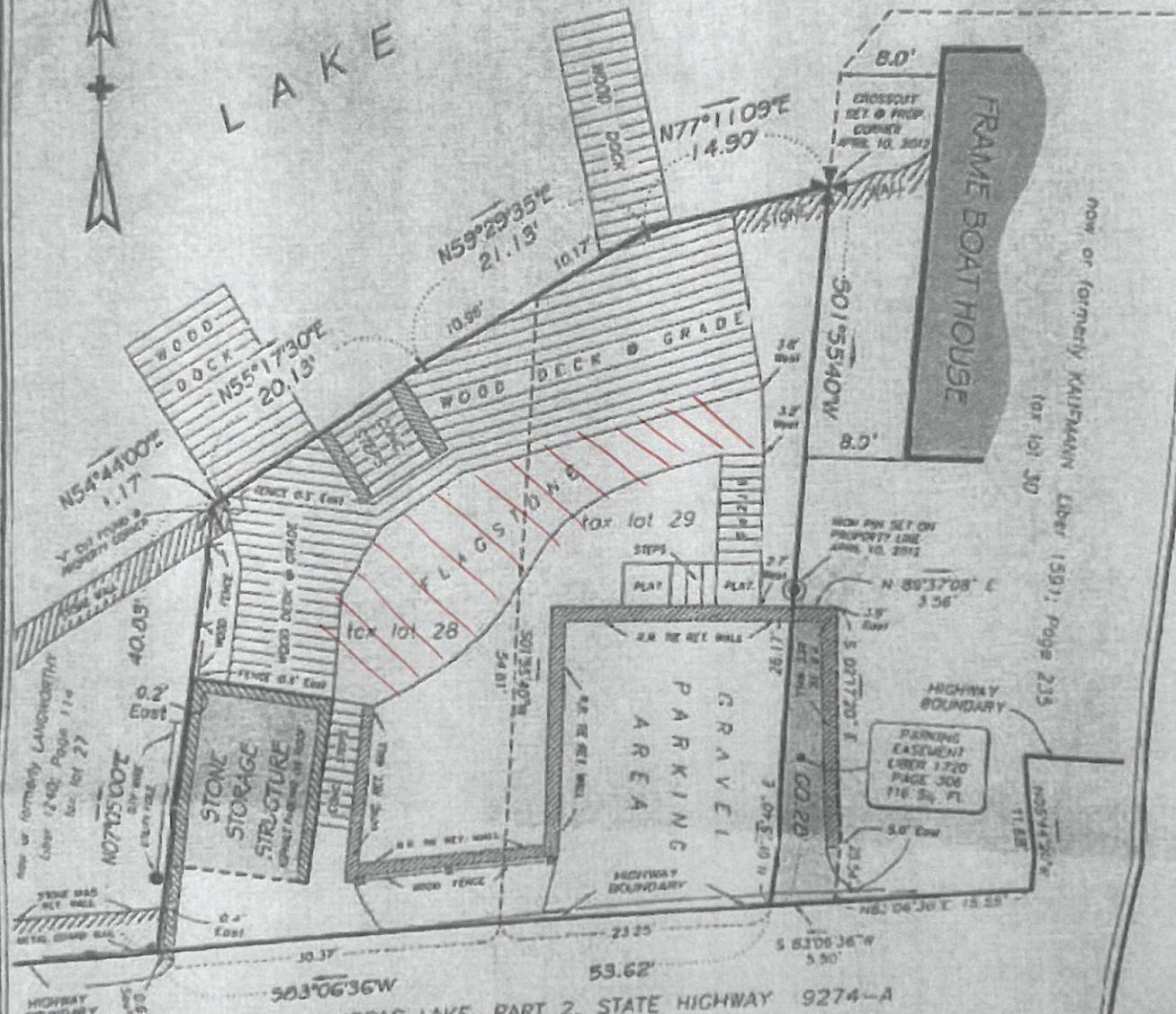


Richard J. Franzetti P.E.

cc: Building File  
Town Counsel

# MAHOPAC

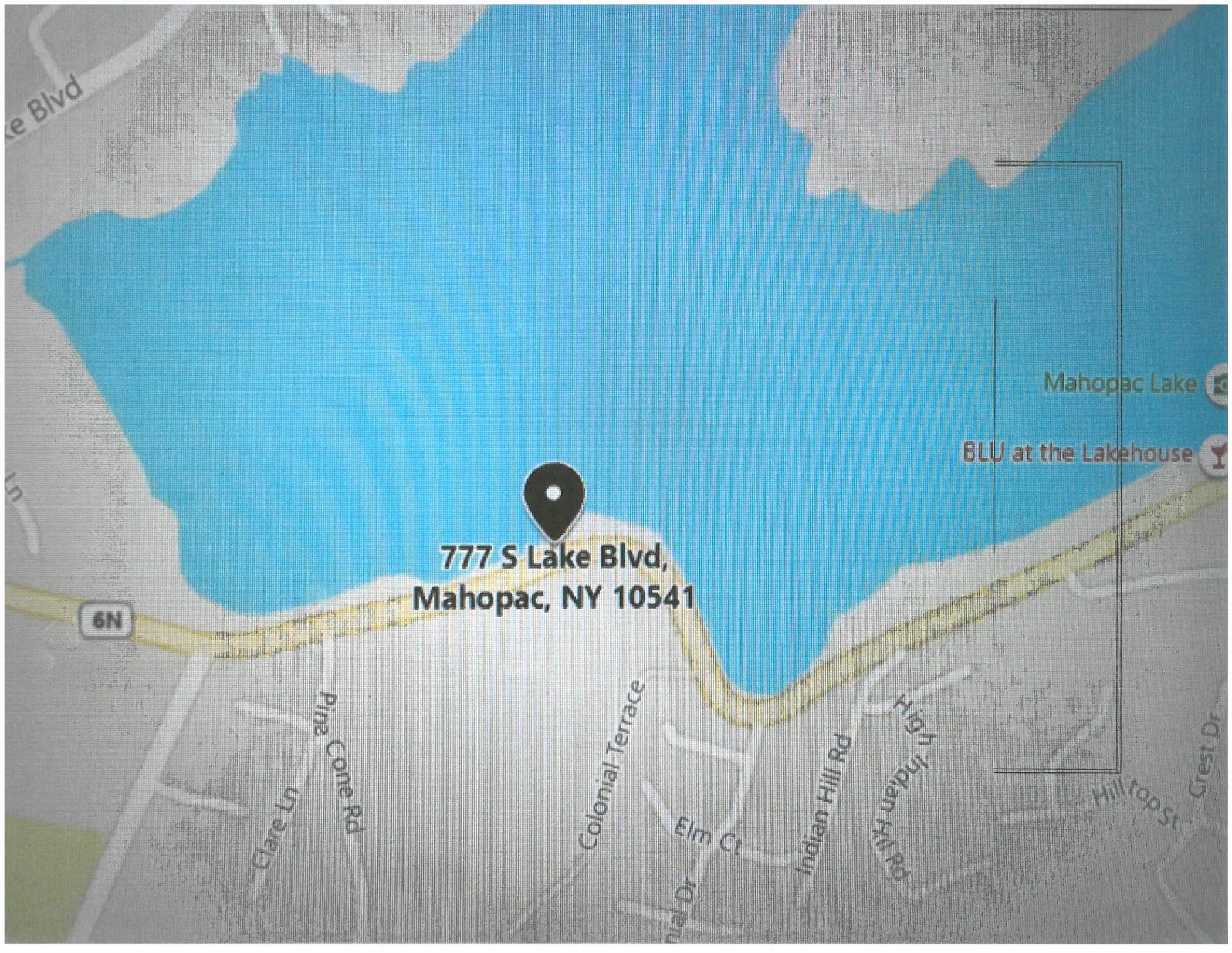
## LAKE



OSCEOLA LAKE - MAHOPAC LAKE, PART 2, STATE HIGHWAY 9274-A  
**ROUTE 6N**

**SURVEY OF PROPERTY**  
 SITUATE IN THE  
**TOWN of CARMEL**  
 PUTNAM COUNTY  
 NEW YORK

- THE PREMISES SHOWN HEREON DESCRIBED IN DEEDS RECORDED IN THE PUTNAM COUNTY CLERK'S OFFICE IN BOOK 1475, PAGE 877 (TAX LOT 28) & BOOK 1014, PAGE 67 (TAX LOT 29)
- PREMISES ARE DESIGNATED ON THE TAX MAPS FOR THE TOWN OF CARMEL AS:  
 SECTION: 75.42    BLOCK: 1    LOTS: 28 & 29  
 TOTAL PROPERTY AREA: 2,673 sq. ft. / 0.0614 ACRES
- SURVEY IS SUBJECT TO ANY STATE OF FACTS WHICH EXAMINATION MAY REVEAL



ke Blvd

Mahopac Lake

BLU at the Lakehouse

**777 S Lake Blvd,  
Mahopac, NY 10541**

6N

Clare Ln  
Pine Cone Rd

Colonial Terrace

Elm Ct

Indian Hill Rd

High Indian Hill Rd

Hilltop St

Grest Dr











