

ROBERT LAGA  
*Chairman*

NICHOLAS FANNIN  
*Vice Chairman*

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  
Vincent Turano  
John Starace

**ENVIRONMENTAL CONSERVATION BOARD AGENDA**

**JULY 19, 2018 – 7:30 P.M.**

**ELIGIBLE FOR A PERMIT**

<b><u>APPLICANT</u></b>	<b><u>ADDRESS</u></b>	<b><u>TAX MAP #</u></b>	<b><u>COMMENTS</u></b>
1. Galindo, Braulio	159 Lake Shore Dr.	74.35-1-24	Demolish & Construct Single Family Dwelling

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

2. Wright, Kevin	79 Lakeside Road	64.18-2-78	Repair/Replace Underground Footing Drain Piping
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**MISCELLANEOUS**

3. Minutes – 06/07/18 & 06/21/18

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

Name of Applicant: KEVIN WRIGHT  
Address of Applicant: 79 LAKE SIDE ROAD, MAHOPAC NY 10541 Email: MAIL@WRIGHTLAWNY.COM  
Telephone# 845-628-4907 Name and Address of Owner if different from Applicant:  
N/A  
Property Address: 79 LAKE SIDE ROAD, MAHOPAC Tax Map # 64-18-2-78  
Agency Submitting Application if Applicable: N/A  
Location of Wetland: KIRK LAKE  
Size of Work Section & Specific Location: 1' X 100' - NORTHLY SIDE OF 79 LAKE SIDE  
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).

Basement is flooding because the footing drain to the lake is clogged AND NEEDS MAINTENANCE IN VOLVING digging to REPAIR / REPLACE IN KIND  
ON APPROVAL  
Proposed Start Date: 7-16-18 Anticipated Completion Date: ONE WEEK FOLLOWING - SEE ATTACHMENT 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.

[Signature]  
SIGNATURE

7-16-18  
DATE

\* Except for possible uncertainty of underground conditions this also could be a request for a Letter of Maintenance per Mr. Franzetti

***Kevin Wright attachments to application for a Letter of Permission under emergency flooding circumstances:***

It is respectfully submitted that appropriate to the scale and scope of the proposed project, this application for a Letter of Permission further contains: [1] Copy of deed describing the subject property (**Ex A**); [2] Location Map (**Ex B**); [3] Site Plan/Sketch (**Ex C**); and [4] Project Narrative – set forth below.

**Project Narrative**

Consistent with the criteria outlined in Section 89-1 of the Town Code a Letter of Permission is requested for an in kind repair/replacement of the underground footing drain piping which runs from the rear of my home to the lake. My footing drains are backing up into my partially finished basement (which is below grade) causing damage to sheetrock and other property as well as causing unsafe conditions from potential mold/mildew/dampness in my home.

The purpose, nature and extent of the regulated activity is for the existing underground drain piping [consisting of a solid sealed or “tight” line] from the back of the house to the lake to be repaired/replaced as necessary to remove blockage(s). A serious, but unsuccessful, attempt was made to “power snake” the line but it appears that tree roots and or rock upheavals have basically closed off any real drainage when a significant rainstorm [as recently experienced] occurs. Such recent storms cause power loss and even a sump pump cannot save you. My home is essentially 100’ from the lake and the approximate 1’ wide excavation of the area with a small backhoe [another of my sons is an experienced operator] will constitute the extent of disturbed area. Accordingly even if the entire 100’ length to the lake were required to be exposed for a successful job, then the size of the disturbed area would be about 100 sq/ft or so. The work does not involve the perimeter footing drains around my home’s foundation which are functioning and will not be disturbed.

My site plan/sketch (**Ex C**) has a base scale of 1”=20’; a North arrow; regarding topography, the property is fairly level and flat [unlike most of the other homes along the lake front as you travel northerly] and it is requested that topographic markings not be required taking into account the scale and limited scope of the proposed project; finally in light of the open and obvious visibility of the only wetland involved, Kirk Lake, which is clearly shown on the site plan/sketch, it is also requested that no professional delineation be required.

The site plan/sketch itself is a true copy of a portion of the approved and filed subdivision map done for my late parents’ Estate, and such partial copies have been previously used and accepted in lieu of a survey by the Carmel Building Department over the years in connection with any number of permits for approvals which they have granted to my wife and I (i.e., deck, pool, dock and second story addition, etc.). My wife and I did not obtain an independent survey at the time we bought the property from the Estate.

The order or sequence in which the activity will take place is: if permission is given in interests of time and reflooding and small 100 sq/ft of work area, to excavate and place soil material on appropriate poly for immediate return after piping is replaced and to be seeded and covered with hay the same day, [OR IN THE ALTERNATIVE] to install [only if required by ECB] appropriate silt-fencing, as shown, along the entire perimeter of the potential work area in the 100’ buffer zone; in either of the foregoing alternatives, excavation will then proceed from the house toward the lake drain to insure existing pipe is chased to minimize disturbance; digging down to the level of the failed drain pipe and install “in kind” new solid 4” piping, maintaining a pitch/slope of at least ¼ “ per 1’ until the drain line is functional, then refilling over the covered piping the disturbed area with the excavated soil, assuring no root material or rocks larger than 3” being permitted; then raking and seeding (with appropriate cover, i.e., hay) and an appropriate watering regimen also taking into account any natural rainfall.

Any removed broken piping, unsuitable rocks, materials etc., will be temporarily stockpiled outside of the 100’ buffer zone, as shown, on 6 mil poly sheathing (or approved other) pending removal from the property. Any replacement materials required to be stockpiled will be placed, as shown, outside the 100’ buffer area. No equipment fueling shall take place within the 100’ buffer area. Should equipment be required to be parked overnight, same shall be, outside the 100’ buffer area. A spill kit, as shown, will be located at the site.

**NOTE** regarding application page start date information: One of my sons is being married August 15, 2018 and we have planned to host a backyard celebration at our home for him, so needless to say our timetable is constrained and our motivation is for the absolute minimum disturbance to the environment and lawn area.

**Note** regarding deeds presented: Exhibit A, my deed, also has attached **Ex A-1**, which is another of my deeds to the northerly contiguous adjoining vacant parcel, known as 77 Lakeside Road, (which I own in common with my siblings-and we refer to as the Empty Lot). Additionally attached as **Ex A-2** is an Indenture from my sister, on behalf of the Estate from the day my wife and I purchased of our home (79 Lakeside) back in 1980 from the Estate, which Indenture reflects that my parents had the drain line designed and installed when the house was built in the late 1950s [I believe CofO issued in 1959] and that portions of the drain line [which is the subject of this ECB application] may be over on the adjoining parcel (Ex A-2, the vacant 77 Lakeside), [since they owned both parcels at the time] and which Indenture was provided to my wife and I when we bought, in order that such future maintenance, replacement or repair, such as we now need, could always take place.

THIS INDENTURE, made the 24th day of SEPTEMBER, nineteen hundred and EIGHTY  
BETWEEN LORRAINE GEORGE, residing at Hill Street, Mahopac, N.Y. 10541

As Administratrix of the Estate of Mary F. Wright  
party of the first part, and KEVIN L. WRIGHT and WILLA M. WRIGHT, his wife  
residing at Lakeside Road, Mahopac, Town of Carmel,  
County of Putnam and State of New York

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by said last will and  
testament, and in consideration of FIFTY THOUSAND  
(\$ 50,000.00 ) - - - - - dollars,

paid by the party of the second part, does hereby grant and  
release unto the party of the second part, the heirs or successors and assigns of the party of the second part  
forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and  
being in the Town of Carmel, County of Putnam, State of New York, being a part  
of the land conveyed to Lakeside Cottages, Inc. by the Executors of the Last Will  
and Testament of John J. Thompson and by the Executors of the Last Will and Testament  
of George Thompson by deeds dated July 17, 1946 and bounded and described as follows:

BEGINNING at a point, hereinafter called Point A, distant 2227.91 feet  
along the mean West shore line of Kirk Lake from a place to the North thereof in the  
centerline of a stone wall running easterly to Westerly on the West Shore of Kirk  
Lake where lands now or formerly of Levinsohn and lands now or formerly of Lakeside  
Cottages, Inc., adjoin, said last place being further described as the furthestmost  
Northeast corner of lands now or formerly of Lakeside Cottages, Inc., thence from  
said Point A, South 17° 32' West 54.10 feet along the mean West shore line of Kirk  
Lake; thence North 68° 11' 20" West 147 feet along lands now or formerly of  
Lakeside Cottages, Inc., thence North 55° 56' 10" West, 49.84 feet still along  
same to the Easterly side of a fifty foot road known as Lakeside Road, as now  
dedicated; thence North 34° 03' 50" East, 54.40 feet along the said road or  
right of way; thence South 62° 43' 50" East 46.50 feet along lands now or formerly  
of Lakeside Cottages, Inc.; thence South 65° 53' 20" East 133.95 feet still along same  
to the point of beginning, these premises being known and designated as and by  
Number 79 Lakeside Road.

TOGETHER with the right, title and interest, if any, of the grantor  
in and to the lands under water and to the waters of Kirk Lake in front of premises  
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any effects and realty abutting  
the above described premises to the center lines thereof, TOGETHER with the appurtenances, and also all the estate  
which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the  
party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or other-  
wise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors  
and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby  
the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first  
part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust  
fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the pay-  
ment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read, "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIGEN 772 PAGE 775

*Lorraine George*  
LORRAINE GEORGE  
Administratrix of  
Estate of Mary F. Wright

WRIGHT  
DEED  
Exhibit A

STATE OF NEW YORK, COUNTY OF PUTNAM

On the 24<sup>th</sup> day of September 1980, before me personally came

LORRAINE GEORGE

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

Notary Public

SAL L. ORFANELLA  
Notary Public, State of New York  
Qualified in Putnam County  
Commission Expires March 30, 1981

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Executor's Bond

Title No.

RECEIVED  
\$55.00  
REAL ESTATE  
ON 10/19/80  
TRANSFER TAX  
PUTNAM  
COUNTY

SECTION 104  
BLOCK 8  
LOT 33

SECTION OR TOWN Carmel

ESTATE OF MARY F. WRIGHT

7.00  
\$5.00  
TAX

Recorded at Request of  
U-LIFE TITLE INSURANCE  
Company of New York  
RETURN BY MAIL TO

TO

KEVIN L. WRIGHT & WILLA M. WRIGHT,  
his wife

Standard Form of New York  
Board of Title Underwriters

Distributed by

U-LIFE TITLE INSURANCE  
Company of New York

KEVIN L. WRIGHT, ESQ.  
The Hickman Building  
Rte 6, P. O. Box 858  
Mahopac, New York 10541

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

PUTNAM COUNTY  
1980 OCT 10 AM 11 58  
CLERK'S OFFICE

RECEIVED ON THE 10<sup>th</sup> DAY OF OCT 1980  
AT 11:58 A.M. RECORDED IN  
BOOK NO. 722 OF DEED  
AT PAGE 775 AND EXAMINED

L. CLERK

LX A pg 2

**QUITCLAIM DEED**

This indenture, made the 2nd day of December, nineteen hundred and ninety nine, between

*Marjorie Hill Wright*, residing at 81 Lakeside Road, Mahopac, NY  
.....party of the first part; and

*Lorraine George*, residing at Hill Street, Mahopac, NY; *Beryle Wallis*, residing at 6741 Roxbury Drive, Sarasota, FL; *Joyce Cressey*, residing at 888 Blvd. of the Arts, Sarasota, FL; *Lucille Heigman*, residing at Hill Street, Mahopac, NY; *George Wright*, residing at Hill Street, Mahopac, NY; and *Kevin Wright*, residing at 79 Lakeside Road, Mahopac, NY; as tenants in common, .....party of the second part.

Witnesseth, that the party of the first part, in consideration of one dollar, lawful money of the United States, and other valuable consideration, paid by the party of the second part, does hereby remise, release, and quitclaim unto the party of the second part, their heirs, successors and assigns forever,

ALL that certain vacant plot, piece or parcel of land, situate, lying and being in the Town of Carmel, County of Putnam, State of New York, located at 77 Lakeside Road, Mahopac, New York and more particularly described as Lot 39 on a certain filed subdivision map, known as "Wright Estate Situate at Lakeside Cottages", filed September 19, 1980 in the Office of the Clerk of the County of Putnam as filed map number 1778;

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the premises herein granted unto the party of the second part, their heirs, successors and assigns forever.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In witness whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

In presence of:


*Marjorie Hill Wright*  
Marjorie Hill Wright

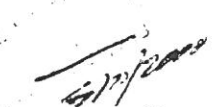
*Wright  
deed  
EX A-1*

BK1501PG0216

State of New York     )  
                                  ss.:  
County of Putnam     )

On the 2 day of December in the year 1999, before me, the undersigned personally appeared Marjorie Hill Wright, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and by her signature on the instrument, the individual, executed the instrument.

  
\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

  
MARIO R. VINJELLO

Town of Carmel: County of Putnam  
Tax Map Number  
Section:       64.18  
Block:         2  
Lot:            77

THIS INDENTURE made the 24<sup>th</sup> day of SEPTEMBER nineteen hundred and EIGHTY

By LORRAINE GEORGE, residing at Hill Street, Mahopac, N.Y. 10541; to and for the benefit of KEVIN L. WRIGHT and WILLA M. WRIGHT, his wife, residing at Lakeside Road, Mahopac, N.Y. 10541, their successors or assigns forever:

WITNESSETH, that as the eldest surviving child of the late Mary F. Wright, I am appointed in the Putnam Surrogate's Court as her Estate's Administratrix; and WHEREAS this date, the Estate of Mary F. Wright, under my authority as Administratrix of said Estate conveyed by my fiduciary deed, the premises, including land, house and improvements, known as 79 Lakeside Road, Mahopac, Town of Carmel, County of Putnam New York, and also referred to on said deed as Carmel Sec. 104-8-33, hereinafter the "PREMISES", to my brother Kevin L. Wright and his wife Willa M. Wright; and WHEREAS adjoining said PREMISES, on its contiguous northerly side is another parcel of land owned by my late mother's Estate which parcel the family has always called the Empty Lot, hereinafter the "EMPTY LOT"; and WHEREAS both of these contiguous parcels of land were owned by my parents, Fred S. Wright [who predeceased my mother] and Mary F. Wright at the time when my parents constructed the house at 79 Lakeside Road (PREMISES) in the late 1950s; and WHEREAS in order to keep water from entering the below grade full basement at the PREMISES when the house was originally designed and constructed, the footing drains and the roof gutters downspouts, were designed to drain into the lake (Kirk) by underground common drain pipes which are located at least in part on the EMPTY LOT parcel adjoining the said PREMISES; and WHEREAS such drainage necessity to the lake was common among all the homes along Kirk Lake, as each such property slopes away and downward from Lakeside Road toward said lake; and WHEREAS such drains may from time to time require maintenance, replacement and repair:

NOW THEREFORE, after consultation with the Estate's attorney Richard L. Maher, Esq., this document memorializes and forever authorizes Kevin and Willa or any future owner(s) of the PREMISES to fully use, maintain, replace and repair such drains as needed including such required work on the EMPTY LOT parcel, and restoring any disturbed areas after such work is done; and, as Kevin, when the Estate is later settled, becomes owner of said EMPTY LOT, accordingly the expense and trouble of recording this instrument is not necessary.

IN WITNESS WHEREOF, I have set my signature hereto the day and year first above written.

*Lorraine George*

LORRAINE GEORGE, Administratrix

State of New York, County of Putnam

ss.:

On the 24<sup>th</sup> day of September 1980, before me personally came Lorraine George to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

*[Signature]*  
Notary Public

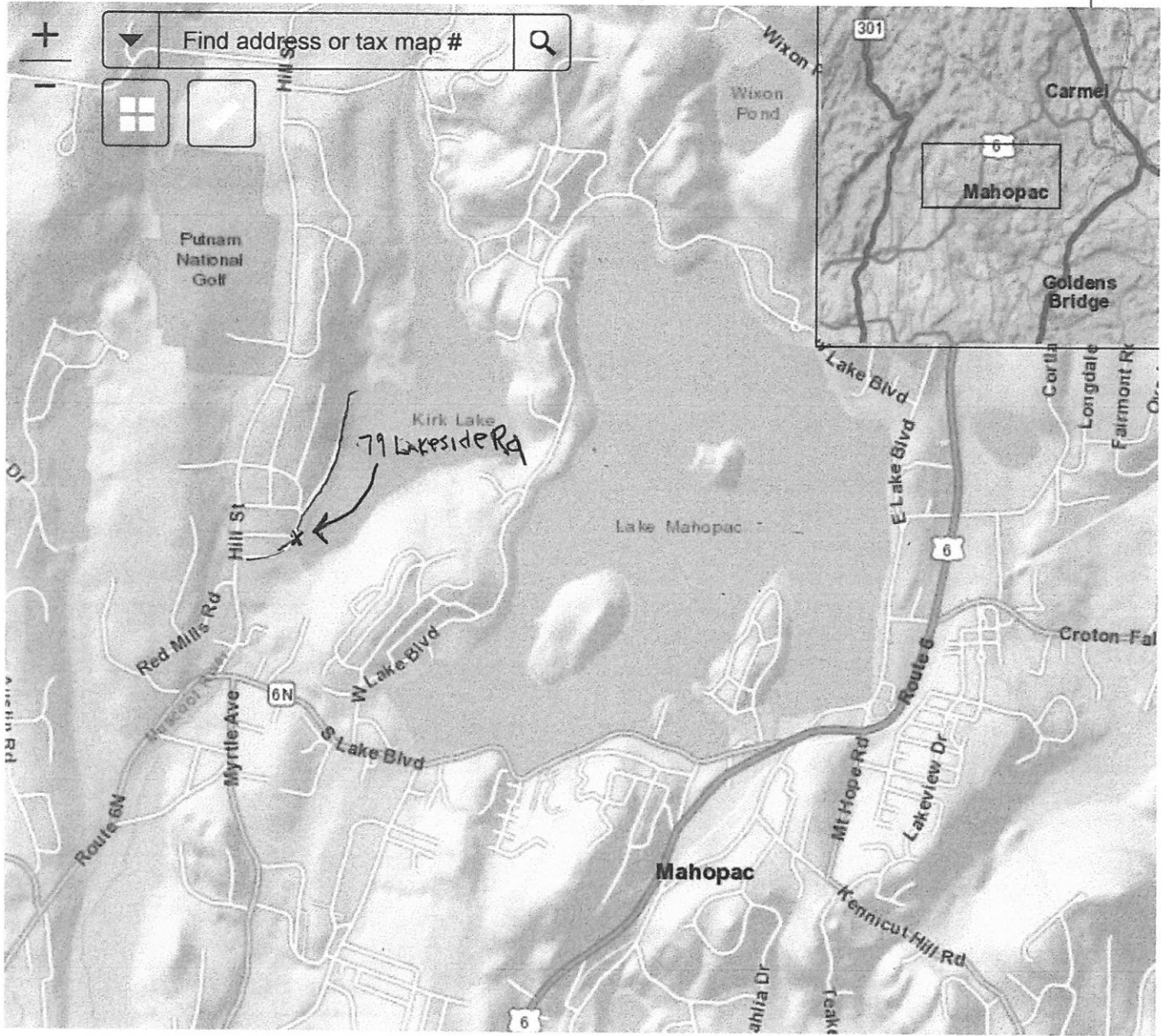
SAL L. GRANNELLA  
Notary Public, State of New York  
Qualified in Putnam County  
Commission Expires March 30, 1981

Wright  
Indenture  
Exhibit A-2



# Parcel Viewer

Putnam County NY



0.4mi  
-73.663 41.386 Degrees

LOCATION MAP  
Wright  
Exhibit B

