

APPROVED

ROBERT LAGA
Chairman

NICHOLAS FANNIN
Vice Chairman

RICHARD FRANZETTI, P.E.
Wetland Inspector

ROSE TROMBETTA
Secretary

TOWN OF CARMEL
ENVIRONMENTAL CONSERVATION BOARD



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Anthony Federice
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ENVIRONMENTAL CONSERVATION BOARD MINUTES

FEBRUARY 1, 2024

PRESENT: CHAIRMAN ROBERT LAGA, VICE-CHAIRMAN NICHOLAS FANNIN;
EDWARD BARNETT, ANTHONY FEDERICE & EMILY LAVELLE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
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SUBMISSION OF APPLICATION OR LETTER OF PERMISSION:

1. Mark & Denise Girolamo	64.16-1-26	1 - 4	No Board Action taken
2. Steve Spielman	75.7-3-14	4 - 8	Previous permit amended

MISCELLANEOUS:

3. Minutes:	January 4, 2024	8	Approved as Written
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The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Dawn M. Andren

1. MARK & DENISE GIROLAMO / TM: 64.16-1-26; 276 WEST LAKE BLVD., MAHOPAC - SUBMISSION OF APPLICATION OR LETTER OF PERMISSION: AMEND EXISTING WETLAND PERMIT TO INCLUDE CONSTRUCTION OF RETAINING WALL BETWEEN GARAGE ADDITION & LAKE.

- Mr. Chris Pateman of Tether Rock Management representing applicant appeared before Board.
- Mr. Mark Girolamo also appeared before the Board.

Mr. Pateman said this is a previous application that was approved by the Board for a garage addition. Subsequent to the garage addition, Mr. Girolamo has requested the addition of a retaining wall, at the rear of the yard, that connects down to the Lake and wraps around the backside of his property. (Mr. Pateman moved to Board without mic so inaudible.)

Chairman Laga said the garage is under construction?

Mr. Pateman said correct (still without mic so inaudible) is this retaining wall right here that's approximately 10' off of the backside of the garage and a good distance from the (inaudible).

Mr. Pateman returned to podium with mic.....so the disturbances that were added were on the north and south side of the original application.

Chairman Laga said under this original application, were you supposed to put in a raingarden or something? Were you putting in cultec? What were you doing?

Mr. Pateman said we were not the original engineers. The original application didn't have any real drainage subsurface. It has some rip-rap and some swale and surface water detention areas to slow the water down.

Chairman Laga went through file and stated Jack Karell was the original engineer for the project and the Chairman read excerpts from the past minutes including the original application was looking to build a 2-car garage in the rear along with a breezeway connecting to the house. Roof infiltration detail is here; there's a trench drain that is being put in front of the garage doors because there's an existing problem with drainage coming off the driveway. The garage is in the 100' buffer with area of disturbance being 2,000 square feet. You're adding surface area of the roof so you're going to have to add a raingarden or some sort of water infiltration. Mr. Karell indicated he was doing the 4' infiltration trench which is filled with gravel and will go alongside the garage and up alongside of the breezeway. It will fill-up and overflow to the rip-rap outlets on both sides of the garage. Is that still in your plan here?

Mr. Pateman said yes. We're not changing anything from the original application. Effectively, it's a curtain drain.

Chairman Laga said I'm just reading from the notes.

Chairman Laga continued to read from the notes/minutes of the past meeting.

Mr. Pateman said (mic goes out) we applied for an extension after the year was coming to a close because we couldn't get going with Covid. The update or extension was filed.....

Chairman Laga said you had some conditions where you had to store equipment on poly at night, fueling plan, spill kit calcs, calcs infiltration vs. impervious surface and we'll accept the application on the SWPPP approval and the calculations for infiltration would be reviewed by the Town Engineer. That was seconded by Mr. Barnett. So, I think you have all the approvals. It's just that now you're adding this. How much area are you adding? 100 feet - correct?

Mr. Pateman said correct.

Chairman Laga said you really don't use hay bales, we'd rather you put in wire-backed.....

Mr. Pateman said whatever you prefer.

Vice-Chairman Fannin said can you describe the wall again please.

Chairman Laga said it's right here. He's going to go down; 6' gravel; stone with a 4".....

Vice-Chairman Fannin said I know. If you're putting in a retaining wall here, you're leveling it off - yes?

Mr. Pateman said correct. Basically, this is the back wall of the garage right here. The original grade came to about here. We're excavating down just a little bit to get to suitable material because it's a little loose back-fill that was there. What we're doing is just a large masonry stone wall that will level up the rear yard, and putting in nice granular back-fill material.

Chairman Laga said you're changing the grade of the property to add the wall. You're going to have to fill this amount of area with soils. You're going to put weep poles in and stuff?

Mr. Pateman said correct.

Chairman Laga said since we're within the 100' buffer, I need some sort of mitigation for the area that you're going to disturb. Are you tapping off the old fueling plan?

Mr. Pateman said yes; off the old fueling plan. I carried the notes over and put them on this drawing.

Chairman Laga spoke with the Board: his plan right now is to back-fill this area. I would like to have this area considered disturbance and then either put a raingarden or put some sort of mitigation because you're right on the Lake. That's the main thing we have to protect.

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Vice-Chairman Fannin said is there anything he can put in front of the wall here; in front of the weep holes or something along those lines?

Chairman Laga said I wouldn't dare to because the worst case you have a surcharge of water behind that wall. You have to have it structurally sound with the materials then if you have a hydraulic charge behind it, I'm afraid over time, it'll just go like this.

Mr. Pateman said we're actually putting in footing drains and trying to pull any water that does build up in there. So, we'll propose infiltrators at the bottom of where I show rip-rap on the end of the pipe run at the last part of the wall. It will be in the buffer but at least it's providing subsurface retention for mitigation.

Chairman Laga said what kind of fill are you bringing in?

Mr. Pateman said clean granular.

Chairman Laga said you need to give us a certification of clean fill. So, you need to provide calcs or proposal to mitigate the wall and fill. If you're going to use a raingarden, base it on the 100' of wall by the width. It's the simplest thing to do I would assume plus the fill that you're doing.

Vice-Chairman Fannin said is this currently in construction?

Mr. Pateman said no. We're waiting for this approval in order to proceed. We're ready to go as soon as it's approved. The garage has been constructed. Right now, the process is they're at the site and wrapping up the site and stabilizing. We're trying to get it all done so we can proceed.

Chairman Laga said use wire-backed silt fence in lieu of hay bales. How far off the shore are you?

Mr. Pateman said I would have to get a number on that but I think it's around 20'.

Chairman Laga said if you're working on or around the shoreline, you're going to need a floating boom. Try to stay away from the Lake.

Mr. Pateman said right now, we're not going to expand any further than the existing silt fence that's in place

Chairman Laga said if you go past that and you're within 5' of the Lake, I want a floating boom.

Mr. Pateman said so I've got mitigation measures for back-fill, stormwater calcs and subsurface, letter for certified clean fill, wire-backed silt fence and I'll put a note on any disturbance within 5' of Lake requires floating boom.

Vice-Chairman Fannin said Mr. Chairman, I will ask, considering the project is currently in flight.....

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Chairman Laga said give him a conditional approval and then he gets stuff to us by Monday. Can you get the stuff to us by Monday or Tuesday?

Mr. Pateman hesitated.

Chairman Laga said you can have it by the next meeting - right?

Mr. Pateman said I'm in Florida until Tuesday so by Wednesday or Thursday?

Chairman Laga said we'll just shelve this now until the next meeting. Get this information into Rose and you'll just have to come back.

Mr. Pateman said so we'll have it all in in advance of the next meeting and then come back one more time.

Chairman Laga said right.

Vice-Chairman Fannin said does he need an extension?

Mr. Girolamo said it runs out in May.

Mr. Pateman said we might as well. Can you put six more months on that?

Chairman Laga said so write a letter to Rose requesting six-month extension on the permit and we'll just cover both at the same time.

2. STEVE SPIELMAN / TM: 75.7-3-14; 96 WEST LAKE BLVD., MAHOPAC - SUBMISSION OF APPLICATION OR LETTER OF PERMISSION: INSTALLATION OF P9009L (PREVIOUSLY APPROVED) WITH TIERED WALL SYSTEM.

- Mr. Jeffrey Econom, Consulting Engineer representing the applicant appeared before the Board.

Mr. Econom gave a little history on the project: 2021 had approval by Ray Tek Engineering. Then there was an approval with architect, Robert Keeler for the pool. I was hired just this year to look at stormwater calculations. The original applications I looked at that had two raingardens for limited disturbance did not work because the plans failed to show that over in this area, there was a garage addition built by the previous owner, that there are two buried propane tanks in this area. There's also a large concrete patio from the early 2000s. That effected where the raingardens were going to go. - Then what happened is the raingarden for infiltration was about 20' from the existing well which doesn't meet Code. The original plans stated that there were no grades on this property greater than 10%. The average grades in the back of that property are 18.5%. Rob Keeler had a 2' stone wall in the back. There is over a 6' differential between the

ground level here and the back of the pool. The pool configuration has not changed but I had to put a retaining wall to tier the property so that we could have a level pool area. That's what our change here is. The red here is the outline of retaining walls. The darker river stone was existing. I brought additional river stone in. There's actually no grass along the Lake which helps with infiltration practices. Grass fertilizers and grass clippings get into the Lake.

Chairman Laga said this has not been built yet - correct?

Mr. Econom said yes it is under construction. We had permits for the pool and for everything. I sat down with Mike Carnazza and Rich Franzetti. The Town Engineer wanted to review the calculations. He has subsequently reviewed them and wrote an email to Rose and myself that they were satisfactory. The raingarden only picked up a 3-year storm. Mr. Fredrickson's plans said there were drywells that discharged into the Lake. There are no drywells on this property. If you see what I did here on the roofline, I've taken over 80% of the structure, which is over 5,600 square feet, I put it into these cultec systems designed for a 25-year storm. So, you're getting infiltration and water quality for the entire roof surface that was open discharge to the Lake.

Vice-Chairman Fannin said to my understanding, it sounds like the project plan that was previously presented here had an approval for installing the general features that are on this plan as well. That hasn't changed but the problem ended up being the grading requirements in order to get these features in there. In order to do that, it sounds like you've added additional stormwater mitigation strategies because the previous ones that we had approved were no longer viable on this property. Is that correct?

Mr. Econom said that's correct.

Chairman Laga said the river rock in red is new. The stuff that's gray was existing.

Mr. Econom said [yes]. I've given an additional buffer to the Lake. We're going to plant ornamental grasses in front of the wall for a little more infiltration and aesthetic purposes. None of the walls are over 6'.

Chairman Laga said are the magenta lines the retaining wall?

Mr. Econom said yes. The limited disturbance on this project increased by 76 square feet compared to what was approved under the Rob Keeler plan.

Vice-Chairman Fannin said is this permit still active?

Mr. Econom said yes it is. It's been renewed.

Vice-Chairman Fannin said where did the 76 square feet come from?

Mr. Econom said it's the retaining walls.....

Chairman Laga said when you dig in the cultec, that's considered disturbance too.

Mr. Econom said those were previously disturbed. This whole area was previously disturbed. We're talking this little bit here to tier the walls. If you look at the Fredrickson plan, there's no way that limited disturbance was accurate. It physically cannot work. I did take a close look at this.

Chairman Laga said is the work done? What's done?

Mr. Econom said everything but the gunite pool.

Vice-Chairman Fannin said what caused you to come before us with regard to this?

Chairman Laga said we really would have liked to have seen this before you did it.

Mr. Econom said I understand. I asked the question when I was here. I was told that there were active permits and to continue working. I was onsite everyday as an inspector.

Vice-Chairman Fannin said is the letter from Rich [Franzetti] in the file regarding the cultec?

Mr. Econom said I included it along with my calculations; yes.

Vice-Chairman Fannin read from Rich Franzetti's letter which stated any walls above 5' must be certified (letter in applicant's file). Are there any walls above 5'?

Mr. Econom said yes. I'm certifying the walls. I've inspected everything out there. I have photographs of everything from footings, rebar, etc. I think the reason they [directed] us back is the change. It's sort of a minimal change.

Vice-Chairman Fannin said has the size of any of the impervious area increased?

Mr. Econom said no. Like I've said, this whole pool area has remained the same. I did enclose a copy of the pool plan. Again, the reason the cultec system got larger is the raingarden was designed for a 3-year storm.

Chairman Laga said this is where I'm getting a little crazy; originally it was supposed to be a one-piece fiberglass pool. Now you're telling me it's gunite. So, what do I believe now. Do I believe the old drawings or the new drawings?

Mr. Econom said I can guarantee you and certify that this is what's in the ground. You have a plan of the pool.

Chairman Laga said again; my meeting minutes from June of 2023, which was not so long ago, Mr. Besharat said "it's a fiberglass pool - 1 piece." At the time of the meeting, nothing had been done. That was June of 2023. The problem I'm having right now is that you were given the okay for the

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pool and the work that was associated with the original application but all of this work..... Did you bring in any clean fill anywhere on the site?

Mr. Econom said no. Same fill is being used.

Chairman Laga said I'd like to have a certification on the stone, the riprap that you're going to be installing. I'd like to see a catalog cut and a clean fill cert on the rip rap. My concern is that this was done differently than what was previously approved. We spent a lot of time.

Mr. Econom said that was at the direction of Town staff - to continue the work. I, specifically, asked and was told you have an active permit, continue. It was back and forth whether or not we needed to come back to this Board.

Vice-Chairman Fannin said I would feel okay with a modification of this with conditions of certificates of clean fill indicating riprap and perhaps.....

Chairman Laga said the permit is still in effect from June 2023 so this is what we're going to do. You're going to have to give me a certificate of clean fill for all the riprap you're going to do.

Vice-Chairman Fannin said what are we approving though?

Chairman Laga said we're approving a change to the existing application.

Mr. Econom said you have to look at it that I came on Board, I had the plans from the engineer that did not show that the raingardens.....

Vice-Chairman Fannin said administratively here, we usually.....

Chairman Laga said I can amend this permit to say it includes changes as shown on drawings x,y,z; we can vote on it and just make it as that.

Vice-Chairman Fannin said can we make that change conditional on the providing of the certificate of clean fill?

Chairman Laga said you didn't put the fill in yet, did you?

Mr. Econom said the gravel; yes; it's in. The stormwaters in because I had to get the roof liters connected. We're talking gravel and.....

Vice-Chairman Fannin said just so that you're aware, one of the conditions is prior to removal of any erosion control measures, make sure you're talking with Rich Franzetti, the Town Engineer. He has to review that before you pull them out.

Mr. Econom said so that's it's all stabilized; yes; got it.

approved

Chairman Laga said these drawings were done back in September, and you know as being a former Town Engineer, when things go not like they were supposed to.

Mr. Econom said the unfortunate thing is the general contractor that I gave the drawings to and was dealing with, and was hired by Mr. Spielman, I did not hear anything back. That general contractor was fired from the job. I'm working directly with Mr. Spielman. That's when I came in and said were these submitted to the Town. He said no and that's when I asked and why we're here. I wanted to do the right thing.

Mr. Federice stated I am recusing myself (again) from voting regarding this application.

Vice-Chairman Fannin made a motion for Permit #994 to be amended to the plans in accordance with the submitted drawings and adding the following notes to the special conditions. Plans amended on 2/1/24 to add retaining walls: drawing C-1 & D-1 dtd 9/20/22 and drawing 1 of 1 dtd 12/19/23; Seconded by Ms. Lavelle with all in favor.

MISCELLANEOUS

MINUTES:

January 4, 2024 - Mr. Barnett moved to accept the minutes as written from January 4, 2024; seconded by Mr. Federice with all in favor.

Mr. Barnett moved to close the meeting; seconded by Ms. Lavelle with all in favor.

Respectfully submitted,

Dawn M. Andren