

APPROVED

ROBERT LAGA  
*Chairman*

ANTHONY DUSOVIC  
*Vice-Chair*

ROSE TROMBETTA  
*Secretary*

DAVID KLOTZLE  
*Wetland Inspector*

**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  
Marc Pekowsky  
Vincent Turano  
Nicholas Fannin  
John Starace

**ENVIRONMENTAL CONSERVATION BOARD MINUTES**

**MAY 19<sup>TH</sup>, 2016**

**PRESENT:** CHAIRMAN, ROBERT LAGA, EDWARD BARNETT, JOHN STARACE, VINCENT TURANO, NICHOLAS FANNIN

**ABSENT:** VICE- CHAIR, ANTHONY DUSOVIC, MARC PEKOWSKY

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<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Dave Butler	65.16-1-21	1	Permit Granted.
Dewn Holding Corp.	53.-2-28	1-5	No Board Action.
Manfred, Ashley & Francis	64.15-1-14	6-7	Application Accepted.
Lobel Fairy Island	75.8-1-53	7-11	Application Accepted.
Minutes - 05/05/16		11	Heldover.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Rose Trombetta

**BUTLER, DAVE - 137 WEBER HILL ROAD - TM - 65.16-1-21 - REPAIR POND AND DRIVEWAY**

Mr. Dave Butler appeared before the board and stated he was here to repair his driveway, the drainage underneath the driveway and restore some of the fill that has been washed away over the years.

Mr. Laga asked if there were any changes since the application was submitted.

Mr. Butler said yes, the last time I was here the bottom line on the project description now describes that the fill will not be brought in and the materials that will be involved in the project. There is also a diagram showing how it is going to be laid in the pond.

Mr. Laga said you're putting filter fabric around the pipe to prevent any sediment from breaching it.

Mr. Butler said yes I am.

Mr. Laga said that Mr. Klotzle went out to this site on May 17<sup>th</sup>, 2016. He then read the letter from Mr. Klotzle.

Mr. Turano asked if he is using a spill kit.

Mr. Laga said he is using a machine to dig and he is going to have a spill kit on site.

Mr. Turano asked if the board wants the location of the spill kit.

Mr. Laga said no as long as it is close to the machine. He said just for the board's information as per the secretary there were no comments from the public, the escrow has been paid and Mr. Klotzle's memo is attached. I think he has fulfilled all of the items we have requested in the past unless anyone has something else they would like to bring up.

Mr. Starace moved to grant the permit for Dave Butler at 137 Weber Hill Road to repair pond and driveway in accordance with the plans submitted. The motion was seconded by Mr. Barnett with all in favor.

Chairman Laga filled out the EAF with the board answering no to all questions.

**DEWN HOLDING CORP. - MEXICO LANE - TM - 53.-2-28 - 5 LOT SUBDIVISION**

Mr. David Adler appeared before the board and stated they are looking to build the road and the detention pond first.

Mr. Laga said you want to put the road in first.

Mr. Adler said I would like to put the detention pond first.

Mr. Laga asked what the square footage is of the pond; also can you walk us through these plans.

Mr. Adler said the wetlands are located on the other side of Mexico Lane, I believe a tiny portion of it might be over here.

Mr. Turano asked if it is correct that the blue line is the flagged wetlands and the red line is the 100 foot buffer.

Mr. Adler said yes but I also own the property on the other side of the street.

Mr. Turano said we are only interested on the side of the street you are proposing to do work and how it will impact the wetlands.

Mr. Laga said just for the record, he was originally here before us in 2013 and before that he was here in 2008 and 2003.

Mr. Fannin said so currently there is nothing built here.

Mr. Adler said correct.

Mr. Laga said so we are going to need a narrative and description of work.

Mr. Adler said I have that in the file I submitted to DEP.

Mr. Laga said I will need a copy of that.

Mr. Adler said okay.

Mr. Laga asked when the last time the wetlands were flagged.

Mr. Turano said it says it was done in 2006 on the plans.

Mr. Laga said ok that will need to be updated.

Mr. Adler said so it needs to be flagged again.

Mr. Laga said yes and we will send our wetland inspector out there to verify that the flagging is correct.

Mr. Adler said that will be our second or third time doing that.

Mr. Laga said yes and this has been going on since 2003.

Mr. Adler said I had a lot of problems with it and also the economy.

Mr. Turano asked if the flags are still there.

Mr. Barnett said if we sent our wetland inspector out would he see the flags.

Mr. Adler said I can get back to you on that.

Mr. Turano said if the flags are there then he will go out to check it but if there is a problem with the flags then you may have to do some additional work.

Mr. Starace said he just has to verify everything.

Mr. Turano said there is a note on the plans that says after 10 years the boundary must be re-evaluated by DEC staff; it was validated in March of 2006.

Mr. Laga said so you have to validate your wetlands anyway.

Mr. Adler asked how he would do that.

Mr. Turano said the DEC has to go out there, make sure that your flags are up when the DEC comes to check.

Mr. Laga said the following items will be needed:

- Flagging needs to be done.
- Need DEC evaluation for the flagging.
- I need a narrative for the scope of the work.
- I need a copy of the SWPPP for the files.
- A narrative of the construction sequence.
- Staging area.
- Soil Stockpile area.
- Fueling area
- Spill kit on site.

Mr. Adler said I submitted that on another plan.

Mr. Starace said well that's the plan that we should be viewing then.

Mr. Laga said he wants to tie into an existing catch basin.

Mr. Turano said the catch basins are on here.

Mr. Laga said there is one on here that says connecting to an existing catch basin.

Mr. Turano said there are also two that are right on the road.

Mr. Adler said those are rain gardens on the common driveway.

Mr. Laga said they spent a lot of time on this drawing depicting the topo and areas of work but it's a snap shot of a bigger job and in order for us to evaluate we need to see a complete set of plans.

Mr. Turano said you should go talk to Mrs. Trombetta she might have copies of maps I know we always get 4 or 5 copies of plans ourselves.

Mr. Adler said so I need to get more plans set up.

Mr. Turano said that's why you need to check with Mrs. Trombetta because they might have some copies where you won't have to do that. You need to make sure that you have everything that Mr. Laga mentioned but make sure you have a plan that shows the erosion control.

Mr. Adler said I have that shown on the plan.

Mr. Turano said okay that's fine but normally it is part of the SWPPP.

Mr. Fannin asked if he knows if there is a calculation of square foot of disturbance in the 100 foot buffer on the previous plans.

Mr. Adler said I don't know.

Mr. Fannin said you may or may not have that on the previously submitted plans but I recommend having that before submitted it to this Board.

Mr. Turano asked if this was submitted to the Planning Board yet.

Mr. Adler said yes approved and signed off yesterday.

Mr. Turano said okay so the Town Engineer has approved the SWPPP then because they usually won't sign off until that happens.

Mr. Laga said we also need to see the rain garden calculations.

Mr. Fannin asked where the rain gardens are located.

Mr. Starace said that is shown all on the plans.

Mr. Laga said this is the only place that you have wetlands.

Mr. Adler said yes.

Mr. Fannin asked where the location of the detention pond is going to be.

Mr. Adler said it is relatively level and shown on the plan.

Mr. Barnett asked if he has Health Department Approval.

Mr. Adler said yes.

Mr. Laga said we need to see a copy of those.

Mr. Fannin said anything that has been submitted to you and has been sent back from the DEP and DEC we will need to see.

Mr. Laga asked if they are putting wells in for water.

Mr. Adler said yes.

Mr. Laga said we need to see the details of that.

Mr. Starace said just looking at this pond we will need to see a detail for silt fence going back towards Mexico Lane.

Mr. Adler said I wish I had brought a full set with me.

Mr. Starace said if it's not on the plan then it needs to be put on there.

Mr. Adler said so I should get this all to Mrs. Trombetta.

Mr. Laga said yes and we will look at the rest of the details.

Mr. Turano said the biggest question is the wetland delineation.

Mr. Adler said just so I understand the procedure I will get this in to Mrs. Trombetta in the next couple days, you review it then I come back to the meeting.

Mr. Laga said whatever you can get to her we will look at and you will be put on the next agenda but the DEC delineation expired on you that is most important.

Mr. Adler asked when the next meeting is.

Mr. Adler said if I get everything submitted for the next meeting is there a chance you might grant approval.

Mr. Laga said we will review the application and if everything meets the requirements we will accept the application and you will be put on the 30 day clock where we notice it and if we get no comments back then two meetings after that meeting you can get your permit.

**MANFRED, ASHLEY & FRANCIS - 9 LAKESIDE ROAD - TM - 64.15-1-14 - INSTALL HOT TUB**

Mrs. Ashley Manfred appeared before the board. She said I have new documents for the Board, permission from the DEC and the drawing from the electrician on where the line would run, it will all be done by hand and you wanted me to measure where the 100 foot buffer is so the closest part of the hot tub would be 50 feet from the lake.

Mr. Laga said so what you are going to do is draw an arch on the plan and label it 100 foot buffer. Also, over here you put a little dot where the silt fence will be but we need to see where that will go as well.

Mrs. Manfred said we have this path and what I was thinking of starting it at the house and bring it down to the hot tub and around it.

Mr. Laga asked if she has the details of the silt fence because that will need to be made part of the application.

Mrs. Manfred said okay do you want me to scan one and send it to you.

Mr. Fannin said she will need to initial that.

Mr. Laga said okay so just initial next to everything I just drew on that map.

Mrs. Manfred said ok and you also wanted a deed to the property.

Mr. Laga said yes but you have to get that to Mrs. Trombetta. Also you will need to add onto note #5 that you will install silt fence prior to work. He asked if the electrician is trenching from here to here.

Mrs. Manfred said yes by hand 18 inches deep.

Mr. Turano said so you have to install the silt fence first and call Mrs. Trombetta so you can get our wetland inspector out there to inspect the silt fence prior to the start of work.

Mr. Barnett said do you have everything you need about installing the silt fence.

Mrs. Manfred said yes I got the hand out.

Mr. Fannin said that needs to be submitted to the file.

Mrs. Manfred said ok so I need to submit the hand out and the deed.

Mr. Fannin said yes.

Mrs. Manfred asked if it was ok that the contractor will be installing the silt fence.

Mr. Laga said yes as long as it is done properly or the wetland inspector will make you take it out.

Mrs. Manfred said ok.

Mr. Laga asked if this is a permit or a letter of permission.

Mrs. Manfred said originally we wanted to put it in a different spot but the building department said I don't need a permit.

Mr. Laga said well it is less than 100 square feet so I think this could be a letter of permission.

Mr. Starace said there isn't much disturbance here.

Mr. Fannin asked if a letter of permission allows for new construction because this is new.

Mr. Turano said I think the question is whether construction requires a permit.

Mr. Laga said well this has to be advertised either way so now you're at the point where if we accept the application you will get advertised in the paper to see if there is any comments. You need to fill another Short EAF out before the next meeting.

Mr. Turano moved to accept the application for Ashley & Francis Manfred at 9 Lakeside Road to install a hot tub with the conditions that they submit a copy of the deed and submit pages 3 and 4 of the EAF. The motion was seconded by Mr. Barnett with all in favor.

Mr. Turano said it is important to get everything to Mrs. Trombetta on Monday so she can advertise it because if you are late then you might need to wait another two weeks.

**LOBEL FAIRY ISLAND, LLC - 8 FAIRY LANE - TM - 75.8-1-53 - CONSTRUCT 16' X 40' POOL WITH SPA, RETAINING WALL, POOL TERRACE & POOL EQUIPMENT**

Mr. Peter Gregory the project engineer appeared before the board.

Mr. Laga said the last time you were here back in February you were missing some information.

Mr. Gregory said I think we are able to supply you with the details on the items that we were lacking.

Mr. Laga said there were 17 things we asked you to do so if you don't mind we will go down the list to make sure it's all there. We need to see the 100 foot buffer on the plans.

Mr. Gregory said that line is located right on here, a majority of the work will occur in the 100 foot buffer.



Mr. Laga said next you were supposed to verify if you need Zoning Board approval.

Mr. Gregory said we checked and I don't believe we do, the retaining walls and pool will all maintain a 10 foot separation distance from the setback and we had a discussion with the Building Department about that.

Mr. Laga said you needed a spill plan and spill kit on site.

Mr. Gregory said yes we have two spill kits one down in the lower area and one up on top. The reason we have two is because in the lower area there is going to be some work that is taking place to install and construct the rain garden so we wanted to keep one close to that area. You also asked that we designate an area where equipment will be stored and where we would access it all which will be in the parking area of the driveway so the spill kit needs to be placed up there as well. We are also providing an oil absorbing boom that will be placed in the water just downhill in the vicinity of where work will be taking place. We did prepare a spill plan and that is provided on the detail sheet.

Mr. Laga said ok you also need to verify the size of the oil tank.

Mr. Gregory said yes we did it is shown on the drawing, I was under the impression that this was a buried oil tank and I think a lot of our discussion had to do with how the buried tank would be looked at, cleaned and removed. What I found out is it is an above ground tank that replaced an old buried tank years ago. It is an above ground 500 gallon heavy duty steel ten gauge tank and the idea would be that it would be relocated.

Mr. Turano asked where it is located now.

Mr. Gregory said it is located at the top of the slope, if you look at the first sheet you may see the enclosure for it. It is fenced in at the top of the slope near the retaining wall and that is a relatively new tank from what I understand. I think all of the oil in there can be taken out and reused so really the only thing I thought we would have them sign off on is the removal and replacement of the feed lines going from the tank to inside the house.

Mr. Laga said ok but it's going to be done by a licensed fuel oil installer.

Mr. Gregory said yes I got the information from the person who services the oil company.

Mr. Laga said the tank that was replaced by this above ground tank was removed is that correct.

Mr. Gregory said yes.

Mr. Laga said ok and you are not disposing of the tank you are just relocating it.

Mr. Gregory said correct and we have designated a place on the property on the uphill side where it slopes back towards Fairy Lane and we have proposed to put a pad with a containment curb around it that will be placed on screened and landscaped.

Mr. Starace asked if that would be outside of the buffer zone.

Mr. Gregory said yes.

Mr. Laga asked if that is shown on the map.

Mr. Gregory said yes it is on the site plan on the second sheet we show an area near our construction access there is a pad that we will locate the tank to.

Mr. Starace said that is still in the buffer zone.

Mr. Gregory said yes it is but it is within our ten foot setback from our property line.

Mr. Turano said the setback is someone else's concern we are talking about the buffer.

Mr. Gregory said yes it is in the regulated buffer.

Mr. Laga said if you are running this tank from here over to the residents the distance between the boiler to the tank is what.

Mr. Gregory said I would say 40 to 50 feet because this is a 20 foot scale drawing.

Mr. Laga asked if he is going to have a suction line on here not a suction return. My advice is to run the double wall copper tube inside some sort of a PVC conduit so in case of a leak it will be contained.

Mr. Barnett asked how deep it will go.

Mr. Laga said it's got to go 18 inches.

Mr. Gregory said I thought it was 24, we looked into putting it in the house but there just isn't enough space for it.

Mr. Laga said I'm just giving you this recommendation if you want to do it, it will save you.

Mr. Fannin asked if they included the new footing they are doing in the 100 foot buffer in the calculations of disturbance.

Mr. Gregory said yes it is within the buffer but it is all located within the area that we designated to be disturbed and that area is 66-6700 square feet in the buffer.

Mr. Laga said so we don't need some of this stuff on my list. What about the calculations on the rain garden.

Mr. Gregory said yes we provided those with the details for the rain garden and it takes into consideration all disturbances that are occurring. We originally provided an earthen berm but we replaced that with a double row of silt fence and we are cording off the existing septic tank.

Mr. Laga said ok so the rain garden you gave us, the additional silt fence is done, the construction sequence was done what about the location of the concrete wash out.

Mr. Gregory said yes I talked to my pool contractor and the way he explained it to me is they will not mix anything on the site; they bring everything there and shoot it from the equipment. I still felt like if we needed to have something so we provided a small basin on the downhill side away from going towards the Lake which will be a small sump area surrounded with hay bales and silt fence.

Mr. Laga said the whole thing is you want to avoid the concrete juice from going into the ground.

Mr. Gregory said correct and when it hardens we would remove it off site and we will include a liner along the base of that sump and basin.

Mr. Laga ok and all of the other items have already been marked off.

Mr. Fannin said what about the SWPPP.

Mr. Gregory said we did submit two copies of the SWPPP in which we included the MS4 acceptance form and notice of contempt because we are more than 5,000 square feet of disturbance. So that was submitted but the other thing that came up is whether or not we had a permit from the Army Core of Engineers.

Mr. Laga said yes the Army Core as well as the DEC.

Mr. Gregory said the owners have prepared and preformed an investigation from the Army Core and they made the determination that there is no Army Core wetlands on site and even the soils are not wetland soil in the lawn. The wall separates the water from the soil, so he gave us his reports, photos of the site, results of the soil samples according to the army core protocol and a map of where the samples were taken from. That's why it took us so long to come back to this Board we wanted to have everything in place first.

Mr. Laga said what about DEC.

Mr. Gregory said that is the notice of intent.

Mr. Laga said why don't you call region 3 and tell them what you want to do at this site, you might need to send them a drawing and they will send an email stating that it is not DEC jurisdiction. That would be acceptable as opposed to filling in the notice of intent.

Mr. Gregory said the Town Engineer said we would need to prepare the SWPPP with the notice of intent; we met with him prior to coming here.

Mr. Laga said we can accept this if everyone is ok with that in order to advertise the project but we cannot grant the permit until we see the SWPPP approval and the DEC approval.

Mr. Gregory said you will need acknowledgement from the State that they have accepted this. From my understanding the Town Engineer needs to sign off on this first before we can send it over.

Mr. Turano said yes that is correct.

Mr. Gregory said ok so the Town Engineer will review the SWPPP and the letter of intent if he finds it acceptable he will sign off on it and we would forward that to the State and usually we would hear back in 7-10 business days.

Mr. Fannin moved to accept the application for Lobel Fairy Island at 8 Fairy Lane Mahopac NY Tax Map#75.8-1-53. The motion was seconded by Mr. Turano with all in favor.

Mr. Laga said okay so you are on the clock but I am missing a copy of the deed which needs to be brought to Mrs. Trombetta in the Planning Office.

Mr. Gregory said ok so what I will do is continue with the Town Engineer and once I hear back I will submit it to Mrs. Trombetta with the acknowledgement from the State.

Mr. Laga said right basically what is going to happen is you will get that to us and if we get no comments from the public then you will grant your permit after that. You also need to schedule a time for Mr. Klotzle to come out once the silt fence is up.

Mr. Gregory said well because of the timing now this is probably going to be a fall project so we can use the house during the summer.

Mr. Turano said there will also be an escrow you will need to pay that will be established by our wetland inspector.

#### **MINUTES - 05/05/16**

Heldover.

Mr. Turano moved to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Barnett with all in favor.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Rose Trombetta