

APPROVED

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 MINUTES**

**MARCH 16, 2017**

**PRESENT:** CHAIRMAN, ROBERT LAGA, VICE-CHAIR, NICHOLAS FANNIN,  
EDWARD BARNETT, JOHN STARACE

**ABSENT:** VINCENT TURANO

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
70 Old Route 6 (formerly Tompkins Recycling)	55.11-1-15	1-3	Granted with Conditions.
Lobel Fairy Island, LLC	75.8-1-53	3-4	Granted with Conditions.
Stevens, Harry	64.18-1-23	4-9	No Board Action.
Moskowitz, Jay	64.15-1-65	9	Escrow Returned.
Meadowland Extension	55.15-1-20	9	EAF Documented.
Minutes - 12/01/16, 01/19/17		9	Heldover.
02/16/17		9	Approved.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Dawn Andren

**70 OLD ROUTE 6 (formerly Tompkins Recycling) - 60 OLD ROUTE 6; TM 55.11-1-15;**  
**ELIGIBLE FOR PERMIT - REDEVELOPMENT OF EXISTING PROPERTY**

Mr. Paul Lynch from Putnam Engineering appeared before the board.

Chairman Laga stated there haven't been any questions or comments from the public. Has anything on the plans changed since we last went through them with you?

Mr. Lynch replied, we added the details that you had asked for.

Chairman Laga said okay. Other than that, nothing has changed per the plans that were submitted.

Mr. Lynch responded correct.

Vice Chairman Fannin asked to go through the list of stuff that was asked for last time.

Chairman Laga asked if the updates were on the drawings and a letter was submitted.

Mr. Lynch replied yes (to both). You should have it in your packets.

Chairman Laga then stated, I don't but have it on my phone. Add the stockpile detail to sheet 310; the fueling area construction drawing is shown on c414141; the area of disturbance is broken down. It includes the February submission package where you have 8 &  $\frac{1}{2}$  x 11 docks, which is right here. The copy of the contingency plan is provided. Wish to discuss bills inside the building. I contacted D.E.C. and they will be re-approving the wetland delineation. "Do you know when?"

Mr. Lynch replied no; not 100% sure.

Chairman Laga continued so your permit's contingent on having that done prior to starting work.

Mr. Lynch stated, he spoke to the young lady who does the flagging. The minor issue she has is the D.E.C. does not normally re-flag a site if there's an active permit issued. In November, they gave us an extension on the permit - basically for the following year.

Chairman Laga do you have that in an email?

Mr. Barnett said, they gave you a year extension?

Mr. Lynch reviewed his documentation and stated "to December 31, 2018."

Chairman Laga asked, are you going to be done by December 31, 2018?

Mr. Lynch replied we plan to be done by then.

Mr. Barnett stated, well the wetland is Lake Mahopac.

Mr. Lynch replied the site itself was a fill pad. So, actually, when you get to the end of that property, there's a drop-off. At the bottom of the drop-off is the edge of wetland. So if it were to shift, we're talking inches.

Chairman Laga stated, share the copy of the email that you received from her with the copy of the extension. We'll stick that in the file. You just spoke to her? You don't have an email?

Mr. Lynch replied that he just spoke to her but he'll follow up with her with an email so that her response could be placed in file.

Mr. Lynch was going to drop off additional paperwork including email the following day.

Mr. Barnett read the correspondence regarding permit modification dated January 3, 2017 from the D.E.C. "Dear Mr. Lynch; we received your written request November 25, 2016 on behalf of the permittee, Tompkins Recycling Facility to extend the above permit number (not read) which authorizes within the regulated area of freshwater wetland LC55 in order to construct a new C & D debris processing facility on the west side of Brewster Road/Old Route 6 in the Town of Carmel. The freshwater wetlands permit was issued in conjunction with a part 360 solid waste management facility permit D.E.C. permit number (not read) to operate the new C&D debris processing facility once constructed. In addition to the above, the Department received your separate written request November 17, 2016 on behalf of the permittee to transfer D.E.C. permits issued for construction and operation of the proposed facility. Your request to transfer parts 360 and freshwater wetlands is being processed separately and remains under review by Department Staff. However, from your November 25<sup>th</sup> submission, we understand that extension of the above freshwater wetlands permit is requested so that natural resource permit coverage does not lapse while D.E.C. conducts its review of your request to transfer all permits. We have concluded our review of November 25, 2016 submission. In accordance with your written request, the above permit is hereby modified as follows:

- Special condition: The expiration date of the D.E.C. permit number (not read) is hereby extended to December 31, 2018.

All other terms and conditions remain as written in the original permit. Please attach this modification to the front of your permit. Also enclosed is a permit sign which you should post at the worksite with appropriate weather protection." Mr. Barnett said, the letter provides a contact number and is signed by Scott Ballard, Deputy Regional Permit Administrator - Region 3.

Chairman Laga said, just put that in the file please and also the email.

Mr. Lynch reiterated he would follow-up with email and copies for our file.

Mr. Starace moved to grant permit #931 to 70 Old Route 6, LLC; seconded by Mr. Barnett with all in favor.

Chairman Laga stated the only special conditions I'm putting on there is that you must notify the wetlands inspector prior to the start of work and after all your silt fencing is up and you must notify him upon completion of the work to inspect and make sure things were done in accordance with the permit. I hand wrote those in.

Mr. Lynch replied, that's fine and thank you.

Chairman Laga proceeded to fill out the EAF with the Board answering 'no' to all questions.

**LOBEL FAIRY ISLAND, LLC - 8 FAIRY LANE; TM 75.8-1-53; ELIGIBLE FOR PERMIT -  
CONSTRUCT 16'x40' POOL WITH SPA, RETAINING WALL, POOL TERRACE & POOL  
EQUIPMENT**

Mr. Peter Gregory with Keane, Kaufman Engineers, representing the applicant appeared before the board.

Chairman Laga stated there were no questions or comments from the public. However, there is a memo here from the Town Engineer. Chairman Laga read from Engineer's memo and then proceeded to read letter from the D.E.P.

Vice Chairman Fannin asked when the last time you were before the Board?

Mr. Gregory replied that he believed the last time was either July or August of last year.

Mr. Starace indicated you were here May 2016 and Mr. Gregory stated we were here a couple of times.

Chairman Laga noted that he saw the D.E.P. not the D.E.C.

Mr. Gregory responded that Mr. Franzetti signed off on the acceptance form and that was forwarded to NYS D.E.C. on Monday. We're waiting for an acknowledgement from them which we should have in 7-10 days I believe.

Chairman Laga then said, if we approve, it'll be contingent on the fact that you put the letter in the file prior to the start of work. You're not going to be starting anytime soon?

Mr. Gregory replied, he has to apply for the building permit and the Contractor has to get all of his documentation together which he is doing now. We're hoping that by the time he is ready, we should have that D.E.C. acknowledgement back.

Chairman Laga referred to having N.O.I. correspondence from the D.E.C. indicating that once this gets approved, they'll be good with the State.

Vice Chairman Fannin asked if there was a deed in the file.

Mr. Gregory responded the deed was delivered either yesterday or today (which was found in file).

Mr. Starace asked how long do you estimate that project to take?

Mr. Gregory responded they'd like to be using the pool around the 4<sup>th</sup> of July. That's my understanding. They're anxious to get started.

Chairman Laga noted there's no escrow on this. He then looked for a motion to grant the permit to Lobel Fairy Island, LLC - 8 Fairy Island, Mahopac Permit #929 with the following conditions:

- Notify wetland inspector prior to start of work when all silt fencing and erosion controls are installed.
- Notify wetland inspector upon completion of the work.
- Supply NOI upon receipt.

Mr. Starace moved to grant the permit as described above; seconded by Mr. Barnett with all in favor.

Chairman Laga proceeded to fill out the EAF with the Board answering 'no' to all questions.

**HARRY STEVENS - 103 HILL STREET; TM 64.18-1-23; SUBMISSION OF APPLICATION OR LETTER OF PERMISSION - CONSTRUCT 3 CAR ATTACHED GARAGE**

Harry Stevens and Claudia Stevens appeared before the Board.

Mr. Stevens stated that he's looking to take down the existing garage and put up a 3 car, 40'x30', attached garage.

Chairman Laga asked if they were there before.

Mr. Stevens replied.

Mr. Starace asked if they have a one car garage now.

Mr. Stevens responded, yes; the existing 1 car garage is falling down.

Mr. Starace asked if there was a pool behind it.

Mr. Stevens replied, there used to be a pool behind it. It's not there anymore.

Mr. Barnett asked if this was on the lake at all.

Mr. Stevens replied there's a pond in front of the house. A stream runs through it.

Chairman Laga indicated it's right near the golf course.

Chairman Laga asked on this map, you know that the pond and the stream is a wetland - correct? (Mr. Stevens replied correct.) So; from your property line, you're showing me a distance of 61 feet and 46 feet and you want to put a rain garden. Here's the problem that we have to figure out. From the edge of the pond, you need to put on this drawing a hundred foot buffer.

Mr. Stevens said, across the front of the.....

Chairman Laga showed Mr. Stevens and said, from the edge, you're going to take a 100' ruler/tape and go out 100', that winds up here and then this point here and here and then connect the arch. That means that this area here is now in the wetlands. I see you put a rain garden there so you've anticipated that this is within the 100 foot buffer.

Mr. Stevens responded, I was told that if I put gutters on the building, that I was going to have to put a rain garden. I was just going to let the water go off the back of the garage and wasn't going to put gutters.

Chairman Laga stated, that's fine but the question is that if this is within the 100 foot buffer, then this rain garden calculation, because you're at 40'x30', you have to provide calculations with a planting schedule.

Mr. Stevens replied, yes; I wrote on there because according to D.E.C.....

Chairman Laga interjected yes I know but the way this works is 1) you come into us, we go through the process and make sure all the paperwork is good 2) then if we have rain garden calculations, which we would give to the Town Engineer, then he would approve those calculations before we grant the permit. So; you're going to have to go on the D.E.C. website or the rain garden website and basically take 40'x30'.....

Mr. Stevens interjected, that's what I put on that piece of paper. It's supposed to hold 300 - that's how much water it's supposed to hold. The water quantity volume of 300 is supposed to be for a 40'x30'.

Chairman Laga replied, I see that and I get it but it has to be a calculation that has to include plantings. You have to show the calculations with the plantings that have to be shown to the Town Engineer.

Mr. Stevens stated, he didn't get all that. I only got the size it was supposed to be.

Mrs. Stevens asked, a rain garden has to be put in even if you don't do gutters?

Chairman Laga replied, gutters help you in the long term because you can direct the flow but regardless of gutters or not, you would have to put the rain garden. The thing that the gutters do for you is it allows you to direct the water to the rain garden. So if I look at your map here; you're showing us 1" equals 30'. Is that true?

Mr. Stevens replied yes I believe that's right.

Mr. Starace stated, yes; it's pretty much encapsulated - the whole garage project.

Vice-Chairman Fannin noted it's also from the stream too, not just the pond.

Mr. Barnett asked if the stream was intermittent? Does it run all the time? Is it constantly flowing?

Mrs. Stevens replied not constantly; there's times it dries out completely.

Chairman Laga said yes, 1" equals 30'. So the way I look at it right now is from this pond, the whole project is in the wetlands, you're in the buffer. You're in the 100' buffer. Again; this is just going by this scale right here. Chairman Laga proceeded to draw on the map - the 100' buffer. I would put silt fence around it; show me where you're going to put the dumpster. You're going to demo by hand? (Mr. Stevens replied with a machine.) You're going to need a spill kit.

Mr. Stevens interjected, yes I wrote that all down on the list. I actually have to draw it on the map?

Several members of the Board responded, 'show it'.

Chairman Laga said, show your fueling area.

Mr. Stevens indicated, the last time we came for wetlands, I wrote the list down and that was it. I didn't draw any spill kit or anything on the actual drawing.

Chairman Laga replied but now you're adding to the property. No refueling kit which is fine. How are you digging the foundation; with a machine - right?

Mr. Stevens replied yes.

Chairman Laga then noted a concrete floor. Yes; we're going to make you put a silt fence up because I don't know the grade of the land.

Vice-Chairman Fannin interjected, considering that machines are coming in through this way, can we make you go all the way around like that.

Chairman Laga said, no it's fine cause you don't need it.

Mr. Starace noted; you're only on the driveway side.

Mr. Stevens replied yes; it's straight in.

Mr. Starace said it's on the right hand side of your house. The thing is if you're digging a slab and footings, there's going to be stockpiles.

Chairman Laga interjected; he's got two things here.

Mr. Starace asked, you have stock pile detail?

Vice Chairman Fannin interjected; this is a gravel driveway or asphalt?

Mr. Starace replied it's asphalt.

Vice Chairman then asked, what is the bridge made out of? What kind of bridge is that?

Mr. Stevens replied it's made of earth.

Chairman Laga said, so what you're going to need to do is show us the 100' buffer, show us where you're going to put the silt fence on here, provide the rain garden calculations.

Mr. Stevens interjected, now how am I supposed to get the actual calculations of the plants and what else I need.

Chairman Laga replied, how'd you get the calculations on the.....

Mr. Stevens interjected, it didn't say anything about the plants or anything.

Mr. Starace stated, there's a formula. You have 1200 square feet of roof. Is that a gabled roof or pitched flat?

Mr. Stevens indicated that he hasn't really gone over the plans with the architect yet.

Chairman Laga said, you have an architect doing this?

Mr. Stevens replied yes.

Chairman Laga asked, who's the architect?

Mr. Stevens replied, I haven't hired anyone yet. I came for the wetlands first.

Chairman Laga said, can I make a suggestion to you. Why don't you hire the architect now. If you use somebody in town, they can do the wetlands, they can do the rain garden calculations for you, they can do site plan for you, they could do it all. It would be easier. Then it would give us everything in one shot.

Mr. Stevens indicated that he had asked somebody and was told to get the wetlands permit first and then the architect.

Chairman Laga said, you took a good shot at this but it's missing a few pieces.

Mr. Barnett asked, what is this?

Several responded, there used to be a pool there.

Mrs. Stevens replied, the bank took the house over. There was an oil tank there. They had to dig that out, before the house was sold, and they had to put it in the basement so that's what that is. The pool was also taken down before the house was purchased.



Vice-Chairman Fannin asked did you submit a deed to the house.

Mr. Stevens replied, yes; it should be in there.

Vice Chairman Fannin then added, you have to show whether you're going to run gutters.

Chairman Laga agreed and said if you run gutters, draw a line and tell us the type of material you're using.

Mrs. Stevens asked; they'll actually show you what type of plants to use?

Several Board members responded yes and gave Mrs. Stevens a copy of the Wetland Planting list.

Vice Chairman Fannin asked if the square footage of disturbance was anywhere on the map.

Mr. Stevens replied no.

Chairman Laga said, the other thing you have to think about while you're digging out the foundation is are you stockpiling soil on site?

Mr. Stevens replied I'm going to put it in the dumpster and take it away.

Chairman Laga added if you're going to stockpile it on site, you need to show stockpile location.

Vice-Chairman Fannin said, if it's going to be in a dumpster, you can write it right on there.

Mr. Starace asked are you going to have two dumpsters?

Mrs. Stevens replied, yes; we have to.

At which time, Chairman Laga provided wetland buffer enhancements example; he tells us the types of trees he's putting in here and over here; wetland planting legends; so he gives us what size they are, the types. 2-3 gallon, 1-2 gallon, number of plants, etc.

Mr. and Mrs. Stevens asked if there was someone the Board could recommend.

Chairman Laga responded I cannot do that. I'd love to help you but we can't do that. There's a couple in town that you could use. Some are more familiar with the process than others.

Vice-Chairman Fannin also recommended that they look at previous minutes and they could see who has come before the Board with regard to Architects.

Chairman Laga asked will the building be pre-fab?

Mr. Stevens replied, no; stick build.

Chairman Laga said, get yourself an engineer or architect; let them do the whole thing soup-to-nuts, come to us, you don't have to go to Planning, you may have to go to Zoning depending on the setbacks or whatever. Come here to us with a decent set of plans from an architect and we'll approve the application right away most times.

Mr. Barnett added, it'll be a more efficient process if you do it that way.

Mrs. Stevens said, I thought he did pretty good though.

Chairman Laga responded, yes; he did alright.

Mr. Stevens added, if I knew I had to get an architect

Chairman Laga said, eventually - even when you build the building, you need to file plans anyway so might as well have him do it; add the things in there. When you hire your architect, you may have to flag the wetlands. Ask for the wetlands inspector to come out there, to meet him and see where it is so you all know where it is. You may have to make an appointment with the wetlands inspector to come see you and do a field visit. Like I said, I'd give it to an architect or engineer, whomever, and let them do it that way.

#### **JAY MOSKOWITZ - 47 TYLER COURT; TM64.15-1-65; ESCROW RETURN - CONSTRUCT DOCK**

Chairman Laga read from the Town Engineer's memo. The Engineering Department did a field inspection on February 23, 2017 to evaluate the current status of the site and construction and for the purpose of determining whether a bond return was warranted. All the improvements required pursuant to the ECB have now been completed and the escrow can be returned.

Mr. Barnett moved to grant return of the escrow; seconded by Mr. Starace with all in favor.

#### **MEADOWLANDS EXTENSION - 1979 ROUTE 6; TM 55.15-1-20; EAF**

Chairman Laga indicated that Meadowlands Extension did submit the D.E.P. permit that they received on March 6, 2017 so we're just finalizing the paperwork for the permit. The Applicant is not present but as a formality, we granted the permit on 3-2-17 contingent on D.E.P. permit, we need to do the EAF, the escrow has been paid of \$1,000.00 and the D.E.P. permit is attached.

Chairman Laga proceeded to fill out the EAF with the Board answering 'no' to all questions.

The minutes of 12/1/16 and 1/19/17 were heldover.

Vice Chairman Fannin moved to accept the minutes of February 16, 2017 as written; seconded by Mr. Barnett with all in favor.

Vice Chairman Fannin moved to adjourn the meeting. The motion was seconded by Mr. Barnett with all in favor.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Dawn Andren