

APPROVED

ROBERT LAGA
Chairman

NICHOLAS FANNIN
Vice Chairman

ROSE TROMBETTA
Secretary

TOWN OF CARMEL
ENVIRONMENTAL CONSERVATION BOARD



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BOARD MEMBERS

Edward Barnett
Vincent Turano
John Starace

ENVIRONMENTAL CONSERVATION BOARD MINUTES

JUNE 15, 2017

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
McGovern, Patrick	77.19-1-30.2	1 - 2	Permit Extended to 7/21/18.
New York City DEP (Barrett Pond Forest project)	42.-1-65.1	3	Escrow for \$575 to be returned.
Lake Plaza Shopping Center (Proposed Stop & Shop)	65.10-1-45 & 46	3 - 9	Permit Granted with Conditions.
Peckham Materials Corp.	65.-1-11	10 - 17	No Board Action.
Minutes - 05/18/17		17	Approved.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Rose Trombetta

McGOVERN, PATRICK - 208 DAISY LANE; TM - 77.19-1-30.2 - CONSTRUCT DETACHED GARAGE

Chairman Laga stated the first item is Patrick McGovern for an extension of a wetland permit.

Patrick McGovern stated that he was the property owner of 208 Daisy Lane in Carmel and representing himself.

Chairman Laga read from documentation, you want to construct your garage at 208 Daisy Lane in Carmel. You had to change companies doing the work and that was taking longer than planned so a one year extension should be sufficient. Chairman Laga then directed to the applicant, nothing on the plan has changed and you're going to build it per the approved plans.

Mr. McGovern replied nothing's changed and I'm working with another company. I have to get additional plans. It's going to be the same structure, same foundation, everything.

Chairman Laga asked is it going to be the same footprint.

Mr. McGovern replied same footprint.

Vice-Chairman Fannin asked are you changing the roof at all.

Mr. McGovern replied no.

Vice-Chairman Fannin added from the original plan?

Mr. McGovern replied I think it might actually be shorter. It's still a barn style - like a gable.

Vice-Chairman Fannin then said is there any additional impervious surface that's being put in; additional driveway, additional roof coverage, anything like that?

Chairman Laga interjected same location; same foundation?

Mr. McGovern replied same location. I didn't want to change anything up.

Mr. Barnett said same plan, no modification.

Mr. McGovern responded right.

Vice-Chairman Fannin said there is a modification. He's changing some of the structure.

Chairman Laga said okay but we're only looking at the footprint.

Vice-Chairman replied right; as long as the footprint, the water doesn't

Chairman Laga interjected he still shows a concrete wash area, low stone, the rain garden, a rain garden 2.

Mr. Turano said you're changing the building. Will that affect the rain garden at all? Run-off of the building going into the same spot?

Mr. McGovern replied everything is going to be exactly the same as far as the foundation. I got approval from the man who did the original plans to use his plans for the foundation. It's going to be kind of a modular instead of a stick build. So; they're going to put on the exact same foundation and just bring in a modular. It's still going to be a kind of a barn style.

Mr. Turano asked how much work has been done.

Mr. McGovern replied none.

Vice-Chairman Fannin asked nothing on the gutters is going to be changing or where the water is going to be flowing - correct?

Mr. McGovern replied no - they're still using the same plans as far as the raingardens, everything.

Chairman Laga said alright; so you're going to need a one year extension. This one expires July 21, 2017.

Vice-Chairman Fannin interjected one quick thing; do you have any of the new plans that you're going to be doing on this?

Mr. McGovern replied I'm waiting on them. I'm using the Barn Yard. They're out in Connecticut. They've done work in Putnam and Westchester before.

Vice-Chairman Fannin asked the Chairman, do we want those plans submitted?

Chairman Laga replied no because here's what we're looking at. The footprint is the footprint. We have no structural drawings in these plans and we have no idea what the barn is going to look like. What we do have is the footprint, the location of the rain gardens and as long as it doesn't exceed the 24 x 36, there's no change. Whether it's cosmetically or aesthetically, if it's changed, as long as it doesn't exceed the footprint, I don't see an issue.

Mr. Barnett said the square footage of the roof is the same - right?

Mr. McGovern replied yes.

Mr. Barnett moved to extend the permit #917 to Patrick McGovern from 7/22/2017 to 7/21/2018; seconded by Mr. Starace with all in favor.

NEW YORK CITY DEP (BARRETT POND FOREST PROJECT) - LOCKWOOD LANE & DIXON ROAD; TM - 42.-1-65.1 - CONSTRUCT DETACHED GARAGE

Chairman Laga said this is from East/West Forestry. They're saying that the work had been completed. Doug Ramey wrote so this should be sufficient.

Chairman Laga stated the next item is NYC DEP, Lockwood Lane and Dixon Road; Tree cutting permit for 11 trees. There's a letter in the file from Doug Ramey saying "that the tree cutting project on the Barrett Pond Forest had been completed and I inspected this project for permit compliance today, 3/20/17. I found the project to be satisfactorily completed and as detailed in the application materials. The trees on the log landing area had been cut and removed. The landing was cleared of all tree debris or material. Although the project was covered in snow so that I could not personally observe this, Ms. Locke assured me that the landing area had been seeded and mulched; gravel materials was applied on the access road from Dixon Road into the landing and waterbars and other water diversions were installed on the skid road as required by their contractor. I am satisfied with the condition of the property and hereby sign off the permit project."

Mr. Barnett moved to return the escrow in the amount of \$575.00 to the NYCDEP; seconded by Mr. Starace with all in favor.

LAKE PLAZA SHOPPING CENTER (PROPOSED STOP & SHOP) - 983-1005 ROUTE 6; TM - 77.19-1-30.2 - AMENDED SITE PLAN

Geraldine Tortorella of Hocherman, Tortorella & Wekstein, council for the applicant appeared before the Board. Mrs. Tortorella also introduced Mr. Patrick O'Leary, from VHB (engineering & planning firm) and Pablo Medeiros, the applicant.

Mrs. Tortorella addressed the board and stated when we were here in February; we made our initial presentation to you. You had asked for some additional information and we had supplemented our presentation to you. You told us you were satisfied; you published the notice, no comments, and told us to get our DEP and DEC approvals and then come back.

Mrs. Tortorella furthered in the interim, DEP made some tweaks to the storm water pollution prevention plan (SWPPP). So; there are some modifications to our site plan which we've summarized for you but none of them are in the area of your regulatory jurisdiction. We wanted to point them out to you so that there wouldn't be any confusion. In the spirit of full disclosure we wanted to make sure you knew that these tweaks had been made to the site plan. So we've given you a summary memo from VHB. We can go over them quickly so you know you've seen where the changes are. You can be comfortable about what they are and whether or not they have any effect.

Chairman Laga said memo from VHB dated April 28th?

Ms. Tortorella replied May 30, 2017 is the VHB memo.

Ms. Tortorella stated, also if you remember, we were here in February of this year for a tree cutting permit because we were under the gun to complete that work by March 30th. At that time, we did mention to you that some changes had been made on the site and we also mentioned to you that we were augmenting our landscaping plan. So, that is also part of what we have submitted to you.

Chairman Laga said okay. Do you want to walk us through your changes?

Ms. Tortorella replied sure.

Mr. Patrick O'Leary addressed the board and asked for permission to distribute individual handouts to Board members which he did. He then stated the changes that occurred since the plans were last reviewed primarily are associated with comments received through the DEP and DEC permitting process. What they had requested is in the area of basin 1 and basin 2, that those respective basins be enlarged. Preference being above-ground, storm-water treatment as opposed to the sand filter. That corresponded to the basins being enlarged, there was a retaining wall added to construct the basins because of the enlargement of the basin. Similarly this basin over here was enlarged and the landscaping was enhanced along the Baldwin Avenue side. There was a corresponding decrease associated with the size of the underground sand filters because the basins are getting larger.

There are a few other minor modifications; the utility corridor here, gas, electrical - minor modifications that have switched full disclosure on it. Very minor changes in the configuration - dimensionally on the loading dock. It's a matter of inches but just to disclose everything that has changed. Similarly, there's a landscape island over here. Landscaping was enhanced within that island and additional trees were added in lieu of some shrubs here, in that area. That constitutes the changes that have occurred since you last reviewed and approved the plans. You can see the line of the regulated area right here as it wraps around. None of these changes proposed are within the regulated area itself, and it is our opinion, and of course the opinion of DEP who provided these comments, that overall will provide improved level with respect to the water quality and overall sustainability for the site. So we agree and respectfully request acceptance of these purposed changes and continue on with final issuance of the permit.

Chairman Laga said the total area of disturbance, obviously, increased a little - right?

Mr. O'Leary replied no change in the area of disturbance because this area was being disturbed for grading purposes anyway. So essentially what it did is deepen the contours a little bit; it didn't change the limits of disturbance associated with it. No changes in the grading patterns, no changes in storm water runoff patterns, no changes with respect to quality and/or peak rates associated with the proposed development.

Mr. Turano said when you say no changes within regulated area, you mean you are also including within the 100' buffer of any wetland.

Mr. O'Leary responded correct. That's the blue line we have here.

Chairman Laga said the blue line is the 100' buffer?

Mr. O'Leary responded correct.

Mr. O'Leary added there are no changes within this area here.

Chairman Laga said there's also a wetland down there on the right hand side.

Mr. O'Leary replied correct. There are no changes over there.

Chairman Laga said so the only changes are two detention ponds, the sand filter and some minor utilities.

Mr. O'Leary added minor utilities that are underground and not within the landscaping area.

Mr. Turano asked what was the increase in size of basin number #1.

Mr. O'Leary replied this is approximate but it's about double.

Mr. Turano then asked and number #2?

Mr. O'Leary replied I don't have a relative increase except it's about double in size.

Mr. O'Leary added the reason they do that is we were not proposing it only because we were trying to minimize the disturbance in those areas and we were relying more heavily on the sand filter for water quality perspective. DEP's preference is correct in nature. It would be to have above-ground, more natural means of managing storm water quality which would incorporate increasing the size of the respective basins. There's always a balance relative to construction, depth, things of that nature. We reached a very minimal agreement with DEP and a consensus working together that the overall formation of the two basins, in conjunction with reduction of the sand filter, would be best for the environment.

Chairman Laga asked and you have a maintenance schedule for the sand filter on the plans or a plan for the maintenance of the sand filter?

Mr. O'Leary responded a maintenance schedule and agreement has been submitted both for the sand filter, for the two respective basins, catch basins, the water quality unit.

Chairman Laga interjected and where is all that - in the SWPPP? I'd like that for my file. Here's what I need: a copy of the DEP approval, copy of the DEC approval and I need to see the maintenance schedule

Ms. Tortorella responded okay; we filed the DEP approval, we filed the DEC approval with our submission so you should have a copy of those items.

Chairman Laga interjected the only thing I see is July of last year where they said it's incomplete.

Ms. Tortorella said I only have 1 copy but I'm happy to give you the copy that I have of each of those approvals. With respect to the maintenance program, there is a set of protocols in the SWPPP and we have them attached to the storm water maintenance agreement that we must record against the property as a condition of the site plan approval. That's been prepared, submitted and was recently approved by the Planning Board attorney so we're in the process of getting that executed. One of the schedules to that is a set of protocols for the maintenance schedule. Here are the two approvals.

Chairman Laga said yes; I'm going to need those please. So; the DEP was approved on March 6, 2017. The DEC permit effective date is 5/18/17 to 2020.

Mr. Turano directed to the Engineer: Basin #1, can you just give us a rough idea of how it's going to function and its structure.

Mr. O'Leary (in front of the map and not a microphone) said the basin itself, here, isfunction original basin..... Water.....system is being discharged, stored in the basin allows any sediments that are contained within the storm water to settle out and some level of infiltration back into the ground water for recharge purposes..... not the best for recharging.....functioning largely as an ecological, biological filtration system cleaning the storm water and then discharges.....

Mr. Turano asked did you do any infiltration studies?

Mr. O'Leary replied yes we have.

Mr. Turano asked could you describe those studies?

Mr. O'Leary replied geotechnical studies with respect to soil borings out in the area there as well as test pits within the specific areas and the soils are tight out there

Mr. Turano interjected when you said test pits, how did you determine infiltration rate?

Mr. O'Leary replied by percolation testing.

Mr. Turano then said you just basically dug a hole and waited for the water drop down.

Mr. O'Leary replied it's a little more complicated than that in that we dig to the intended exposed area there so we're at the level elevation of the soils and perform the percolation tests. We don't do the percolation tests at surface areas because it would not be representative of the soil strata where the infiltration would be taking place.

Mr. Turano asked did you use an infiltrometer.

Mr. O'Leary replied I do not believe they did - no.

Mr. Turano said I believe, if I'm not mistaken, the regulations require you to use an infiltrometer in order to determine infiltration rates because percolation tests, the way you've described them, are really not reliable.

Mr. O'Leary replied but it wasn't designed for infiltration purposes. We're allowing anything to infiltrate but the design did not take into account infiltration rancid designed to detain the water but you want to allow anything that will infiltrate naturally to go back and recharge the groundwater from that perspective.

Mr. Turano said if I were to look at your calculations, your calculations would strictly be on a detention basis - not taking into account any infiltration. You hope to have some infiltration.

Mr. O'Leary replied correct; we hope to have some infiltration. We want to take advantage as opposed to a closed system that does not take advantage of it. You take advantage of it because of the benefit from an environmental perspective. It will allow what will happen to happen. You just don't take it into account in your design calculations because it would be erroneous and it certainly would not be conservative in any way, shape or form.

Mr. Turano why did DEP want you to double the size of the basin? Just to offset the sand infiltration that you had?

Mr. O'Leary replied not only does it offset the sand infiltration but it allows a larger area for the water to settle in as opposed to having water concentrated at higher depths. If you make the basin larger, it's going to spread out and you're going to have less turbulence and greater opportunity for removal of the suspended solids.

Mr. Turano asked do you know what the perc rate is.

Mr. O'Leary responded no; I do not.

Mr. Turano said what you're doing by increasing the surface area, you're decreasing what's called the surface overflow rate which does improve sedimentation.

Mr. O'Leary added correct.

Mr. Turano said when you said double the size, did you double the size of the volume or the just the area of the basin.

Mr. O'Leary responded it's the area of the basin. If you look at the originally approved plans, the basins were about $\frac{1}{2}$ the size in their horizontal projection.

Chairman Laga directed to Mr. Turano: the way I'm looking at this is I appreciate the fact that they have identified the changes they made, the DEP and the DEC have, in fact, given their blessing and that would be part of our conditions to approve a permit. The details of these items are really addressed and reviewed and approved by our friends at the DEP & DEC and you know.....

Mr. Turano replied jokingly it doesn't mean we can't ask questions.

Vice-Chairman Fannin asked have you been before the Planning Board again with this?

Ms. Tortorella responded we have not been because we've been keeping Mr. Carnazza and Mr. Franzetti apprised in consulting with them and they have determined that none of these changes have required us to return to the Planning Board.

Vice-Chairman Fannin then stated okay; so do you have an approved Planning Board, I guess, permit?

Ms. Tortorella replied we have an approved site plan. We're working on satisfying the outstanding conditions, this being one of them as well as some of the other requirements. We have pulled together our bonds, the security that we have to post. We will be providing that to the Town within the next week or so is my expectation. We are getting very close to being ready to a shovel in the ground so to speak once we're able to get this approval.

Vice-Chairman Fannin directs to Chairman Laga: the Planning Board approval needs to be a condition or is that met for this?

Chairman Laga replied no; we don't put that condition on here. Before they get the permits to start, they're going to have to have Planning Board approval.

Ms. Tortorella responded we have it; we need to get the site plans signed. Satisfying each of the conditions is a pre-requisite to having the site plan signed. We've been working very closely with Mr. Carnazza and Mr. Franzetti as we've gone along because it's not a small project.

Vice-Chairman Fannin said understood. Just for the Board's knowledge; last time that this specific permit came before the Board on June 16th, we had a number of notes and they've all been addressed except for one thing that we made note of which is that the Board reserved the right to hold a public hearing if we thought it was necessary. I just want to make sure that we address that.

Chairman Laga interjected I have no comments from the public. It had public hearings through the Planning Board to do this project. This has been the file for a year; plus I have no comments from the Planning Board. I think those all would've been addressed through the Planning Board.

Vice-Chairman Fannin said that's fine. I don't believe we really need to either. I just wanted to make sure we address that comment from last time.

Mr. Barnett stated I appreciate that you came before us to let us know all of this is happening outside the wetland buffer. So all this stuff looks like a net improvement.

Ms. Tortorella said I think, at the end of the day, it is and it's important for you to see what the status of the site plan is even though it's not directly related to the wetland and wetland buffer meaning it's not within the wetland and wetland buffer.

Mr. Starace said we're improving storm water quality so..... Has the proposed start date changed for this project?

Ms. Tortorella replied I can't remember what we told you the proposed start date was but we're looking to be able to start right after the 4th of July.

Mr. Starace then asked what's the cycle of completion.

Ms. Tortorella replied about a year for 100% completion.

Vice-Chairman Fannin said one other thing I'd like to address: when you came before us for the tree cutting permit, one of the things we talked about and I realize they're separate permits and we kept them that way. One of the items I brought up at the time was due to the addition of trees being taken down from the original permit, I had requested if you would plant additional trees. At the time, you had mentioned that you had already worked that out and you were intending to plant additional trees pursuant to the, if I'm not mistaken, Planning Board at the time. Are those additional trees reflected in the latest drawings and plans submitted to us?

Ms. Tortorella replied they are. They're not on this summary sheet, they're not on what I call the illustrative plan. They're on the landscaping plan which is C-18. We did give you a full set of the C-18 plans. We gave one full set and we also provided it electronically. I have a small size of it if you'd like to see.

Vice-Chairman Fannin replied nope; that's okay. I just wanted to make sure it was submitted and addressed.

Ms. Tortorella added we gave you the full set of plans only so that you would have all the details in case you wanted to look at something.

Chairman Laga said there were no comments or questions from the public, the escrow fee has to be paid for \$1,000; we just have to do the EAF and sign permit.

Mr. Starace moved to grant permit #935 to Lake Plaza Shopping Center, LLC 234 Closter Dock Road, Closter, NJ for work at 983-1005 Route 6, Mahopac, NY with the following conditions:

- \$1,000 escrow has been paid
- notify the Town Wetland Inspector of erosion control, silt fencing prior to commencing seconded by Mr. Barnett with all in favor.

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

PECKHAM MATERIALS CORP.- 1181 ROUTE 6; TM - 65.-1-11 - TREE CUTTING PERMIT (140 TREES)

Mr. Christopher Prentis, Owner of Lower Hudson Forestry Services representing Peckham Materials appeared before the Board.

Mr. Prentis stated that he was there for a tree cutting permit at the intersection of Route 6 and Drewville Road.

Chairman Laga said and how many trees are you taking down?

Mr. Prentis replied 140 trees over 41 acres. It comes out to be approximately 5 per acre. The property is managed under the DEC's 480a Forest Tax Law program. It's being managed by a professional forester under the supervision of the DEC Forester and it's also enrolled in the watershed agricultural watershed forestry program which helps logging and forest land owners to maintain water quality by installing erosion control devices, replanting where necessary and providing storm water prevention items such as silt fence, hay bales, seeded hay.

Mr. Starace asked what type of machinery are you going to be using back there?

Mr. Prentis replied it's just a hand cutting and cable skidder. It's not a large job where it would take mechanized machinery and things like that.

Chairman Laga asked do you have an inventory of the trees you're cutting?

Mr. Prentis replied yes. There is a volume report attached. Generally oak species but there is some black birch, sugar maple and aspen but predominantly oak species.

Mr. Starace asked are there any specimen trees back there that you're cutting?

Mr. Prentis replied no; the property's been cut at least twice before so the last time it was cut was 2001 and it was harvested likely sometime in the 80s before that.

Mr. Starace asked it's a full removal? You're going to haul all the tree remnants away? Are you going to chip, fly chip, leave chips or is it going out?

Mr. Prentis replied no, only the logs go out. Tops get lopped and they're left to decompose.

Chairman Laga interjected that's 350 trees you're cutting down! 221 sawed trees to be removed as well as 139 hardwood pulp firewood trees.

Mr. Prentis replied the volume report's 140 and 112 firewood pulp trees.

Chairman Laga then stated well then; this is wrong.

Mr. Prentis asked which one are you looking at.

Chairman Laga replied I'm looking at the DEC May 4, 2017 to Mr. Bower, "NYSDEC has reviewed the submitted materials regarding the above-referenced project..... The proposal consists of the commercial thinning of 57 acres." How many acres did you say it was?

Mr. Prentis replied the actual cutting is 41. The stand area is 57 but where they.....

Chairman Laga continued "The tax parcel to be harvested is land currently enrolled in theprogram. There are 221 sawed trees to be removed as well as 139 Hardwood Pulp/Firewood trees....., we offer the following comments:" They don't have an issue because it's part of the program - right?

Mr. Prentis replied well; what they're addressing is the presence of the long-eared bat within 3 miles of the project.

Chairman Laga responded right. And, what about the wildlife that live in the trees? Isn't there a special time of year that you're not allowed to do it? I also need a count. I really need the real number of what you're removing. One letter says one thing and you're telling me something else.

Mr. Prentis replied to be honest, I'm going to have to talk with the DEC because, I think it was Lisa Masi, where they came up with those numbers. I don't know because this is the volume report that was submitted with the application.

Chairman Laga said can I see that? Reviews report and says total timber trees is 140. So there's a discrepancy between here and here. We have to make them right.

Mr. Prentis replied I understand that.

Chairman Laga then said, they've already done 60 trees back 10 to 15 years ago; here's the report. It says 140 trees. You gave us the contract that the logger is going to remove the trees; you gave us a copy of the contract, the cost of it. You need to give us a copy of the deed for the property because that's part of the process; we need to have the tree count verified.

Mr. Turano said the location of some of the trees would be interesting. Some of the slopes are very, very steep; significant slopes.

Mr. Prentis said the area in the red outlined on the map is the area where the trees are going to be harvested from.

Mr. Turano again said some of the area have significant slopes.

Chairman Laga added, on this map, can you just identify where the groups are going to be? You're just giving me an area.

Mr. Prentis replied well they're generally spread out. There's not going to be any groups opening up large areas.

Chairman Laga added the logging road in and out we also typically get to see. Typically they show that. The staging area -

Mr. Prentis replied the "L"s on the map is the staging area. The dotted black lines are the skid trails and road out.

Chairman Laga interjected they're existing?

Mr. Prentis responded they're existing. They've been used twice before. It's an asphalt batch plant. It's probably 6 or 7 acres of open gravel area. That's what the staging area is going to be so there's no construction of a new landing or anything like that.

Mr. Starace said the 100' buffer - is that depicted by a line on here at all? The 100' buffer zone from the wetlands?

Mr. Prentis replied there isn't a depiction but the wetlands are all well off the property, well past 100 feet. And then, mind you, there's a 150' buffer between the property line and the harvest area and that's due to the fact there's a fair amount of residential in that area, and Peckham didn't want to cause any issues.

Chairman Laga said so you're going to reuse existing trails - right?

Mr. Prentis replied yes.

Chairman Laga said you're going to have to provide that and some sort of letter.

Mr. Turano interjected what are the conditions of the trails now?

Mr. Prentis replied they're actually in fairly good condition. They were stabilized in 2001 during the last harvest so they're not showing any signs of erosion or anything like that.

Chairman Laga stated you have to set up an appointment with Doug Ramey.

Mr. Prentis stated I spoke with him last week and I believe that Mrs. Trombetta called him and sent him the application so I don't know if he's gone out there or not.

Chairman Laga said alright. I'll call her on Monday. You may want to follow up and make sure he got out there because we usually have a pre-inspection just to verify what you're giving us, he's happy with.

Mr. Turano said would it be a good idea for us to go out and take a look at this site?

Chairman Laga replied if you'd like to, go ahead.

Mr. Prentis then said, ultimately what I'm requesting is that you have a provision in your law that there's an exemption for 480a if you decide to grant it. It's not automatic and a few years back, you had granted a partial exemption from the permit process for Putnam County Fishing Game (if you remember). I had to present the application, the Forester went out, looked at it but I was exempt from doing the public hearing and the following meetings. So; that's ultimately what I am requesting.

Vice-Chairman Fannin stated I would also like to point out that Mr. Bower, a Certified Forester, in the last line of his memorandum to the Town of Carmel where he presents his forestry management plan, "to facilitate this process, I might suggest the ECB's review takes place, including public hearing; then we could bid the sale and select the contractor within the four to five week period and the final permit could be issued." So; you are asking for an exemption. The Forester in here is also indicating that it may be beneficial for us to go through the full process but that's something we can take into consideration.

Mr. Prentis replied like I said, he mentions it in his initial letter to the Board as well asking for the exemption under your guidelines. I understand it's not automatic.

Chairman Laga interjected but you have to understand where I'm coming from. On one page, you're asking for an exemption and in another page, you're asking for a public hearing. In one chart, you're asking for 140 trees. In another chart, it's 220 trees. There are some inconsistencies in your package and I can't just make it consistent by the way of a pen.

Mr. Prentis replied right. I understand that. What I'm suggesting is that I clear up the inconsistencies and we have another meeting. I'm not saying give me an exemption right now but, ultimately, what I don't want to do is go through five meetings. Especially if the code says that I can request an exemption under the 480a Forest Tax Law. So If I could provide some other information in regards to the discrepancies, then maybe we could.....

Mr. Turano interjected are the trees marked that are going to be cut?

Mr. Prentis replied yes.

Chairman Laga asked are you sure?

Mr. Prentis replied I am.

Mr. Turano stated he'd like to go out there.

Chairman Laga said okay.

Mr. Turano added I'd go out soon and just expedite it. We've had these tree things (inaudible) go out there and it seems to be pretty steep here too and the inconsistencies that you've mentioned.

Mr. Barnett said so we don't know if Doug Ramey has been out there yet - do we?

Mr. Prentis replied like I said, that's not my obligation to know that. That's up to the secretary.

Chairman Laga interjected well don't you usually meet him when he goes out to a site? Either you or the *applicant's* Forester goes out to meet *Doug Ramey*? I know in the past.....

Mr. Prentis replied initially no. The last few that I've done here, I've only met him at the end when he does the final inspection.

Chairman Laga stated okay.

Mr. Turano asked how do we arrange for a site visit?

Mr. Prentis responded for myself to go out or Doug?

Mr. Turano said for one or more of us (Board Members) to go out.

Mr. Prentis responded I can arrange it for you if you give me a date and a time.

Mr. Turano said okay; give me your phone number and I'll let you know.

Mr. Prentis replied okay; I'll give you my card.

Mr. Turano said it looks like two of us will go out.

Mr. Prentis said okay; just give me a call or email.

Mr. Turano said okay; thank you.

Chairman Laga said okay; so what I'd like to do is 'table' this application right now.

Vice-Chairman Fannin said I'd like to ask one other quick question. I'm reading through the 'Northern Long-eared Bats'. What specific requirements are you going to be following in order to protect the endangered species?

Mr. Prentis replied the only requirement, legally that I have to follow, is not cut any hollowed trees and not cut any roost trees. Since we're past the quarter mile buffer around the hibernaculum, there's no season of restriction. It's just a matter of cutting trees.....

Mr. Turano interjected you're not allowed to cut any..... What'd you say?

Mr. Prentis replied hollow; trees with cavities that they could potentially use in the future.

Mr. Turano asked have you marked those?

Mr. Prentis replied no.

Mr. Barnett stated you only marked the trees that are going to get culled - right?

Mr. Prentis replied correct. So; the Northern Long-eared Bats are quite a bit different than the Indiana Bat where if you're within 5 miles of their hibernaculum, it's automatic seasonal restriction. A lot of times, they say you can't cut hickory but *pertaining to* the Northern Long-eared Bat, the DEC and the Fish and Wildlife Services determined that logging is not the cause of their decline. It's basically white-nose syndrome which you can't stop.

Mr. Turano said this area has been cut, as far as you know, twice before.

Mr. Prentis replied yes.

Mr. Turano added the 1980s and one other time.

Mr. Prentis added 2001, 60 trees were removed.

Mr. Turano said I'm all for moving this along so I'll try to go out there quick.

Chairman Laga said alright; he owes us a few things. He needs to give us a *copy* of the deed with the package; he has to verify the tree count; he's going to give us a letter stating they're reusing existing trails; we're going to verify that he's set up an appointment with Doug Ramey to make sure that he's gone out and we're going to make sure that the Northern Long-eared Bat are safe.

Vice-Chairman Fannin added and the contractors you're going to be using as well. There are a couple of things that I can think of, off the top of my head, from previous ones. 1) Contractors - it's not out for bid yet if I'm correct. (Mr. Prentis confirmed same.) So when contracts do go out for bid, we customarily ask for the insurance certificates of any contractors that you'll be using for this including transportation contractors if they're separate from your logging contractors. 2) you have to talk with our highway department and submit a) road bond if they require it b) a safety plan. I know this is coming out of an industrial section but I suggest checking with the highway superintendent making sure he's okay with it. In the past, we've asked for a flagging plan, time trucks going to be entering and exiting - especially considering this is a main road - going out onto Route 6. Is that the exit you're going to be using? (Mr. Prentis again confirmed.) It'll be important just to verify with him and if you can get something in writing for us just *acknowledging* that he's seen this, he's comfortable with the exit and egress, he's comfortable with the safety. You don't need a road bond or you do need a road bond. I think that would be appropriate for this Board.

Chairman Laga added we also need a fueling plan, if you're going to re-fuel equipment on site. We want a spill kit.

Vice-Chairman Fannin asked so the skid trails are existing trails. They probably don't need to be marked if they're existing.

Mr. Prentis stated they're actually all flagged in.

Vice-Chairman Fannin said oh great - even better.

Mr. Prentis then said that's part of the requirement for the Watershed Ag Council. If they're going to fund the program, everything has to be flagged.

Vice-Chairman Fannin replied awesome.

Chairman Laga said okay; so what we'll do *moving forward*, they'll (*Board Members*) will set up a meeting with you. Next meeting is July 13th.

Mr. Prentis replied that's perfect. I'm going on vacation for two weeks the 20th (June) so I'll be here for the 13th.

Chairman Laga said the next meeting is July 13th cause the week of the 4th is the (MVFD) Town Parade and carnival so that just kills the traffic here. Just get the information in ahead of time. The secretary can get it out to us and then we'll review it.

Mr. Prentis said fair enough.

Mr. Prentis, Mr. Turano and Vice-Chairman Fannin discussed when available to meet at site for a walk through. Mr. Prentis added if it doesn't work out, I can always arrange for Mr. Bower come down as well.

Mr. Turano asked Mr. Who?

Mr. Prentis replied Mr. Bower. He's the forester that originally did all the work but he lives two hours away so he asked if I could come and represent him.

Chairman Laga asked where's he?

Mr. Prentis replied Cairo, NY. Peckham owns a lot of quarries over near him so that's one of his big clients and they asked him to do this project over here.

Chairman Laga then stated and you're going to also fix the contradictions.

Mr. Prentis replied yes; I understand.

Chairman Laga said alright; we'll put you on hold.

Mr. Prentis replied fair enough - the 13th then.

Mr. Turano then asked when do you hope to do the work?

Mr. Prentis replied if everything goes as planned; bids may be in August; bid opening sometime in September so it won't be until late fall or winter - the project. Since it is a batch plant, they're going pretty hot and heavy right now; you don't want to be in there at the same time as they're working. There's 30 to 40 trucks going in/out of there a week. If the logging were only 2 or 3 trucks a week, it's not much but still, it could cause some type of issue. So; it'll be sometime in the late fall.

Mr. Turano asked do you know anybody that works for Peckham?

Mr. Prentis replied no.

MINUTES - 05/18/17

Chairman Laga stated the only one who can't vote is Mr. Barnett. Mr. Starace moved to approve the May 18, 2017 minutes. The motion was seconded by Vice Chairman Fannin with all in favor.

Mr. Barnett moved to adjourn the meeting at 8:25 p.m. The motion was seconded by Vice Chairman Fannin with all in favor.

Respectfully submitted,

Rose Trombetta