

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

SEPTEMBER 7, 2017

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Peckham Materials Corp	65.-1-11	1 - 7	Tree Cutting Permit: Granted with conditions.
Minutes - 08/03/17 & 08/17/17		7	Approved

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Dawn Andren

PECKHAM MATERIALS CORP. - 1181 ROUTE 6 - TM - 65.-1-11- PUBLIC HEARING: TREE CUTTING PERMIT (390 TREES)

Mr. Turano moved to open up the public hearing on the above-referenced application; seconded by Mr. Barnett with all in favor.

Chairman Laga suggested applicant sit at table facing audience affording the opportunity for questions.

Chairman Laga then addressed the public stating that what this application is for is that Peckham Materials Corp. would like to cut down and harvest approximately 390 trees located on their property on the hill. This is part of the NYS DEC tree thinning guidances - they do this periodically to thin forests out so that new trees grow. So they're going to do this based on the DEC Premise. Then he directed to the applicant, can you please state your name and who you're representing.

The applicant responded, Christopher Prentis of Lower Hudson Forestry Services representing Peckham Materials and yes, you are correct. Its properties managed under the DEC 480A Forest Tax Law program. It is basically a program that encourages forest management for long term forest production; prevents sub-division; prevents development. Basically the idea of the program is to keep forests as forests.

Chairman Laga said what we done for this so far, just for everyone's information, is we have gone through the application process; we have reviewed all the materials that Mr. Prentiss has submitted to us; we've conducted a site tour of the property to come up with the way we want some of the work done and we've also had the Town Forester go out there to meet with you to go over the scope of work. It's all in the file if anyone has had a chance to come here and look at it. Everything has been reviewed and we're just holding the public hearing as part of the tree harvesting permit application.

If anybody would like to come up and address the Board, please come up, state your name, your address and let us know what's on your mind.

- John Kugler, 248 Shear Hill Road: I moved up here with my wife about eleven years ago from NYC; born and raised in Queens and my wife from Brooklyn; part of what drew us to this area and particularly to my house was the open space, suburbia and the fact that we have no neighbors behind us. I'm at the southern end - adjacent to Peckham. I had an opportunity to review the maps and look at the minutes from the last few meetings and my understanding is there was some back & forth, in the beginning, about how many trees were actually going to be harvested. Originally it was like 140, now it's like 391 over about 41 acres which is about 10 trees per acre. The map that I saw showed a red area where the harvesting was going to take place. My concern is that I heard years ago, before I moved here, they were looking to harvest trees to possibly sell off part of the property to build - whether for commercial purposes or for private homes. My other concern is the harvesting actually going to be done in that red boundary area or is it going to be done somewhere else.

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Mr. Prentis replied the trees that are marked are in that red boundary area. The DEC controls the program so it's not the landowner's choice of 'I feel like harvesting some trees somewhere else'. It would be considered a violation of the Tax Law Program and there's a fairly stiff penalty for violations. The harvesting is going to occur in that red area. That was what was stated in the Management Plan for that property and that's what the DEC is expecting - that harvest to take place in that red area.

Mr. Kugler asked is there a time frame when this is going to start and approximately how long it's going to take.

Mr. Prentis replied it should take about 3 - 4 weeks - all weather dependent. In terms of when it will start, the likelihood is sometime in the winter. They typically like to log in the winter due to frozen ground prevents soil erosion, soil rutting and things like that. The likelihood is it will be sometime this winter.

Vice-Chairman Fannin stated on that note as well, I'd also like to point out that there is a Town Forester who will be monitoring the project as well. He's the one who also gives approval for starting and, at the completion of the project, reviewing it and making sure that the ground and the area that was forested is back to as natural a state as possible.

➤ Mr. Bob Fanning asked how many acres are they harvesting on.

Mr. Prentis replied 41 acres. The total property is just over 95 acres.

Mr. Starace asked Mr. Prentis to give an idea (for the public) what happens over the next 3 - 5 years after harvest.

Mr. Prentis replied basically the idea of the harvest is to remove mature and over-mature trees and trees that would, if they were left to grow, wouldn't amount to anything. They're crooked or rotten, showing signs of damage from insects or disease. I'll use the adage that when you plant a garden, you sometimes have to pull out some of the seeds you planted in order for the other ones to grow. It's generally the same idea. You thin out the forest, it allows the retained trees to increase their vigor, more growing space and it allows them to take more water, more nutrients and more sunlight. The long term objective of this program is to keep forests as forests. There's not going to be any clear cutting, not going to be any development. It's a fairly stringent program. It puts a deed restriction on your property when you enroll it. You can just decide in 5 years that I want to save taxes and do a sub-division. There are fairly strict penalties for that. The nice thing is that if you live next to someone who is in 480A, there's a very good possibility that it's going to be forested for the next 50 or 60 years.

Vice-Chairman Fannin said can you also give a brief overview of the timeline of when you start actually logging to the end of it - i.e. trucks, how will the operation commence, will you be going from front to back, just how will it impact the neighborhood around there.

Mr. Prentis replied typically, they do start in the back or the furthest point away from the landing or loading area. It's done with chainsaw and what they probably would have is a cable skidder which

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is basically a large farm tractor with a cable winch on it. As I've said, 3-4 weeks is the typical time for this amount of trees, this amount of volume. That's assuming if we have decent weather. If it rains like it did yesterday then, obviously, there's not going to be work for a few days during that period. In terms of days of the week and time, it's all stated in the permit. The Town has acceptable days and times where they can start and stop. They can't work on holidays, if I remember correctly, not on Sundays; it follows the Town Code of work hours and schedule.

Mr. Fanninger asked when you haul the logs out, are you going to log them out through Drewville Road or Route 6.

Mr. Prentis replied they're going to go onto Route 6.

Chairman Laga stated as part of their permit, they had to check with the Highway Superintendent. If the Highway Superintendent deemed that a bond was required for the road, they would have had to put up a bond for the road until after their work was done. If they cause any damage to the road, they would have to repair the road.

Mr. Turano stated Mr. Simone (Highway Superintendent) basically said he doesn't want a bond because it's Route 6 and he's not responsible - it's a State Road.

Mr. Prentis added so the State was contacted and it's an existing commercial entrance that gets used approximately 15 times a day by heavy trucks. This job is 15 total loads over the course of 4 weeks so it's a fairly light traffic load as compared to what's already there.

Mr. Barnett stated you said approximately 10 trees per acre.

Mr. Prentis replied it's a little less.

Mr. Barnett asked in an acre, what's left. What's the percentage that's left or how many trees would be left.

Mr. Prentis replied in a forest like that, typically there's anywhere between 100 - 130/140 trees per acre. Essentially you're removing 10/12% at most. It's a fairly light thinning.

Mr. Turano said this property was logged many years ago. How many years ago was it and do you know how many trees were taken out at that time?

Mr. Prentis replied I don't know how many were taken out but believe that it was 2001. It was less than 5 per acre because the Town gave an exemption. If you harvest less than 5 per acre, you don't need to get a permit.

Mr. Turano re-iterated so basically it's a thinning out process then.

Mr. Starace asked and there's no special trees back there that we're thinning. They're all deciduous type.

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Mr. Prentis replied they're all deciduous; second maybe even third growth. These areas in Putnam County were cleared 100 years ago, sheep farming, charcoal factories, acid factories. If you look at pictures from the Catskills and this side of the river, you can see for 10 miles. There wasn't much left on these hillsides. You're looking at second growth - maybe even third growth now.

Mr. Fanning asked if the Town approved any other permits in the area.

Chairman Laga and Mr. Prentis replied yes.

Mr. Fanning asked whereabouts.

Chairman Laga replied off of Drewville Road. DEP has done it on Drewville Road. The gun club did it and I can't remember but over by Austin Road area, a gentleman owned a large piece of property and he thinned it out next to a home. We went through this same process. When the forester left, they were told they did a good job. We take this seriously. We go through the papers and we have the experts who look at it too for us. We do not make these decisions blind.

Mr. Prentis added there is one down the road from you: Putnam County Fish and Game which can't be more than a mile down the road from you; that was about 4 - 5 years ago and part of that harvest was salvage from hurricane Sandy. We had to go through the same process for that as well.

- Ms. Karen Blefgen of 262 Shear Hill Road said I'm directly behind. I've lived there over 40 years. Over the years, it was Camarcos before but now there is the smell of the asphalt that's coming through. You cannot open your windows in the morning; you can't open your windows at night. By taking some of the trees down, I don't have a problem with that *specifically*, but by taking some trees down is going to make the smell come more into our homes. I was curious if there is anyway Peckham can maybe (laughter) turn the wind in the other direction. Is taking that many trees down, is that going to affect more of the smell?

Mr. Turano asked where she lived again and then asked her to show him on the map. She did indicate that she lives on Shear Hill Road directly behind the plant. Discussions among Ms. Blefgen and Board members sorting out specific sites on map took place. Once identified Mr. Turano informed her that, assuming they follow the plan, no trees are coming down between you and the plant. Ms. Blefgen indicated that she had no problem with the *thinning* process, it's just the smell.

Chairman Laga indicated that she should call the Plant and see if she could speak with them. If not, you may want to contact the Town Engineer or Building Inspector/Code Enforcement Officer.

Mr. Turano interjected if there's an odor and it's pervasive as you're saying..... As Chairman Laga has stated, you may want to contact the plant first and see if you can have it resolved that way. If not, you should speak with the Code Enforcement Officer who is Mike Carnazza.

Ms. Blefgen said okay and as far as the trucks coming out on Route 6, will they be coming up Shear Hill Road to cut across at all?

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Mr. Turano said I can't say definitively but I doubt that is the way they'll go.

Chairman Laga stated they'll probably come right outside the Plant onto Route 6.

Mr. Turano then said if you see one coming by with large logs on it, then call the Town Hall because we'd like to know too.

Chairman Laga asked the public for any additional input to which there was none and then asked the same of the Board members.

Vice-Chairman Fannin moved to close the public hearing on this application; seconded by Mr. Barnett with all in favor.

Chairman Laga then indicated there are attached conditions to the permit and that they were going to go through them and then the Board would vote on them.

Vice-Chairman Fannin stated he would like to add one document to the file. He stated that we called out in the thing you're about to read - following the State Forestry BMP plan, there's a specific section in there that I wanted to pull out and make sure is clear for the public and for ourselves for peace of mind; that is the hazardous materials section - handling them. Namely this is pertaining to in case there is any accidental spillage of oil or hydraulic fluid or anything like that. Considering that this is a forested area, I want to insure that you're going to be following the best practices and, specifically, I wanted to make sure that you're going to use approved absorbent material for the spill kits. This is particularly important because if you use something like kitty litter or some of the other materials, they're not very effective on soil and doesn't leach oil out of the soil should there be a spill. Now, of course, anything over 5 gallons spilled does need to be reported but anything under can be handled with a spill kit. I would like to submit that to the file and the second part of this also is if you're storing machinery on site.... I think we've called this out previously....

Chairman Laga interjected yes; we want it stored on poly.

Vice-Chairman Fannin continued right; store it on plastic or poly. If you have absorbent material, absorbent beds, that's fine as well but it has to be stored on something. They probably have, at the Plant, some of this material already considering how much machinery they have. Anything brought in for this should definitely be stored on that overnight.

Vice-Chairman Fannin offered a copy to Mr. Prentis.

Mr. Prentis replied I have a copy. The only question that comes up is the skidders have tire chains on them. They're going to just tear that poly in one pass so.....

Chairman Laga replied well just go over it slow. They'll rip it up but at least it'll be under the body of the rig. Or just pull the poly under the motor.

Mr. Starace added the poly can just go under the engine; don't worry about the wheels.

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Mr. Turano said do you want to write that out as one of the conditions?

Chairman Laga replied I did.

Mr. Turano then said what about what Vice-Chairman Fannin has here: to follow the hazardous materials procedures as outlined in the DEC NYS Forestry BMP Field Guide and Best Management Practices for Water Quality.

Chairman Laga said okay.

Chairman Laga then recited the conditions regarding the permit:

1. All disturbed areas (i.e. skid roads, forest roads and landing areas) shall be seeded after completion of harvesting in accordance with the DEC NYS Forestry BMP Field Guide and Best Management Practices for Water Quality which states seeds should be immediately mulched with hay or straw at two tons per acre - approximately 2.5 40lb bales per 1,000 square feet.
2. All water bars shall be located and constructed in accordance with the DEC NYS Forestry BMP Field Guide and Best Management Practices for Water Quality.
3. In accordance with section 142-AD4 of the Town Code, where slopes exceed 30%, logs should be winched off.
4. All seeding materials and methods must have prior approval of wetland inspector/town engineer.
5. All conditions recommended by Forester, Doug Ramey in his letter dated July 7, 2017 shall be followed and shall be considered part of this permit.
6. No trees within the buffer areas (some 100 feet, others 150 feet) shall be cut.
7. Contractor should provide required insurance document as part of application; workers comp and general liability.
8. Applicant shall obtain highway bond prior to start of work as required by Highway Department. An email from Highway Supervisor has been submitted.
9. No work during rainfall events.
10. Work may commence upon approval of Town of Carmel Forester.
11. Town of Carmel Forester to inspect site upon completion of all work and submit written report confirming that all conditions of the permit have been satisfied
12. Silt fencing: If the Town of Carmel Wetland Inspector / Engineer or Forester determine, in the field, that silt fencing is necessary, for the logging operations, the owner/logging company shall install such silt fencing.
13. Store all equipment on poly at night.
14. Provide spill kit on site during work; follow NYS Hazardous Material Guidelines BMP Field Management.

Several Board Members indicated BMP stands for Best Management Practices.

Mr. Prentis asked if he could ask about one of the provisions.

Chairman Laga responded sure.

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Mr. Prentis said #9 - No work during rainfall events. Quite often, loggers will go into the woods and just cut trees - not skid. You're preventing all work with that sentence in there.

Chairman Laga replied why don't we just modify that sentence to: no tree hauling, dragging, skidding during rainfall events.

Chairman Laga then said, with that, I am going to make a motion to grant a tree cutting permit to Peckham Materials Corp. located at 1181 Route 6 Carmel NY with the attached conditions that I just read. Do I have a motion?

Mr. Barnett moved to make said motion; seconded by Mr. Starace with all in favor.

Chairman Laga indicated to Mr. Prentis - so you have your permit. We'll do the short form environmental assessment.

Chairman Laga indicated that he would leave the permit with Rose since Mr. Prentis cannot sign for the owner and to just have the applicant come by to sign.

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

MINUTES:

Mr. Starace moved to approve the minutes of August 3, 2017 as written; seconded by Mr. Barnett with all in favor. (Chairman Laga recused himself from this vote.)

Mr. Starace moved to approve the minutes of August 17, 2017 as written; seconded by Mr. Barnett with all in favor. (Mr. Turano was recused from this vote.)

Respectfully submitted,

Dawn Andren