

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

MARCH 15, 2018

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

ABSENT: VINCENT TURANO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Pulte Homes Lot 5	55.14-1-11.3	1 - 6	Permit Granted w/conditions
Kirkwood Estates LLC	64.11-1-19	6	Permit Granted w/conditions
Richard Savage	75.7-3-4	7 - 9	Letter of Maintenance granted w/conditions
NYCDEP- Shaft 10	54.-1-29.2	9 - 11	Letter of Maintenance granted w/condition
Minutes:			
	12/21/17	12	Held over
	01/18/18	12	Approved
	02/01/18	12	Approved
	02/15/18	12	Approved

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Dawn M. Andren

PULTE HOMES - LOT 5 - TERRACE DRIVE - TM - 55.14-1-11.3 - ELIGIBLE FOR A PERMIT

- Mr. Paul Lynch of Putnam Engineering appeared before the Board.

Chairman Laga stated there have been no formal comments written in the file from the public. We've spoken with the homeowners a couple meetings ago. We have a memo from the Town Engineer regarding the SWPPP which indicates the calculations are in conformance with the D.E.P. SWPPP and the approved plans. The trees: there's a total of 48 trees based on this list and you're going to have to submit a bond for \$68,030 that will cover 5 growing seasons. The grassy area (that you're planting): you must guarantee two growing seasons. The trails: you were going to check the grades on the trails and clean up the gravel on the path.

Mr. Lynch replied that work is to be done in the springtime.

Chairman Laga continued the watering plan was in the drawings and the needed stamp from the soil compaction report, we've received.

- Jack Adesso of 75 Blair Heights - Carmel appeared before the Board.

Mr. Adesso stated that he was Chairman of the Transition Committee which is working with Pulte Homes to transition this property to HOA ownership. There are some issues with this Lot 5 Permit and we didn't really get a chance to get into all of these issues. I just want to make sure tonight, we put it all out on the Table so whatever decision you make, you make.

Chairman Laga said this has been advertised for over a month and a half.

Mr. Adesso said we were here on the 18th; that was an abbreviated meeting.

Chairman Laga replied not on the 18th it wasn't.

Mr. Starace added on the 1st, it was an abbreviated meeting.

Mr. Adesso said so the public hearing is over.

Chairman Laga replied the comments should have been from January 18th up until March 1st because that was the first time they were up for a permit. We'll listen to your comments. As far as we're concerned, this Board has gone through the drawings. If there is anything detrimental, we'll address it. If it's been addressed, we'll take care of it.

Mr. Adesso replied fair enough. The walking paths: Pulte claims that there is only 130 linear feet of the walking paths that they can pave because they can only increase the impervious square footage by 871 square feet. That's not accurate because it's contradictory to what's been filed with the amended site plan.

Chairman Laga said so whatever is in the amended site plan is what they have to do.

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Mr. Adesso said I just want to state it because we've gone through it. They've submitted a table to the Planning Board which indicated that an excess of .43 acres or 14,810 square feet is available. If you take a walking path that's four feet wide, it leaves 3,703 linear feet that can be paved. The impervious surface is not 871 square feet but is actually 3,703 square feet. That's just a matter of looking at the records, requirements and Site Plan as well as the chart that was submitted at the time. The slope of the walking paths was measured, by us, at 14 degrees and 20 degrees slope.

Chairman Laga said we don't really have purview over the slopes of the walking paths. We had asked you last time to speak with the builder and ask him. We'd asked that you sit down together to try and come to a grade that everyone could live with. I have the notes here for it.

Mr. Starace said is this the grade/slope that you're speaking of or is it on an angle?

Mr. Adesso replied no; the reason these paths keep washing out, among other reasons, is because their slope is severe: 14° & 20°. It shouldn't be more than 8.33° if you look at the requirements. If you look at the Planning Board conditions, it's supposed to be 5°. So part of the reason they continue to wash out is the slope is too steep. If that is something that is not within your purview....

Chairman Laga said to Mr. Lynch you're going to have that addressed - right?

Mr. Lynch replied at some point we go back to the Planning Board for a bond reduction which I've asked for. So there will be a public hearing so these types of issues can be discussed and clarified.

Chairman Laga said I don't want you to have to do the work first and then have to rip it up. I'm asking you to address this with the builders, surveyors to make that down to a 5° grade...

Mr. Lynch interjected that's impossible. It wasn't designed that way. You can't get to a 5° degree.

Mr. Starace indicated it's in the Plans with a 14° grade.

Chairman Laga said what about terracing it.

Mr. Lynch replied you really don't have the room. In other words, to switch it back and forth, there really isn't room on the fill section; the fill section is coming down and you're gliding along it as you're going down. There really isn't anything that can be done to change its shape, location or switch it back because it's a slope coming down and you're going down in that direction. It's an exercise trail. It was never intended to be ADA compliant or any of that sort of stuff because they had met the recreation commitment with that park area you have in terms of square footage. The walking trail is just additional.

Chairman Laga said see what we can do.

Mr. Lynch replied sure; obviously it's going to come up at the Planning Board.

Mr. Adesso said it sure is. I don't know why the Planning Board would make it a condition that it be a 5° grade if it was only an exercise trail. It's not your purview so I don't want to waste your

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time with something that you can't deal with. I'm going to ask you about the maintenance plan for the new plantings.

Chairman Laga replied he's got a 5 year bond on it. They die, he replaces them.

Mr. Adesso asked has a Plan been filed.

Chairman Laga replied yes; I believe there's a Plan in the drawings.

Mr. Adesso said has the Plan been filed with the Town Clerk so that we can get a copy of it?

Chairman Laga replied you can pull the Plan. It would be in the Plans here. There is no separate Plan that's in the drawings.

Mr. Adesso said so I can go to Planning Department and get a copy of those Plans.

Chairman Laga replied yes.

Mr. Adesso continued we had asked that Pulte put some additional erosion control plantings between the walking paths and the 100' buffer along the stream. You've gotten photographs from us, as the Town has, showing a lot of silt and turbidity in the waters going into the stream. You can see all of the silt and dirt washing down that stream which ultimately goes into the wetlands and the reservoir. We think if they added some more plantings, it would assist in preventing this run-off from going into the stream.

Mr. Starace said (to Mr. Lynch) you're going to restore that area to establish a turf and some plantings there? Can you talk about that please?

Mr. Lynch replied as part of your drawing package, there is a mitigation landscape plan that shows additional trees being planted in between the fill slope and that buffer. So you're within the buffer but you are planting additional trees.

Mr. Starace said storm water is picking up a lot of turbidity and soil. Is the soil going to be turned over; is that in the detail?

Mr. Lynch replied it's all part of the detail. So you reestablish the vegetation, plant your trees and do your.....

Mr. Starace interjected that's part of the two growing seasons; establish turf so there shouldn't be any run-off.

Mr. Lynch said there will be run-off but it's not going to be an erosion issue.

Vice-Chairman Fannin said for the record: what is in the file is public domain - you can come and request it from the Planning Department. There's documentation supporting the impervious area and the calculations that we had requested for this from the last meeting; there's a watering plan for all the new tree plantings that will be coming in as well as the maintenance plan they were

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referring to. Landscape plans for Lot 5 also has soil reports and inspections as well. These are all documents that we'd requested at the January 18th meeting and have now been put in the file.

Mr. Addesso said so we should be able to find all of these in the Planning Department. This would be the storm water control maintenance agreement?

Chairman Laga replied that's the SWPPP which they have DEP approval for and we made them go revisit so that's up to date.

Mr. Addesso said so that's the one required by Town Code section 156.

Chairman Laga said the DEP trumps us so they follow the DEP Code on that.

Mr. Addesso asked we have issues with the detention ponds in the Lot 5 area as well.

Chairman Laga replied whatever was on the Plan, we went through and accepted.

Mr. Addesso added we've had cuttings going on in these detention pond areas within the 100' buffer of the pond. The people doing the cutting have taken the cuttings and thrown them into the pond. We've got photographs here that make the pond look like a grassy area.

Mr. Starace interjected it sounds like a maintenance issue.

Mr. Lynch stated they're starting their conversion from sediment ponds to their final state.

Chairman Laga interjected and they'll be cleaned - right?

Mr. Lynch replied everything will be cleaned out.

Mr. Starace said so they're weed whacking the existing phragmites that are established and growing inside this pond. They're trying to get them out of there.....

Mr. Lynch replied there will be some minor re-grading done if needed. The outlet structures get changed. I think there's temporary outlets in there now.

Chairman Laga interjected are these detention ponds?

Mr. Addesso responded yes; detention ponds. We also need to know if these ponds have plants inside them that were supposed to be put in when they were created. We don't have any way of knowing whether these plants even exist anymore. It's a requirement and if the H.O.A. gets stuck years later trying to replace these plants, it's an enormous expense. We need to have a certification from Pulte that these plants are in the pond. I believe a certified biologist or arborist has to verify this.

Mr. Lynch interjected they haven't been planted yet.

Vice-Chairman Fannin said for the record, I'm adding these two photographs to the file.

Mr. Adesso said they haven't been planted yet so how have these ponds been working?

Chairman Laga replied they're just using them as sediment ponds for construction.

Mr. Adesso asked so is there a plan as to when these are going to be planted?

Mr. Lynch replied they're working on trying to do it this spring.

Vice-Chairman Fannin asked Mr. Lynch is that in the Plans/file?

Mr. Lynch replied it's in the full set of drawings.

Mr. Starace said to Mr. Lynch, for the record on the detention pond; can you please explain the process? Is it going to be dredged, debris removed and then plant the wetland plants. Is that going to be the sequence?

Mr. Lynch replied pretty much so. The surveyor's been out there to resurvey everything so they'll give me an existing as built condition. I take that grading plan that the surveyor generates, I overlay it on top of my design plan for my pond, I check the elevations, the bottom of the pond, the berm elevations, etc. If I have to remodel the pond, we remodel the pond but we go through the whole process.

Mr. Starace interjected one thing not to be overlooked; there may need to be a maintenance plan inside of those detention ponds for the next number of years.

Mr. Lynch replied yes; that is in the submitted drawings.

Mr. Adesso said we haven't had access to it up to this point and that was my other question about the maintenance plan. So we'll have to get a hold of it and take a look. I just wanted to leave these other photographs with you just to show the run-off issue in the stream. It's a problem. Hopefully it will be resolved by Pulte. The other issues that I have here are basically Planning Board issues as I see them. I'm done with what we had to present this evening.

Chairman Laga directed to Mr. Lynch; I've added clean & restore detention ponds upon completion of work as condition of the permit. You were supposed to put wetland signs up - correct?

Mr. Lynch replied yes; I don't know if they've been physically done yet or not but it's on the Plan.

Chairman Laga added and then I added watering plan for two seasons - grassy area of the turf.

Vice-Chairman Fannin moved to grant permit to Pulte Homes, Terrace Drive Lot 5, Carmel NY 10512 - Permit #939 - with the following conditions:

- bond amount for \$68,030 for 5 growing seasons
- watering plan for two seasons for grassy area turf
- clean detention ponds upon completion of work and restore
- install wetland signs.

Seconded by Mr. Starace with all in favor.

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

KIRKWOOD ESTATES, LLC - 61 KIRK LAKE DRIVE - TM - 64.11-1-19 - ELIGIBLE FOR A PERMIT

Mr. Douglas Esposito, representing Kirkwood Estates LLC appeared before the board.

Chairman Laga stated numerous letters were received from the public and we spoke to your neighbors at the last meeting with the Mr. Esposito and we advised them that the he was repairing the area with some trees and it's not be set up as a boat launch.

Mr. Esposito replied that's correct. We are not doing any additional work other restoring the area.

Chairman Laga reiterated a lot of letters were submitted and we explained at the last meeting what the plan was here. With that I think we could move forward with the permit. He said you have to install six bushes/shrubbery to be planted in that area.

Mr. Barnett moved to grant the permit #940 to Kirkwood Estates LLC, 61 Kirk Lake Drive with the following condition to install six bushes/shrubbery to be planted in the area. The motion was seconded by Mr. Starace with all in favor.

Chairman Laga stated to Mr. Esposito we're not going to hold a bond because we are only talking about 6 bushes/shrubbery and we expect that you are going to give us two growing seasons.

Mr. Esposito stated the property is for sale.....

Chairman Laga said if you sell the property you are free and clear, but up until the time you sell make sure.....

Mr. Esposito said we will keep an eye on it as long as we are around.

At which time, Chairman Laga added two growing seasons to the wetland permit.

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

SAVAGE, RICHARD - 142 WEST LAKE BLVD - TM - 75.7-3-4- CAPPING OF EXISTING SEAWALL WITH CONCRETE STEPS

- Richard Savage appeared before the Board.

Chairman Laga said I went through your file and lot survey; you want to put a capping on the area highlighted in yellow.

Mr. Savage replied correct.

Chairman Laga continued what kind of capping do you want to install?

Mr. Savage responded the ice broke the top portion of this seawall. Based on the lake level, it could just be capped with concrete. The level of the water right now is about 5 feet high. Usually it's about two feet high. If it remains higher, then we're going to have to seal that area off.

Mr. Starace interjected did the water go over your capping stone this year?

Mr. Savage replied correct?

Mr. Barnett said during the nor'easters I assume?

Mr. Savage replied it still is now; it's over most of the docks along that strip of land.

Mr. Starace asked do you have a photo of that wall.

Mr. Savage replied yes.

Chairman Laga said are you having a contractor do this work for you or are you doing it?

Mr. Savage replied I'm having a contractor.

Chairman Laga replied this sounds like a maintenance issue. You're not demoing the wall; you're just going to put a capping on it. While you're doing the work, we're going to expect that a floating boom be installed in the lake so in the event debris falls into the lake, it's captured within the confines of the boom.

Mr. Savage replied debris is already in the lake.

Chairman Laga continued you're not going to use any heavy equipment - correct?

Mr. Savage replied no because it's probably 75 steps from road level. Heavy equipment could not get down there.

Chairman Laga said I'll draw it in here for you - a floating boom; you'll set up the floating boom, call the Town Engineer. He'll come out after it's installed and inspect it. Then you can start work.

Mr. Barnett asked are you capping this or you're putting something over here?

Mr. Savage responded this portion here - about 10 feet - broke off.

Mr. Starace said what's this here?

Mr. Savage replied that's steps that go into the water. The dock is here. That is part of the seawall that you really can't walk on; it's only about two feet. It's a sub-wall to the wall.

Vice-Chairman Fannin asked are you going to be preparing or putting concrete into any other sections aside from just the cap. Meaning the steps as well?

Mr. Savage replied the steps are wood. The reason why it was placed on the letter of permission request for a step is because there is one step down from the dock if you were to make an attempt to walk across this seawall.

Vice-Chairman Fannin asked are you going to be replacing that step as well.

Mr. Savage replied it's the dock and the seawall is one step down so there's no additional steps or anything.

Chairman Laga said we are going to grant a letter of maintenance be issued to you. But that letter of maintenance will only be issued contingent on the fact that you provide us with the linear footage of the area that you're going to be repairing, stating that you're going to be putting in a floating boom, that there will be no heavy equipment used to do the work, that an outside contractor will be doing the work and you'll notify the Town after the floating boom is installed.

Vice-Chairman Fannin said please submit a copy of the property deed to the file.

Chairman Laga said you have until Tuesday to get a letter in for us and a copy of the deed.

Mr. Starace said that's just going to be concrete - correct?

Mr. Savage replied it is. It's going to be difficult for me to get this by Tuesday.

Chairman Laga said you can't do this work for some time. Would you want me to just shelve this and you come back in two weeks - in April?

Mr. Savage replied I'm just wondering if I can make it down to this piece of land by Tuesday; I have a foot of snow down there, etc.

Chairman Laga said I thought you knew the measurements. Why don't we just shelve this until you get the information and then it's just a letter of maintenance we're going to give you.

Vice-Chairman Fannin added as soon as we issue the letter of maintenance, you don't have to come back again. The night we grant it, you can pick it up the next day. There's no public hearing or anything.

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Mr. Barnett said you can't do any work until that lake level goes down anyway and it's going to take a while to do that.

Mr. Savage replied I'm trying to avoid doing it when there's heavy traffic on the lake so I would like to try to get it done and/or so that the remaining retaining wall doesn't come collapsing from wakes, etc.

Chairman Laga said we'll grant the letter of maintenance but before you start work, give us the stuff within two weeks.

Mr. Starace said with the contractor, do yourself a big favor, make sure he puts a reinforcing bar in that slab and actually drills it into either side.

Mr. Savage said I'm not 100% sure, because it's been iced over past couple of weeks, if it's just this portion or if I'm going to have to re-do a little more.

Mr. Starace said he's going to have to do a demo-cut, clean surface and has to be dry.

Vice-Chairman Fannin moved to grant the letter of maintenance to Mr. Richard Savage of 142 West Lake Blvd., to cap an existing seawall with concrete step with the following conditions:

- Provides a letter detailing the scope of work that is to be performed
- Provide us with a copy of the deed
- Has to install a floating boom prior to the start of work and get the Wetlands Inspector to inspect it prior to start of physical work.
- Provide us with a copy of the length of the wall to repair.
- No heavy equipment.
- Mr. Savage has two weeks from today in which to get us that information before the permit will be issued. By March 29th, you should have this information in.

Seconded by Mr. Barnett with all in favor.

NYCDEP- SHAFT 10 - 1286 ROUTE 6 - TM - 54.-1-29.2 - REPLACEMENT OF SHAFT 10 BAR RACKS

- Mr. Mark DelBalzo of Bureau of Water Supply NYC DEP appeared before the Board.

Chairman Laga stated I went through the Plans and Drawings today that were submitted. You're doing all the bar racks inside the building - right?

Mr. DelBalzo replied the bar racks for the channels are located just outside.

Chairman Laga said I was under the impression it was the building. So you're right next to the reservoir then.

Mr. DelBalzo replied that is correct but it's inside the wall area - the access ports.

Chairman Laga said you've sent the specs for the stainless steel work, you've sent the overview of the unit. I didn't see a Plan view of where the work is actually being performed.

Mr. DelBalzo replied I'll see if we have a sketch of the Plan layout of Shaft 10.

- Mr. Sven Nielsen with NYC DEP also appeared before the Board.

Chairman Laga said if I'm looking at the picture of the building, which area are we working?

Mr. Nielsen replied the 4 channels right here.

Chairman Laga said so they're inlets into the pump house. The 4 channels here are covered by these doors.

Mr. DelBalzo replied yes.

Chairman Laga continued so you're pulling the old racks out and just replacing them. Welding in there or they just slide?

Mr. DelBalzo replied they slide down in the channel.

Chairman Laga said this would be considered maintenance.

Vice-Chairman Fannin said I agree.

Mr. Starace asked this is all one unit that's going into a.....or that's each one.....

Mr. DelBalzo replied each one - there's 7 stacked on top of each other; they go in sections. You pull each one up, 7 of them get pulled up for each channel, then replace and slide them down.

Vice-Chairman Fannin asked where is the debris being collected right now; in front of each of the screens?

Mr. DelBalzo replied yes.

Vice-Chairman Fannin continued so what's the procedure for clearing the debris from the screens?

Mr. DelBalzo responded we go down with divers, clean out the debris and lift it up. We have to store it and sample it before disposal. Then we take the old screens out once it's cleared and then we replace.

Mr. Nielsen said there's actually very little debris in front of the screens before they're installed.

Mr. Starace said it's like a sump.

Mr. Nielsen concurred.

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Chairman Laga here are a couple concerns I have: You're near the water and I know the DEP is big on this - that's a diesel forklift so I need you to have a spill-kit on site while you're doing the work; I'm not asking for a boom because you're not working in the water.

Vice-Chairman Fannin said well if there is debris, is there a possibility that it can go into the lake while the divers are removing the debris?

Mr. DelBalzo replied it's in front of the intake channels and if you look at the panels of the cover, that's inside the wall area so they'll be diving down here.

Vice-Chairman Fannin said but this is the intake from the lake itself so it might as well be in the lake.

Chairman Laga said they're working within a contained area.

Mr. DelBalzo said this is a drop front so think of this as the intake area where the channels are; the lake is much lower.

Mr. Barnett asked what does the debris consist of generally.

Mr. Nielsen replied tree limbs and things like that.

Mr. Starace said tree limbs, branches, maybe some silt collects around that.

Mr. DelBalzo replied vegetation but not much.

Vice-Chairman Fannin said do you feel a boom in the lake would be necessary or useful at all? Is there some potential of contaminants getting back into the lake from the screened area or if it's so low of a concern, I don't think it's necessary either.

Mr. DelBalzo replied as we were saying before, the debris is vegetation that had settled and, with the current, has washed up in so very low chance.

Vice-Chairman Fannin said and is the lull lift the only heavy machinery you're going to be using?

Mr. Starace said it's just going to lift it out.

Mr. Starace moved to grant Volmar Construction for DEP at 1286 Route 6, Carmel a letter of maintenance to replace the shaft 10 bar racks with the following condition:

- Spill kit on site while the work is being performed.

Seconded by Mr. Barnett with all in favor.

MCDONALD'S USA LLC - 1931 ROUTE 6 - TM - 55.11-1-41 - ESCROW RETURN

Chairman Laga said this is a Planning Board referral and read from a letter from Richard Franzetti that indicated a field representative inspected property on August 8, 2017 to evaluate current status of site condition to determine whether bond return is warranted. All site improvements for both Planning and ECB were completed and recommended the escrow be released.

Mr. Barnett moved to release the escrow from McDonald's USA LLC at 1931 Route 6 - Carmel; seconded by Vice-Chairman Fannin with all in favor.
Bond is released.

MISCELLANEOUS

MINUTES - 12/21/17, 01/18/18, 02/01/18 & 02/15/18

12/21/17: held over for quorum voting

01/18/18: Mr. Starace moved to accept minutes of January 18, 2018 as written; seconded by Mr. Barnett with all in favor.

02/01/18: Mr. Starace moved to accept minutes of February 1, 2018 as written; seconded by Mr. Barnett with all in favor.

02/15/18: Mr. Starace moved to accept minutes of February 15, 2018 as written; seconded by Mr. Barnett with all in favor.

Mr. Barnett moved to adjourn the meeting at 8:21 p.m.; seconded by Vice-Chairman Fannin with all in favor.

Respectfully submitted,

Dawn M. Andren