

ROBERT LAGA
Chairman

NICHOLAS FANNIN
Vice Chairman

RICHARD FRANZETTI, P.E.
Wetland Inspector

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

BOARD MEMBERS

Edward Barnett
Anthony Federice
Nicole Sedran

ENVIRONMENTAL CONSERVATION BOARD AGENDA

SEPTEMBER 1, 2022 – 7:30 P.M.

ELIGIBLE FOR A PERMIT

<u>APPLICANT</u>	<u>ADDRESS</u>	<u>TAX MAP #</u>	<u>COMMENTS</u>
1. Haberman, Seth	70 Lillian Road	64.15-1-53	Extend Second Floor Den
2. Jimenez, Nicole	28 Silver Gate Road	86.12-1-1	Construct Single Family Home, Septic System & Driveway

EXTENSION OF WETLAND PERMIT

3. 70 Old Route 6 LLC	70 Old Route 6	55.11-1-15	Re-development of Property
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MISCELLANEOUS

4. Minutes – 06/02/22 & 07/21/22

KEMPEY ENGINEERING

Consultants in Environmental Engineering

1569 East Beecher Hill Road, Owego, NY 13827

(607) 223-4653

Facsimile (607) 223-1591

VIA ELECTRONIC MAIL TO - rtrombetta@ci.carmel.ny.us

August 19, 2022

Ms. Rose Trombetta
Environmental Control Board
Planning Department
Town of Carmel
Carmel Town Hall
60 McAlpin Ave
Mahopac, NY 10541

Re: 70 Old Route 6, LLC
Town of Carmel
Environmental Control Board
Freshwater Wetland Permit Number 931
70 Old Route 6
Town of Carmel
Tax Map #55.11-1-15
Request for Permit Renewal

Dear Ms. Trombetta:

Transmitted herein is 70 Old Route 6, LLC's request for a renewal of the Town of Carmel Environmental Control Board Freshwater Wetlands Permit Number 931 dated July 1, 2021 expiring on July 1, 2022 for the construction of their proposed 70 Old Route 6, Carmel, New York Construction and Demolition Debris Handling and Recovery Facility.

70 Old Route 6, LLC is requesting that the Environmental Control Board renew Freshwater Wetlands Permit Number 931 dated July 1, 2021 by extending the July 1, 2022 expiration date until July 1, 2023 since the construction of the Facility has not been initiated at the site as of this date. However, it should be noted that 70 Old Route 6, LLC anticipates initiating the construction of the Facility at the site within the three months.

70 Old Route 6, LLC's has recently retained Kempey Engineering to prepare the construction documents required to apply for and to obtain the Town of Carmel Building Permit for the project. Kempey Engineering was retained due to its extensive expertise in the design and construction of solid waste management facilities. Kempey Engineering is currently preparing the required construction documents for submittal to the Town of Carmel. However, it must be noted that all of the provisions of Freshwater Wetlands Permit Number 931 dated July 1, 2021 including all facility design features and requirements and facility management practices will remain in enforce and effect and will be incorporated

Ms. Rose Trombetta
Town of Carmel
Environmental Control Board
Planning Department

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August 19, 2022

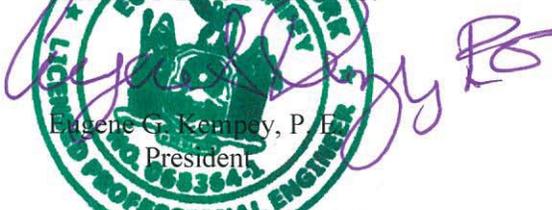
into the Facility's design and the construction documents currently being prepared by Kempey Engineering for submission to the Town of Carmel as original approved by the Town of Carmel Environmental Control Board under the above-mentioned Permit.

Therefore, please renew the Freshwater Wetlands Permit Number 931 dated July 1, 2021 and extend the July 1, 2022 expiration date until July 1, 2023.

Please review our request as soon as possible. We would like to thank you in advance for your prompt attention to this matter.

If you have any questions or require any additional information, please advise.

Very truly yours,

KEMPEY ENGINEERING.

Eugene G. Kempey, P. E.
President



XC: Dawn Andren, Town of Carmel Planning Department via dandren@ci.carmel.ny.us
Gandolfo Schiavone, Tompkins Recycling



June 28, 2022

Eugene G. Kempey, P.E.
President
Kempey Engineering, P.C.
1569 East Beecher Hill Road
Owego, NY 13827

Rohit T. Aggarwala
Commissioner

Re: Tompkins Recycling Facility Inc. - SWPPP
60 Old Route 6
(T) Carmel, (C) Putnam
Tax Map # 55.11-1-15
Croton Falls Reservoir Basin
DEP Log # 2006-CF-1110-SP.1

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

Dear Mr. Kempey:

This letter is in reference to the March 29, 2012, Stormwater Pollution Prevention Plan (SWPPP) approval issued by New York City Department of Environmental Protection (DEP) for the above-referenced regulated activity.

DEP received your April 14, 2022, letter requesting a renewal of the SWPPP approval. Upon review and in accordance with Section 18-23(a)(1) of the Watershed Regulations, DEP grants a five (5) year renewal of the SWPPP approval, subject to the conditions noted in the March 29, 2012, SWPPP Determination. As such, this renewal is valid until March 29, 2027.

A copy of this letter and the SWPPP Determination must be available at the project site during construction.

If you have any questions, please do not hesitate to contact me at (914)749-5360 or via email at jcoppola@dep.nyc.gov.

Sincerely,

Jason Coppola, P.E.
Supervisor
EOH, Project Review Group
Regulatory & Engineering Programs



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
70 OLD ROUTE 6 LLC
PO BOX 508
BEDFORD, NY 10506-0508
(914) 273-3377

Facility:
TOMPKINS RECYCLING FACILITY
60 OLD RTE 6
CARMEL, NY

Facility Location: in CARMEL in PUTNAM COUNTY

Facility Principal Reference Point: NYTM-E: 611.463 NYTM-N: 4585.667
Latitude: 41°24'53.4" Longitude: 73°39'58.6"

Project Location: Freshwater Wetland LC-55 (Class II) - south side of Old Route 6

Authorized Activity:

Construct a construction and demolition (C & D) debris processing facility located partially within the 100 foot adjacent area of Freshwater Wetland LC-55 (Class II), including excavation, grading and filling to construct a 20,880 square foot processing building with paved access road and parking areas, truck scale house and scale, retaining wall and stormwater management facilities, in accordance with the plans referenced in Natural Resources Permit Condition No. 1 and as conditioned in this permit. The project includes enhancement of approximately 0.6 acre of wetland adjacent area with native wetland vegetation as mitigation.

Operation of the new C & D debris processing facility (Facility ID# 40-T-08) is authorized under Solid Waste Management Facility Permit No. 3-3720-00371/00001.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 3-3720-00371/00002

Renewal

Effective Date: 1/25/2019

Expiration Date: 12/4/2022



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: SCOTT BALLARD, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature:

Date 1/27/19

Distribution List

P. Lynch, PE - Putnam Engineering, PLLC
Town of Carmel Planning Board
PCHD
M. Usai/M. Galasso - NYCDEP (Valhalla)
J. Annicelli - 70 Old Route 6, LLC
B. Drumm, Habitat Protection Manager
D. Pollock, DMM
G. Tompkins - Tompkins Recycling Facility

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign



**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: FRESHWATER WETLANDS**

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Putnam Engineering, PLLC, dated 10/14/08 with revisions through 4/10/12, including:

- A. Drawing Nos. C-001 to C-011 (11 sheets).
- B. Drawing Nos. G-100, C-100 to C-160, C-210, C-220, C-310 to C-340 (15 sheets).

2. Sediment & Erosion Controls Prior to the start of construction, all erosion and sediment controls shall be installed as shown on approved plan No. C-141. All erosion and sediment controls, as well as any accumulated silt or sediment, shall be entirely removed upon completion of work for disposal at an appropriate upland location.

3. Written Authorization Required From Adjacent Property Owner Written authorization from the Carmel Central Sewer District (or current property owner) for access to, and to perform permitted work on, the property located west of the subject parcel shall be provided to the Department prior to commencing any disturbance with the wetland or the 100' adjacent area.

4. Remediation of Contaminated Soil The following applies to remediation of site soils and debris removal operations:

- A. All automotive parts and contaminated soil shall be removed from the "small peninsula area of historic debris in the northwest portion of the site" as discussed in *Wetland and Buffer Restoration Notes* on Drawing C-160 and in Stage 3 of the *Excavation and Fill Plan for Wetland Buffer* found on Drawing C-140.
- B. The site shall be restored as shown on Drawing C-160.
- C. Documentation shall be submitted to the Department within 60 days of completion of this portion of the authorized work, including a written description and photographs of the work as it is being performed, and also documentation of final site conditions after completion.

5. Excavation, Remediation & Debris Removal All excavation and remediation of contamination shall be completed as shown on Drawing Nos. C-140, C-141, C-150, and C-160, all of which were last revised April 10, 2012. Removal of debris and fallen trees shall be limited specifically to the hatched area shown on Drawing C-160.

6. Disturbance to be Limited All disturbance within the wetland and adjacent area must be limited to the areas shown on approved plans.

7. DEC Notification Required The permittee must provide notification to the Department at least 48 hours prior to the start of construction activities affecting Freshwater Wetland LC-55 or its 100 foot adjacent area. Such notification shall be provided via electronic mail to Brian Drumm, Habitat Protection Manager, at this web address: brian.drumm@dec.ny.gov.

8. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.



9. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

10. No Turbid Discharges No turbid water resulting from dewatering operations shall be discharged directly to or allowed to enter Freshwater Wetland LC-55 or Michael Brook. Such turbid water shall be pumped to upland vegetated areas, settling basins, or other suitable device(s) for control of turbidity prior to discharge to surface waters or wetlands.

11. Remove Excess Materials and Construction Debris Any debris or excess materials from construction of this project shall be immediately and completely removed from the 100 foot adjacent area of Freshwater Wetland LC-55 to an appropriate off-site disposal location.

12. Stabilize Disturbed Areas All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass and mulched with hay or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established.

13. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

14. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

15. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS
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Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.



Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Type II Action, Renewal Under the State Environmental Quality Review Act (SEQR), the Department of Environmental Conservation has determined that this permit is a renewal where there will be no material change in permit conditions or the scope of permitted activities and is therefore a Type II Action and not subject to further procedures under this law.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Platt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

SB
Scott Ballard
Deputy Regional Permit Administrator
Region 3
Telephone (845) 256-2250

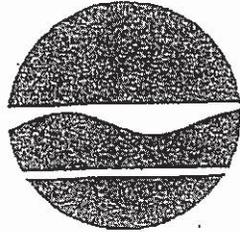
- Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.
- Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at <http://www.dec.ny.gov/chemical/43133.html>
- Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505; in addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.

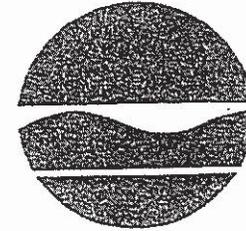


Department of
Environmental
Conservation

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: 70 Old Rt. 6, LLC Permit No. 3-3720-00371/2

Effective Date: 1/25/19 Expiration date: 12/4/2022

Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.