

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

AUGUST 2, 2018

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

ABSENT: JOHN STARACE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
NYCDEP	64.19-1-17	1-3	Wetland Permit Application Accepted.
Anna Inzano	63.-1-16.2	4-12	No Board Action.

MISCELLANEOUS

Minutes:

06/21/18
07/19/18

Held Over due to quorum.
Held Over due to quorum.

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Dawn M Andren

NYCDEP - KIRK LAKE DAM (OFF HILL ST.) - 64.19-1-17 - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION/GEOTECHNICAL BORINGS (2)

- Mr. Thomas Boland representing NYCDEP Bureau of Water Supply appeared before the Board.

Mr. Boland stated we are planning 2 borings at the Kirk Lake Dam located off of Hill Street. We are gathering geotechnical information to update stability analysis and hydraulic analysis in response to comments we've received from NYSDEC.

Chairman Laga asked you're not going through the dam; you're going in front of the dam?

Mr. Boland replied they're located on the crest of the dam - on the embankment of the dam - not the spillway. There's an attachment that shows a plan view of the dam and the location of the borings are marked out.

Chairman Laga asked who is the driller.

Mr. Boland replied the driller is Craig Testing.

Chairman Laga said we need a copy of the driller's permit; copy of his insurance; copy your purchase order for him to do this and how close are you to the water on this?

Mr. Boland replied we're about 15' from the lake.

Chairman Laga asked are you going to use a skid rig or a track rig.

Mr. Boland replied I believe it's a track rig.

Chairman Laga said we'll need a letter from you stating that there's going to be a spill kit on site while they're doing the borings and is there paperwork in here that indicates how they're going to abandon the well or are you just going to follow the DEC protocol?

Mr. Boland responded we're installing sensors and we're grouting the well.

Chairman Laga said you're not using bentonite; you're using grout/cement?

Mr. Boland replied the sensor gets embedded in a sand layer and then it's going to be a bentonite cement cementitious mix.

Chairman Laga interjected can you give us a catalog cut and the MSDS of that material?

Mr. Boland replied sure.

Vice-Chairman Fannin asked is there any chance that any of the slurry will....does it matter if the slurry goes in the lake.

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Chairman Laga said you're not doing mud rotary, you're just doing augur - an 8" auger or a 6.25"? Mr. Boland replied yes and we're going to have containment in place; if anything did spill beyond what they're expecting, it'd be captured by the containment.

Chairman Laga asked you're not doing mud - right; you're doing regular auger; fully encased and then set your sensor and withdraw your augurs, put your sand in and go measure; pull it up to two feet and grout the hole and pull the augurs out - correct?

Mr. Boland replied correct.

Chairman Laga said so there's really no chance of spilling. The soils are clean - correct?

Mr. Boland replied correct.

Mr. Turano asked what comments by DEC caused you to do this. Was it something specific to this site in this instance?

Mr. Boland replied maintaining compliance with the dam safety regulations; an engineering assessment was submitted in 2015; stability analysis showing the dam was meeting the factors of safety; DEC, after further analysis, had comments on....

Mr. Turano interjected was it a result of some observed problem or anything with the dam.

Mr. Boland replied no; it's not based on an observation.

Mr. Barnett said can you explain to the public why you're doing this.

Mr. Boland replied to have a complete evaluation of the dam, on record, as per DEC's requirements.

Mr. Barnett stated for stability and things like that.

Mr. Boland replied correct.

Chairman Laga said in reading the narrative, the subsurface investigation; you're doing two geotechnical soil borings and four geotechnical test borings at Lower Chia Lin dam. This is just for the two geotechnical soil borings at Kirk Lake.

Mr. Boland responded correct.

Chairman Laga said this application has nothing to do with Lower Chia Lin dam

Mr. Boland replied the permit application has nothing to with Lower Chia Lin dam; the drilling contract is covering both sites.

Chairman Laga said give me a letter stating this application is just for Kirk Lake dam. I don't want them to submit the whole work application. When do you want to start the work?

APPROVED

Mr. Boland just for clarification on the request - was for the driller's purchase order; he's doing the work as a sub-contract to our consultant, Aecom USA, Inc. You want his contract?

Chairman Laga replied yes; that and continued; you're expected to do this in one day - correct?

Mr. Boland replied yes but possibly two.

Chairman Laga said if they leave the rig there overnight, you have to store the rig on poly.

Mr. Boland added I think we're already including that due to D.E.P.'s policy. It's definitely going to stay overnight because even if they get it done in one day, they're going to Lower Chia Lin dam the next day, they'll stay at Kirk Lake.

Vice-Chairman Fannin said if the rig is staying, do you want a note in there about fueling?

Chairman Laga said it probably comes full; I don't think they'll be doing fueling. It won't be necessary.

Chairman Laga asked Vice-Chairman Fannin to read off what was said.

Vice-Chairman Fannin stated: drilling license; drilling permit; driller's insurance, the purchase order for the contractor/sub-contractor of the driller; spill-kit on site; MSDS and catalog cut of the grout being utilized; letter indicating that the application does not include the other dam mentioned - Lower Chia Lin dam; the rig must be stored on poly and a statement saying you're not going to be doing the other dam in this application.

Chairman Laga asked when do you want to start the work.

Mr. Boland we're targeting the second week of September.

Mr. Turano moved to accept this application with the following conditions: provide us details on spill-kit they're going to use; provide the MSDS & catalog cuts for the bentonite and grout material that they're going to use; submit the letter; store the rig on poly as well as in the same letter specify that this is Kirk Lake dam only; provide us with drilling license, driller's permit and a copy of the driller's insurance; copy of the P.O. with the driller; seconded by Vice-Chairman Fannin with all in favor.

Chairman Laga said you're on the clock. Get the stuff into Rose. She'll send it out to us. If everything is good and there are no comments from the public, you'll get your permit in September.

ANNA INZANO - 188 BULLET HOLE ROAD - TM - 63.-1-16.2 - SUBMISSION OF APPLICATION OR LETTER OF PERMISSION/INSTALL DRIVEWAY

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

Mr. Lynch stated she was here a while ago; she had a different engineer representing her then. (I think back in November?)

Chairman Laga said yes; November 16th.

Vice-Chairman asked for a 'refresher' on this application.

Mr. Lynch agreed; this is the two lot subdivision. I don't think you saw it in November.

Chairman Laga agreed - no.

Mr. Lynch said this two lot subdivision, that went through the Planning Board process, got approval and it was filed with the County Clerk. This, in blue (referring to map), is the stream that exists. The green is wetland. The orange is the 100' buffer.

Chairman Laga said and this has been flagged by a DEC Wetland Inspector?

Mr. Lynch replied I think it was with Joe Steel at the time he was not with the DEC - he was on his own; he had been retired. So; that is your 100' buffer and obviously this proposed driveway.....

Chairman Laga interjected is right in it.

Mr. Lynch continued and any improvements inside as well as taking the existing driveway and widening it to make it suitable for a common driveway is all within that buffer and it never came to this Board for approval. This Board never saw this project. At present, the Town holds a bond for the improvements of this driveway. The plan is for the Giordanos/Gervacis to pave it.

Chairman Laga said not the Inzanos?

Mr. Lynch replied no. The Inzanos start pretty much at this point; their driveway starts here. I'm only concerned with Inzano and getting them their permit. But to pave this section of driveway, it needs DEP approval because it's within 100' of water. They don't allow paving of driveways within 100' of a water course. There's an issue that is going to surface at some point in time. I'm here for the Inzanos.

Mr. Turano said I seem to recall a little ill feeling or something.

Mr. Lynch said what had happened was the Giordanos/Gervacis made some improvements where they cut this portion of the driveway and to how far, nobody knows. But there was a culvert installed through here and now it exists. This culvert is in; this work was done. They sold the lot to another entity. The other entity came in, cleared - to what extent, we don't know and installed the septic pad. So the septic pad is out there. This is the actual limit of disturbance.

Chairman Laga asked is it greater than 5,000 square feet.

Mr. Lynch replied it is; we are required to do a SWPPP which we are doing. Actually, I've been in contact with Mary Galasso (NYC DEP) and we've put the SWPPP together. She's asked me for a drainage study. What we're going to do is have a design point in the stream at some point down in this area. Pretty much our drainage basin, comes up, wraps around, comes back over and goes back down. We're going to do a pre and post study to see how the numbers turn out. We are proposing to use a raingarden to treat our impervious surface (which is the house). We're going to have two rain gardens in this location which is out of the buffer. Driveway is going to be gravel.

Chairman Laga replied isn't gravel

Mr. Lynch interjected not to the City of New York.

Mr. Barnett asked what kind of gravel are you talking about.

Mr. Lynch replied not item 4. $\frac{1}{2}$ " - $\frac{3}{4}$ " something like that. It has to be a gravel driveway.

Mr. Barnett asked will the client accept pervious asphalt.

Mr. Lynch replied the City would not. The City does not accept pervious asphalt. There issue is with the maintenance.

Chairman Laga asked do they have the silt fence up.

Mr. Lynch replied yes. There is a silt fence along this perimeter, down through here; what our plan is to take what buffer we can because the driveway is coming through this section.....

Chairman Laga interjected so you really need the DEP approval as well as us to get us built. Where are you in the process for the DEP permit?

Mr. Lynch responded I am probably submitting the SWPPP to Mary Galasso next week. The last thing that we're working on is the drainage study. Once that's completed, it goes in.

Mr. Turano said I'm a little confused at something. Somebody cleared but we don't know how much.

Mr. Lynch said yes; there was an intermediate owner. I know what's cleared now and that's what we're using as our boundary.

Mr. Turano said you just don't know who did what.

Mr. Lynch replied correct.

Chairman Laga said I understand that if the Planning Board gives you approval to construct a house in an area, the tree cutting permit is a wash; they don't have to come to us for a tree cutting permit because under the Planning, if you have a development of houses, you're good with...

Mr. Turano interjected well it's the houses that you don't have to do the tree permit.

Chairman Laga said so they're off the hook on the tree permit.

Mr. Lynch said what we're looking to do is restore the buffer where we can. Like I mentioned, the driveway is coming through so I'm not going to be restoring that area but there will be a strip through here that we will plant trees & wildflower seed mix to let the buffer reclaim itself.

Chairman Laga asked what are you going to do for mitigation on the driveway that's taking over through the buffer.

Vice-Chairman Fannin said it's pervious surface. Do we need to have..

Chairman Laga interjected you're putting on a driveway on it. You're disturbing it. You're not just going to put gravel on that material. You're probably going to put a geotextile fabric, layer of stone, right?

Mr. Lynch replied we may or may not. It's going to be a gravel driveway and you're going to have grass on both sides.

Mr. Turano said go over the size of the gravel you're talking about.

Mr. Lynch replied probably talking 1/2" to 1 1/4 inch. It's a mix.

Chairman Laga said so it interlocks.

Mr. Turano said but what's the range of sizes? Is that the range of sizes you're talking about?

Mr. Lynch replied yes. You don't want big stones nor do you want pea gravel as it will wash away.

Mr. Turano said I don't really consider that gravel. I consider that crushed stone.

Chairman Laga asked did they set the trailers yet - the house?

Mr. Lynch replied no. The houses are sitting on the trailers on the lot. They can't get a building permit until these issues are resolved.

Vice-Chairman Fannin asked what is the maintenance going to be like? There's a pitch right now; is there any grade from the driveway down to the wetlands?

Chairman Laga asked is the foundation excavated yet?

Mr. Lynch replied no - nothing; the grade is roughly 5%.

Mr. Turano said these are existing topos and the solid lines are proposed.

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Vice-Chairman Fannin asked is there a plan to put any drainage, wash-out basins, anything on the sides of the driveway itself to channel water.

Mr. Lynch replied I was trying to keep that as tight as possible. There is a swale on the uphill side. On the downhill side, the wetland buffer becomes your filter strip.

Vice-Chairman Fannin said my concern is there tends to be wash-out in the winter after thawing. There could be pretty big wash-out of the actual stone itself. Heavy rains will also pull it out. What happens is the water will get underneath or on the sides of the driveway and start eroding on the sides of the driveway so the stones will just tumble wherever and you wind up with huge divots.

Mr. Turano said usually crushed stone is going to be level with the surrounding area.

Chairman Laga said you're going to have to have a maintenance plan.

Mr. Lynch replied we have the swale on the high side. Run-off basically starts at the driveway itself.

Vice-Chairman Fannin asked is the swale the length of the driveway. Where is it?

Mr. Turano said here's the swale up here but down below here - that'll capture everything above here. Everything that comes down here, as per this proposal, is going to be captured in a ditch along one side of the driveway.

Mr. Lynch interjected which is there.

Mr. Turano said so if they grade it properly, that should come down through here and be caught in the headwall for this culvert which goes across to the other side.

Vice-Chairman Fannin said that makes sense.

Mr. Turano said it makes sense on the plan; whether it's constructed that way or not will make.....

Vice-Chairman Fannin said I think we should ask Mr. Franzetti, once the project is complete, is to go and check to make sure it works; it should be contingent with the bond on that. That could be bad or it could be fine.

Mr. Turano said some of this has already been disturbed up in here - right?

Mr. Lynch said yes; this plan has actually been modified from what you have in front of you. The disturbance actually comes up to the stone wall. That was the cutting of trees.

Mr. Turano said what you've got here is planting of trees here and some sort of wildflower seed mix over here; what about up here?

Mr. Lynch replied it's going to revegetate and it actually has. It's probably 25%-30% grade.

Mr. Turano said it's steep.

Mr. Lynch said it's going to go back to nature; you can't use it. You're not going up there with a lawn mower or you'd cut your feet off.

Chairman Laga said what are you looking for from us?

Mr. Lynch replied I'd like to get to the point where you can accept the plan and we waive the 30 day clock. If you don't accept until after the City gives me approval, then it just pushes the project - depending on how the calendar falls. If we can get it accepted and then basically table it.....

Chairman Laga said they're going to need a crane to lift the home...

Mr. Lynch replied correct.

Chairman Laga said it's going to be a decent size crane. We're going to need some information regarding that in terms of spill kits and refueling plan.

Mr. Lynch replied the refueling and spill kit is now in the plans also.

Mr. Barnett said how long has it been since they were on the site?

Mr. Turano said we don't know.

Mr. Lynch said I think they thought they were building this last October. She went after the building permit but that's when the whole issue of needing a wetlands permit came up.

Chairman Laga asked which one is the silt fence.

Mr. Lynch said the existing silt fence is running right along here; that line.

Chairman Laga asked is it in good shape?

Mr. Lynch replied yes.

Chairman Laga said you're going to need the Town Wetlands Inspector to look at the silt fence.

Mr. Barnett asked flagging alright.

Mr. Lynch replied the last flagging was done by NYC.

Chairman Laga said that's the other thing. You're going to need wetland tags.

Mr. Turano said he's showing them on there.

Vice-Chairman Fannin said I'd like to give a quick rundown of the notes from last time. There are a few things that were missing. I just want to make sure we have them all on here: spill-kit, plan for a stock pile...

APPROVED

Mr. Lynch said at this point they're not going to be stock-piling everything because they're going to use what they have on site. They may actually have to truck in material.

Chairman Laga said but they have to dig a hole for the foundation or are they just going to pour a slab.

Mr. Lynch said the house is going to sit pretty much at the foot of the existing fill pad for the septic. What they didn't realize is the house has to be 50' from the septic fields. It can't be closer. Their intention was they were going to be digging into that hillside to put their house in and they can't do that because I have to have 50'.

Chairman Laga said so you've relocated the house.

Mr. Lynch replied yes.

Chairman Laga asked what is the house going to be put on? A concrete pad?

Mr. Lynch replied it'll be a regular foundation.

Chairman Laga said basement?

Mr. Lynch replied yes; and we're going to bring in the fill to fill around it and behind the house. They're not going to have a surplus.

Vice-Chairman Fannin said then a certificate of clean fill?

Chairman Laga asked do you have a planting schedule?

Mr. Lynch replied we were going with what's native on that property right now.

Chairman Laga said give us a list of plantings and number.

Vice-Chairman Fannin asked is the NOV still active.

Mr. Lynch replied yes.

Vice-Chairman Fannin asked what do you need to do to get rid of it.

Chairman Laga said DEP permit.

Vice-Chairman Fannin said to get a DEP permit, do you need us?

Mr. Lynch replied no.

Chairman Laga said he needs us but our permit is contingent on the DEP permit. He gets the DEP permit, he gets our permit.

APPROVED

Vice-Chairman Fannin said I think we should have a certificate of clean fill for whatever fill you're bringing in.

Mr. Turano said these are pretty big rain gardens: 6' x 40'. Two of them - 240' each; they just seem large to me but that's fine.

Mr. Lynch replied it's how the math turned out.

Chairman Laga said I need a copy of the SWPPP; need the DEP approval; get Mr. Franzetti out there to inspect the silt fence; call the Wetlands Inspector prior to and after construction to make sure of all your items; planting list & certificate of clean fill.

Vice-Chairman Fannin asked is that later when we go through the bond or do we need to add something now about that ditch on the side of the driveway.

Mr. Turano asked how is the swale going to be vegetated.

Mr. Lynch replied stone in the bottom and grass on the sides. There's not going to be that great of a flow coming there at this point; especially with the diversion channel we have at the bottom of the hill. When I've finished the drainage study, I'll know what my queue is in there and we'll work backwards.

Mr. Turano said just write something in there about what you're going to do; that's all. The other thing is you're going to have leader drains; do we need more detail.

Mr. Lynch replied the leader drain gets piped. There will be two pipes. The back half gets piped to one rain garden and the other gets piped to the other one. There will be two overflows in each raingarden. The overflow will discharge to the swale.

Mr. Turano said but the connection from the leader drains to the rain gardens is not showing. I see an arrow but.....

Mr. Lynch said I'll make that clearer.

Mr. Turano said the area in front of the house - just add a note that there's going to be grass there.

Vice-Chairman Fannin said in front of the house?

Mr. Turano replied yes; this whole area is going to be disturbed

Chairman Laga said so you're looking for us to accept the application.

Mr. Lynch replied yes.

Chairman Laga said I'd like to move this forward and you came back with a much better product than we had before.

APPROVED

Chairman Laga started to ask if there was a motion to accept the permit as submitted with the following contingent items: copy of the SWPPP, copy of the DEP permit & NOV release; set up meeting with Town Wetlands Inspector to inspect silt fence now, prior to work & post work; install wetland flags as shown on drawings; certificate of clean fill; description of the swale and note on the drawings that grass will be installed in front of the house;

Mr. Turano said there's a lot missing here; when is this going to be advertised.

Chairman Laga said yes; do you have a copy of the SWPPP.

Mr. Lynch said it's not complete because of the xxxxxx study.

Chairman Laga said I don't want to advertise this if it's missing a lot of stuff. Why don't we do this....

Mr. Turano interjected I don't have a problem with accepting this; one of the conditions is until we receive a certain amount of material, this cannot be advertised.

Mr. Barnett said that's what was written.

Chairman Laga said yes but I didn't say that.

Mr. Barnett asked how long will it take to get these documents roughly.

Mr. Lynch replied I imagine the City is going to be within 30 days. My issue is I will be away on vacation at your next meeting.

Mr. Turano said what can be done before that? If it's contingent upon him submitting material before it's advertised, then he sets the clock. If he gets it in next Monday, then we can advertise it and go from there. Then he has a chance of getting it by the first week in September. As far as SWPPP goes, he has partially done the SWPPP.

Chairman Laga interjected but Mr. Franzetti has to approve the SWPPP - right?

Mr. Turano said a lot of times, after we accept the application, Mr. Franzetti goes and reviews the raingardens so this.....

Chairman Laga interjected why don't we accept the application as is; give him until the 16th; have them come in, put them on the calendar; make sure all of these items are addressed. They'll come in and say these items have been addressed.

Mr. Lynch interjected by the certificate of clean fill.....

Chairman Laga said the main things are the silt fence inspection, the SWPPP, the swale description, the wetland flags are installed and the note of the grass. The DEP & NOV can't be done.....

Mr. Turano said you said you have an updated plan so that has to be submitted too.

APPROVED

Chairman Laga said send it in between now and the 16th, send them in here the 16th to say we'd like to have this application accepted. Give them a laundry list of things that you did. As long as it's in here, then we'll accept the application because there's too many holes right now and it needs to be advertised to the public and if they can't see it.....

Mr. Lynch interjected I don't have an issue with that.

Chairman Laga said we will hold off on this application until the 16th. They need to get a copy of the SWPPP in the file; Rich Franzetti will inspect the silt fence three times - now, pre & post; copy of DEP approvals; swale description; note for grass in front of house; NOV release and an updated plan.

MISCELLANEOUS

MINUTES: June 21, 2018 & July 19, 2018

- Minutes were held over due to Mr. Starace's absence.

Mr. Turano moved to adjourn the meeting; seconded by Mr. Barnett with all in favor.

Respectfully submitted,

Dawn M Andren