

APPROVED

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](http://www.ci.carmel.ny.us)

**BOARD MEMBERS**

Edward Barnett  
Vincent Turano  
Julie McKeon

**ENVIRONMENTAL CONSERVATION BOARD MINUTES**

**SEPTEMBER 5, 2019**

**PRESENT:** CHAIRMAN LAGA, VICE-CHAIRMAN NICHOLAS FANNIN,  
EDWARD BARNETT, JULIE MCKEON & VINCENT TURANO

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<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
<u>Eligible for a Permit:</u>			
Jeffrey Freda	64.12-2-47	1 - 2	Permit Granted w/conditions
Anna Inzano	63.-1-16.2	2 - 3	Permit Granted w/conditions
Almodovar & Dinallo	64.16-1-28	3 - 4	Permit Granted w/conditions
<u>Submission of an application or letter of permission:</u>			
Harold Stevens	64.18-1-23	4 - 8	Application accepted w/conditions
Yenom Studio, LLC	54.-1-26	9 - 12	Application accepted w/conditions
<u>Planning Board Referral</u>			
Homeland Towers LLC - NYSMSA Ltd. Partnership	64.19-1-43	12 - 17	No Action Taken
<b><u>MISCELLANEOUS</u></b>			
Minutes:	06/27/19	18	Approved as Written

The meeting was adjourned at 8:38 p.m.

Respectfully submitted,  
Dawn M Andren

JEFFREY FRED A - 420 NORTH LAKE BLVD.; TM - 64.12-2-47 - ELIGIBLE FOR PERMIT/CONSTRUCT DOCK

- Mr. John Karell, Engineer representing Mr. Freda appeared before the Board.

Mr. Karell stated we were here a long time ago. Last time, we had the DEC sign off that we didn't need permits. They made us change the calling of it to a dock instead of deck. You were publicizing it and we couldn't get the approval until it went through the public and then the meetings got cancelled.

Chairman Laga interjected yes; a few times. I apologize for that. Has anything changed since the last meeting we had January 17<sup>th</sup>?

Mr. Karell replied nothing has changed.

Chairman Laga said there were no comments or questions from the public. Does the Board have any questions? And; this is to construct a 192-sf composite dock with 7 helical piles in the Lake; we went through everything.

Mr. Barnett asked how far does the dock extend into the Lake?

Mr. Karell replied it extends from the corner of the boathouse to the shore so it's not sticking out into the Lake.

Chairman Laga interjected oh; you were supposed to put infiltrators in or something.

Mr. Barnett said it's not extending beyond the boathouse.

Mr. Karell replied no; it's going from the boathouse platform to the existing staircase and wall.

Mr. Barnett said so it's paralleling the shore basically.

Mr. Karell interjected it's going like this: the shore is going like this, there's like a little cove here. You can probably see it better here.

Chairman Laga interjected and you're going to put in a turbidity curtain, do all the environmental stuff you have to do to keep.....

Mr. Karell replied yes.

Mr. Turano asked is that shown on the plan.

Mr. Karell responded yes.

Chairman Laga said it's all here. They've got the silt fence, turbidity curtain. The DEC Water Division & NYS OGS indicated that no permitting and the Army Corp indicated they had no permitting requirements.

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*Vice-Chairman Fannin moved to grant permit #953 to Jeffrey Freda of 420 North Lake Blvd., Mahopac NY with the following exception: The Town Wetland Inspector do a pre & post inspection/site visit for installation of the erosion controls; seconded by Mr. Barnett with all in favor.*

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

**ANNA INZANO - 188 BULLET HOLE ROAD MAHOPAC; TM - 63.-1-16.2 - ELIGIBLE FOR PERMIT/CONSTRUCT DRIVEWAY**

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

Chairman Laga asked were there any changes to the plan that you'd submitted back in June. You're going to install all of the mitigation devices (silt fence, etc.) that we had agreed to under the permit.

Mr. Lynch replied yes.

Vice-Chairman Fannin said I have two notes from this: 1) we're looking for the NOV lift notice.

Mr. Lynch responded it was lifted and it should be in your file. I dropped it off with Rose (Trombetta) the day after that meeting.

Vice-Chairman Fannin said the second note I had on here was a note indicating to notify the Wetland Inspector prior to start of work and after installation of erosion controls as well as after the work is done and before erosion control measures are removed. Is that actually written in there? We can make it a condition of the Permit.

Mr. Lynch replied I'd rather you make it a condition of the permit.

Chairman Laga said I have a memorandum dated August 14, 2018 from Mr. Richard Franzetti, Town Engineer and read from certain sections indicating the silt fence was failing in certain areas and need to be repaired.

Mr. Lynch interjected they will go back out and reinstall.

Chairman Laga continued there are outstanding issues that still need to have the Building Dept. review and a review of the SWPPP by his office. Did you submit that to him?

Mr. Lynch replied he has it. We submitted the NYC DEP approved SWPPP.

Chairman Laga said I see a copy of the violation. I don't see a copy of the release of the NOV.

Mr. Lynch stated it was issued and I did drop it off. I can bring another copy in tomorrow.

Chairman Laga said and there's no other changes to the permit request - correct.

Mr. Lynch agreed.

***Mr. Barnett moved to grant permit #954 to Anna Inzano for 188 Bullet Hole Road to construct a 250' driveway in the buffer zone with the following condition: The Town Wetland Inspector do a pre and post site visit for installation of erosion control and submit a copy of the NOV release; seconded by Ms. McKeon with all in favor.***

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

**ALMODOVAR & DINALLO - 270 WEST LAKE BLVD., MAHOPAC; TM - 64.16-1-28 - ELIGIBLE FOR PERMIT/CONSTRUCT POOL, SPA, PATIO & RETAINING WALLS**

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

Chairman Laga said according to Rose Trombetta, there are no comments or questions from the public. He then read from Mr. Richard Franzetti's email: as requested by the Town of Carmel's Environmental Conservation Board, the Engineering department has reviewed the proposed raingarden & cistern calculations as part of the site submitted on the above-referenced project. The design details contained on the plans and the design calculations submitted are in conformance with NYS DEC constants & standards. In addition, the applicant provided a sufficient response and updated the drawings to address the following: what happens to cistern flow; design details; slopes & stormwater pipe; pool discharge location; turbidity. Note that all plans per Town Code to be inspected by the Wetlands Inspector."

Mr. Lynch stated he had asked me to provide him a lot of information, details & calculations, for work for other than what was in Phase I. We did that. Because the IPP that we're getting is for the entire project so it doesn't get piece-mailed to him.

Mr. Turano said our application, that's there now, is for the entire project then?

Mr. Lynch replied no. The application before you is strictly for the pool and the reconstruction of the portion of the deck that's within the buffer.

Chairman Laga said the description of the project is construction of a pool, spa, deck, patio, landscaping and raingarden on the northeast side of the existing house. The spa, pool & patio areas will be terraced and have retaining walls. The existing deck will be rebuilt with modifications to the stairs and walkways.

Mr. Lynch interjected yes; that's what this permit is about. The second phase is where we are going to do some landscaping, a wall, Lake Mahopac which will be another permit from this Board.

Chairman Laga asked if any of the Board members had any comments of which there were none.

***Vice-Chairman Fannin moved to grant Permit #955 for Almodovar & Dinallo for 270 West Lake Blvd., Mahopac NY with the following two conditions: The Town Wetland Inspector to do a pre & post site visit for the installation of erosion control and the Town Wetland Inspector to inspect plantings upon completion; seconded by Mr. Barnett with all in favor.***

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Chairman Laga proceeded to fill out the EAF with the responses all being no.

**HAROLD STEVENS - 103 HILL STREET, MAHOPAC; TM - 64.148-1-23 - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION/REPAIR DAM & REMOVE EXCESSIVE SILT**

- Mr. Edward Kuck representing the Stevens of 103 Hill Street appeared before the Board.

Mr. Kuck stated there is excessive silt in the pond from Scott Road. I have a letter from Mr. Mike Simone that is in the packet. We're looking to clean the silt out and make repairs to the dam.

Chairman Laga read out loud, "to whom it may concern; 103 Hill Street emergency clean-up. This letter is in support of emergency clean-up of silt coming off due to material used on Scott Road for winter maintenance. If you have any questions, please call Mike Simone." Chairman Laga asked is there any water in the pond now or is it dry?

Mr. Kuck replied at this moment, no.

Chairman Laga said so it would be the perfect time to do it.

Mr. Kuck responded yes; when it rains, it's only there for a few days and it leaves because the dam has some holes in it. It takes about 24 hours and then it's totally empty.

Mr. Turano said what are you going to do when you repair the dam.

Mr. Kuck replied a mason is going to repair the back side of it with cement and then we're going to put some of the clay back up against the dam.

Mr. Turano asked how is the dam going to control the water.

Mr. Kuck responded there's already a silt plate here that determines the height of the.....

Chairman Laga interjected right here.

Mr. Barnett said spillway?

Mr. Kuck said yes; spillway. There are pictures I provided. I think there's a picture in there that you can see how much is in the bottom.

Mr. Turano said about how much sediment is in there?

Mr. Kuck responded we're thinking that we're going to take out about 80-100 yards.

All Board Members commented that's a lot.

Chairman Laga said that's not only silt.

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Mr. Kuck said the County drainage used to go through into this property and they used to take maintenance of cleaning up the pond. Fifteen/eighteen years ago, they ran the drainage all the way down Hill Street to 6N so they took that away from their maintenance. They no longer maintain it so for the last 15/18 years, that pond has been silting up - prior to them moving that drainage down Hill Street and from Scott Road.

Mr. Turano asked is the drainage from there to the pond now less because they made that change 18 years ago.

Mr. Kuck replied it is less but I cleaned this pond out about 15 years ago and that's how long it's taken to get back to where it is.

Mr. Barnett asked so it's dry now.

Mr. Kuck responded right now, it's dry. When there is a rain event, there's only a foot in one corner and a day later, it's gone.

Mr. Turano said so you're going to dam it up and create some standing water.

Mr. Kuck said we're looking to turn it back to the pond.

Mr. Turano said so you're going to be having standing water for more than 24 hours then.

Mr. Kuck said we're looking to clean it out now while it's dry; then the dam is going to get repaired and then it's going to go back to its.....

Mr. Turano interjected right now the water is going through the dam - right?

Mr. Kuck replied right.

Mr. Turano continued you're going to plug up those holes so the spillway over there is going to control the elevation so you're going to be holding water for more than 24 hours.

Mr. Kuck replied yes; it's going to maintain

Mr. Turano interjected there's going to be a couple feet of water for a while.

Mr. Kuck responded Mike Simone told me he used to swim in there and that there was 4 feet of water.

Vice-Chairman Fannin asked are you going to be extending the current limitations of where the pond looks like it was. I'm looking on the pictures here and there seems to be a roughly clear delineation between grass and then where the pond/silt starts. Are you going to be extending that beyond where the pond is currently?

Mr. Kuck replied no.

Vice-Chairman Fannin asked do you have dimensions of this pond.

Mr. Kuck replied no.

Chairman Laga said I need details of the silt fence. What kind of machine are you going to use?

Mr. Kuck responded 17,000 lb. excavator.

Chairman Laga said I see you have silt fence, staging area, spill-kit on site. You're going to take this material out.....

Mr. Kuck said I'm looking to remove it off the site if it's dry when I start. If it's dry when I start, it'll be removed right then. If I hit stuff that's wet, it needs to dry out and that's what the circle is there for. It needs to sit there to dry out and then remove it.

Vice-Chairman Fannin said we need the details with the silt fence and the hay bales.

Chairman Laga said we don't use hay bales; you use silt fence.

Mr. Kuck said I have hay bales at the bottom. There's a little note that says hay bales wrapped with woven fabric.

Chairman Laga & Vice-Chairman Fannin had a small side discussion regarding same.

Vice-Chairman Fannin said we typically ask for details on that as well. It's on every drawing that has a stock pile.

Chairman Laga said just give us a stock pile detail.

Mr. Kuck replied install it and can have it inspected by.....

Chairman Laga interjected that's one of the other things. You're going to have to have it inspected pre & post work. Has Mr. Franzetti been out there?

Mr. Kuck replied not at the site; I met with him and spoke about this.

Mr. Turano said in the corner there you have a drainage box and 18" .....

Mr. Kuck replied that's no longer there. That was removed by the County.

Chairman Laga asked you're not going to put a liner in this are you.

Mr. Kuck responded no.

Vice-Chairman Fannin said what do we want to do about fueling; on the staging area?

Chairman Laga responded he's got it; staging area for.....

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Mr. Kuck interjected I have it over here; 6 mil plastic.

Chairman Laga said this is going to take you a day to do - right?

Mr. Kuck replied that's the plan.

Chairman Laga said so you're going to leave the machine there overnight? Deliver it, leave it, dig it, make it go away. Any refueling on site do you think?

Mr. Kuck replied I don't believe that's going to be necessary but I put it on the paper.

Vice-Chairman Fannin said does it say refueling on the plastic.

Mr. Kuck replied yes.

Mr. Turano said if you're putting in the stock pile area to dry it out, you're going to come in again, pick it up and put it in a truck or something like that.

Mr. Kuck replied right. When I walk in there, it appears to be very dry - silty. There's a couple of spots that are a little wet. I'm not going to go down the road with that as it's going to make more of a mess. So; I'm looking to stockpile that & let it dry out and then remove it off the site.

Vice-Chairman Fannin asked are you going to be doing any work off the stone wall that looks like it's connected to the dam.

Mr. Kuck said the proposal is that there's going to be work done to cement up the holes where it's rotted out.

Vice-Chairman Fannin said right - on the dam but I'm looking at the photos and it's showing that there's.....well; maybe it doesn't show it on the drawing. Looking at the photo here, it looks like there's a stone lip that goes beyond. Is that just the edge of the pond?

Mr. Kuck replied that's the grass.

Vice-Chairman Fannin said okay; so, this is the only stonework here and you're going to be repairing that.

Mr. Kuck replied right; it's not going to be made higher or lower; the mason is going to put cement on the backside of it.

Mr. Barnett asked what's the height of the spillway.

Mr. Kuck responded from where it drops inside, it's about 6 or 7 feet.

Vice-Chairman Fannin asked do you know how deep the intention is to make this pond.

Mr. Kuck replied we're looking to go back to the 4' in the middle.



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Mr. Turano said so it will be a little deeper over here?

Mr. Kuck replied no; (referring to map) this is going to be maintained; this is going to get fixed at the bottom; this is where the water spills in and eroded it out there. The back side of this dam is going to get re-patched to hold the water in the pond.

Chairman Laga said and no foreign materials are going into the hole or nothing.

Mr. Kuck agreed.

Chairman Laga said unless anybody has any questions, I think we can accept this application with a couple of items to put on there.

Vice-Chairman Fannin said the culvert or drain that's underneath your asphalt driveway - that's in good repair right now?

Mr. Kuck replied it looks like it's in good shape.

Vice-Chairman Fannin asked does it indicate anywhere on the plan or on the application that you intend to bring it down to the 4'.

Mr. Kuck replied no; when I spoke with Mike Simone, he gave me history information that it was 4 - 5 feet deep. We're not looking to exceed that because if we do, then the sides are going to start coming in which will make the pond bigger.

Vice-Chairman Fannin asked does it say on here how much approximate material you intend to remove.

Mr. Kuck replied it's not on here.

Vice-Chairman Fannin asked what was the number that you had said.

Mr. Kuck replied 80 - 100 yards.

Vice-Chairman said I think we should have both of those somewhere on the plans.

***Vice-Chairman Fannin moved to approve the application for Harold Stevens of 103 Hill Street, Mahopac NY to repair the dam and remove the excessive silt with the following conditions:***

- ***provide details of the silt fence***
- ***details of the stock pile area***
- ***notify the wetlands inspector do a pre & post walk through***
- ***provide a letter or documentation on your letterhead that approximately 80-100 cubic yards of material will be removed;***

***seconded by Ms. McKeon with all in favor.***

YENOM STUDIO LLC - 240 WASHINGTON ROAD; TM - 54.-1-26 - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION/INSTALL 8 FOOT DEER FENCE

- Jan Johannessen of Kellard Sessions Consulting representing Yenom Studio LLC appeared before the Board.

Mr. Johannessen stated the property is at 240 Washington Road. It's just over 21 acres. It's a former equestrian facility. It's been abandoned for some years. My client purchased the property and is proposing to, one day, construct a home there but for now, we're just trying to get in there and maintain the property. It's mainly meadow; he'd like to install a deer fence around the perimeter of the property. We do have some wetlands that are mainly offsite. There's a DEC wetland along the westerly boundary and the 100' buffer extends onto the parcel. There's a water course on the south side of Washington Road - the buffer of which extends onto the property. I mapped it as a wetland but there's a dry drainage channel on the north side of the property. Those are the wetlands that are in play here. We've delineated them. The DEC has come out and validated the wetland boundary. We're installing 3,200 linear feet of fencing. We estimate almost 1,700 linear feet of which would be in the buffer. It's going to be a metal deer fence where the posts will be 20' apart. We estimate 84 posts would be installed within the buffer. None of the posts within the buffer are going to be dug. There will be no cement or concrete used within the post holes within the buffer. They'll all be pneumatically driven to prevent any sort of soil disturbance. The property is almost all meadow. I don't see any real chance for erosion here given the practice we're using to install the fencing.

Chairman Laga interjected that would be in that upper right-hand corner - correct; where it says wetland buffer.

Mr. Johannessen (not at mic) said this is the DEC wetland; the red outline is the 100' buffer. This is that drainage area. This is the buffer for that. The fence is going around the perimeter - all the way around the property. In almost all cases, there's an existing fence that we're going to remove. It's a white, vinyl, 3 board post and rail fence that will be removed and the new deer fence is, in almost all cases, going to be further away from the wetland than the current fence.

Chairman Laga interjected is this like a cyclone fence that you're putting in - a metal coated chain link?

Mr. Johannessen replied it's a metal mesh fence but it's specifically for deer. There's a detail of it (at map again) - inaudible - becomes wired at the top so you have better visibility through the fence. It is a metal fence.

Vice-Chairman Fannin said and the posts are?

Mr. Johannessen responded the posts are metal; 8' tall. We did receive a variance from the Zoning Board of Appeals for the 8' fence being in the front yard. Along the side yard boundaries, the fence is going to be about 20' away from the property boundary and from the front yard, 40'.

Mr. Barnett asked is this to keep the deer out.

Mr. Johannessen replied correct.

Mr. Barnett asked from what.

Mr. Johannessen responded from entering the property. My client has a long-time case of Lyme Disease and doesn't want to touch this property until he gets the fence up. A portion of the fence is in the DEC wetland buffer and we have applied to the DEC for a minor wetland permit. It was submitted the same day as our application to you. We expect to have that shortly.

Chairman Laga said I can't give you our permit until I see theirs.

Mr. Johannessen replied alright.

Vice-Chairman Fannin said but we can make it contingent.

Mr. Turano said how many feet did you say was in the buffer?

Mr. Johannessen replied 1,680 feet.

Mr. Turano said how many feet are in wetlands?

Mr. Johannessen responded nothing is crossing the wetland proper. Everything is in the wetland buffer. We're not crossing any wetlands.

Chairman Laga said the purple line is the wetland and the red line is the 100' buffer?

Mr. Johannessen (at map) said the red outline is the DEC wetland buffer. The purple line is the Town's 100' buffer and the hatched area is the wetlands. This is a wetland, this is the buffer; this is a wetland offsite.

Mr. Turano said it is crossing what you've indicated is a stream here.

Mr. Johannessen said at what point?

Mr. Turano replied the blue line in the northeast corner; the blue line is the stream.

Mr. Johannessen went over to Mr. Turano's map; the fence is way over here though.

Mr. Turano said okay; that's the property line.

Vice-Chairman Fannin asked how do you plan on removing all the posts for the existing fence; just pull it out by hand?

Mr. Johannessen replied it's all been done by hand. There's actually internal paddock fencing that was already removed. It was all outside the wetland buffer. It's all been hand removed and there's been no disturbance associated with that.

Vice-Chairman Fannin said the existing fence that is there is not cemented in?

Mr. Johannessen said right.

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Chairman Laga asked are you putting any of these fence posts in with concrete.

Mr. Johannessen replied not in the buffer. I suspect once they have the pneumatic driller, he's going to the entire thing by driving them in.

Chairman Laga asked is it just like a compressor.

Mr. Johannessen responded it's going to be trailered in and it just drive the posts in; hammered in.

Chairman Laga said so it's going to be like a geo probe.

Mr. Johannessen said yes; it's just going to slam them in.

Chairman Laga said we need to know the means/methods of the installation of the machinery that you're going to use; you're not going to do this in a day so you're going to need to provide a spill-kit on site; store that machine in an area on 6 mil poly overnight.

Mr. Johannessen interjected there also might be an attachment to an excavator.

Chairman Laga said okay but it's the same comment; so, we need spill-kit, fueling plan, overnight storage, show us where your staging area on the Plan.

Vice-Chairman Fannin interjected the fueling plan should include no fueling within the buffer or wetlands.

Chairman Laga said we're looking at holes pneumatically; you're not really disturbing soil or anything so I'm not really looking for any mitigation.

Mr. Turano interjected did you say you removed some of the existing fence?

Mr. Johannessen replied the existing fence outside of the buffer - there was a lot of paddock fencing and different pens throughout the property that he's removed just to let the meadow go.

Mr. Turano said you've removed that already; not within the buffer.

Mr. Johannessen replied yes; not within the buffer.

Vice-Chairman Fannin said you've also received the variance for the fence?

Mr. Johannessen said I don't have a copy but it was approved at a meeting and the Decision & Order is forthcoming.

Chairman Laga & Vice-Chairman Fannin discussed possibility of accepting application and condition these items but decided that the machinery and sequence of operation were important aspects.

Mr. Johannessen said the contractor has been selected; I can get his specs and provide that to you immediately.

Chairman Laga said can you get us that stuff by Monday?

Mr. Johannessen replied absolutely.

Mr. Turano said he has to put on the plans the staging area & stockpile.

Mr. Johannessen interjected there will be no stockpile. My only concern is if I have to reappear, and for some reason there's not a meeting in October, this is something that he does want to achieve.

Mr. Turano said I don't think we've said anything about you having to reappear; I don't think so unless somebody disagrees.

Chairman Laga said we can accept the application with the following conditions and he can't get a permit anyway until he gets the DEC permit anyway.

***Mr. Barnett moved to accept the application of Yenom Studios of 240 Washington Road with the following conditions:***

- ***Copy of the ZBA Decision & Order on the variance***
- ***Copy of the DEC Permit (when available)***
- ***Means & methods of type of equipment planning to use***
- ***Spill-kit on site***
- ***Machine storage area & fueling plan***
- ***Sequence of operation***
- ***On drawing where the fence posts are, bubble the areas for pneumatic, concrete, etc.:***

***Seconded by Vice-Chairman Fannin with all in favor.***

**HOMELAND TOWERS LLC - NYSMSA LTD PARTNERSHIP - 254 CROTON FALLS ROAD; TM - 65.19-1-43 - PLANNING BOARD REFERRAL/INSTALLATION OF UTILITIES & DRAINAGE REPAIR WORK FOR EXISTING ACCESS DRIVE**

- Mr. Robert Gaudio, Esq. of Snyder & Snyder representing the applicant appeared before the Board.

Mr. Gaudio stated the application is for a wireless telecommunication facility on the property. In order to bring utilities to the facility, we're proposing to cut through a Town regulated wetland buffer. The utilities will be underground. They will be within an existing driveway so we're not actually disturbing any new area as there's an existing gravel driveway there. In addition, one of the neighbors had complained that the gravel driveway was washing out so we've proposed basically to add a swale and a check dam. A very small portion of that, approximately 200 square feet, is also within the Town regulated buffer. Nothing is closer than 84 feet to the actual wetland which is offsite.

Chairman Laga said do you know the total area of disturbance? I wish you had a map.

Mr. Gaudio replied approximately 1,150 square feet of buffer being disturbed and none of it is in the wetland; all of it is in the buffer and the utility portion of that, which is about 950 square feet, is in the

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existing access drive. I think SP-1 is probably the right sheet. We're in front of the Planning Board and the Zoning Board so if I didn't give you a question what we gave them, I'm sure I would have been questioned. We also just did receive a letter on September 3<sup>rd</sup>, from the DEC, that they have no jurisdiction over this.

Vice-Chairman Fannin said we'll need copies of that.

Mr. Gaudioso replied I have copies for you right here. (not at mic - inaudible)

Chairman Laga said so you need a SWPPP.

Mr. Gaudioso said so we need a SWPPP which is part of the Planning Board.....

Chairman Laga interjected and you're submitting the SWPPP to the Town Engineer?

Mr. Gaudioso replied correct.

Chairman Laga said if you're giving him the SWPPP, we might as well just get a copy of it.

Mr. Gaudioso said the Planning Board is handling the site plan and the special permit and as part of that, we've been through some revisions with Mr. Franzetti. The SWPPP, obviously, also goes to the DEC as well.

Mr. Turano asked what is the present use of the driveway.

Mr. Gaudioso replied the driveway is a shared driveway to go to a couple of different homes.

Mr. Turano said and just the homes are using it now?

Mr. Gaudioso agreed yes.

Chairman Laga asked is the tower going to be in the wetlands.

Mr. Gaudioso replied no; the tower is not in the wetlands and not in the wetland buffer at all.

Vice-Chairman Fannin asked is there only a driveway on this site or is there anything else?

Mr. Gaudioso replied the current driveway comes off of Croton Falls Road; off to the left is an existing house; the driveway has an easement across that property to the back parcel which also has an existing house and then the telecommunications facility will be in a cleared area that the driveway goes to also on that property.

(Mr. Gaudioso approached the dais and pointed out on maps where the various locations, wetlands, etc. were and where the check dam, utilities were going to be placed, etc.)

Chairman Laga said so you're disturbing about 1,150 square feet. So, what's in it for us as far as mitigation is concerned.

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Mr. Gaudioso replied we are proposing landscaping as part of the plan and we're going to propose to the Planning Board some additional landscaping. The problem with the location - between the existing access drive and the wetlands is not our property owner. Someone has dumped a bunch of stone there. There's really no ability for us to plant anything in there. Plus; we don't have rights in there because we only have a 20' wide easement where the existing access drive is. The easement area is on a piece of property that we don't own; we're running utilities through the 20' easement which is an existing 12' gravel access driveway. If we tried to plant anything in there, we would end up disrupting where that property owner has their garbage cans, turnaround area. We would be doing more harm than good. What we did do though is the check dam and it has a swale associated with it that we think is a real improvement because it was washing out the gravel drive and some of the gravel could subsequently get down into the wetlands because of the slope right there. That was the mitigation that we are adding: that check dam, which unfortunately 200 sf is in the buffer, but it's on the other side of the existing driveway and it really is a nice improvement.

Chairman Laga said and the equipment is located outside the buffer?

Mr. Gaudioso responded totally outside the buffer.

Chairman Laga asked how are you going to be excavating this.

Mr. Gaudioso said we'll be using a very small back-hoe to excavate it.

Chairman Laga said you're going to need a spill-kit; provide a storage location and a staging area.

Vice-Chairman Fannin interjected that's like a 1-day process?

Mr. Gaudioso replied where the tower is proposed to go used to be an area where they stored heavy equipment so that's what will be the staging area. It's all gravel and asphalt up there so no problem. It's hundreds and hundreds of feet away.

Vice-Chairman Fannin said if you put a note about that, that would be great.

Mr. Gaudioso added all storage will be up in that area.

Mr. Turano asked the specifications and the calculations are in the SWPPP for this check dam area?

Mr. Gaudioso said right; that will all be in the SWPPP as are the erosion control measures.

Chairman Laga said you're going to pour a concrete pad - right?

Mr. Gaudioso responded the concrete for the tower foundation is going to be up at the facility.

Chairman Laga said and you have an LPG tank too; you have to put that on a pad. You need to show a concrete clean-up/wash-down.

Vice-Chairman Fannin asked are you removing any trees for this project.



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Mr. Gaudioso replied we're removing 3 trees I believe and replanting 3 20' Norway Spruces.

Vice-Chairman Fannin said I assume that's written somewhere on the plans.

Mr. Gaudioso replied yes; that's on plants.

Chairman Laga said and you're going to back-fill that excavation with the native soil that you removed?

Mr. Gaudioso responded to the specification of the utility company.

Vice-Chairman Fannin said just so I have this straight: there's an easement through a parcel that is for this; the second parcel is one that is owned already for building the tower?

Mr. Gaudioso replied we lease it.

Vice-Chairman Fannin said what we'll need is something indicating that the owner of the property is okay with this work.

Mr. Gaudioso replied the owner of our property?

Vice-Chairman Fannin said yes.

Mr. Gaudioso replied we gave you a copy of the deed for the access and I believe we gave you the letter of authorization from our property owner.

Vice-Chairman Fannin said great; that's exactly what I needed.

Chairman Laga said you don't need any DEP or DEC.....

Mr. Gaudioso replied no; I just gave you the letter for DEC saying they don't have any jurisdiction over these wetlands. The only thing that does have to go to them ultimately, because of the SWPPP, is the notice of intent.

Chairman Laga asked did you have the wetlands flagged.

Mr. Gaudioso replied yes; and they're flagged and surveyed on these plans.

Chairman Laga asked when was that done.

Mr. Gaudioso replied we actually had the DEC out there to confirm them and the letter I just gave you refers to when they were out there - August 13, 2019.

Chairman Laga said perfect.

Mr. Gaudioso said we also referred everything to the DEP as well; they were out there and had no problems with this either. We also had the Town Engineer out there.



Chairman Laga asked did the Planning Board approve this yet.

Mr. Gaudioso replied no; not yet.

Chairman Laga asked have you had any comments from the community on this application.

Mr. Gaudioso replied we have. We've had two public hearings so far. We had a public hearing with the Planning Board and a Public Hearing with the Zoning Board of Appeals. We did have a full house but quite frankly only about 4 or 5 people spoke at each.

Chairman Laga said what I really would like, since you're disturbing 1,000+ feet of buffer, is a little bit of mitigation.

Vice-Chairman Fannin interjected are there any buildings up there with pitched roofs?

Mr. Gaudioso replied no; they use outdoor cabinets now and don't even use equipment shelters anymore. It's all in a gravel, flat area that's been used before.

Mr. Turano interjected I think I agree with the Chairman. Since you are disturbing quite a bit in the wetland buffer, I'd appreciate it if you could do some sort of vegetation; some sort of mitigation.

Mr. Gaudioso interjected how about some vegetation in the area of the check dam. That's the area where the existing issue is of water coming off the hill. Maybe we could add some additional vegetation around the swale where the check dam is. It's on our property so we have full control over it and it's on the other side where I think the existing issue is and it would have more of an affect. If we go downstream from this, it's all rock and gravel and nothing will live in there. I think in the area where the check dam is, if we put some additional vegetation in there, that might be a better solution.

Chairman Laga said good plan.

Mr. Gaudioso said I know the Planning Board asked for your recommendation so, if possible, please recommend that to the Planning Board as a condition of your acceptance.

Mr. Turano said if you add it to the plan, then we won't have to worry.

Mr. Gaudioso said we'll add it to the plants of course.

Vice-Chairman Fannin said for the check dam and the swale; is there a maintenance plan that is expected to go along with that?

Mr. Gaudioso replied yes; as part of the SWPPP, there will be maintenance requirements.

***Mr. Barnett moved to accept the application for Homeland Towers LLC Limited Partnership for 254 Croton Falls Road with the following conditions:***

- Provide copy of the SWPPP***
- Provide copy of the check dam maintenance plan***

- *Provide spill-kit*
- *Provide storage/fueling for machines*
- *Concrete spoils plan*
- *Letter of authorization for the work*
- *Buffer mitigation near the check dam;*

*Seconded by Ms. McKeon with all in favor.  
(see additional motion on this application)*

Chairman Laga said you need to get me that stuff by Monday.

Mr. Gaudioso replied I can't get you the SWPPP by Monday.....

Mr. Turano interjected it's a long time Mr. Chairman.

Mr. Gaudioso responded I'm in no rush.

Chairman Laga said we have to advertise....

Vice-Chairman Fannin said so whenever you get us all this stuff, then we can advertise.

Mr. Gaudioso asked do I have to come back for the advertisement.

Chairman Laga replied no; you can just have Rose (Trombetta) put you on the agenda and give her the additional information that we've requested and then we can vote on that.

Mr. Turano said you might want to check and see if there's any comments.

Mr. Gaudioso said so we should come back.

Mr. Turano said you can check beforehand if there's any comments.

Chairman Laga said we're not going to advertise the job right now because we're missing information. When you provide us the additional information, if it's on a meeting, come in here - we go through the additional information, we accept it and we then put you on the clock. You go on the clock for at least two, maybe three, meetings depending on how the calendar falls. In that time, it's advertised to the public. If the public has any comments, we will get them here and we may have to have a public hearing. That's the steps. If everything is good after the hearing, you get your permit.

Mr. Gaudioso said understood.

*Chairman Laga said just for the record, I'd like to note the following:*

*Mr. Barnett moved that although the application is complete and in good condition, there are still items missing so we're going to hold the application as is until the additional documentation is provided; seconded by Ms. McKeon with all in favor.*

APPROVED

MISCELLANEOUS

MINUTES:

- 06/27/19: *Vice-Chairman Fannin moved to accept the minutes of June 27<sup>th</sup>; seconded by Ms. McKeon with all in favor.*

Mr. Turano moved to close the meeting; seconded by Vice-Chairman Fannin with all in favor.

Respectfully submitted,

Dawn M. Andren