

**APPROVED**

ROBERT LAGA  
Chairman

NICHOLAS FANNIN  
Vice Chairman

RICHARD FRANZETTI, P.E.  
Wetland Inspector

ROSE TROMBETTA  
Secretary

**TOWN OF CARMEL**  
**ENVIRONMENTAL CONSERVATION BOARD**



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**BOARD MEMBERS**

Edward Barnett  
Anthony Federice  
Nicole Sedran

**ENVIRONMENTAL CONSERVATION BOARD MINUTES**

**JUNE 3, 2021**

**PRESENT:** CHAIRMAN ROBERT LAGA, VICE-CHAIRMAN NICHOLAS FANNIN  
EDWARD BARNETT, ANTHONY FEDERICE & NICOLE SEDRAN

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
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**SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION:**

Rivera, Celena & David	75.42-1-28, 29	1 - 13	No Action Taken
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Minutes:

5/6/21	14	Approved as written
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The meeting was adjourned 8:07 p.m.

Respectfully submitted,

Dawn Andren

1. CELENA & DAVID RIVERA - TM - 75.42-1-28, 29: 775 & 777 SOUTH LAKE BLVD. - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION - REPLACE EXISTING SEATING WALL & FLAGSTONE PATIO

- Mrs. Celena Rivera appeared before the Board.

Chairman Laga said I see you're here because you got a violation and you're trying to obtain a wetland permit to replace existing seating wall and replace existing flagstone - 750 square feet.

Mrs. Rivera stated yes; I also wanted to see if I could get a Letter of Permission.

Chairman Laga said the problem that I have with the Letter of Permission is the fact that the work is already started number 1. Number 2 is that I don't have a scope of work in here or a map.

Mrs. Rivera said the survey?

Chairman Laga said typically what we have with an application is we would have a drawing of the areas of work you are going to work on or around; showing details of what you're going to do and then how close you are to the waterfront.

Mrs. Rivera said I thought that I had attached pictures.

Chairman Laga said you did attach pictures but I need a drawing. Right now, you've showed me the location and then you've showed me pictures of some flagstone. You've showed me pictures of a dock and you've showed me a picture of an area that looks like it was excavated and adjacent to the Lake.

Mrs. Rivera said right and that's the only thing that we're doing. We're just replacing what was there already.

Chairman Laga said okay but what we're going to need is a sketch.....and you also show another picture here of this whole area dug-out.

Mrs. Rivera said right.

Chairman Laga said "so, we'll give you some hints on what you have to do for the next time" and invited Ms. Rivera to the dais to see what he was drawing: if this is the lake, this is Route 6N, I don't know the make-up of your property but that there shows a retaining wall so you would show the retaining wall. That's over here and I think that's new.

Mrs. Rivera said that's not new.

Chairman Laga said that's not new; okay then.

Mrs. Rivera said we're not doing anything new. What we're strictly doing (inaudible) was collapsed so we're replacing that seating wall.

APPROVED

Chairman Laga said okay; so, you need to show a sketch on here where the seating wall is over here somewhere - right. So, you're working over here. Are you doing any excavating? Are you digging by hand? Is all the work being done by hand or are you using a machine? You're going to have to provide us a detailed scope of work that you're going to replace the existing seating area. Because you're so close to the Lake and you're replacing the Boards on the dock, you need to put in a floating boom.

Mrs. Rivera said no; we're not replacing the dock.

Chairman Laga said you're replacing concrete adjacent to the water.

Chairman Fannin said the flagstones.

Chairman Laga said the work of the flagstones. Here is the Lake. That's your picture and you're replacing these right now. Are you replacing with more flagstones or are you replacing it with concrete?

Mrs. Rivera said flagstones.

Chairman Laga said flagstones; okay. Are you going to be bringing any material in there?

Mrs. Rivera said yes; (at dais - inaudible) we'll be replacing.....

Vice-Chairman Fannin said go two pictures forward. There's a much better picture. It gives you an overview of the whole area.

Mrs. Rivera said I also have pictures on my phone.

Chairman Laga said the problem is that this looks new. I don't think this is existing.

Vice-Chairman Fannin said when did that go in?

Mrs. Rivera (pointing to picture) said this is new. This is existing.

Chairman Laga said I get that but you're going to do some work in this area - right?

Mrs. Rivera said correct.

Chairman Laga said what are you going to do there?

Mrs. Rivera said flagstone.

Chairman Laga said and you're going to replace all the flagstone here? You did some digging over here. Because you have digging here, and you have excavation, you're either going to have to put silt fence or a floating boom in the water.

Mrs. Rivera said we already have the silt fence up.

APPROVED

Chairman Laga said well you have to show that on the drawing. If we're going to look at your drawing like this.....

Mrs. Rivera said I just have a really quick question. Why wasn't I informed that I needed to present this today so then I could have been ready. Because now I'm very unprepared and I could have had this all (inaudible) today.

Chairman Laga said did you read the application?

Mrs. Rivera said my husband read it.

Chairman Laga said I'm being very honest with you - in the application, it says bring any drawings or information associated with this work to present the work that you want to do to the Board.

Mrs. Rivera left dais and returned with papers. She said (inaudible).

Chairman Laga said not a problem. And, because you own two lots on this, I'm assuming this is the 775. Is this 775? Where's the dividing line.

Mrs. Rivera (inaudible).

Chairman Laga said it's one property.

Mrs. Rivera said it does look like one property even though there are two addresses, two staircases. We bought the two properties.

Chairman Laga said so you bought two properties but they're one property.

Mrs. Rivera said it's really one property; yes.

Chairman Laga said that's why we need to have the survey.

Vice-Chairman Fannin said is this the line right here? It's in the package. It's not a site plan, it's just their....

Chairman Laga said this was not in there.

Mrs. Rivera said (inaudible).

Chairman Laga said (to Mr. Barnett) you have it too because it's not in my package. So, on this site map, it looks like you put the new dock in.

Mrs. Rivera said (inaudible) I just, for some reason, didn't print it.

Chairman Laga said and is he digging this area out?

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Vice-Chairman Fannin said you don't need to worry about that because even if we do get that, there are still a couple of things on here that we're going to need before we can approve it. We can go through it. That's fine. Even if you do get it tonight, there's still going to be more things that you're going to have to have.

Mrs. Rivera said he might have already given it to me; I just didn't.....

Chairman Laga said how are you going to print it? You can't print it now.

Mrs. Rivera said oh; I can't?

Chairman Laga said I don't have a printer here.

(Mrs. Rivera called her husband on cell and asked for some paperwork.)

Chairman Laga said it's on the front page; if he says replace existing seating wall 30" and replace existing flagstones, that's not a 'scope of work'.

Mrs. Rivera (hung up cell phone) and said okay; sorry.

Chairman Laga said basically, on this drawing here that you've provided, you're just showing the area of the flagstones you want to have replaced. On the pictures that you showed us, you showed excavation in this area over here. That has to be shown on the drawing as well. You also installed a new wood deck on the property. You have to provide that on the drawing as well. You have to show the location of the silt fence and/or the floating boom. You have to basically tell us how the flagstones are going in; are they going in on sand or base sand. You have to provide what you're going to do. Are you going to remove the existing flagstones and properly dispose of them and you're going to lay down a bed of base sand, that's fine but you need to explain these things in the scope of the work? You replaced the wood deck in grade; did you expand out into the Lake or did you just maintain the existing line that was there.

Mrs. Rivera said we didn't expand anything.

Vice-Chairman Fannin said so the yellow dock that was installed, the wooden one here.....

Chairman Laga said you mean the one with the cut wood right next to it? That's not new?

Mrs. Rivera approached the dais and said I'm sorry; what's not new?

Chairman Laga said the yellow; is that new?

Mrs. Rivera said that's new.

Chairman Laga said you just told me it wasn't new.

Mrs. Rivera said I'm sorry; I was trying to read the text to see what he.....

APPROVED

Chairman Laga said here is my concern: the way it's shown on the drawing over here, this deck went like this.

Mrs. Rivera said yes; it did.

Chairman Laga said okay; and you moved it like this.

Mrs. Rivera said yes.

Chairman Laga said so you're increasing the impervious surface of the area. So, we have to mitigate some of this in a special way. You've also done excavation over here.

Mrs. Rivera said yes.

Chairman Laga said that's a problem too. I don't see any silt fence here.

Mrs. Rivera said the pictures were taken before.

Mr. Barnett said you have silt fences in there now?

Mrs. Rivera said yes (and showed pictures on her cell phone).

Chairman Laga said we have to show that on the drawing as well.

Mr. Barnett said what you're going to find out tonight is what you need to do to be able to do what you want to do.

Chairman Laga said and you're going to need a full permit.

Vice-Chairman Fannin said yes. Did you change the length of the dock going out into the water?

Mrs. Rivera said no.

Vice-Chairman Fannin said you replaced the boards on the top of the dock. Did you replace the frame?

Mrs. Rivera said no.

Chairman Laga said you also put a new dock out into the Lake?

Mrs. Rivera said no. That was there.

Chairman Laga said it's new wood though.

Ms. Sedran said she just replaced the wood.

Vice-Chairman Fannin said she kept the frame and replaced the top boards.

Chairman Laga said okay.

Vice-Chairman Fannin said just so you're aware, when homeowners or property owners replace docks or decking like this, we require a boom to go around it which is a floating boom. It's basically a thing that catches any debris that falls into the Lake. Because you've already done this, you're not going to need to put the boom in there but you are going to have to state something like that on the application. In other words, when you write on your application, you have to take into account that you should have done that but it's already done. Therefore, we're not going to be putting a boom in. Something along those lines.

Mrs. Rivera said okay.

Vice-Chairman Fannin said the way we're looking at this is: you have a NOV which means you can't continue work on this until the violations that we have are resolved. However, you've already done some work. So, you're coming to us as if you hadn't done this work yet and you submit an application that shows here's the full scope; here's everything that we've already done and that we want to do. You also have to take into account that you've done some work without having the permit and therefore we now need to do some extra steps in here. Those extra steps are: come before this Board; make sure that our Wetland's Inspector goes out and checks the silt fence; when you create your sequence of work, as the Chairman has said, it's also called the scope of work; at the very top of that, after you say install silt fence which I know you've done already but the next line has to be call the Town Wetland Inspector. He came out and inspected the silt fence and if it looks good, you can start the work after that. That needs to be on your submission.

Chairman Laga said let me ask you a question: the area that you're excavating - is this the area right here? Where is the part that you're excavating.

Mrs. Rivera said right here.

Chairman Laga said was that just dirt and you're digging it down to be.....

Mrs. Rivera said that was the seating wall.

Chairman Laga said if this is the area that you're talking about right now, there's a lot of debris there. My question to you is: if this is the line where this goes back, are you digging this area out?

Mrs. Rivera said no. He just wanted to level it. It was not level.

Chairman Laga said so he excavated it. He dug it out. Where is that debris?

Mrs. Rivera said he disposed of it.

Chairman Laga said okay; he's going to have to put in there where he disposed of the debris.

Mr. Barnett said so how are you going to.....

Chairman Laga said and then he's going to put more pavers here?

Mrs. Rivera said yes.

APPROVED

Chairman Laga said then you're going to have to look at the amount of.....

Mrs. Rivera said should I be writing all this stuff down?

Chairman Laga said you should be.

Mr. Barnett said so you want to make this over here flat?

Mrs. Rivera said yes.

Chairman Laga said now that opens up a whole new can of worms because this was soil before.

Mrs. Rivera said yes; soil.

Chairman Laga said this dock, I'm going to assume, was over here like this?

Mrs. Rivera said yes.

Chairman Laga said so now you're taking this. What you're going to have to do now is you're going to have to calculate the area of impervious surface and find a location on here to put a raingarden or something; something for rainwater.

Mrs. Rivera said I'm just going to take a picture of your writing.

Chairman Laga said not a problem.

Vice-Chairman Fannin said you can also have this which details a lot of what he said but it's not specific to yours.

Chairman Laga said and the area over here - are you extending all the new pavers over here too?

Mrs. Rivera said yes.

Chairman Laga said okay. You need to give us the length, the width of that area and you're going to have to find yourself a nice little spot to put a raingarden somewhere or other suitable methods.

Vice-Chairman Fannin said here's a note on raingardens. This is what we require usually for mitigation - meaning if you increase the..... You need to put a little garden in somewhere on your property - preferably someplace that catches water. If you have places that collect water or if there is a downspout from something, a little grassy area can be turned into a little garden. The intention is because we're increasing the amount of impervious area here, we have to find a way to allow water to be properly filtrate before it gets into the Lake. That's the reason why people come before our Board. If everyone can just pave and go all around the Lake, the Lake water would become very, very toxic. It already is having a lot of problems.

Chairman Laga said it doesn't necessarily have to be a raingarden. It could be a grassy area.



APPROVED

Mr. Barnett said you want to put pavers here?

Mrs. Rivera said yes.

Mr. Barnett said alright. So, that's more of an impervious surface.

Chairman Laga said and over here?

Mr. Barnett said if you put grass there, you wouldn't necessarily have to do a garden.

Vice-Chairman Fannin said or around the base of the wall there - if you turned it into a small garden that can capture some of the water that's coming from above there.

Mrs. Rivera asked can I go right here and then put this as the raingarden and leave this as pavers?

Vice-Chairman Fannin said sure.

Mr. Barnett said or instead of flagstone or whatever, put grass up there. Would that be reasonable?

Mrs. Rivera said I think I'm just going to do the raingarden.

Mr. Barnett said okay; fine.

Mrs. Rivera said I thought buying dock property was going to be fun.

Chairman Laga said it will be fun.

Mrs. Rivera said next year; I'm not even going to get to enjoy it this summer.

All Board Members said yes you will.

Mrs. Rivera said this is going to take what - 30 days?

Chairman Laga said we're not going to accept the application tonight.

Mr. Barnett said you're just going to get the information and then you've got two weeks to put it together.

Vice-Chairman Fannin said this is another thing you need to include. Just put your address on it. That is the type of silt fence you're supposed to use. It should be what you used. All the contractors here in Putnam use that but that's basically saying yes; we are going to use that kind. You'll have to submit that to Rose [Trombetta].

Mrs. Rivera said how about if I send this earlier than two weeks.

Chairman Laga said we only meet every two weeks. We meet the first and third [Thursday]. Yes; you'll have to come back.

APPROVED

Mrs. Rivera said so you meet the first and the third.....

Chairman Laga said you'll have to come back two more times.

Mrs. Rivera said oh lovely.

Chairman Laga said you'll have to come back in two weeks or whatever the third week of the month. And, then the following 1<sup>st</sup> Thursday which will be July.

Vice-Chairman Fannin said the 17<sup>th</sup> and the 1<sup>st</sup>.

Mrs. Rivera said then the 17<sup>th</sup> and the 1<sup>st</sup>.

Vice-Chairman Fannin said yes.

Mrs. Rivera said so then after the 1<sup>st</sup> I can start working.

Chairman Laga said no; after the 1<sup>st</sup> you have 30 days in which to.....

Vice-Chairman Fannin said the 17<sup>th</sup> is two weeks.

Mrs. Rivera said (inaudible). So, the 17<sup>th</sup> is.....

Vice-Chairman Fannin said is the next opportunity for you to present this and say I've got everything.

Mrs. Rivera said okay; and then the 1<sup>st</sup>.....?

Chairman Laga said in two weeks, she comes back and has all the information, we can accept the application. Then she waits 30 days, which is the middle of July.

Vice-Chairman Fannin said the 15<sup>th</sup>.

Chairman Laga said the 15<sup>th</sup> of July, assuming everything is good and you don't have any comments, then you get your Permit Granted.

Mrs. Rivera said so the 17<sup>th</sup> is to present and then July 15<sup>th</sup> to see if it's granted?

Chairman Laga said yes.

Mrs. Rivera said so I can't start any work.

Both Chairman Laga and Vice-Chairman Fannin said correct.

Mrs. Rivera said until July 15<sup>th</sup>.

Chairman Laga said correct.

**APPROVED**

Mrs. Rivera said so I'm just going to take a picture of everything you wrote right there.

Chairman Laga said no problem. Just let me go over with the Board. So; the items I'm looking for are: scope of work written details of all work - dock, pavers, raingarden, etc. ; you have to put a statement on your scope of work that no machinery will be used on the site;

Mrs. Rivera said how about say there is; I'm not the contractor so I don't know. So, let's just say there is.

Chairman Laga said if there is, then you're going to have to put on there that no equipment will be stored on site or fueled on site and it must be stored off-site.

Mrs. Rivera said so you can't store equipment on site.

Chairman Laga said right; you can't store equipment on this site. You can but there are methods to do it. You would have to store it on 6 mil poly/plastic sheets and you have to have a spill-kit.

Vice-Chairman Fannin said you have to have a spill-kit if you're using heavy machinery which is if a hydraulic line bursts, we don't want that going into the Lake. So, they need to have something there to clean it up quickly. If you're working with a contractor, they should have that. If they don't that's a problem.

Chairman Laga said if you are using machinery, you're going to have to put a floating boom in.

Mr. Barnett said I suggest you talk with your contractor to see what he's going to use and he's going to have to be informed on how to do that. I don't think it's necessary but you'd better find out from him. If he doesn't need heavy equipment in there, it'll be a little easier for everybody.

Chairman Laga said show silt fence on drawings/boom if required.

Mr. Barnett said we need to know the sequence of construction.

Vice-Chairman Fannin said which is what we've been saying when we say scope of work.

Chairman Laga said right. Show location of wood dock before and after; show area of new paving; provide calcs.; provide details of the base sand; concrete for the new flagstones - are you going to set in sand or are you going to set in mortar mix. That's something we need to know. No debris is to be stored on site. Calculation of impervious surface for raingarden. Is that it?

Vice-Chairman said are you bringing in any fill. You've taken away a lot of the dirt. Are you bringing in anything else like sand, concrete?

Chairman Laga said if it's bedding sand, I'm not worried about it. If it was fill or topsoil, I would ask for a certificate of clean fill but if it's bedding sand, I'm not really worried about it.

Vice-Chairman Fannin asked are you bringing in any dirt on the property?

Mrs. Rivera said I don't think so.

APPROVED

Vice-Chairman Fannin said it's a question to ask. If the answer is no, great. You don't have to do anything.

Chairman Laga said I'm just putting any fill and a question mark here.

Vice-Chairman Fannin said are you putting any sort of retaining wall over in this area?

Mrs. Rivera said no.

Chairman Laga said on the drawing and plan, it's got to be detailed so we can, at least, see what you're doing.

Mr. Barnett asked do you have a contractor selected already?

Mrs. Rivera said yes.

Mr. Barnett said he would be able to help you.

Vice-Chairman Fannin said I really do think it would be beneficial to put a raingarden as close to this wall as possible.

Mrs. Rivera said I will. I was planning on it anyway - more toward the street area.

Chairman Laga said there are calculations that you have to look at for raingarden sizing. I want to know the area of the impervious surface. (Chairman Laga proceeded to tell Mrs. Rivera how to do the calculations and gave her examples.)

Mr. Barnett said the retaining wall that's there - is that in reasonable shape?

Mrs. Rivera said yes.

Chairman Laga said you're not touching that though.

Mr. Barnett said if you change it, you're going to have to come back.

Mrs. Rivera said I'd be doing that down the road. It's just a lot of work.

Ms. Sedran said can I just make a suggestion with the raingarden. Native species is going to be better suited for a raingarden. They're more tolerant to the climate.

Mrs. Rivera said native?

Ms. Sedran said native to New York. They're more tolerant of dry and wet conditions and they'll survive better.

Mr. Barnett said is this a drop-off?

Mrs. Rivera said that's where that wood is.

APPROVED

Mr. Barnett said and then there's a drop-off.

Mrs. Rivera said exactly.

Vice-Chairman Fannin said are you going to be removing any of the concrete that's over here?

Mrs. Rivera said no.

Vice-Chairman Fannin said are you going to flagstone on top of it or something?

Mrs. Rivera said it's going to be a little bit uneven but I'm leaving it for now.

Vice-Chairman Fannin said are you going to be [doing] flagstone all the way up to this building over here?

Mrs. Rivera said I'm probably going to put trees or something like that there or maybe another raingarden and then put pavers here.

Vice-Chairman Fannin said okay. Just make sure that's on the plan.

Chairman Laga said if you don't do it, don't put it. If you do it, show it.

Vice-Chairman Fannin said if you think you might do it but you're not sure, put it on the plan. You can subtract from your plan.

Mrs. Rivera said do I have to put a raingarden there or can I just flagstone that.

Vice-Chairman Fannin said if you include that in your calculations, you can put your raingarden wherever you want. So, if you want to flagstone up to there, that's perfectly fine. Just make sure your raingarden calculations include that increase.

Chairman Laga said it doesn't necessarily have to be a raingarden. It could be some sort of infiltrator but you're not going to put an infiltrator there.

Vice-Chairman Fannin said you have options. We ask for mitigation. Raingarden is one of the cheapest, most economical and easiest ways to provide water filtration mitigation, and it adds some beauty. There are other options to be very clear. There's lots of ways to mitigate water quality issues and run-off. You're welcome to use other methods.

Ms. Sedran said and this is all just to ensure the water stays healthy for use.

Vice-Chairman Fannin said the form I gave you will explain a lot of this too. There may be some things that are not necessary but most of what we've just said is on there.

(Mrs. Rivera and Chairman Laga went over his notes again.)

Mrs. Rivera said so after I do that, I have to show a picture of it?

APPROVED

Chairman Laga said no. After that's installed, you would call up Mr. Rich Franzetti (Town Wetland Inspector) and say 'the silt fence is installed. Can you please come out and inspect it?' He'll come out and look to make sure it's installed properly and then you can proceed with your work. Upon completion of your work, and you take the silt fence out, you would call him again and ask him to come out and inspect it. He will come out again and inspect it and then you're done.

Mrs. Rivera said so every time I put a silt fence up, I have to call.

Chairman Laga said you're only going to put it up once, leave it up until you're done.

Vice-Chairman Fannin reiterated the silt fence inspection process.

Mrs. Rivera said so basically I can't start any work until July.

Vice-Chairman Fannin said correct.

Mrs. Rivera said if everything gets accepted.

Vice-Chairman Fannin said correct.

Mrs. Rivera said July 15<sup>th</sup>.

Vice-Chairman Fannin said if you have questions in the meantime, while you're collecting information, you can reach out to Rose. Send her any questions and we can respond as well.

Mrs. Rivera said the 17<sup>th</sup> is just for me to gather all my paperwork and.....

Chairman Laga said you have two weeks to come back or you can get it into her earlier or scan it to her and she'll send it to us.

Vice-Chairman Fannin said I think she requires a day or two before so I wouldn't wait two weeks.

Mrs. Rivera said so what am I doing from the 17<sup>th</sup> to the 15<sup>th</sup>?

Chairman Laga said waiting.

Mrs. Rivera and Board Members had further discussions amongst themselves.

Chairman Laga said even if you wanted a Letter of Permission tonight, I couldn't give you a Letter of Permission tonight because you're missing too much information.

**MISCELLANEOUS**

Minutes:

- 5/6/21: Mr. Barnett moved to approve the minutes of 5/6/21 as written; seconded by Ms. Sedran with all in favor.

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

Respectfully submitted,

Dawn Andren