

**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**

**JULY 1, 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:**

- |                    |            |       |                              |
|--------------------|------------|-------|------------------------------|
| 1. Hansen, John    | 86.12-1-1  | 1 - 3 | Letter of Permission w/cond. |
| 2. Raconelli, Luca | 65.19-1-21 | 3 - 6 | Letter of Permission w/cond. |

Minutes: June 3, 2021	6	Approved as Written
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The meeting was adjourned 7: 56 p.m.

Respectfully submitted,

Dawn Andren

**1. JOHN HANSEN - TM - 86.12-1-1: 28 SILVER GATE ROAD - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION - 6 - 8 DEEP TEST HOLES**

- Mr. John Karell, Engineer for applicant appeared before the Board.

Mr. Karell said what we're looking to do is excavate 6 deep test holes for the Health Department so we can determine if we can put a septic on this property. The holes will be in the 100' wetlands setback; not in the wetland. The blue line is the wetland itself. The pink line is the 100' setback. We've presented this before. There were some issues with trees. There was a violation. The violation was satisfied by paying of a fine.

Chairman Laga said I have an email, just for the record, from Mr. Mike Carnazza saying a fine was paid and the matter was closed at that time.

Mr. Karell said when we dig these holes, we're going to dig them with a back-hoe. We're going to dig them in the morning. The Health Department is going to come. We're going to back-fill them immediately and be out of there.

Chairman Laga said are you going to have a spill-kit on site?

Mr. Karell said yes. It was on the plans. I think we're requesting a Letter of Permission.

Chairman Laga said where exactly do you want to dig the test pits?

Mr. Karell said the blue line is the wetland itself....

Chairman Laga said and that was recently flagged?

Mr. Karell said yes (no mic).

Chairman Laga said how long ago?

Mr. Karell said a year ago now.

Chairman Laga said I think, at a minimum, you should refresh the flagging.

Mr. Karell said (no mic) Mr. Franzetti has inspected the flagging previously. (inaudible) we're looking to dig the test holes probably (inaudible). There was piping on this property (inaudible). (grabbed mic) Years ago, they extended all the way down to the end. We just want to dig some holes and see what kind of soils we have there.

Chairman Laga said all 11 lots?

Mr. Karell said one house on that whole property.

Mr. Barnett said how big is it?

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Chairman Laga said and where is the house going to be located?

Mr. Barnett said we have to determine from the deep holes where the soils are good and then we'll determine where the house is. I would think the house would be up here and the septic would be in there if we can get a septic in there.

Chairman Laga said so the blue line is the 100' buffer.....

Mr. Karell said nope; the blue line is the wetlands. The pinkish line is the 100' buffer.

Chairman Laga said so you're going to be digging within the 100' buffer.

Mr. Karell said yes; not in the wetland.

Mr. Barnett said would you point to the area you're considering.

Mr. Karell said right in here.

Mr. Barnett asked how big is the property?

Mr. Karell said it's 3 acres but this side is wetlands (back at the map w/o mic so inaudible).

Chairman Laga said so what I need by Monday, is a map of an area where you want to do the test pits. You should identify them on the map. I have to have a plan of where they're going.

Mr. Karell asked can we get an approval from this Board and we'll submit this with the holes on there? Realistically, we're going to (back at map without mic) do two here, two here and two here.

Chairman Laga said it's not that difficult to throw two here, two here and two here on the plan. I also need to have a route on how you're going to machine in and out because you're within the 100' buffer; are you going to come in through the far side. We're trying to minimize the damage to the buffer.

Vice-Chairman Fannin said there's a sequence in here.

Mr. Karell (back at map w/o mic) .....holes and it's not like it's a wet buffer.

Chairman Laga said I get it. So, at a minimum, I need to see locations of test pits. I need to see route in and out of buffer area. I didn't see a note on here for the spill-kit.

Vice-Chairman Fannin said and also about no fueling within the buffer; go across the street or down a different street. I assume that you're probably going to get the pits all dug in one day but the.....

Mr. Karell said there are notes on the left side.

Vice-Chairman Fannin said there is?

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Mr. Karell read from map: (inaudible) delineated wetland areas; all (inaudible); spill-kit on.....

Chairman Laga said I don't have that one.

Vice-Chairman Fannin said we don't have that on ours.

Ms. Sedran said I have it and showed the Chairman and Vice-Chairman.

Vice-Chairman Fannin went over the notes and said "great". Is there a deed in the file?

Chairman Laga said yes. Just update this map and get it to Rose by Tuesday.

*Mr. Barnett moved to grant a Letter of Permission to John Hansen for 28 Silver Gate Road with the following conditions: 1) have the Town Wetland Inspector verify the flagging is still in tact and is in good shape. 2) Provide on the map the locations of the test pits. 3) Show the route in and out of the buffer area and how they're going to access the site; seconded by Ms. Sedran with all in favor.*

**2. RACANELLI, LUCA - 22 FULMAR ROAD - TM - 65.19-1-21 - APPLICATION FOR WETLAND PERMIT OR LETTER OF PERMISSION - WETLAND MITIGATION**

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

Mr. Lynch said the Racanellis (mic not working so inaudible) back yard area.....(mic replaced) somebody had called the Town and made a complaint. I guess someone came out inspected and they said yes, this is, in fact, wetlands and you must stop. They were given a stop-work-order and instructed to put up silt fence, make an application to this Board and address the map. So, that's what we've done. That's the area of disturbance that is colored in green. I met with the Raconellis. Their initial reaction was we'll just reseed everything and we'll move on but the fact that it's already cleared, they did ask me if it was possible to maintain a piece of this and not let it go back to wetland. I told them that there is a policy that's been done and held into account in the Town where if you take away "x number" of square feet away in wetlands, you've got to give back two times that amount. That conversation came up after I had turned in this plan. What I have here, which I'm going to give you all, is just a copy of what they're thinking about and see what kind of thoughts you have on the matter.

Mr. Barnett asked is this about the trail way?

Mr. Lynch said yes. That was one of the things that had the Raconellis confused because the Town had come in last year or the year before and cleared everything that was in between the road and the bikeway. There had been a lot of trees on that embankment which actually is a dam. When I did the flood analysis for them, I told them the trees have to go. You can't have the trees growing in your dam because.....

Chairman Laga said the roots will kill you.

Mr. Lynch said right; sooner or later it's going to kill somebody. They're living here and they saw the view open up and everything looks nice. Let's make our back yard a little bigger. What I did was show two sections: A & B. A being about 608 square feet; if that were being converted to lawn. B being if you add

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the two together, you get 1348 square feet. I held that tree. There's a pretty prominent tree that's there in the back yard so I held that line. That kind of squares off that backyard for the kids to play in. The trade back would be on their side yard because they really don't use the side yard. So, to get back either the 1200 or 2700 square feet, you would convert what is now lawn back into wetland vegetation. That would be those areas A & B as shown being 73' and 87' off the house.

Chairman Laga said so if you look at the picture where the driveway is, it would be to the right of the driveway. The problem I have with that is the area of disturbance that's already been disturbed; adjacent to an on-going, running wetland. I went out to the site and looked at it. My concern is we're breaking continuity here with the wetlands that are running the way they are running now. Now, we're just going to slice and dice it and this little area on the right that you're suggesting, is going to be its own independent, unique wetland; but what if it fails. This is already an established wetland.

Vice-Chairman Fannin said where is the 100' buffer line. Is it on here?

Mr. Lynch said I didn't draw it on because basically, the house.....

Vice-Chairman Fannin said it's on there. It goes through the house. So, the vegetation line that you have on here - is this wetland here as well? Is all the vegetation line on the right side/east side of the property, is this all wetlands?

Mr. Lynch said yes. My understanding is this is the original wetland line and this is what has been cleared out.

Vice-Chairman Fannin said so what's the proposal for actually turning the site here into wetlands? How would you.....

Chairman Laga said we would need a procedure; what he's going to do to it; whether he's going in to do machine work?

Mr. Lynch said grade wise, I don't think you honestly have to do much except strip out the grass that's growing there because there's going to be high ground water table. I noticed that in the area that's been disturbed.

Chairman Laga said it's moist.

Mr. Lynch said he probably has to work pretty hard just to maintain the lawn in that area generally. I'm thinking that if you strip out all the lawn and that grass matting and just re-seed with wetland plantings, etc., it will just take over.

Chairman Laga said this is also a State-regulated wetland - right?

Mr. Lynch said that's why I'm bringing this up.

Chairman Laga said the National Registry of Wetlands because whatever we say, if we say go ahead, you still have to go to State.

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Mr. Lynch said I don't think it is a State.

Chairman Laga said I was under the impression that this was a National Registry Wetlands and that's why it was a big deal.

Mr. Lynch said okay. I was not aware of that. I looked at my DEC maps and I didn't see.....

Chairman Laga said talk with Mr. Franzetti.

Mr. Lynch said okay. If that's the case, then I would say you just restore what's there because you're getting into a whole.....

Chairman Laga said I'm not trying to put the kibosh on this but from the information I know, this is a wetland that is under the State Registry or some National Registry of Wetlands, and that's not my purview to say. It's a whole other can of worms. Plus, this is 5,400 square feet. Now, we're looking at a full SWPPP.

Mr. Lynch said we'll go with the restoration. I've already had the conversation with them and if it seemed like it was going to become a process and this would be a process, it's not worth it.

Chairman Laga said this would be a huge process.

Mr. Lynch said the dollars and cents just don't.....they'd spend an enormous amount of money to try and get that.

Chairman Laga said yes; could be \$30K just to get 1,300 square feet of lawn.

Vice-Chairman Fannin said I'll be honest. If this didn't have anything to do with the State and you didn't have to worry about the 5,400 square feet of disturbance and the stop-work-order, I do think it would be worth exploring whether or not you could expand the wetland and it takes, I think that's a great exchange: a small strip there for a larger strip there. But; when you start running into the rest of these, I'm not sure it adds up.

Chairman Laga said it's not my money.

Mr. Lynch said they don't want to spend it.

Chairman Laga said let's just say we're not taking the area over and we're just looking for mitigation. What's your proposal?

Mr. Lynch said just restore plantings, put seed mix and let it revegetate and leave it alone.

Chairman Laga said you didn't file a permit. You filed for a Letter of Permission?

Mr. Lynch said no; I think I did the Permit Application. I'm just trying to back them out of this.

Chairman Laga said I get it.

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Board Members spoke amongst themselves for the next couple minutes.

Chairman Laga said he also put in the report that they bought all this wetland mix. So, he's going to install all of that. So, we're just going to monitor it for a year and make sure it catches.

Mr. Lynch said that'd be fine.

Chairman Laga said we'll grant a Letter of Permission to 22 Fulmar Road to restore disturbed area on property with wetland mix as detailed in Putnam Engineering's report and the owner will have to monitor the growth for 1 year. If it doesn't take he's going to have to re-seed and before he starts work and post work, he must contact the Wetlands Inspector to show pre- and post- work.

Vice Chairman Fannin moved to grant a Letter of Permission for 22 Fulmar Road to restore the wetland area that was disturbed as outlined in Putnam Engineering's Report with wetland mix with the following conditions:

- The wetland inspector to perform a pre and post inspection.
- The owner will have to monitor the growth and revival for one year.

The motion was seconded by Mr. Barnett with all in favor.

## MISCELLANEOUS

**MINUTES:** June 3, 2021

*Mr. Barnett moved to accept the minutes of June 3, 2021 as written; seconded by Ms. Sedran with all in favor.*

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

Respectfully submitted,

Dawn Andren