

**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**

**AUGUST 5, 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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**EXTENSION OF A WETLAND PERMIT:**

1. 70 Old Route 6 LLC (Formerly Tompkins Recycling)	55.11-1-15	1	No Board Action Taken
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**SUBMISSION OF APPLICATION OR LETTER OF PERMISSION:**

2. Roa, Frank	75.7-3-14	1 - 4	No Board Action Taken
3. G&F Subdivision; Gateway & The Fairways	55.-2-24.5, 55.-2-24.6-1 55.-2-24.7-2 & 55.-2-24.8-2	4 - 19	No Board Action Taken

**ESCROW RETURN:**

4. Change, George	64.19-1-58	19	Escrow Returned
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**MISCELLANEOUS:**

5. Minutes:	July 1, 2021	19	Approved as Written
	July 15, 2021	19	Approved as Written

The meeting was adjourned 8:54 p.m.

Respectfully submitted,  
Dawn Andren

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**1. 70 OLD ROUTE 6 LLC (FORMERLY TOMPKINS RECYCLING) - TM - 55.11-1-15: 70 OLD ROUTE 6 - EXTENSION OF WETLAND PERMIT - REDEVELOPMENT OF EXISTING PROPERTY**

*Applicant was not present and did not appear before the Board.*

**2. FRANK ROA - TM - 75.7-3-14: 96 WEST LAKE BLVD. - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION - INSTALL INGROUND POOL**

- Mr. Willy Besharat representing the applicant appeared before the Board.

Mr. Besharat said we are proposing an inground swimming pool at the home located at 96 West Lake Blvd.. We chose the site in the backyard where it will go because 1) it's the backyard and 2) it's really the only space we can fit a swimming pool. The front yard is occupied by many things including the septic system and the expansion area. The other side of the house has the well in it. That's the spot that works out perfectly for them because it's right off the porch and the back of the house. The house, as it exists, is completely within the wetland buffer. We have been in front of this Board back in 2010, I believe, for a wetland permit that was granted for an expansion of the existing house. We put an addition on it and the major renovation that took place with it. The swimming pool - we tried to push it as close as possible to the house to minimize the impact. Every attention to detail will be taken during the construction to make sure that nothing is going to interfere with the Lake. The house and landscaping is in impeccable condition. I will reiterate that we really have no other place to put this pool except there.

Chairman Laga said you're about 200' from the Lake. I need a construction sequence for the work. I need a stock pile location and I need to see all the details for when you stockpile soil. It's 576 cubic feet. If I convert that, it's about two truckloads of soil. I also want to see the route that the machine is going to take to get into the back there and what you're going to do for restoration. I need to see spill-kits. I need to see where the machines are going to be stored at night. I need to see a fueling plan. I also need to see a restoration plan. They're probably going to take down that wood picket fence I would think but then they're going to drive over the SSTS (Subsurface Sewage Treatment System). So, I need to see the route that they're going to take and you're going to have to protect the SSTS. I'd like that staked out as part of your condition, I'd like your surveyor or whatever to encase that whole area with orange silt fence.

Mr. Besharat said we can give you stakes if you want but during the construction, we will call for the construction fence to be delineated.

Chairman Laga said you need to delineate the SSTS.

Vice-Chairman Fannin said he could also just delineate the route - right? Meaning if they put it.....

Chairman Laga said if I'm coming in here and coming down through here, I need to identify these 3 corners to make sure.....

Mr. Besharat said it's no problem. I understand exactly your point and agree with it 100%.

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Chairman Laga said you need to tell me how big this proposed patio is because you're going to have to provide us with wetland mitigation.

Mr. Besharat said for the patio, we are looking at pervious pavers.

Chairman Laga said okay but now I've lost the pool. So, the area of the pool is 18' x 32'. I need that. You have to look at the patio and the pool as one area of disturbance. I'd also like to know the square footage of the whole area of disturbance. You're showing a proposed patio. I don't know the size of the patio. Are we under 5,000 square feet?

Mr. Besharat said yes it is.

Chairman Laga said then I need to see the man.

Vice-Chairman Fannin said that's good with the pervious pavers. With the current dwelling that you have there, how/where is the water going from the liters and everything? Is it just being dumped onto the grass?

Mr. Besharat said that I cannot answer off the top of my head but I can find out for you.

Vice-Chairman Fannin said the reason I'm saying that is it's usually a very easy way to recover or put some sort of mitigation. If you catch one of the liters coming off the house and it, at least, covers the amount of area that is being disturbed or removing from the buffer, you can put a raingarden at the end of the liter and that usually makes up for it.

Mr. Besharat said we'll look at it. I think that will be the easiest way to compensate for the swimming pool. I will take a look at it and answer you back.

Chairman Laga said you have to show mitigation which means that you're going to have to show calculations and what you're planning to plant and show a detail of the..... These pavers are going to be placed in a gravel base?

Mr. Besharat said a gravel base; yes.

Vice-Chairman Fannin said did I see that right? You're going to put seed under the pavers?

Mr. Besharat said he would like to make it a more grassy-like area. Usually, they'll put some topsoil and sod in there.

Vice-Chairman Fannin said is there going to be any sort of concrete collar around the pool?

Mr. Besharat said there will be a little concrete apron; about a foot or so.

Vice-Chairman Fannin said okay. Just make sure that's included with the square footage with the pool. Besides the pool and that apron, is there any additional new, impervious surface being created?

Mr. Besharat said no. If you noticed, it's coming right from the deck onto it.

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Vice-Chairman Fannin said the pool equipment area that's outside the buffer - are you going to be putting down slabs for that?

Mr. Besharat said it's a pre-cast, fiberglass-like slab they put down. It's very minimum because it's going to have salt water so it doesn't need any back-washing.

Chairman Laga said if they store the machine in that wetland, I really don't want the machine stored in that area.

Mr. Besharat said (at map without mic) the machine (inaudible) couple of days (inaudible).

Chairman Laga said then when they store it at night, it has to be stored on 6 mil poly. So, you're going to have to put a note on here.

Vice-Chairman Fannin said so with your fueling plan, one of the things we generally ask is that you add a note on here, as part of your fueling plan, that there is no fueling inside the buffer.

Mr. Besharat said if they're going to fuel it, we'll make sure that they drive it on the driveway or on the 6-mil poly. Again; if you drive in that area and take a look at that house, it is impeccable. Every precautionary measure will be taken to make sure that there would be no damage, no spills and none of that stuff.

Vice-Chairman Fannin said any planting with this - aside from the raingarden. I see two trees; are they existing?

Mr. Besharat said the property is very well landscaped and most of the landscaping would remain. There is no plan to landscape around it. The patio around the pool is just going to blend into the backyard.

Vice-Chairman Fannin said I'd also like to recommend that your silt fence.....

Chairman Laga says it goes across the entire backyard; from here to here.

Vice-Chairman Fannin said excellent. Never mind.

Chairman Laga said you may just want to protect the well.

Vice-Chairman Fannin said from the pool equipment down to the pool, can you please add where you're going to be putting the service lines.

Chairman Laga said I need a scope of work. After the silt fence is installed, you're going to call the Wetland Inspector and have him check it.

Vice-Chairman Fannin said is there any electrical being run to the pool?

Mr. Besharat said yes. There's going to be a low voltage for the LED lighting in the pool.

Mr. Barnett said you're going to have electric for the filtration, aren't you?

Mr. Besharat said yes.

Vice-Chairman Fannin said that's outside the buffer though. If know we're you're going to be putting that, add that on there too.

Mr. Besharat said it's outside the buffer and the lighting these days has very minimal amount of electricity.

Vice-Chairman Fannin said if you know where you're going to be putting that, add that on there too.

Mr. Besharat said it's going to go within the same trench for the pool equipment.

Vice-Chairman Fannin said perfect.

**3. G&F SUBDIVISION, GATEWAY & THE FAIRWAYS - TM - 55.-2-24.5, 55.-2-24.6-1, 55.2-24.7-2 & 55.-2-24.8-2: 2054 ROUTE 6, CARMEL - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION - DISTURBANCE ASSOCIATED WITH GRADING & STORMWATER MANAGEMENT & ASSOCIATED ACTIVITIES**

➤ Ms. Dawn McKenzie of Insite Engineering representing the applicant appeared before the Board.

Ms. McKenzie said there are 4 plan sets as part of the package. There is one for the Gateway Housing Project. There's one for Fairway Housing Project. There is one for the G&F subdivision and we've also provided one consolidated trail plan for the trail that's proposed within the wetland buffer. You were not here at the last meeting; do you want me to give you a summary of what we've got going on?

Chairman Laga said sure.

Ms. McKenzie said back in 2007, the Planning Board approved a 7-lot subdivision for G&F. That would create 7 lots in the CBP districts over here. So, we've got 7 lots that's on Route 6 and as part of that, they approved a subdivision road plan. There would be a town road constructed to lead to lot 6 & lot 7 which is the Gateway Summit project and the Fairways project. It would also feed some of these internal lots to the site. At that time, what they did was they constructed the NYS DOT improvements and the entrance to the town road. There's actually a traffic light there that's not working yet. They had done that initially, I believe, because there was talk about putting a hotel on lot 1 which is an old thing and that lot was sold. That was the beginning of this and they needed to get that out of the way. Then trail improvements were done for the bike trail, along here, since then. That's where it's at. As part of that, this is actually the entrance to the subdivision road project. At that time, when we got site plan approval for all of these projects, there was also a wetland permit issued for this work - the disturbance within the wetland buffer associated with construction of the subdivision road and some of the stormwater basins on some of the lots at the beginning of the site. At that time, there was no disturbance proposed within the DEC Wetland Buffer for The Fairways project or for Gateway. Since that time, they've added recreation components to the Gateway Project and the Fairways Project which have been approved by the Planning Board. We also have gotten a permit from NYS DEC for those improvements because they're along the DEC Wetland and

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the lake at the bottom of the site. There's a lake here and the DEC Wetland that is also regulated by the Town of Carmel. There's a water course at the beginning of the site. I've highlighted that in blue on this plan. The orange lines represent the 100' buffer along that. They did the construction at the entrance. Then the wetland permit expired and they didn't renew it. They've been keeping up on all the other permits for the project. Now, they've asked us to come back and get the wetland permit approved again. The only thing on this that you hadn't seen before or that hadn't been permitted previously, is the trail improvements down here along the lakefront and within the DEC and Town regulated buffer.

Chairman Laga said lot 6A up on the left - those homes are there?

Ms. McKenzie said none of these homes have been constructed yet. This is still an undeveloped site except for the entrance.

Chairman Laga said so you're here to get us to approve work on the Fairways and lot 6B and 5 or lot 6A, 5, 6B & 7?

Ms. McKenzie said as part of the subdivision road approval, the project was required to install stormwater basins. This one was actually installed under the previous approval. When they did the entrance to the site, they constructed this stormwater basin and there was some encroachment into the buffer for that. That's already been constructed on the original permit. That was done a number of years ago. Now, when they're ready to move forward with the subdivision road, they need to construct these stormwater basins because they are associated with the approval for the subdivision road. They are, incidentally, on lot 5 but they were approved as part of the subdivision road project. They get constructed because they're required for the Town road.

Chairman Laga said on that map there, where does the road end right now?

Ms. McKenzie said the road actually comes to this point and it stops right here but they've installed this stormwater basin and actually this stormwater basin - originally. The reason they did this one is because they sold lot 1. They were going to sell lot 1 so they needed to get that done in support of the road before it was sold and to get this intersection improvement done. That's why these two were constructed. Water and sewer were brought down here to support this. That was all done a number of years ago. The market's getting better so they want to move forward with this and want to make sure that we get the wetland permit renewed. That's why we're here.

Chairman Laga said so all you want to do is basically extend the road from where it stopped to that road that's shown on that drawing with those catch basin/detention pond, that's all you're looking to do right now?

Ms. McKenzie said we're looking to get the Wetland Permits for Gateway and Fairway renewed or approved for the trail improvements proposed for that.

Chairman Laga said well if it expired, it's new.

Ms. McKenzie said so it's new; right. So, we put in a new application but the only piece that the Board hasn't seen before from the previous permit is the trail improvements for lot 6 and lot 7.

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Chairman Laga said I've been on this Board for 10 years and I do not remember this project. I've been here for more than 10 years and I've never seen this project.

Ms. McKenzie said so we're looking at it like it's new to you.

Chairman Laga said right.

Vice-Chairman Fannin said a lot of this construction is not in our purview because.....

Chairman Laga said here's the 100' buffer.

Vice-Chairman Fannin said right. A small part of this road is in there and a trail that they want to put down by the stream and lake over there and a little building they were building that's outside of the buffer but there's a trail to it. There's not that much.

Ms. McKenzie said I can bring my board and show it to you because I have the big pages from the trail plan highlighted up to show you and I want to talk to you about this piece too because there's grading for those stormwater basins within the buffer.

Chairman Laga said here's my concern. You're showing all these trails that run through the buffer. My concern is that there is another certain developer who's built trails and stuff on another site, close to this site, and every once in a while have folks coming here who are not very happy about it. So, I would really like to have these trails..... I don't want you in the buffer because then I'm going to have very unhappy folks here when things aren't maintained. You're going to build this; they're going to use it for a while; the builder goes away; these things aren't going to get maintained or the worst-case scenario, I make them put a 20-year bond at \$500,000 and this way we guarantee it's maintained. So, these are things that I'm really concerned about because I'm here when I have a room full of very concerned people for a particular place that they live in. I'm really concerned with you putting anything in the buffer. I know building the road.... I get it. It's a road. The detention basin, I get. That orange line is the buffer - correct?

Ms. McKenzie said that orange line is the buffer. This is not the entire project. This is just.....

Chairman Laga said so that little area right here just before I get to this turnaround where the proposed shelter is on the next page, I'm thinking everything in there and that little job down where the orange crosses are, that piece there and there. I need the calculations for how much area of disturbance you're doing in those so you can mitigate for us in the future. So, after you build this, if you disturbed 1,000 square feet, how are you going to make that 1,000 square feet up because you're in the buffer.

Ms. McKenzie said so you're looking for mitigation within the buffer equivalent to the amount of disturbance.

Chairman Laga said correct.

Ms. McKenzie said one of the things we were asked to do is go out in the field and review the conditions of the edges of the stream in this area. We did that. We put together photo documentation which we included as part of this submission and some evaluation in there with a key map to describe what the conditions of that is.



Chairman Laga said if you adjust that road one way or another, you could stay out of the buffer. You can adjust that area to stay out of the buffer.

Ms. McKenzie said if we could have adjusted to stay out of the buffer, we would have adjusted it to stay out of the buffer when we originally designed it. We don't go into a project and say let's see how little we can disturb the buffer. We say can we avoid disturbance in the buffer. If we can't, then we do the minimum that we can do. There's actually an engineered slope going in this location to minimize disturbance in the buffer. There's a cut-off swale.

Chairman Laga said that whole engineered slope is being constructed in the buffer. What's the grade over there? How much higher is the road going to be from existing; 6 feet?

Ms. McKenzie said how much filler they're placing?

Chairman Laga said yes.

Ms. McKenzie said this whole area is in fill. This road climbs pretty steeply to get up here so they can get up to the sites.

Chairman Laga said I understand. So, you're building up that area.

Ms. McKenzie said we are but that doesn't mean we can shorten the road. If we were to shift the road this way, we'd have to shorten the road and it would get steeper and then it wouldn't meet the requirements of the Town Code.

Chairman Laga said I understand but what I'm saying is on that bottom area where you're putting in the amount of fill that you're putting into that road, now you're disturbing the buffer and you're adding structural materials in that area that are not in the buffer of whatever. Whatever you're disturbing in the buffer, we have to make up somewhere else.

Ms. McKenzie said okay.

Chairman Laga said leave the road the way it is, just give me the numbers on what you're disturbing.

Ms. McKenzie said okay; I can tell you what we're disturbing. I have it written down. We can provide that to you. So, one of the other things that we looked at was opportunities for providing mitigation planting. So, if you look at the photos that we've provided for the edge of the stream banks, we provided them digitally; there actually easier to see that way but I printed them a little bit bigger (brings photo board to dais). Each of the numbers for the photos are key to the area on the key map of where they are. I believe area A is where we looked at the stream bank. The stream bank is in really good condition and it's got some rock outcroppings; it's got a lot of ferns; it's very stable. Our concern is that if we try to do additional plantings in there, it could impact what's already a stable stream bank. It's just something to think about.

Vice-Chairman Fannin said (to Chairman Laga) it was one of the things I had requested, and since they're doing all this grading over here, I had concern about the stream bank. Also, as part of mitigation for the trail going in, we asked for a couple of other things. One of them was stream bank stabilization - if it



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needed it anywhere and plantings along the stream bank. We asked the applicant to go out and review the stream bank; that's what those photos are from. There were a few other things too to mention from last time. We didn't talk to much about moving the road.

Chairman Laga said I'm not talking about moving it.

Ms. McKenzie said you just said if we shifted it one way or the other but we can't.

Chairman Laga said you're misquoting me. I said if you look at possibly shifting the road to avoid going into the wetland buffer, maybe you can avoid doing all this area here. I was thinking that if that curve could have gone up to maybe stay out of the buffer, that's what I said but you're telling me you can't do it so I'm accepting the fact that you can't do it. What I'm trying to say to you is that I need to know the total square footage area of disturbance within the buffer so that we can mitigate that in the end. Show me how a = b. That's what I'm trying to find out.

Ms. McKenzie said I'll provide you with those numbers. Another thing that we looked at: if you walked through the woods there, it's pretty densely wooded. The entire buffer area is forested. It makes me wonder what opportunity is there to do mitigation. That's my concern. This is the water course and we showed you photos of the condition of that. That is actually adjacent to where the work is proposed. So, when you get to the wetland and further down where the wetland is along the edge of the lake, it is so densely vegetated in there that you can't even see the lake through the vegetation.

Chairman Laga said you don't, necessarily, have to do the mitigation in this area. It could be done somewhere else.

Ms. McKenzie said but you're looking for it somewhere within the buffer.

Chairman Laga said within the project.

Ms. McKenzie said okay but then not necessarily in the buffer?

Chairman Laga said or put raingardens or something to.....

Vice-Chairman Fannin said that was something that we didn't explore last time you were here but certainly doing any sort of mitigation and doing that outside the buffer as part of the plan can be done as well.

Ms. McKenzie said okay. So, another thing is we have an approved SWPPP for this project. The stormwater basins will be revegetated with some sort of native meadow mix that will have pollinator wildflowers, etc. I have to look and see what mix we're using on this project.

Chairman Laga said because of the detention pond, if that adds into taking care of this stuff and the stuff works, tell me.

Ms. McKenzie said okay. So, that's the type of stuff you're talking about. It could be the type of seed mix that we use.

Chairman Laga said or you could put those underground infiltrators in or something along those lines so that you can say, we've looked at this and we've put in all this structural fielding; we've changed the bank of erosion; we're getting closer to the stream here so this is what we're doing to make sure that we mitigate the area that we're disturbing in the buffer. That's all I want.

Ms. McKenzie said okay. So, I'll tell you what we're doing to mitigate impacts in the buffer. The stormwater management areas - they're infiltration basins. The way our SWPPP works for this project is road run-off comes down, gets collected into the drainage system. It discharges into this basin here which is actually a pre-treatment sediment basin and from there, the sediment settles out and spills into this one which has a deeper basin in the bottom. I'd have to check to see what types of practices these are. This one, for sure, is an infiltration basin and this one might also be an infiltration basin. So, it actually goes through this practice, then through this practice depending on the size of the storm, it'll overflow into this basin and you get infiltration from that basin. So, a recharge of stormwater from the road, back into the ground. That's the way these work. They are vegetated with some sort of meadow mix that has pollinator benefits.

Chairman Laga said do you have a maintenance plan for these?

Ms. McKenzie said yes. That's required as part of the SWPPP. This one does that as well and so does this one. This slope up here goes into these basins and once you get past this, it goes down and into that basin. The other thing that we talked about last time, you were concerned that maybe we needed to divert run-off from the new disturbed areas. Actually, built into the design of this, is a diversion swale that picks up any run-off from this area and takes it into that stormwater basin right down there. The way the grading works out, this portion here ends up going into that same swale. You can see how there is a berm by the existing topography. The grading goes into that and creates another swale that picks up this area here. There's very little contributing area on the downside of the berm. This is actually the top of the berm for the stormwater basin. We have this slope here. There's an existing stone wall here which we're actually going to reconstruct portions of it to serve another purpose of diversion or dissipation of anything that's coming from this area. What this plan doesn't show is all of the silt fence and erosion control measures that are going to be put in place prior to them starting construction. That's just this portion of the subdivision road that's adjacent to the watercourse buffer. If you want we can look at the trail plan.

Chairman Laga said you're here today for this road, the trail plan.....

Ms. McKenzie said yes and there's one other piece. There's a stormwater basin from lot 6A that's actually graded in the buffer. I'll show you that one too.

Vice-Chairman Fannin said is that the one up to the top left? There's another section of wetlands or something?

Ms. McKenzie said there is. There is a piece of wetland actually over there. Let me grab the plan.

Vice-Chairman Fannin said (to Chairman Laga) the two biggest things we were trying to mitigate from last time were this area here and this walking trail that goes in and out of the buffer. There's a pergola and a little dock here. We talked about different ways to allow some of that to happen while still protecting - although you bring up some very good points about the maintenance plan. I think that is something that we

should figure out - it's all going to be natural trail except for a small part of it which needed to be stabilized more for emergency services.

Ms. McKenzie pointed the location out on the map. To look at this in context, Route 6 runs that way and the bike trail comes right up here. You can actually see this wetland. We went out and we looked at this area. You can walk along the trail; they put the trail through the wetland. There's a stormwater basin going here in the buffer. I just wanted to show you the location in context because on the plan, it's just a small window. So, there it is right there. The subdivision road continues on past that page that we looked at up here and it feeds into the Gateway Site which is up here on the hill. There's actually stormwater that comes down to a stormwater basin here that serves this and it serves the subdivision road. It has a discharge into the swale and the only place we had the right soils or the right grades to put a stormwater basin in is all the way down there in that location.

Vice-Chairman Fannin asked how is the swale being constructed? There's no piping coming out from this. It's just surface water that's hitting on the swale and going down here.

Ms. McKenzie said it's piped away and then discharges to grade; it's in a graded swale that goes all the way down there. All of these have been sized according to the engineer's calculations and have been approved as far as the SWPPP and have been reviewed by the Town of Carmel.

Chairman Laga said the first part of this is the road. The second part of this is this.

Ms. McKenzie said yes. It's that piece over there which is part of lot 6A of Gateway Summit.

Chairman Laga said and the only area that's really concerning us for this particular area is this area here and there's a separate wetland. Are you within the buffer?

Ms. McKenzie said yes. Disturbance for this will be in the buffer. I have disturbance numbers for each of these lots.

Vice-Chairman Fannin said do you have the buffer on here somewhere?

Ms. McKenzie said it should be on there (and pointed it out on the map in front of the Board Members). This is the wetland buffer right here; see this line. These are the flags for the wetland. We actually had this reflagged.

Chairman Laga said so you just have to give us the area of disturbance and if this is a swap, then it will work.

Ms. McKenzie said the stormwater management basins get seeded with native ferns conservation seeds. They have a steep slope mix with usually an annual rye or winter rye or something as a nurse crop. In the native seeds slope mix, it's got a lot of native grasses and some whole season things; it's got annuals and perennial wildflowers in it. It has a price point so sometimes the varieties change depending to keep the price within line but it's good for erosion control and it provides wildlife and pollinator benefits. They're native species and suitable in our area. We've used them on other projects within Carmel.  
*Board Members then briefly discussed detention ponds with Ms. McKenzie.*

Chairman Laga said there's a maintenance plan here as well.

Vice-Chairman Fannin said here's the thing that's going through my mind: under many circumstances, these types of things would count. However, they are being built within the buffer. I'm on the fence. Is it a wash; not really. It's encroaching on the buffer and it's taking water from a lot of other places and putting it there.

Chairman Laga said but it's an enhancement to the buffer to help with stormwater from other areas to be treated prior to infiltration.

Vice-Chairman Fannin said true which is why I'm thinking if we put bonds on the plantings in there for a certain amount of years since they're putting down this special mix.....

Chairman Laga said can you provide us with the mix?

Ms. McKenzie said yes; we can provide you with the mix. It should be on the plan but I'll double check.

Vice-Chairman Fannin said in five years or however long the Board thinks is necessary, I would be a lot more comfortable saying that's fine. I was looking - that overland swale you have - it looked like 1,800 feet. That's a long overland swale from there to here. Are you putting rocks? Is it a rock bed? Or just berm?

Ms. McKenzie said if it had riprap in it, it would show it in the plans. There are other swales lined with riprap on the plans. So, they do calculations and do it in accordance with NYS DEC requirements. When it reaches a certain slope or a certain velocity, that's what determines whether it's going to require riprap or not. Our grass swales all have some sort of lining in them. We put some sort of bedding on to protect from erosion but if it reaches a certain slope or one of those parameters, they'll line it with rocks. This one is not lined with rock; that wasn't required for the calculations. So, it would be a grass swale which is okay since those have benefits as well.

Mr. Barnett said you're talking about attenuating the flow because of the pitch?

Vice-Chairman Fannin said I didn't know if 1) is the pitch enough to carry it all the way down to a detention pond far away. If it's too much, it's going to erode.

Ms. McKenzie said if you're saying is the pitch enough to carry it all the way down, it could be that if it slows down and there's not a lot of volume that it infiltrate along the way which is good as well.

Chairman Laga said okay; the last piece.....

Ms. McKenzie said let's look at the trail. This is just a general overview to show you. That first section of the trail as it comes off the subdivision road, we're actually going to run that over the berm of the stormwater basin - the one down there that we were just looking at. We'll re-route it because the stormwater basin is going to go right here; that's where the existing trail is. It'll come across the berm, it'll follow the existing trail; then comes across lot 6B and when it hits this property line, this is lot 7, it goes over here and is actually part of the required recreation component for the Fairways project. Trails tie into that from up here. This is just a schematic on here but I'll flip up the sheets and see how the

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topography works and what the layout of this is, and we'll talk about the trail itself. So, when we got our wetland permit from NYS DEC for this work within the wetland buffer, we just put together a consolidated trail plan set because all that they were interested in is what we were doing adjacent to the wetland. The site plans that we've submitted has all the exact same information. This is just consolidated into one plan because it's easier to talk about this way. The plans we're getting approved are the site plans. This is for easy viewing. So, back to what I said that trail is going to go across the berm of that stormwater basin from the subdivision road. I didn't highlight it through this section probably because this is where the existing trail is and then in this area, this is what we're calling the walking trail. The way the walking trail is intended to work is it's supposed to provide minimal disturbance and it's not going to impact any trees. This thing will shift in the field and go wherever it makes the most sense and provides no impact to any trees. There should be no tree removal associated with this portion of the trail. It runs all the way down toward where the boat dock is going to go. It's 5' - 6' wide. They may do a little bit of grading if they need to level it out because this was intended to be an active senior community and we want it to be safe. This entire hillside is forest and intended to remain forest all through here. This is the grading associated with your upslope but all the rest of this is buffer, wetlands and wooded and that's not intended to change. That's how this trail works. One thing we had talked about was protecting the trail or the downslope areas from what you're doing with this. There's actually old farm walls running throughout this thing along the slope. I've highlighted them in yellow. The trails work their way around those and we put them in places where it's the flattest so that there's the least amount of disturbance associated with putting the trail in.

Chairman Laga said there's no construction on this thing; we're just grading it out lightly.....

Ms. McKenzie said landscape equipment, minor grading; there are details on here that show you what that means. We'll flip through here and then we'll look at the details. So, it continues from that sheet along this one. It's just a walking trail. In this spot here, it'll come down and they're going to put a little sitting pergola sitting area. No heavy equipment is going to be used in this area. We provided that information in the response letter that we gave because we asked how that was going to be done and how tree removal would be done. This is just a lower impact landscape sized material, maybe a skid-steer or something along those lines just to even this out a little. They may take down some dead trees and do a little bit of trimming because the vegetation is so dense in here that you can't see the lake. You get little glimpses so they may trim a little bit. They will not be clearing. Most of the vegetation is in the wetland and we can't clear in the wetland. DEC Permit wouldn't allow that either. They'll trim it down just so that they can open up the view a little bit. It's really a nice, peaceful spot. You're under the trees and it is flat and open in there. We have provided pictures for this particular location and a bunch of spots along the trails so you get a real feel for what it's like under there. Once you get over to this point, you can see the trail widens. We had walking trails down to this point. There's going to be a boat house for people to store their boats; canoes, kayaks, nothing powered. That will be outside the buffer. This is a fishing pier and a little spot for people to tie up. When we went for review with the Planning Board, it had to go to Emergency Services and the Fire Department for review. Emergency Services requested that we widen this portion of the road and make it gravel in case they need to get emergency vehicles down here. So, that's what we did. That was specifically at their request.

Chairman Laga said so from here to there.....

Ms. McKenzie said yes. Down there, you can see where it's wider - all the way up and this leads up to the cul-de-sac of Fairways. Now would be a good time to look at the details. The pier, itself, will be

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constructed with a top down method. They'll work their way out, putting the pilings in and building the decking from the shore out into the lake. It's a less intrusive method of installing this fishing pier. In the pergola sitting area, it's actually going to be a roof over gravel. There's not pavement underneath. We'll just do a gravel layer, grade it off and put holes in the ground with a little roof over top. It's actually not even a roof. It's a pergola so it's open. As far as the trail details go, there's a spot where there's a little foot bridge, there's spots where it's a little bit wet because there's DEP water courses that come through here. It's a little bit wet and muddy so they may put some stones in that so people can traverse it. It's not meant to be anything. As far as the walking trail goes, you can see over there on the lower left corner, there's a little bit of borrow on the high side and a little bit of evening out; so some minimal grading - that detail on the left. The detail next to that is the gravel trail that's more sturdy because they have to be able to get an emergency vehicle down there.

Mr. Barnett asked what's the construction on the deck? Are you using Trex® or pressure-treated or what?

Ms. McKenzie said that's a good question. It's terrible that I haven't looked at this detail since we put it on here a number of years ago.

Chairman Laga said who is the developer on this?

Ms. McKenzie said the owners for the properties are Hudson Valley Realty and Par-Four Realty. They're CRI. Do you know Mr. Camarda? This is his property. These are his projects. He's been the owner and these were his projects from the beginning. He's been maintaining the approvals.

Chairman Laga said I'm probably going to want a bond on the walking trail just from past experience. I think it'll be a 5- or 10-year bond but I'll check with our legal people. We've had a walking trail at another facility that was built 15 years ago in the buffer.

Ms. McKenzie said is it open to the public because this one is just recreation provided for the people who live in this development.

Vice-Chairman Fannin said same deal; HOA. I think we should look into the bond for the seed mix and plantings. I saw something that sparked my interest: you're putting trail markers in for this trail.

Ms. McKenzie said yes because I don't think we're even putting wood chips on it. It's a minimally invasive thing.

Chairman Laga said (inaudible).

Vice-Chairman Fannin said we had asked for that last time but....

Ms. McKenzie said we added those to the plan.

Chairman Laga said how many did you add?

Ms. McKenzie said we were asked to put three or four by the sitting area and the fishing pier. We put three by the pergola and four by the fishing pier.



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Vice-Chairman Fannin said great. What I would also like to ask is that anywhere that you're within the buffer that you put one of those trail markers, on the same tree you also put a Town of Carmel Wetland Marker. If you are putting up trail markers already, then anywhere there is a trail marker in the buffer, I would love to see a Town of Carmel Wetland Marker as well. I think that's important also as the years progress and people start lobbying their HOA to put other amenities down here. That way they have an understanding that this is a protected wetland.

Ms. McKenzie said okay. So, not everyplace where this is but where the trail crosses into the buffer. We actually have a layout on here where these markers are going to go.

Vice-Chairman Fannin said how many are you thinking; 50, 100?

Ms. McKenzie said I don't think there's that many. It should be on this plan where they go.

Chairman Laga said like here. This whole area is in the buffer - right?

Ms. McKenzie said yes. See; everywhere we put one of these signs.....

Chairman Laga and Vice-Chairman Fannin started counting out the trail markers.

Vice-Chairman Fannin said I'm saying anywhere there's a proposed trail marker within the buffer, I don't care whether you're crossing or not, put one of the wetland markers there too.

Ms. McKenzie said okay. It just calls out that you're in the wetland buffer. So, we'll do it with that in the same locations.

Chairman Laga said and there's no way to move this trail up out of the buffer - right?

Ms. McKenzie said it has to do with the steepness of the slopes. The amenity is the wetland and the lake. Putting the trail further up the slope, it's not going to have the same value. The amenity is the buffer. If you walk through here, it makes perfect sense to put it where we're showing it because that's the spot.

Vice-Chairman Fannin said there's a railway trail that's in part of this area on the other side - right?

Ms. McKenzie said there is. There's actually a trail that runs through here. Like I've said, we were out in this area somewhere over here and a guy came by on a bike. They come from this area up here. I think there's some other development beyond the end of this and they come through and go all the way out probably to get the bike trail.

Vice-Chairman Fannin said can you tell us a little bit about the stone walls. What are you going to be doing with that? Last time we had talked, you said there were some that you wanted to include as part of the mitigation here and protection and there were also areas where you believed they were going to be restacking the stones that have fallen down or building up new ones to connect it.

Ms. McKenzie said we actually addressed that in the narrative. We took photos of the different spots. There's one section, at the front, where we show on the plan that they're going to be restacked and that



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was below the grading for that stormwater basin that I pointed out earlier. The rest of the walls in here are actually in pretty good condition. There are spots where it may have tumbled down but to go through and restack, it's actually part of the character of it; you're in the middle of the woods.

Chairman Laga said so just give us a detailed explanation of sequence of construction; how you're going to construct this trail within the buffer and outside the buffer. Tell us the type of equipment you're going to use. Show the detail that you're putting down - 6 feet of gravel - but you're not going to store the equipment in the buffer at night. No refueling within the buffer; something that says that if you stop work half way through that day, you pull everything out or you stockpile it on a 6-mil poly. The equipment's not going to be sitting there so that you have a rupture or something. You've got a spill-kit on site; stuff like that.

Ms. McKenzie said it's actually in the letter and we provided notes on the drawing about parking equipment out of the wetland buffer at the end of the day and it needs to be on plywood or tarp. There's supposed to be a spill-kit on site. We have notes to that effect. Let me just find where we put them; I believe they're on this plan. They're also on the erosion control plans with the construction sequence notes. We added these notes right here - construction sequence notes. This is just a set of trail plans but the Gateway and the Fairway plans and the subdivision road plans have their own version of these notes that relates to those particular ones and they're with the phasing and the construction sequence.

Vice-Chairman Fannin said I still have a concern about trees. There are 124 trees to your estimate that are going to be removed in order for the grading to take place as well as the trail, the pergola and the other improvements that you have. As part of the mitigation of the wetland buffer, we can include plantings as part of our asking for the remediation.

Ms. McKenzie said for the trail itself, this portion of the trail that runs across the top of this wall, it tells you in there specifically how many trees we expect we're going to remove from this area. Because we're doing this piece of road here, there's more grading and more improvements. There's a bunch of trees growing above that wall so they're going to have to come out in order to accommodate this because we can't shift this trail to miss the trees. The rest of the trail, we're not taking out any trees for that. We do expect that we may be removing half a dozen trees in this area. (Chairman Laga and Vice-Chairman Fannin said something inaudible.) Those trees are coming out for the subdivision road grading and for that stormwater basin at the far end of lot 6. I think it tells you specifically how many trees are coming out in each of those areas.

Chairman Laga said it's 45 in area B; 6 in area G.

Vice-Chairman Fannin said yes; it's a lot of trees. So what I'm saying is, if you can't find any place to plant within the buffer, would you consider finding other places to plant more trees? You have a pretty big subdivision lot going on here.

Ms. McKenzie said I started counting the trees that we're planting as part of the development; street trees, landscape trees, evergreens for screening that's all up as part of the developed area and there's quite a few. I don't have the number but it more than compensates for what we're removing.

Vice-Chairman Fannin said I'm trying to compensate for the hundreds that are going to be removed.

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Ms. McKenzie said its actually more than the number of trees that we're taking out within the buffer but I didn't bring those numbers because I didn't think that was prevalent for this.

Chairman Laga said are they going to plant new trees in the development?

Ms. McKenzie said yes. That's part of the improved site plan.

Vice-Chairman Fannin said that's what I'm saying. If they're removing 500 to put all of this in and putting in 100, I don't know if.....

Ms. McKenzie said as far as the development goes, we're meeting the requirements of the Town's Code.

Vice-Chairman Fannin said I understand. That's not our prevue. What I'm saying is that if you're removing trees here, one of the ways that you can help mitigate the fact that we're doing a bunch of disturbance toward the road area and removing 125 trees within the buffer is to planting trees upslope from this as another erosion control but also water retention. It's an option. You have that option. I would love to see it exercised and if you don't want to include that, that's your prerogative.

Ms. McKenzie said we did actually consider that strongly. One of the reasons I mentioned how heavily wooded this area is..... If we're planting seedlings underneath that, it really doesn't need it.....

Chairman Laga said did you get the DEC approval to remove the trees within the buffer or is that probably the SWPPP.

Ms. McKenzie said they approved this plan and it includes tree removal to get this portion of the trail in but they have specific notes on their permit which I think we'd submitted with our previous submission.

Chairman Laga said the SWPPP?

Ms. McKenzie said not the SWPPP; the DEC Permit.

Chairman Laga said we have a copy of the DEC Permit in the file - right?

Ms. McKenzie said you should. I know we've submitted it and Rose (Trombetta) has it for the Planning Board approvals if it's not in the ECB file.

Chairman Laga said did Mr. Franzetti approve the SWPPP?

Ms. McKenzie said yes.

Chairman Laga said I need to see that approval as well.

Ms. McKenzie said I don't know if Mr. Franzetti approved the SWPPP. It may be before he was Town Engineer but the SWPPP has been approved as part of the approval.

Chairman Laga said when was that SWPPP written?

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Ms. McKenzie said I'm not sure but that's a good question.

Chairman Laga said we'll have to find out when that SWPPP was submitted and approved. If it was approved 10 years ago, I'd like to, at least, have it refreshed.

Ms. McKenzie said I don't know what the regulations are for that but I can certainly ask about it. We have coverage under the DEC general permit for the project that's still maintained. Back to the trees: it is such a heavily wooded area, I think I finished what I was saying about that.

Chairman Laga asked the other Board Members if they had any more questions.

Chairman Laga said (video skips) provide the area of disturbance; provide the seed mix; give it to Rose (Trombetta) so she can add it to the record. The no heavy equipment in the area without; wetland markers; spill-kit.

Ms. McKenzie said there are notes on the drawing about proving a spill-kit already.

Chairman Laga said just re-evaluate your plantings for trees and stuff.

Vice-Chairman Fannin said the Board is going to inquire about bondings for both the trail as well as the seed mix on the detention ponds.

Ms. McKenzie said I'll have to talk to Mr. Franzetti about that because he may require bonds for water-maintenance areas.

Chairman Laga said he'll require bonds for some area but I want a special bond for the.....again; I've been here a few years.

Ms. McKenzie said but he may already require us to bond for the stormwater practices but I'll check on that.

Chairman Laga said okay but that's the stormwater practices.

Ms. McKenzie said but that's the seed mix on there.

Chairman Laga said but then it's gone. You install it, you're done and whatever the bond period is for that period of time, great. I'm concerned about the maintenance of the trail.

Ms. McKenzie said no, I understand that but you had also said the seed mix for ponds.

Vice-Chairman Fannin said yes; I'm saying the detention areas. You're saying that there already may be a bond on that?

Ms. McKenzie said there may already be a bond required for maintenance but we can check on that.

Vice-Chairman Laga if that's the case, then no problem. We'll see how long it is.

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Chairman Laga said we'll look at the bond for the trail.

Vice-Chairman Fannin said (to Chairman Laga) you said SWPPP and approval; they need to include both of those? I didn't see them in the file.

Ms. McKenzie said we probably didn't submit it to you.

Chairman Laga said I need to a copy of all permits and approvals.

Ms. McKenzie said we can give you a copy of the coverage letter for construction activity - general permit. I know Rose [Trombetta] has it in the file for the Planning Board approval and the other DEC Permit we have is for the wetland which, I believe, we've already submitted to you.

Chairman Laga said you've submitted a wetland permit request for us.

Ms. McKenzie said yes but I thought we gave you a copy of the DEC permit as well because we had to get a new permit from them. Our original permit with them expired and we had them come out to verify the delineation for the DEC wetlands and we had to do a new application for a wetland permit from them which they granted in 2020. They've got a bunch of conditions in there as well.

Vice-Chairman Fannin said when does the applicant want to start this work?

Ms. McKenzie said I don't have that answer.

Vice-Chairman Fannin said there's another consideration. There are better and worse times during the year to do this.

Ms. McKenzie said oh; you're talking about time of year? There's actually a tree cutting time restriction in the DEC permit. I'm sure it has to do with the bats and bog turtle.

Vice-Chairman Fannin said perfect. I know you're not sure but is this something that may happen in the next few years or it may happen in the next few months? Do they want to start work on it this year?

Ms. McKenzie said honestly, I don't know where it is as far as that goes. We were just asked to get a wetland permit. Like I said, all the other permits are up to date.

Vice-Chairman Fannin said do you know if the applicant is looking to do this work themselves or are they looking to sell this as a plan?

Ms. McKenzie said I'm sorry; I don't know the answers to those questions.

Chairman Laga said okay.

Ms. McKenzie said I guess it's too early to ask for a complete application; we need to give you the rest of the stuff.

Chairman Laga said right.

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Ms. McKenzie said even though we addressed all your comments from the last meeting, you have new ones.

Chairman Laga said I have to find out about the bond.

Vice-Chairman Fannin said also; this is the first time you showed us details for the wetland up here (points to map).

Ms. McKenzie said it was on the plans but I guess I didn't present that. We'll resubmit and come back and see you again.

Chairman Laga said perfect. Next time, it'll be easier.

**4. GEORGE CHANG - TM - 64.19-1-58: 21 FREDERICK STREET - ESCROW RETURN - REPLACE EXISTING HOUSE & DRIVEWAY**

Chairman Laga said the Engineering Department performed an inspection of the referenced property. The project has been stabilized for years and the escrow can be returned.

*Mr. Barnett moved to return the bond for George Chang; seconded by Ms. Sedran with all in favor.*

**MISCELLANEOUS**

**MINUTES:**

*July 1, 2021: Ms. Sedran moved to accept the meeting minutes of July 1, 2021 as written; seconded by Mr. Federice with all in favor.*

*July 15, 2021: Vice-Chairman Fannin moved to accept the meeting minutes of July 15, 2021 as written; seconded by Mr. Federice with all in favor.*

Chairman Laga said we're going to shelve application #1 since the applicant is not here; that permit expired July 30, 2021.

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

Respectfully submitted,

Dawn Andren