

**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**

**SEPTEMBER 2, 2021**

**PRESENT:** CHAIRMAN ROBERT LAGA  
EDWARD BARNETT & ANTHONY FEDERICE

**ABSENT:** VICE-CHAIRMAN NICHOLAS FANNIN & 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 APPLICATION OR LETTER OF PERMISSION:**

1. G&F Subdivision, Gateway	55.-2-24.5, 55.-2-24.6-1 55.2-24.7-2 & 55.-2-24.8-2	1 - 7	Application Accepted
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**MISCELLANEOUS:**

2. Minutes:	August 5, 2021	7	Approved as Written
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The meeting was adjourned 8:02 p.m.

Respectfully submitted,

Dawn Andren

1. G&F SUBDIVISION, GATEWAY & THE FAIRWAYS - TMs: 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 APPLICATION OR LETTER OF PERMISSION - DISTURBANCES ASSOCIATED WITH GRADING AND STORMWATER MANAGEMENT & ASSOCIATED ACTIVITIES

- Ms. Dawn McKenzie of Insite Engineering, Surveying and Landscaping appeared before the Board.

Ms. McKenzie stated Mr. Paul Camarda is here with me this evening. He is the applicant for the project and we're here for the G&F Subdivision road; Gateway Summit & The Fairways projects.

Chairman Laga said the last time you were here, we had gone through the application. We have your DEP for your SWPPP. Your SWPPP is approved until August of 2022. There were some other items that we had you address.

Ms. McKenzie said I can go through what we've done since the last submission. Just to give you a general overview of what the Board asked us to do and what we did. First you'd asked us to provide the Town of Carmel Wetland signs anyplace within the wetland buffer that we were putting the trail blazes. So, we have provided that on the site plan. What we did was added it to the labels for those signs on the plans and we also included it on the details that were provided for how those signs were to be installed. That shows up on the Gateway Summit plans and The Fairways. The other thing that you'd asked us about was to take another look at tree plantings as mitigation. We did take another hard look to see if we could find someplace where we could plant more trees to provide meaningful mitigation. Really, there aren't opportunities for that. The developed areas of the site are going to be fully landscaped and the areas below that are densely forested. I don't know if any of the Board Members got a chance to go out there or if you golf at the golf course across the way and you look across the hillside, it is wooded. Below the developed area, it's going to continue to be densely forested including the area of the wetland buffer where the trails are going to go.

Chairman Laga said (inaudible) preferred to look at it so.....

Ms. McKenzie said one of the things that we had talked about with the applicant that we thought would provide some sort of meaningful mitigation is....and it's included on the 11" x 17" diagrams we'd included in your packet - they're the MA drawings. If you look at the sketch MA3, it shows a green area with a label, that's the portion of the gravel trail that's being installed with a little bit more disturbance and a little bit more tree removal because it's required for emergency access to be developed to that level. What we're offering is to put together an invasive species removal plan for that area within the green outline on that diagram.

Chairman Laga said the area within the green area.

Ms. McKenzie said yes. That actually is 2.1 acres associated with that. It would be a 3-year maintenance plan. If that's acceptable to the Board, we can put that plan together for your review.

Mr. Barnett said (inaudible) invasive species.

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Ms. McKenzie said some of the things that I saw when I walked through the woods.....we'll have a Wetland Consultant go out there and put together a plan identify what species will be removed in that area and it'll all be part of this plan. Some of the things I saw were euonymus alatus (burning bush). There are some barberry out there. It's really shaded so it's more of the shade species but I saw those. There is opportunity for invasive species removal in that area. It would be done over a 3-year period.

Chairman Laga said and you have the detail on the signs or are they just in the large drawings?

Ms. McKenzie said I can show you where they are (& moved to display map). Typically, what I've been showing you is we have a separate plan set that we put together for DEC and it shows the entire trail system on 1 plan set as opposed to Gateway Summit's trail portion on one set and The Fairways' trail portion on the other set. So, this is the one I'll refer to the most but all of the details, everything is the same on these plans as it is on the other plans.

Chairman Laga said and at what interval are the signs going to be installed?

Ms. McKenzie said I'll grab my scale and scale off of here how far apart they are. We did try and put them at even intervals. On this plan, the trail is highlighted in green; the buffer is highlighted in orange. There's a trail blaze and a wetland sign in these locations as you make your way along. Everyone that's inside the buffer has one of the wetland signs added.

Chairman Laga said again; I'd just like to know the spacing.

Ms. McKenzie (got her scale) and said if I recall, they were all done at even intervals. It looks like 500 feet. They're every 500 feet. That's at the edge of the wetland buffer. Then you had also asked us to provide them along the wetland itself where the sitting area for the pergola is and the sitting area where the boathouse and fishing dock is. All of these plans are included in your packet. There are two details provided as part of the site plan set - both for Gateway Summit and The Fairways. We have two different instances, there may be a blaze that's attached to a tree; so, if there's a trail blaze attached to a tree, there's also going to be a Town of Carmel wetland sign on the locations that are within the wetland buffer. In other locations where there is not a tree and the trail hits that interval, we've got a post. So, there's going to be a wood post in the ground and if there's a trail blaze there, there's going to be a wetland sign.

Chairman Laga said okay; there was also something about the updated wetland flagging for one of the projects, we'd have to have that included in the file.

Ms. McKenzie said it's on the site plans.

Chairman Laga said it's updated as of.....?

Ms. McKenzie said DEC came out and verified the wetland in 2019. Then we had a wetland consultant come and he reviewed the Town portion of it that the DEC didn't review and he did that earlier this year in April or May. That's actually updated on the site plan. So, both of them have current validations.

Chairman Laga said then the only other thing is we said that before cutting trees down, you would mark them before you cut them. The surveyors would mark the trees that you were going to cut down.

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Ms. McKenzie said okay. You want us to put ribbons on that in the field.

Chairman Laga said yes. The last thing is the maintenance bonds. We'd like, at least, a 5-year maintenance bond on the trail because it's gravel, invasive species. After a night like last night, I'm sure with the slope of the area over there, we don't want to lose it. I don't think we're asking for anything excessive here. So, I'd like at least a 5-year maintenance bond on this.

Ms. McKenzie said some things I'd like to point out, and I believe we identified them in the letter, the Town has mechanisms in place already to incentivize applicants and property owners to maintain their improvements within the wetland. If that thing eroded and was a problem, they could get a wetland violation for that so that's number 1. Number 2; this is something that can be done by the Code Enforcement Officer - if they let that driveway fail and it's no longer usable, that's a violation of their site plan approval because that is a required; it's an amenity as part of the site plan approval.

Chairman Laga said it sounds well and good but I'm a firm believer in insurance. So, I'd like to have an estimate for the file so we can establish a maintenance bond for this for the 5-year period.

Ms. McKenzie said also there's going to be a Homeowners Association who is required to maintain this.

Chairman Laga said then you can transfer the bond to them. Whatever you want to do. I want to make sure that this walking trail and everything there is maintained. Unless you want, we could go for 10 years.

Ms. McKenzie said Mr. Camarda would like to speak with you.

➤ Mr. Paul Camarda, owner of the property appeared before the Board.

Mr. Camarda said I've owned the property for 20 years. I've been developing in the Town of Carmel for 34 years. These trails will be looked at by the Town Inspector. We have a site plan bond. We're going to have constant inspections during construction. Put all of that aside. The real practical matter is that eventually there's going to be 300 residences there who are going to pay homeowner fees. They're going to want to walk those trails and they're not going to let them get rotted out and deteriorate because they're an amenity they're paying for. I understand your point of view but we already have half a dozen people looking.

Chairman Laga said how long do you think you're going to take to fill those residences up?

Mr. Camarda said [a very long time].

Chairman Laga said so you're not going to fill up 300 residences in a year. It's going to be over a period or span. So, by the time the HOA gets established and start having some real money come in to that development, it could be five years. I'm just throwing a number out there. So, all I'm looking for is a maintenance bond on this trail for a 5-year period which now guarantees that, if I'm off the Board next year or whatever, we know it's covered for five years. That's what I'm looking for.

Mr. Camarda said I understand what you're looking for. I've owned the property for 20 years. There's never been a house built there. There's never been a person living there. I don't know when the construction will start. When are you looking to place this bond on the property?

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Chairman Laga said upon completion of the work. When you get the C.O. on the last house, the bond starts.

Mr. Camarda said so you want to place the bond on these trails to make sure that they're maintained properly after the last house is sold.

Chairman Laga said or, if you want to do it half way through the sale; you can do whatever you want. I'm trying to work with you. If you want, as soon as you get half the construction done or all the construction done, you tell me but I want a 5-year maintenance bond.

Mr. Camarda said and what is a number that you think is a fair number?

Chairman Laga said whatever you estimate per year for maintenance on this thing. We will submit it to the Town Engineer. He will review the number. He will run it through and come up with a number that is fair for you to bond. Let's say for example, you have to put a \$100,000 bond down (just throwing numbers out there), the bond is only going to cost you maybe \$12K if you have to go through a bonding company. It's a guarantee that development maintains a walking path that's going through the wetland buffer to the wetlands is maintained for a period of five years. For the first couple of years they're not going to be solvent. They're going to be developing the HOA. They're not going to buy the houses and have a box full of money that they can use for the HOA so they will have to build it up and everybody's going to have to pay in.

Mr. Camarda said the builder will be funding that HOA until a certain point of stabilization when the entire site is stabilized. I know you'd brought up Pulte at the last meeting so I did a little homework. You were probably aware of all these things. The Pulte bond has still not been released because the best people to oversee the community is not you guys. It's the people that live there.

Chairman Laga said that's right.

Mr. Camarda said and every meeting, they show up and they say this is wrong, and a little trail is out and they're getting everything done. Pulte has realized that they're not getting the bond released until that place is perfect. Perfect is to the opinion of those that live there.

Chairman Laga said correct.

Mr. Camarda said we're going to have the same situation in here. This builder, whoever he is, is going to put up a huge bond and he'd better do a better job of relationships with his buyers and owners because Pulte did not do a good job in a relationship with people. They brought out the worst in people. Unfortunately, they're paying the price for it. Once you destroy a relationship, it's hard to put it back. Once again, you're going to have a builder who is going to have a large bond up.

Chairman Laga said I thought you were the builder.

Mr. Camarda said I am the developer. We'll do the infrastructure like we did for the banks down in Mahopac recently. We generally do not go vertical. We're doing a job right now in Southeast for a Restaurant Depot.

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Chairman Laga said the bond is only going to start after the development is done.

Mr. Camarda said I want you to consider something - please. I know you're a strong, opinionated chairman and you're entitled to be. I don't think this is necessary. I think that builder who is going to be on the hook like Pulte and will get tortured and hung by his hair until everything is right and those homeowner association fees are going to be way more than \$200.

Chairman Laga said listen: I've been thinking about it since the last meeting. I think it's in the Town's and the future homeowner's best interest for this. I've asked for an estimate of what you think the cost for one year for a 5-year period to maintain that land. Mr. Franzetti will review it. If the number comes out extraordinary, we can work with you but I want something on there to make sure that for the first five years, that area maintains pristine, clean, it doesn't erode and we have what we're buying here. That's what I'm looking for. I appreciate everything you're saying as a builder, as a developer, I get it. As a Town Board Member who has seen the good, the bad and the ugly, I want to make sure that this maintains and stays on the good. That's what I want to do.

Mr. Camarda said (to Ms. McKenzie) what piece of the trail is in this area?

Ms. McKenzie asked are you specifically referring to the gravel portion of the trail?

Chairman Laga said I'm referring to the whole area that runs through the buffer areas.

Mr. Camarda said show me exactly where that is so we can figure out what we're talking about.

Ms. McKenzie said we highlighted the trail in green.

Mr. Camarda said are we talking about most of the trail there along the bottom? What's in the buffer?

Ms. McKenzie said the orange line is the buffer.

Mr. Camarda said we're talking a big piece there then.

Ms. McKenzie said yes. This portion of the trail is on The Fairways and it is the gravel portion that is going to be improved and maintained for emergency access. That comes up from the cul-de-sac.

Chairman Laga said so everything on this side of the orange line is in the buffer. You also have the dock which is going to have some sort of maintaining to make sure it's not falling into the [water body]. So, I'm looking for the areas in green in the wetland buffer.

Ms. McKenzie said this is the part of the trail that has disturbance associated with it and the gravel associated with it. The rest of it is really just a foot trail that winds around the trees. If you're out there, you can see there's already one there.

Mr. Camarda said it's the old cow path. We're following the old cow path down to the water at the lake. That's where it came from.

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Ms. McKenzie said the rest of it is going to be adjusted in the field so they won't have to take out trees to put it in and so they can minimize disturbance. It's defined by blazes like if you were following a trail like Fahnestock Park climbing up the mountain, there's blazes you would follow except [this case] won't get that much traffic; we're talking about 300.....

Mr. Camarda said (no mic so inaudible) eventually the homeowners association are replacing the wood chips because they'll rot, wash away and such.

Chairman Laga said let's, at least, put a number to it so at least we know what we're talking about and then we can evaluate and adjust accordingly but I want a bond.

Mr. Camarda said and you want a bond from the day the last house is erected to a 5-year period.

Chairman Laga said I'll evaluate the time of the bond starts. I'll talk with the Town Engineer how he wants to do this but it could be as soon as you start occupying. Start the bond and if it's 3 years to fill it up, then you'll only have 2 years left to hold it.

Mr. Camarda said I understand but this is a \$10,000 bond.

Chairman Laga said that's what I was saying before.

Mr. Camarda said yes; it's not a big bond. It's not \$100K or \$50K. All it's (inaudible) is wood chips, a little bit of erosion that happens if we have another one of these crazy storms that would be a super event. Generally speaking it would be a landscaper's job to repair or fix it.

Ms. McKenzie said my question is if the Town is holding the bond, are they going to pay for the maintenance from the bond?

Chairman Laga said no. It's in the event that maintenance isn't done and we've asked two or three times and nothing gets done and it's getting worse so we have to fix it; we then pull the bond. That's it.

Ms. McKenzie said and the Town will hire someone to go in and fix the trails.

Mr. Camarda said it's not going to get to that. They'll get a landscaping company to come in and say clean up the trail; groom it, lay new wood chips every spring, etc. That's what it's supposed to be. I just hate to put another layer of oversight or another layer of government.

Chairman Laga said I'm all for streamlining but I have lived through these a few times and I'm just looking out for the residents.

Mr. Camarda said you have good intentions. I'm going to propose a \$10,000 bond.

Chairman Laga said what we're going to propose is you're going to provide Mr. Franzetti with an estimate on what you feel that the cost to maintain this area is for one year. We'll take that number and multiply it by five.



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Mr. Camarda said but you only have to put up one-year worth of bond because if something happens, you'll come in and say no, you've got to replace the bond. It's just like a road. If you put up a \$1,000,000 bond, the bond stays there. You don't put a new one up. If you're doing what you're supposed to be doing, that one initial bond stays in place.

Chairman Laga said correct.

Ms. McKenzie said so it's a bond for one year's maintenance cost but it's held for five years?

Chairman Laga said it's going to be a 5-year bond on the work to be determined by the Town Engineer.

Mr. Camarda said we'll propose something to Mr. Franzetti. He'll review it. You have to tell him what these trails will be made and he'll put a number on it.

Ms. McKenzie said we're hoping that you can make this a condition and we can get our application deemed complete so that we can move forward to the public comment period.

Chairman Laga said you want us to accept the application so that you can go and have the public hearing for the next 45 days or what ever it is. That's what you're looking for. Whatever we discussed tonight will not be a condition of the public opening. It will be a condition of the permit when it's issued. It'll be on the permit.

Mr. Camarda said just so you know, whoever is doing the wetland markers.....at Camarda Park, the insignia is falling off after all these years.

Chairman Laga said I'll let Mr. Franzetti, the Town's Wetland Inspector know about it.

***Mr. Barnett moved to accept the application of G&F Subdivision Gateway Summit & The Fairways of 2054 Route 6 Carmel to accept the application as submitted with the changes noted in the letter dated August 27<sup>th</sup> with response to the questions; seconded by Mr. Federice with all in favor.***

## MISECELLANEOUS

**MINUTES:** 8/5/21

***Mr. Federice moved to accept the minutes of August 5, 2021 as written; seconded by Mr. Barnett with all in favor.***

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

Respectfully submitted,

Dawn Andren