

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
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ENVIRONMENTAL CONSERVATION BOARD MINUTES

OCTOBER 21, 2021

PRESENT: CHAIRMAN ROBERT LAGA; VICE CHAIRMAN NICHOLAS FANNIN
ANTHONY FEDERICE & NICOLE SEDRAN

ABSENT: EDWARD BARNETT

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

1. Anna Inzano	63.-1-16.2	1 - 4	No Action Taken
2. 12 Baldwin Lane LLC	65.10-2-16	4 - 9	No Action Taken

MISCELLANEOUS:

3. Minutes:	10/7/21	9	Approved as Written
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The meeting was adjourned 8:00 p.m.

Respectfully submitted,

Dawn Andren

1. ANNA INZANO - TM: 63.-1-16.2: 188 BULLET HOLE ROAD, MAHOPAC - SUBMISSION OF APPLICATION OR LETTER OF PERMISSION: INSTALL TWO UTILITY POLES WITHIN BUFFER.

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

Mr. Lynch said this project appeared before the Board a few years back, and we've gotten our Wetland Permit to do the site improvements that were required to satisfy a violation that had been issued by the NYC DEP and the Town.

Chairman Laga said is this the property where area was cleared and then a house was brought in?

Mr. Lynch said yes. The project is pretty much completed. What has come up is that the Inzano's, and their ability to use the common driveway to get to their parcel, may not have the ability to have electricity brought up that way. NYSEG, at this point in time, is looking to bring electric to the house and they need an easement from the adjoining property owners. The adjoining property owners are not willing to give it to them. So, we're stuck between a rock and a hard place and are looking to install two utility poles so that electric can be brought from Bullet Hole Road up to the Inzano driveway where it breaks off the common driveway and then obviously goes underground to the house.

Chairman Laga said can you walk us through this. I see where the poles are located but I don't know, in this driveway that's shown here, the area of access easement down on the bottom.

Mr. Lynch said this is the common driveway. It comes up and, at this point, the Inzano driveway breaks off. This continues up to the house that's over in this location. The property line is running right through here. There's a utility pole out here on Bullet Hole Road. So, what we're looking to do is install one utility pole here and the other utility pole would be right up here at the driveway, and at this point, it goes underground.

Chairman Laga said so three poles.

Mr. Lynch said two poles.

Vice-Chairman Fannin said there's one already on the road.

Mr. Lynch said yes; the one on the road already exists. It's coming off of that pole to come into the property.

Chairman Laga said so the first pole that's off the road, is that in the wetlands?

Mr. Lynch said it's in the wetland buffer.

Chairman Laga said and the second pole?

Mr. Lynch said is in the buffer.

DRAFT

Chairman Laga said what are we doing to mitigate the buffer because I saw your letter here. I have no issues on it. Here's my concern, and I know you have no control over NYSEG, but we're working with hydraulic equipment out there to drill the hole.

Mr. Lynch said no. This would be hand dug.

Chairman Laga said I don't have a sequence of work. So, at the very minimum, I need to see a sequence of work.

Vice-Chairman Fannin said you're going to hand-dig 4'-6' down for this pole?

Mr. Lynch said yes. You can use a hand-held auger.

Vice-Chairman Fannin said how do you get the pole in there?

Chairman Laga said they'll back it up on a truck and they'll drop it in with a knuckle boom truck.

Mr. Lynch said or you can just manually carry it down and manually get it.....

Chairman Laga said well that's the stuff I need to see. When I put utility poles in, we usually come with an auger machine/truck to drill the hole, picks up the pole, sets the pole, back-fills and goes away. But now we're driving in the wetland buffer with a large vehicle, so I need to see your sequence of work. If NYSEG is going to use a large truck or if you guys are going to hand-dig the hole, I don't know. I need to know, and you know with the pole, depending on the height, depends on how deep it has to go.

Mr. Lynch said correct.

Chairman Laga said I'm not looking for those calculations. What I am looking for is.....

Mr. Lynch said you want a more detailed sequence of construction.

Chairman Laga said I need some meat here.

Vice-Chairman Fannin said this does seem to do all that. That whole first pole is by hand, carry it down by hand, hand trimming will be done. Then the second one, I assume since it's right on the driveway, you're going to use a.....

Mr. Lynch said yes. That would be standard procedure. It was the one that was in the wetland buffer down here that we're trying to do the least amount of disturbance to get that pole set.

Vice-Chairman Fannin said can you include the facts here like you're going to be doing it by hand or excavator?

Mr. Lynch said no; hand-work.

Chairman Laga said so the excavation for the utility pole will be hand dug.....

Vice-Chairman Fannin said can you just show me where that first pole is going to be put? How far is that from the driveway?

Mr. Lynch said about 170'. That distance will be 170'. This distance is like 180'. If NYSEG tells me that they can go farther, then the pole can obviously move in this direction. Unfortunately, we're having issues with getting information back from NYSEG. I did my layout based on a previous plan that I've done.

Chairman Laga said if you're going to hand dig, I don't have a problem with the hand digging, putting it back and there's not really going to be that disturbance. You're cutting brush and everything else down here. The problem is what if NYSEG says we're not hand digging; we're not horsing the pole in; we're going to do our own methods. I've got to have an account for that. What are we going to do to restore the area after you're done installing it? I need to have some contingency. I'm not trying to be difficult. I'm just trying to get outside the box here.

Mr. Lynch said okay. I'll put a potential mitigation plan together for a couple of scenarios.

Vice-Chairman Fannin said who is actually going to be putting the poles in? NYSEG?

Mr. Lynch said NYSEG is supposed to put the first pole in.

Vice-Chairman Fannin said what about the second one?

Mr. Lynch said the second one would be the homeowner. The second one is off the driveway so that's an easy pole to put in. That's a no-brainer. It's the first one that's in the buffer that is the issue.

Vice-Chairman Fannin said I'd be more amicable to your proposal here if we had some assurances that NYSEG was going to follow this. If they come back and say yes; this is a great play out.

Chairman Laga said you can't; it's a utility company.

Vice-Chairman Fannin said I know and that's where we have kind of a problem. So, you say you're having trouble hearing back from them? It would be fine with me, contingent on them doing some sort of approval on this themselves; saying this is fine, and with your contingencies that you've put in place in case they do not follow it. For instance, if they decide to use heavy machinery instead of by hand, what's the homeowner going to do.

Chairman Laga said even if you go in there with a skid steer and an auger on it, it's still a disturbance.

Mr. Lynch said correct. It's going back and regrading whatever is disturbed, mulching, etc.

Chairman Laga said I have no issues putting the pole in but I just need to know what. I can see what you wrote here and it's fine but I need to know the "what-ifs".

Mr. Lynch said okay.

Chairman Laga said if he goes in there, sinks and makes tire tracks of 180', it's going to need to be back-filled with clean fill; wetland seeding, whatever; just so it will be restored back to its original shape. Is that area very wet or is it dry?

Mr. Lynch said no; not right now. This would be a good time to actually be doing the work - now and November.

Chairman Laga said it's a small wetland permit but it has to be advertised. Submit the stuff and we'll put you on the docket for the next meeting.

2. 12 BALDWIN LANE LLC - TM: 65.10-2-16: 12 BALDWIN LANE, MAHOPAC - SUBMISSION OF APPLICATION OR LETTER OF PERMISSION - ADDITION AND EXPANSION OF EXISTING SEPTIC SYSTEM

- Mr. William Besharat on behalf of Roy Fredriksen, engineer for the applicant appeared before the Board.

Mr. Besharat said the project is a unique situation.

Chairman Laga said what is existing here?

Mr. Besharat said there's a house.

Chairman Laga said the one-story framed dwelling?

Mr. Besharat said yes; the one-story framed dwelling.

Chairman Laga said so that we're all clear, your application is for expansion of a septic system. That's what you're here for.

Mr. Besharat said and the addition on the house.

Chairman Laga said no.

Vice-Chairman Fannin said it says addition.

Mr. Federice said before we begin, I personally know Mr. Besharat and I need to recuse myself from this matter.

Chairman Laga said your application is for expansion of existing septic system. That's what your application says; not for an addition to the house. So, let's just talk about the septic system and you'll have to come back for the house.

Mr. Besharat said okay. What happened is this all started with an addition onto the house. It went to the Building Department. They referred us to the Zoning Board to get a zoning variance on this. We went to the Zoning Board, and we got the variance. Also, the Building Department asked us to expand the septic

system and we did. We went to the Health Department and went through the depts and perks with the Health Department and with NYC DEP but NYC DEP gave the Health Department lead agency on that. We got the Board of Health approval from the Health Department and went back to the Building Department, and we got a building permit. The construction has started. Then all of a sudden it was slow down; you need a

Chairman Laga said who was the engineer who designed the house?

Mr. Besharat said I designed the house.

Chairman Laga said did you do your due diligence by checking the wetlands?

Mr. Besharat said the engineer, when he went.....

Chairman Laga said that's not his responsibility. It's your responsibility, as the engineer, to make sure that you are not within the wetlands of either the State, the City, the Town or whatever. You need to check your work.

Mr. Besharat said we always look for the federal and the state 100% of the time including the Health Department itself.

Chairman Laga said and the Town.

Mr. Besharat said because it went back to the Health Department and the Health Department said we do not recognize this. This is a drainage from Route 6. The Health Department said the septic system is valid and remains valid, and we will not do anything with it because it went through the proper channels to get the Board of Health approval on this.

Chairman Laga said do you have an N.O.V. at this location?

Mr. Besharat said yes. It was issued recently after the construction started with the Building Permit.

Chairman Laga said it's not mentioned in here.

Vice-Chairman Fannin said there was an email but it's not in the file.

Chairman Laga said [regarding] the expansion of the existing septic system, where are we expanding, what are we expanding because you're going to have to come back to us now because you're in the buffer.

Mr. Besharat said we will be more than happy to. (moves to map) This is the existing house, this is the garage and the addition to the house is going to be on this side over here. This is the expansion of the septic area. The septic is really back in this area so when we went to the Health Department, they opted that we do a new septic system [which] would be a better scenario.

Chairman Laga said the whole thing is in the wetland.

Mr. Besharat said a portion of it is in the wetland and the rest of it, according to this, is in the Town's wetland buffer.

Chairman Laga said no; if I look at the map you've provided me with the wetland boundary, more than half of it is in the wetland and the other half is in the buffer. So, what I'm asking you is: I need to know the total area of disturbance.

Mr. Besharat said we have that on the plan.

Chairman Laga said 22,386 square feet.

Mr. Besharat said yes.

Chairman Laga said that requires a SWPPP because you're greater than 5,000 square feet.

Mr. Besharat said we were informed of that later on after the Building Permit was issued, and we will be submitting [it] after we work with you.

Chairman Laga said I can't accept this application because your submission is incomplete then.

Mr. Besharat said so you want me to get the.....

Chairman Laga said the SWPPP is usually submitted to us as the application so that I can review it. I can send it to the Town Engineer for approval. I'm missing pieces. The application is incomplete. I will need some details on the septic system: depth.....

Mr. Besharat said we have a full septic design that we can submit.

Chairman Laga said that will be fine. I'm not approving the septic design. We just need to see the type of septic system that you're installing.

Vice-Chairman Fannin said are you going to be including any other items aside from the septic system in this application? Because right now, as the Chairman was pointing out, this specific application says expansion of an existing septic system. There's no inclusion of any of the additional.....

Chairman Laga said so do you want to redo the application?

Mr. Besharat said we will modify the wording and put the whole thing on the application.

Vice-Chairman Fannin said let's go through some of the stuff. For instance, we'll need the entirety of whatever the building information is.

Chairman Laga said I'm a little disturbed that we're in the wetlands. We're in the buffer. We're doing work in both areas and yet you're telling me you're here for expansion of the septic system. I think the water is a little cloudy.

DRAFT

Mr. Besharat said okay; let's work this thing out and see what we can do. Whatever you guys need, we will be more than happy to submit. Vice-Chairman Fannin - Did you say you want a copy of the addition to the house?

Chairman Laga said you need to show us all of it. Because now, you're not only looking at 22,000 square feet of disturbance. You're also looking at the disturbance for the new addition, the new driveway, the new area of the garage. So, that adds up.

Mr. Besharat said those are all included in the number that we gave you.

Chairman Laga said how do I know that?

Mr. Besharat said alright; we'll clarify that. It's no big deal.

Vice-Chairman Fannin said at the very least, we need to have some more information on here about how you're going to be constructing.....

Mr. Besharat said it's no problem to submit those.

Vice-Chairman Fannin said sure; include it in the file.

Chairman Laga said you're not going to just submit it to us for our information. You're going to be submitting it to us for our approval because you're in the buffer. There's no mitigation here. You propose one raingarden. I don't see raingarden calculations. Do you want me to continue?

Mr. Besharat said the raingarden calculations are done and it's on there. We will take care of everything that has to be taken care of. We'll completely accommodate everything that you ask us for.

Chairman Laga said but I'm not here to check your work.

Mr. Besharat said I'm not arguing. The area of disturbance - that number includes everything including the driveway. We'll show the calculations of the area of disturbance and every portion of the application.

Chairman Laga said I also need to see a SWPPP. We also have to approve the SWPPP and the SWPPP is going to have to be sent to the DEP for approval as well. You know that - right?

Mr. Besharat said okay.

Vice-Chairman said aside from the SWPPP, the well that you have on this property that you're abandoning now, I see that you're putting a new proposed well at the bottom left hand corner of the lot.

Mr. Besharat said correct.

Chairman Laga said I need details on how you are abandoning the well. We need the well driller's installation license. I need the well driller's material that he's using to abandon the well. I need the procedure on how he's abandoning the well. You are also going to have to include in your calculations for disturbance is the trenching from the house to the well for the wire and pipe.

Mr. Besharat said (at the map) the area of disturbance includes the well, this whole area. We will clarify that on the plan.

Chairman Laga said look at the line here. You need to show me how you come up with that number of 22,000.

Mr. Besharat said no problem at all.

Vice-Chairman Fannin said as the Chairman mentioned, we need the sequence of construction on everything including the house, the drains, all of that should be included in there. There's a missing delineation on here which is you have the delineation for the wetland boundary per wetland map of the Town. We also need the 100' buffer coming off of that put on here as well. I suspect.....

Chairman Laga said has this been flagged lately?

Mr. Besharat said no.

Chairman Laga said well I suggest you get it flagged.

Vice-Chairman Fannin said there's another factor as well. I suspect that a majority of the property is within the 100' buffer but I don't think the entirety is so that would be a thing for you to determine. The wetland flagging.....

Chairman Laga said we're only here to look at the septic system.

Vice-Chairman Fannin said sure; this is giving him some advisor information.

Mr. Besharat said we appreciate that. All of these items, we'll be more than happy to accommodate all of them at the next meeting. I don't see an issue with that.

Vice-Chairman Fannin said the Town of Carmel's wetland map is an older map. It would be very beneficial for you to have the wetlands reflagged. I suspect that you may find that the wetlands have moved from when this map was created which was 15 or 20 years ago.

Chairman Laga said you may want to get the Wetland Inspector out there too to verify.

Vice-Chairman Fannin said you may find that less of the proposal that you have here is within the buffer or within the wetlands which would be very good for this Board.

Mr. Besharat said we'll also see what we can do about rotating the septic out of the wetland itself as much as we can. Definitely see what we can work out with that.

Chairman Laga said we're only looking at the septic.

Vice-Chairman Fannin said the area above the septic: there's 100% expansion to this 'TS' area. Is anything going on in there? Any construction or anything going on?

Mr. Besharat said no but it's the Health Department requirement because we do have 2' of fill section for leveling and what have you. Only Putnam County Health Department requires that the fill section to be also put into the expansion area. That's what the only activity that will be. It has been prepared to do that. There's no construction, no fields, absolutely nothing going in there.

Vice-Chairman Fannin said there's fill going in there? Did I hear you wrong?

Mr. Besharat said yes; there's 2' fill section. It is will include that in our calculations.

Chairman Laga said you have to break the number out.

Mr. Besharat said we will show the details of the calculations and what is included in the disturbance area.

Chairman Laga said and now, what mitigation are you going to do in the wetlands for the septic system? It's usually a 2 for 1. If you disturb 5,000 feet, you've got to fix 10,000 feet.

Vice-Chairman Fannin said in the wetlands.

Chairman Laga said I need some mitigation.

Mr. Besharat said okay.

Chairman Laga said and we're just strictly talking septic system. You're going to have to file another application for the house because you're in the buffer.

Mr. Besharat said why can't we include in the application the house and the septic at the same time?

Chairman Laga said because the application I have right now.....

Mr. Besharat said we will modify the application.

Chairman Laga said you can check with Rose (Trombetta) on that. Tonight is just the expansion of the existing septic system. The water's a little cloudy here.

Mr. Besharat said we'll see what we can do with it.

Chairman Laga said you also have to do some mitigation. You're going to have to do mitigation.

Vice-Chairman Fannin said if you're actually able to get this septic system rotated, you can probably get most of that out of the actual wetland.

Mr. Besharat said that should be no problem. We will work on that.

3. MISCELLANEOUS: MINUTES

October 7, 2021: Ms. Sedran moved to accept the minutes as written; seconded by Mr. Federice with all in favor.

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

Respectfully submitted,

Dawn Andren