

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  
Vincent Turano  
Julie McKeon

**ENVIRONMENTAL CONSERVATION BOARD MINUTES**

**JUNE 6, 2019**

**PRESENT:** CHAIRMAN LAGA, VICE-CHAIRMAN NICHOLAS FANNIN,  
EDWARD BARNETT, JULIE MCKEON & VINCENT TURANO

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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>
<i>Eligible for a Permit:</i>			
Mohamad Jamal	64.19-1-80	1	Permit Granted
<i>Submission of an application or letter of permission:</i>			
Anna Inzano	63.-1-16.2	1 - 6	Application Accepted
Almodovar & Dinallo	64.16-1-28 conditions	6 - 10	Letter of Permission Granted with

**MISCELLANEOUS**

Minutes:	05/02/19	10	Approved as written.
Pervious/Impervious Deck Discussion:		10 - 12	Board accepted new standard guidelines

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Dawn M Andren

**MOHAMAD JAMAL - 188 WEST LAKE BLVD.; TM - 64.19-1-80 - ELIGIBLE FOR A PERMIT/DEMOLISH EXISTING DOCK & CONSTRUCT DECK**

- Mr. Raul Matos of Nemerj Design (architect) representing client appeared before the Board.

Chairman Laga said Mr. Franzetti wrote an email and read the following: *"As requested by the Town of Carmel Environmental Conservation Board (ECB), the Engineering Department has reviewed the proposed rain garden calculations as part of the site submitted on the above matter. This involves the creation of a rain garden to collect and treat the runoff from the roof area on the proposed site. The rain garden design details contained on the plans, and the design calculations submitted, are in conformance with New York State Department of Environmental Conservation standards."* I think he's filled out everything that he needs to do. Have the plans you've submitted with the application changed in any way?

Mr. Matos responded no.

***Mr. Barnett moved to grant Permit #950 to Mohamad Jamal for 188 West Lake Blvd., Mahopac NY; seconded by Vice-Chairman Fannin with all in favor.***

Chairman Laga reminded Mr. Matos to see Rose Trombetta on Monday and to contact the Wetland Inspector once he puts up any erosion control as part of the Permit.

Chairman Laga proceeded to fill out the EAF with the Board answering "no" to all questions.

**ANNA INZANO - 188 BULLET HOLE ROAD, MAHOPAC; TM - 63.-1-16.2 - SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION/CONSTRUCT DRIVEWAY**

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

Mr. Lynch stated this project was last before the Board back in July/August of last year. We've gotten to the point where the plans are pretty much completed from our viewpoint. The Board did not want to accept the application at that time because you wanted NYC DEP to weigh in and approve the SWPPP which they just have done.

Chairman Laga said for the record, I have a copy of the SWPPP - approved by the DEP. Have the plans changed since the last submission?

Mr. Lynch replied slightly.

Chairman Laga said would you like to walk us through those slight variations.

Mr. Lynch responded we've added some additional tree planting actually outside of the buffer and we have added some check dams in the drainage swale that runs down to the culvert that goes underneath the driveway.

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Chairman Laga said just for the record, there is a letter from the DEP in here with their approval checklist and all their required documentation. I just want to go through my notes. You were actually here in August and November of 2017.

Mr. Lynch replied I wasn't here in 2017; it was a different engineer.

Chairman Laga asked was this a Notice of Violation (NOV).

Mr. Lynch replied it was an NOV.

Chairman Laga asked is this where they put the house...

Mr. Lynch interjected the house is on the lot. It's sitting on the trailers and we have painfully waited for the NYC DEP to finally agree to a drainage analysis that they would accept.

Vice-Chairman Fannin said I remember this one - they cleared the land....

Chairman Laga interjected and then they put the trailers and basically said *to bugger off*.

Mr. Barnett said it's a pre-fab house?

Mr. Lynch confirmed pre-fab house. Part of the issue is they didn't clear all of the land. The majority of the lot was cleared for the installation of the septic pad and the well. A lot of clearing was done prior to them purchasing the property.

Chairman Laga said here's my problem right now. Is the house in the buffer or the wetlands?

Mr. Lynch replied no; it's outside.

Chairman Laga said just the driveway?

Mr. Lynch responded just the driveway is crossing the buffer.

Chairman Laga and how much of it is crossing the buffer; do you have the calculations?

Mr. Lynch replied there is 4/10ths of an acre/.42 acres of disturbance in the buffer. 3/10ths of an acre are going to be replanted with seedlings; small trees in this area here (refers to map). The balance is the gravel driveway and whatever grass lawn on the side of that driveway.

Chairman Laga said you're not paving - right?

Mr. Lynch responded no; we're not paving.

Mr. Barnett asked how long is the driveway.

Mr. Lynch replied about 350 feet.

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Mr. Barnett then said it's not hooking up to that other driveway.

Mr. Lynch replied at this point down here it does.

Mr. Barnett said now I understand.

Chairman Laga said where is the wetland; that's the 100' buffer?

Mr. Lynch replied this is it.

Chairman Laga said so everything to the right of that line is in the wetland?

Mr. Lynch replied correct; in the wetland buffer.

Chairman Laga said so if this is the wetland buffer, everything going toward Bullet Hole Road is in the buffer.

Mr. Lynch confirmed is in the buffer.

Vice-Chairman Fannin asked has the NOV been cleared.

Mr. Lynch responded with the issuance of the SWPPP, the NOV gets cleared. That gets done by Joe Zaminsky who is in a different department and his pace of letters are a little bit slower.

Chairman Laga said we can't give a permit without an NOV being cleared - right?

Mr. Lynch replied you can because normally they don't cancel it until after the work is complete; just like the case we had at the bottom of Croton Falls Road with a stone line drainage channel a couple of years ago.

Chairman Laga said and you're going to use heavy equipment on this obviously?

Mr. Lynch responded yes; there's a spill-kit, fueling plan - it's in the drawings.

Vice-Chairman Fannin said park on poly overnight.

Mr. Barnett said so they'll take out the NOV after it's completed and it's okay?

Mr. Lynch replied yes.

Vice-Chairman Fannin said he has the approvals from the DEP so I don't have an issue.

Mr. Lynch said they want the work done because if they take the NOV away today, nothing has taken place. You want the work completed; that's their philosophy on that.

Vice-Chairman Fannin said aside from the NOV, there was a swale on the side of the driveway. Is that still going to be happening.

Mr. Lynch replied yes.

Mr. Turano said that's where you're putting the check dams?

Mr. Lynch replied yes.

Mr. Turano asked is it two check dams?

Mr. Lynch responded it's either two or three.

Vice-Chairman Fannin said I have on my notes from last time that we had discussed that swale a lot because that's going to be the primary means of erosion control for this whole area. We had mentioned that it must be constructed properly. I think that was just a note to make sure that we had some additional details, drawings, understanding of how you were going to construct that.

Chairman Laga interjected the swale?

Vice-Chairman Fannin replied yes; as well as making the bond contingent upon the swale being constructed properly.

Chairman Laga interjected here's the check dam; here's the grass swale.

Mr. Barnett asked what's the driveway going to be constructed of.

Mr. Lynch answered just gravel.

Board members spoke amongst themselves for several minutes.

Mr. Lynch said it's in the drainage report. It's in the book.

Mr. Turano said at the end of the swale, you have a culvert there it and goes to the other side, but there's nothing there. We can't tell where it might go.

Mr. Lynch replied it's off the applicant's property. The culvert was installed by the original sub-divider. It's an existing culvert.

Mr. Turano asked is there some sort of wetland on the other side.

Mr. Lynch responded it runs down to the stream which crosses underneath Bullet Hole Road.

Mr. Turano said and that stream is the one that you've labeled water course? That's the only stream on here?

Mr. Lynch (at dais) showed Mr. Turano another stream.

Vice-Chairman Fannin asked where can I find the details on the vegetation that you're installing.

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Chairman Laga said it's on the drawings - IPP 3 I think; He's got his fueling equipment, he's got stabilize construction entrance; he also has a sequence of construction.

Vice-Chairman said I assume you're bringing in fill for the driveway but one of the things we had requested last time was a certificate of clean fill.

Mr. Lynch replied at this point, the only fill that would be brought in would be for around the house.

Vice-Chairman Fannin said none for the driveway?

Mr. Lynch replied it's just gravel.

Vice-Chairman Fannin said you are going to bringing some fill for around the house. Then we'll just need a certificate of clean fill for the file.

Mr. Turano asked how long has the silt fence been out there.

Mr. Lynch replied they've been up for a couple of years and I know Mr. Franzetti has gone out several times to inspect them so there has been maintenance work done on them.

Chairman Laga said as part of the Permit and before the work starts, you have to get the Wetlands Inspector back out there to make sure they're all delineated properly, and we're probably going to want some wetland markers to put out there.

Mr. Lynch said yes; we show them on the plans.

Mr. Turano said you have a note on here that says NYC DEP 100' limiting distance to water course.

Mr. Lynch replied yes; that is their language.

Mr. Turano said that's fine but where is the water course that they're referring to? Which line are we talking about; here or over here?

Mr. Lynch (at the dais) this is the City. They flagged this line and called the ground a water course. The surveyor picked up the flag and that's what.....

Mr. Turano interjected maintain it; there's no water course there.

Mr. Lynch said this is the water course - here.

Mr. Turano said okay and this is the wetland.

Mr. Lynch said that is the City's flagging for what they call the water course.

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*Mr. Barnett moved to accept the application for 188 Bullet Hole Road, Anna Inzano for construction of a driveway contingent and as part of the permit, the Wetlands Inspector has to go out prior to and completion of work; we receive a copy of the NOV lifted for the file; seconded by Vice-Chairman Fannin with all in favor.*

Chairman Laga said you're on the clock.

**ALMODOVAR & DINALLO - 270 WEST LAKE BLVD. MAHOPAC; TM - 64.16-1-28 -  
SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION/CONSTRUCT POOL, SPA,  
PATIO & RETAINING WALLS**

- Mr. Paul Lynch, Putnam Engineering representing the applicant appeared before the Board.
- Ms. Tracy Chalifoux, landscape architect representing the applicant appeared before the Board.

Mr. Lynch asked do you want the overall picture of what their plans are before we get to what we're here for.

Mr. Barnett said yes; the cliff notes.

Mr. Lynch said Tracy is going to start.

Ms. Chalifoux said the board to my left shows the master plan for the property that we expect to be implemented over the next few years. Phase I would be a proposed 20' x 45' in-ground swimming pool, a 7' x 9' spa, the related patios and retaining walls. The retaining walls would be tiered to best meet grade and not have excessively tall walls. Also; part of Phase I would be the reconstruction of the rear deck of the house. The existing deck would be demolished as would the stairs and we would provide a new footprint for the deck and a new stairway configuration. Part of that would be the landscaping; privacy plantings for the neighbors and ornamental deer resistant plantings throughout. Low maintenance is the goal inspired by the high line. I believe that's all for Phase I of the project. A little further down the road, they would like to focus more along the shoreline of the lake. There currently is an existing boathouse and existing walkway/deck to that. There is an existing semi-circular patio and they would like to lift up the existing slate of the patio and replace it with bluestone cause the slate is just failing and old. They would keep the same footprint of that patio and they would keep an existing retaining seawall that is right along the lake's edge and would not be touched. The retaining wall on the curved side of the patio would just be repointed because it's beautiful and historical and they would like to keep that but some of the joints are popping there. Also part of Phase II improvement would be to remove the invasive vegetation along the shoreline. There's quite a bit of it; it's very brambly and overgrown. There is an existing fence in there that doesn't seem to be serving any purpose and falling down. Additionally, there are a lot of overgrown, shade loving shrubs that are failing there because they've lost some substantial trees. So we'd like to clean out what's already struggling and replace with new native wetland plants. There is a plant list provided on the next sheet - plant quantity, size and species. They would also like to construct a small beach area. They would not be adding sand to the lake itself; they would just like to, hopefully, cut into the slope and place a boulder retaining wall along the back edge and place the sand on top. There would be another boulder retaining wall closer to the water and a set of stone slab steps coming down. These would not be walls with footings. They're just large boulders that are placed after excavation. The sand would be placed level so it could not wash into the

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lake and also around that area there would be mitigation plantings. I think that covers Phase II improvements. Finally - Phase III would be to create a standard size tennis court with a hard true surface and the related retaining walls for it. Again; the walls would be tiered to help marry existing grade and not have excessively tall walls. The tennis court would be open air fence and it would be screened completely from the neighbors with evergreen trees. Part of that would include a semi-circular viewing terrace with steps coming up from the driveway parking.

Mr. Barnett asked is there a tennis court there now.

Ms. Chalifoux replied no; there is not.

Mr. Barnett said please explain this to me then (referring to a photo on iPad).

Mr. Lynch said this was a paddle board court where the pool is going.

Mr. Barnett said so that's coming out and the pool is going in?

Mr. Lynch replied yes; the proposed tennis court would be up here.

Chairman Laga said we're only concerned about the things that you're doing within the 100' buffer from the lake which would be the pool, the spa, the sand.....

Mr. Lynch interjected that's down the road.

Chairman Laga continued here's the problem: if you're looking at Phases, it means separate permits. Your permit right now is a' la carte'.

Mr. Lynch replied understood.

Chairman Laga said I need somebody to let me know what you're doing first and how we're going to address that. Based on the drawings, I assume they're going to do the pool and the spa first. Is that correct?

Mr. Chalifoux replied yes.

Chairman Laga continued with that as a separate permit, I need the permit application revised or we'll cross off everything else that he's not doing.

Mr. Lynch said that's what I put on the application. One of the things I do need though is to go in this area and do some infiltration testing which means I need a back-hoe to be able to dig a hole.

Chairman Laga asked is this an above-ground pool or below grade pool.

Mr. Lynch replied it's going to be half in the ground depending on where we are on the contours. For my raingarden, I have to do my infiltration test. I need a back-hoe because I have to do the test down 4 - 5 feet.



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Chairman Laga said let me ask the Board this. Basically, this work is going to be contingent on your infiltration test - correct?

Mr. Lynch responded for where I'm going to locate things.

Chairman Laga said so if your infiltration tests come back good, everything goes as is. If your infiltration tests come back poor, you may have to adjust the plan?

Mr. Lynch replied correct.

Chairman Laga continued so if it's okay with the Board, what I'd like to do is: you should request a Letter of Permission to do your infiltration testing with a mini excavator. This way you can iron out your design because we don't know what's under the ground. Once, you get your result and can finalize your plan, then come in here with that plan for that area only. So; you're going to request a Letter of Permission to install test pits with a mini excavator; no fueling on site. It'll be a one to two day operation with nothing stored on site. If equipment is left on site, it'll be left on driveway on poly. Spill-kit; the whole 9 yards. It makes it easier for us & more efficient for you.

Mr. Lynch said that'll be fine. Do you have to wait for another meeting to.....

Mr. Turano interjected I would say if they're just going to ask for a Letter of Permission in order to do some testing, if he just gives us a rough idea of where he's going to be testing and what he's going to be doing with a little bit more detail, I would be willing to vote on it right now so he doesn't have to come back.

Chairman Laga said and follow-up on Monday with a Letter.

Mr. Turano said right.

Mr. Lynch said that'd be fine.

Mr. Turano said there's one other thing. There's nothing in the plans to do anything to the house at this point or in the future?

Mr. Lynch responded the house is actually under interior renovation and they have their building permit for that.

Mr. Turano said okay; the Letter of Permission will be for just doing the soil testing?

Mr. Lynch replied correct.

Mr. Turano said give us an idea of where and what you're planning to do. Then I'll make a motion that we issue a Letter of Permission based on what you tell us.

Mr. Lynch (moved to map) and said I'm looking to test in an existing planted area in this location. I can mark it up.

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Mr. Barnett said that's a good idea.

Chairman Laga said take the plan, we'll mark it up and then you'll submit on Monday a sequence of operation. Just initial when you mark it. I'm going to put a note on here: this is test pit plan submitted 6/6/19 from Putnam Engineering. You're going to submit the scope of work and plan by Monday. Also speak with Rose Trombetta because you have to get the Letter of Permission and the permit.

Vice-Chairman Fannin said I have another question as well. How many trees are you removing from the property with this whole project here? Do you have any ideas or a rough estimate?

Ms. Chalifoux said all phases?

Vice-Chairman Fannin said sure.

Ms. Chalifoux replied I'm going to estimate 15 - 20 trees primarily within the area of the tennis court which is Phase III.

Chairman Laga said you'll need a tree cutting permit for that; you don't need a permit from us for the tennis court but you do need a tree cutting permit.

Ms. Chalifoux replied okay.

Vice-Chairman Fannin said the other question following to that is: how many trees are you re-planting not including the small ones.

Ms. Chalifoux replied so we're installing about 90 trees but a good number of them are the evergreen screen trees - green giant arborvitaes, spruces for the privacy.

Mr. Turano asked what size.

Ms. Chalifoux replied the spruce are 12 - 14 feet in height and we have a dogwood that is 8-10 feet tall; the green giant arborvitaes are 7-8 feet in height. They grow like weeds.

Mr. Barnett said you were talking about invasive vegetation. That's on shore I assume?

Ms. Chalifoux replied yes; along the property shoreline.

Vice-Chairman Fannin said you'll need this when you come back after you do your test pits. You'll need a maintenance plan which you might have for the trees and everything. Also, we may request a bond for a certain number of seasons to make sure that the plants take. Any along the wall there....they did mention that they're putting in there.

Chairman Laga said Phase II.

Ms. Chalifoux said you're referring to the mitigation plantings/native wetland plantings - a maintenance plan for that.

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Mr. Barnett asked what's the height of the retaining walls - generally?

Ms. Chalifoux responded we are trying to keep them under 6'; quite a few of them are more in the 3' range.

Chairman Laga said when you're doing work by the Lake, you have to put some mitigation in - silt fence, floating boom, etc. Make sure you address all of that.

Mr. Turano said if you could just send an 8  $\frac{1}{2}$  x 11 of that drawing, that would be great.

Ms. Chalifoux replied sure; I can scan it and send you a reduced size.

***Mr. Turano moved to grant a Letter of Permission to install a few test pits on this property as submitted on the hand-written drawing by Putnam Engineering in accordance with test pit procedures and contingent that a sequence of operation and method of operation are submitted by Monday, June 11<sup>th</sup>; seconded by Mr. Barnett with all in favor.***

Chairman Laga said so you have your Letter of Permission.

## MISCELLANEOUS

### MINUTES:

- 05/02/19:

***Ms. McKeon moved to accept the minutes of January 17<sup>th</sup> as written; seconded by Mr. Barnett with all in favor (Chairman Laga abstained from voting).***

Chairman Laga said before we close the meeting, I'd like to bring up decks. We've been talking about permeable versus non-permeable. Moving forward, I would like to put a vote, for the sake of permitting for people and so that there is no question from now on, that we as a Board take into account that whatever the square footage of the deck is, we take  $\frac{1}{2}$  the area and that is the area that we would consider as impermeable and that's what all of our raingarden calculations and things like that would be considered.

Mr. Turano interjected the new area?

Chairman Laga replied yes; the new deck area. If they're adding on a new deck, 10' x 10' (equals 100 sq. feet), we only count 50 square feet as impermeable area. That's what they would have to mitigate for. Over the past couple of years, there's been some back and forth and a little inconsistency on it. I would like to be consistent on it.

Mr. Barnett said I'd like to comment as well. I think that any deck, with a separation between the panels, if it's falling on a pervious surface, it doesn't need a raingarden. If there is impervious surface underneath that, then it's a different story. I don't think there's any necessity because the water is going to go through.

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Mr. Turano said on its face, that sounds real good but what happens is that cover is extremely important for infiltration and for erosion control. Without cover and under a deck and I'm talking about soil cover as in grass or something else - what you're going to get is less pervious, less infiltration and more erosion which would be carried off into different areas.

Chairman Laga said if you look at a deck and they have the slots here - if you look, over time, underneath the deck, you'll see channels under where all those slats are because that's where the rainwater is falling through. It's creating its own channelization. That means the area between the slats, where the boards are, is not getting any rain to it except for the sides. It then channels away. We can look at it on a case by case basis but we really need to have a consistent approach and that's what I'm looking for right now.

Mr. Turano said I would say 100% of the calculation is probably excessive. I think 50%.....

Mr. Barnett said let's say it's a 10' x 10' deck; how much of a rain garden? 50%?

Chairman Laga replied you'd base your raingarden calculations on 50 square feet.

Mr. Turano said and it has to be connected. Something has to be connected to the raingarden.

Vice-Chairman Fannin said or we could ask for separate mitigation - hook it up to a liter.

**\*\* Several conversations took place at once \*\***

Vice-Chairman Fannin continued and it's not necessarily that water that comes off the new area.

Mr. Turano said that's right.

Vice-Chairman Fannin said our request is always for mitigation. It can be new mitigation. I also want to point out that I did some research and looked around to see what other jurisdictions consider regarding decks. It's all over the place; some places don't consider it impervious. They consider decks pervious surfaces and some consider decks totally impervious. Some jurisdictions are using 75%; some 50% so I'm perfectly happy with 50% as a compromise as well and to make it less onerous on the property owners.

Mr. Barnett said I'll go along with the Board if that's what we feel.

Mr. Turano said I think I would be agreeable to the fact, as an alternative, someone put crushed stone. If it comes to a point where a raingarden is a handicap for some reason, if you want to have them put some crushed stone underneath, it'll capture and eliminate the two problems that I mentioned: erosion and infiltration because it'll hit the rocks and slowly go in.

Mr. Barnett said so we can make that as an alternative. That makes sense.

Mr. Turano said I don't want to necessarily say that we should advertise that but if we come to a situation where we could see difficulty, like we did not too long ago, put it under there. It doesn't make what's underneath there objectionable either.

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Mr. Barnett said when you're talking crushed stone, what's the .....

Chairman Laga interjected  $\frac{3}{4}$ "; could be  $\frac{1}{2}$  or  $\frac{3}{8}$ ths.

Mr. Barnett interjected so we're not talking item 4.

Chairman Laga and Mr. Turano both responded no.

Chairman Laga said moving forward, are we all good with this?

Vice-Chairman Fannin said our first thing should always be to ask for the possibility of a raingarden.

Mr. Turano said right; if we see there's a problem, would you be willing to put stone underneath?

*Mr. Turano moved to accept the following standard for the installation of new decks: calculate 50% of the total square footage of a new deck towards a raingarden or some other form of mitigation to prevent run-off and erosion as long as the deck is not covered; seconded by Mr. Barnett with all in favor.*

Mr. Barnett moved to close the meeting; seconded by Vice-Chairman Fannin with all in favor.

Respectfully submitted,

Dawn M. Andren