

APPROVED

ROBERT LAGA
Chairman

NICHOLAS FANNIN
Vice Chairman

RICHARD FRANZETTI, P.E.
Wetland Inspector

ROSE TROMBETTA
Secretary

TOWN OF CARMEL
ENVIRONMENTAL CONSERVATION BOARD



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 - Ext. 190
www.ci.carmel.ny.us

BOARD MEMBERS

Edward Barnett
Anthony Federice
Emily Lavelle

ENVIRONMENTAL CONSERVATION BOARD MINUTES

MARCH 7, 2024

PRESENT: CHAIRMAN ROBERT LAGA, VICE-CHAIRMAN NICHOLAS FANNIN;
ANTHONY FEDERICE & EMILY LAVELLE

ABSENT: EDWARD BARNETT

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
-------------------------	-------------------------	--------------------	-----------------------------------

SUBMISSION OF APPLICATION OR LETTER OF PERMISSION:

1. Nicholas Piqueras	75.13-1-74	1 - 9	No Board Action Taken
----------------------	------------	-------	-----------------------

MISCELLANEOUS:

2. <u>Minutes:</u>	January 18, 2024	Approved as Written
	February 1, 2024	Approved as Written
	February 15, 2024	Held Over

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Dawn M. Andren

1. NICHOLAS PIQUERAS / TM: 75.13-1-74; 10 SUGARBUSH COURT, MAHOPAC - SUBMISSION OF APPLICATION OR LETTER OF PERMISSION: CONSTRUCT SINGLE FAMILY HOME, DRIVEWAY AND SEPTIC.

- Mr. Nicholas Piqueras, the applicant, appeared before the Board.
- Mr. Brian Hildenbrand, the engineer for the project, appeared before the Board.

Mr. Hildenbrand moved to easel and indicated the display was the filed map. He acknowledged the Board didn't have a copy but thought it was a good visual to show how we got to where we are today. Originally this was two lots with two single-family homes proposed with a common driveway. When Mr. Piqueras bought the property, he merged both of these lots and is going to build only one house. Mr. Hildenbrand also indicated that it was fully approved to combine the two lots.

Chairman Laga asked for a copy of the deed that combined the two lots.

Mr. Hildenbrand said the lots were merged and we're proceeding with a single-family house that was previously lot 2; common driveway no longer needed. The driveway has been shifted away from wetland when compared to the original filed map. We are in the buffer. Red line is the DEC adjacent area. We have a DEC permit (copy needed for file) for disturbances from the driveway. There's an approval for the septic area outside of the buffer (copy of approval from Department of Health needed for file). We'd submitted the IPP. One of Mr. Franzetti's comments was to come before you for the approval of the wetland permit. We've been in discussions with DEP. We do not need a stream crossing permit from DEP. We would need a SWPPP from DEP because the house is within the buffer. We just found that out today. We do have options to take the house completely out of the buffer to avoid that permit. The alternative is that we leave the house as is and deal with DEP and deal with their storm water mitigation criteria.

Chairman Laga said so the entire house and property is in the wetland buffer?

Mr. Hildenbrand said the entire driveway is. This small corner of the house is in the buffer and the bottom corner of the property is in the buffer. The septic fields are not in the buffer.

Chairman Laga said what's the grade here; is it on a grade?

Mr. Hildenbrand said yes. It slopes down toward the wetland. That's basically the project. It's a tight lot. We feel we've minimized the project as best we could to develop the lot. The driveway is proposed to be gravel. There's minimal grading on this long stretch of driveway to avoid disturbances in the buffer.

Chairman Laga said are you looking at a 2% - 6% grade on this property?

Mr. Hildenbrand said I'd say 2-10%.

Vice-Chairman Fannin asked what are "SSTS"?

Mr. Hildenbrand said neighboring septic systems. We need to show off-site septic systems to justify our well location.

Chairman Laga noted that copies of the following documentation is required for the file:

- Well driller's permit, well drilling installation license & installation details
- Town Engineer, Rich Franzetti's memo dated 1/2/24 (in file) indicated that the IPP and the SEAF documentation was reviewed resulting in the following notes:
 - Overall disturbance is .68 acres requiring a SWPPP - of which Mr. Franzetti must approve and require a copy for the file.
 - Require a plan on how the .68 acres is going to be mitigated (i.e. raingardens, cultec, etc.).
 - Documentation provided (i.e. IPP, DEC wetlands permit, PC well & septic permits, etc.) identify Nicole Stern as the owner. Driveway permit & Town records show Nick Piqueras as owner. The documentation needs to be rectified. {Mr. Hildenbrand noted the DEC Wetland Permit should have been transferred to Mr. Piqueras' name.}
 - Multiple Intermittent streams on property; additional details of stream crossings will need to be provided in writing AND reviewed/approved by NYCDEP.
 - Drainage easement details needed. {Chairman Laga & Vice-Chairman Fannin asked several questions on drainage structures on diagram including when the last time the wetlands were flagged by Wetland Inspector. Mr. Hildenbrand said when we applied for the DEC Permit, we had the whole validation block. It was signed 1/26/21. Validation is good for 5 years.}
 - Driveway including trenching for water & electric are being placed over drainage easement. Details for work must be provided.
 - Provide legend on IPP drawing.
 - Provide wetlands buffer limit on the IPP drawing.
 - Provide location of energy dissipater on the IPP drawing.
 - Provide construction sequence regarding the stream crossings.
 - Town of Carmel driveway permit required.
 - Additional details of runoff from driveway is required.
 - Additional information regarding 12" CMP extensions. {Mr. Hildenbrand said this is a pipe that's coming from offsite. To protect this house, we're going to install new pipe to extend that piping and continue it to where it currently discharges.}
 - Provide sight distance analysis with sight lines and calculations.
 - All fill brought to site must be certified; certificate of clean fill to be provided.

Chairman Laga is concerned that the project so close to the wetlands; the 'pond' and wanted to know what kind of mitigation would be provided - i.e. cultec, raingardens; what are you doing with the road? Are you putting a drainage basin along the side of the road to protect from runoff and prevent silts from getting into the pond?

Mr. Hildenbrand said we tried to limit the impact by proposing the gravel driveway.

Chairman Laga acknowledged that would take care of the impervious surface. You're still on the fringe of the buffer with the pond. You're doing a lot of disturbance in the buffer so we have to have some sort of mitigation. It's usually double the disturbance.

Mr. Hildenbrand said I don't think cultecs are the right choice being close to the wetland and close to the septic. Something like a raingarden for the roof drainage.....

Chairman Laga said the roof drainage and the road are the calculations that we'd be looking for. There's going to be no patio or anything here in the backyard is there; any pavements, any gravel?

Mr. Hildenbrand said there's a deck off the back.

Vice-Chairman Fannin asked for an explanation of the road/driveway and what the plans were regarding it. I think you said before that you're using gravel for the whole route except for at the garage?

Mr. Hildenbrand said yes; exactly. At the garage and near the street.

Chairman Laga said so you're saying that little gray area on the side of the house is going to be a paved driveway?

Mr. Hildenbrand said yes.

Chairman Laga said we need to see details on the road. You're not using Item #4 - correct?

Mr. Hildenbrand said no; crushed stone.

Vice-Chairman Fannin is looking for (upon applicant's return to Board) ways that stormwater are going to be managed; specifically coming off any of the impervious surfaces (i.e. curtain drains, raingardens, cultecs, etc.)

Chairman Laga said we need details on stream crossing. Even though it's a DEP wetland, it's still a wetland. We need to protect the stream; put some culverts in there, some HDPE, how are we going to protect that stream.

Mr. Hildenbrand stated we're going to build our way in, create the one crossing - a standard culvert crossing, standard backfill, riprap on the inlets and outlets, then continue to build into the site.

Chairman Laga said you'll have to provide certifications of clean fill.

Vice-Chairman Fannin asked what other grading on this site do you plan to do? What other material do you need to bring in in order to do the grading besides the driveway?

Mr. Hildenbrand said besides the driveway, the septic pad outside of the buffer requires fill to bring it up to the specified separation distances. That's bank run from a certified source even though it's outside of the buffer. Other than that, it's cut for the foundation. There's a walk-out basement.....

Chairman Laga asked about concrete wash-out and if it was going to be a poured foundation or a block foundation? You'll have to pour some concrete -right?

Mr. Hildenbrand said yes.

Chairman Laga said we'll need concrete wash-out detail and a spill-prevention plan including a spill-kit on site; no fueling within the buffer noted on the plan.

Vice-Chairman Fannin said overnight parking of heavy machinery outside the buffer.

Mr. Hildenbrand indicated it's on there.

Chairman Laga said where are you going to park because everything here is by or in the buffer and over here is by the septic fields. Where are you going to put it?

Mr. Hildenbrand said yes. There will be some leap-frogging involved.

Chairman Laga said because you're so close to this, at night I want you to store the machines on 6 mil poly.

Vice-Chairman Fannin brought up stream crossings and said Mr. Franzetti indicated in his memo that there are a number of intermittent streams on this property. We have the one stream crossing that you have notes on here. I noticed an existing seasonal drainage on the far west side of the property. There's also a drainage ditch that is right next to the house that has that existing clay pipe. Where is that currently discharging, and are there any other stream crossings that you're aware of that are not shown on this property?

Mr. Hildenbrand said the plan is that the clay pipe will discharge in the same place. I wouldn't call this a stream crossing but this existing pipe is being modified and discharging in the same location. There's the other existing pipe that we talked about and is not being disturbed. The only new stream crossing is here with our new culvert which will basically match the same.

Vice-Chairman Fannin said I might recommend that you extend that new HDPE pipe that you're putting in all the way to the clean-out on the northern side of the property. Since you already have a clay pipe under there and if you start compacting stuff on top of that, there's a good chance that you're going to crush the clay pipe if it's 50-60 years old.

Mr. Hildenbrand said good point. We'll go right to that clean-out on the property line because of that.

Chairman Laga said the silt fence you have has a few gaps that need to be buttoned up.

Vice-Chairman Fannin said back to my stream question and referenced a curtain drain on far west side of property.

Mr. Hildenbrand responded that's the curtain drain we're going to be putting in. There's an existing ditch there that enters our property and the water goes currently. When we collect the water in the curtain drain, it'll discharge there and continue on.

Vice-Chairman Fannin said so that'll be discharging into a seasonal intermittent stream?

Mr. Hildenbrand said it's fed purely by drainage coming from off property.

Chairman Laga asked if this building was going to have a basement and if the house would be heated with oil.

Mr. Hildenbrand said yes to basement.

Mr. Piqueras said I'm still weighing that part out.

Vice-Chairman Fannin asked if there were any notes about utilities. I think you'd mentioned that before.

Chairman Laga said there's one electric line that goes underground; show details.

Mr. Hildenbrand said yes; they're on the plan now.

Chairman Laga said I see the electric line. I just don't see the details.

Mr. Hildenbrand said there's also a water line detail on page 2.

Vice-Chairman Fannin said but not where it is on the map though. We need where it is on the actual map.

Mr. Hildenbrand said it's on the first sheet. The wells near the road just outside the buffer and the water line goes up the driveway. It's the line with the "ws" on it.

Chairman Laga said I still have to see a lot of paperwork before we accept this application. I'm looking for all the items that are mentioned in the January 2nd memo. I need a copy of the Health Department Permit, the DEC Permit, the DEP Permit, no steam permit from the DEP. I need the wetland map, a copy of the flagging, how you're going to manage the stormwater, the well driller's license and well installation methods. I need to have a copy and location of the concrete wash-out, spill prevention plan and spill-kit on site, store equipment on 6 mil poly at night and show those locations. Also, along the wetland buffer install wetland signs around the siltation basin, that entire wetland area so there's no building or stuff outside the wetlands.

Mr. Hildenbrand asked if it was for construction purposes?

Chairman Laga answered no; upon completion of the job. They get installed permanently.

Mr. Hildenbrand said these are typical for residential applications?

Chairman Laga said yes.

Vice-Chairman Fannin added the intention is so that not only the homeowner has an indication that there are protected wetlands very close to house building area or sheds or if/when you sell this house, the next homeowner knows.

Mr. Hildenbrand said are there standard details?

Chairman Laga said Rose [Trombetta] has them. At a minimum, we typically put them on the wetland buffer but I'm not going to stick signs through your living room. You're going to have to, at least, classify the siltation basin, that area and then the area back by the septic tank in the back corner here.

Vice-Chairman Fannin said you can put the signs in however you want (i.e. a rock, a post, a stake, a tree).

Mr. Hildenbrand said alright., I was just thinking if there was some other method of demarcating and keeping physical intrusion out like a boulder row or something.

Chairman Laga said the signs are our standard and non-intrusive.

Vice-Chairman said I have two other quick questions.

Chairman Laga said are you cutting trees down or it's already cleared?

Mr. Hildenbrand said I thought it was pretty well cleared.

Chairman Laga said if you're doing anymore than 10 trees..... you may want to check if you need a tree cutting permit as well.

Vice-Chairman Fannin said it looks like there's a stone wall that's going through the property. Is that correct and what are you doing with it?

Mr. Hildenbrand said yes and we're removing it where we need to and leaving the rest.

Vice-Chairman Fannin said my other question is your curtain drain discharge, on the west side of the property, what are the details on this particular discharge area (i.e. rip rap aprons, etc.)?

Mr. Hildenbrand said all piped outlets get outlet protection.

Vice-Chairman Fannin said please put that as a note on the plans. So; a few things to make it easier for you for next time: this is recorded, the file is available for public inspection, next week this will be typed up as minutes and gets written to the file so you can also get a list of everything.

Chairman Laga said they have a letter here that I just found. He's got the Board of Health. You've got a letter here from the Department of Health. The permit is approved for fill placement only. Fill pad may be installed at any time up until the expiration date of the permit. I have the DEC Permit. I have the permit for ECL - freshwater wetland under Article 24 - expires 2030. From the DEP, I have a letter of no objection. So, get us a copy of the mark outs, the SWPPP, the driveway. You don't need the DEP or the Health Department. You need the wetland inspection, stormwater management, well drillers license, septic fills, clean fill, concrete wash, spill prevention plan, spill-kit on site, store equipment overnight on 6 mil poly, trees and wetland signs.

Mr. Piqueras and Mr. Hildenbrand thanked the Board for their time.

Chairman Laga said I think you have neighbors here who would like to speak.

➤ Mr. Mark Pekowsky of 43 Benjamin Road.

Mr. Pekowsky said with me this evening is my wife and some of our neighbors. I want you to know that nothing I say here this evening is personal. We are the people that are going to be impacted most by your project. We live directly behind this property. I don't know if you know the history of this property because we have been dealing with this site for 27 years. Ken Lauro was the original developer of Sugar Bush and he tried to build there and he found it cost ineffective. He sold the property to another guy, Willy Besharat. At one point, we had bulldozers coming in and all the trees were clear cut; no word to us - nothing. The perc tests were done with no word to us. We bought our homes back when Putnam County was the gateway to the country. We bought our homes, in particular, because we were assured that the area that you're talking about was protected wetlands and buffer. We enjoyed nature and little by little, it's getting chipped away by these people. Mr. Besharat was unable to build. He found it prohibitively expensive to build there. He let the property go to foreclosure. We actually wanted to buy the property to keep it wild. Unfortunately, somebody outbid us when the County put it up for auction. Mr. Pekowsky asked Mr. Piqueras if he bought at it auction for which he answered "no". Mr. Pekowsky said so somebody bought the property and then sold it to you. I don't know what "he" told you but around this Town, there's a thing that goes around where people say you have all the permits and it's all ready to build. You might have to take issue with that.

Voice (female?) from audience says something completely inaudible.

Mr. Pekowsky said the point is we have been very concerned about what is being proposed. We do not like the idea of streams being diverted. I would like to recommend that you come out and

see the property that we're talking about. From Sugar Bush, there's a cut. I assume that's where the driveway is going. There's a chain across?

Mr. Piqueras said that's their property.

Mr. Pekowsky said because from Sugar Bush, that looks like a pretty steep slope.

Mr. Piqueras said (without mic)electrical box and you see some existing railroad ties that are there (inaudible).

Mr. Pekowsky said again, from my perspective, the slope down to where you would build the house is pretty darn steep. I can't imagine the amount of fill that is going to be needed to mitigate. We like our trees. We have an enormous amount of wildlife that exists in this area and I'd like you guys to consider that too. I don't know what the rules are these days about newts, salamanders and frogs these days are but.....

Chairman Laga said the only thing they care about is the bats and bob-turtle.

Mr. Pekowsky said we have an enormous amount of wildlife that comes through this area and we enjoy it. We don't want to see that go away. We don't want to lose the quality of life that we have. We understand private property rights but we are very concerned about the plans and what it's going to do to the wetlands. We're concerned about what it's going to do to the wildlife. We're concerned about what it's going to do about diverting water into different areas. We don't want to see our properties get flooded. Ms. Matuck here is at 5 Benjamin Road. She would be directly behind the lot that you're talking about. The stone wall that we know which kind of divides all of our properties.....

Mr. Piqueras said (inaudible).

Mr. Pekowsky said anyway we are very concerned about what is being proposed here and we would like to ask that you come out and see for yourself that it is so beyond wet and whether it's considered wetland or buffer, is irrelative at this point because the amount of water that we're dealing with these days is far beyond what you might see on a piece of paper.

Chairman Laga said I understand. Unfortunately, I am not free the next two weekends to get out there. I'll talk with the Board.

Mr. Pekowsky said again; this is nothing personal. This is going to affect us right from the get-go so we are going to be watching and doing our due diligence as well.

Vice-Chairman Fannin said if I'm not mistaken, it slopes downward from your property to the woods.

Mr. Pekowsky said Sugar Bush is up here, Benjamin is up here; they both slope down to the back woods and wetlands. It's a bowl.

Vice-Chairman Fannin said your properties are currently up hill from the proposed property - correct?

Ms. Matuck said my back yard is totally lower than his property. So, if he does the drainage.....I'm just worried.....

Chairman Laga said the plans are here for your review if you'd like to come out and look at them. The way the plan is, the existing stream that they have right now, the only thing that they're planning to do there is put a culvert in so that they can build their road over it. They're not diverting the stream. They're leaving the stream in the exact same spot but engineering around it if you will. It's going to run right into the pond.

Mr. Pekowsky said to Mr. Piqueras: are you building this for yourself or to sell?

Mr. Piqueras said I'm building this home for my family.

Mr. Pekowsky said were you aware of the history of the property?

Mr. Piqueras said as far back as you're speaking - no.

Mr. Pekowsky said you may want to do a little research, developers with very deep pockets looked at that property and said.....

Mr. Piqueras said I know it's a challenge but I'm from Mahopac and not someone moving up.

Chairman Laga indicated that he would reach out to Mr. Piqueras and Mr. Pekowsky to see the property but through Rose [Trombetta].

Vice-Chairman Fannin said on the south side of this property, beyond the wetlands, there seems to have been a massive clearing at some point.

Mr. Pekowsky said yes. That was done by Ken Lauro.

Mr. Hildenbrand came back up with a map and all realized it was clear cut for power lines.

Chairman Laga said if any of you folks have any specific concerns regarding this application, please submit them to Rose in writing so that she can send them to the owner, his engineer so that they can address your concerns. They do have a lot of the permits and we've added some stuff to the permit application to protect the environment and surrounding areas. The Wetland Inspector will be going out there on occasion to do pre- and post- inspections of the property.

MISCELLANEOUS

MINUTES:

- January 18, 2024: *Mr. Federice moved to accept the meeting minutes for 1/18/24 as written; seconded by Ms. Lavelle with all in favor.*
- February 1, 2024: *Vice-Chairman Fannin moved to accept the meeting minutes for 2/1/24 as written; seconded by Ms. Lavelle with all in favor.*
- February 15, 2024: *no action taken by the Board.*

Mr. Federice moved to close the meeting; seconded by Ms. Lavelle with all in favor.

Respectfully submitted,

Dawn M. Andren