

APPROVED

ROBERT LAGA
Chairman

NICHOLAS FANNIN
Vice Chairman

ROSE TROMBETTA
Secretary

TOWN OF CARMEL
ENVIRONMENTAL CONSERVATION BOARD



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BOARD MEMBERS

Edward Barnett
Vincent Turano
John Starace

ENVIRONMENTAL CONSERVATION BOARD MINUTES

JUNE 7, 2018

PRESENT: CHAIRMAN ROBERT LAGA, VICE-CHAIRMAN, NICHOLAS FANNIN;
JOHN STARACE, VINCENT TURANO & EDWARD BARNETT

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Lesley & Ned Kleinschmidt	64.16-1-33	1-3	Wetland Permit Extended to 9/15/19.
Braulio Galindo	74.35-1-24	3-7	Wetland Permit Application Accepted With Conditions.
Diane Boenau	74.26-1-36	8-10	Letter of Permission Granted.
Chris Vennard	86.12-1-28.2	10-11	Letter of Permission Granted.

MISCELLANEOUS

Minutes:	March 15, 2018	11	Approved.
	April 5, 2018	11	Approved.

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Dawn M. Andren

LESLEY & NED KLEINSCHMIDT - 41 AVERILL DRIVE; TM - 64.16-1-33; EXTENSION OF WETLAND PERMIT (RENOVATIONS TO EXISTING HOME)

- Barbara Keith of Michael Piccirillo Architecture (MAP) representing the Kleinschmidts appeared before the Board.

Ms. Keith stated we are looking to renew their existing wetlands permit.

Chairman Laga asked have you made any changes to the existing permit that was issued back in June 2016?

Ms. Keith replied no.

Chairman Laga said this is your second extension.

Ms. Keith replied yes.

Chairman Laga said you want it extended until?

Ms. Keith responded hopefully 2019.

Chairman Laga asked has the work started.

Ms. Keith replied it has started.

Mr. Turano asked how long do you think it's going to take.

Ms. Keith responded not even a year. They just started putting up the sheetrock but they still have site work to do. They switched contractors during the process so that's why there was a stall in the project for a while.

Mr. Barnett asked is that the house with the two cuppolas on the top.

Ms. Keith replied yes; I believe so.

Chairman Laga asked is the wetland protection still up.

Ms. Keith replied yes; the silt fence has been up the whole time and they've been repairing as need be.

Chairman Laga said one of the conditions of renewal of this permit is going to be for you to contact the Wetlands Inspector and have him inspect your silt fence and erosion control devices.

Ms. Keith replied okay; do we call to set up that inspection?

Chairman Laga replied yes.

Mr. Starace asked have you recently been at the site.

Ms. Keith replied no; I have not. The project architect wasn't able to make it this evening. He's the one that goes every week.

Mr. Barnett asked is there machinery on the site?

Ms. Keith replied no; not that I'm aware of. They did all their excavation work about 2 years ago.

Chairman Laga said and there are no other changes to the permit then?

Ms. Keith said no.

Chairman Laga and Mr. Turano had a small discussion on length of extension.

Mr. Turano said she indicated site work still has to be done.

Mr. Barnett said can this be done in twelve months?

Ms. Keith replied that's what they're saying but construction can always be delayed at some point in the process and we don't know how the winter is going to be this year.

Chairman Laga said we gave two extensions already. They've got to finish the project. It can't have an open-ended timeframe.

Mr. Barnett asked is twelve months acceptable.

Ms. Keith replied if we could get a little more that'd be great but if not we'll accept twelve months.

Board Members again discussed the length of extension amongst themselves.

Chairman Laga then said we'll go to September 15th but this is the last extension.

Ms. Keith replied yes.

Chairman Laga then stated they had other permits here for D.E.C. - right?

Ms. Keith responded I'm not sure.

Chairman Laga said you also have to make sure that all other permits - whatever ones you may have - are also amended and you need to submit one for the file. If there are additional permits that are required, please make sure you get the updated permits for the file.

Mr. Starace moved to extend permit #916 to Lesley & Ned Kleinschmidt of 41 Averill Drive - Mahopac from June 15, 2018 to September 15, 2019 with the following condition: a letter is provided to the file stating that all permits are up to date and provide copies of those permits; the

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Wetlands Inspector is contacted for inspection; seconded by Mr. Barnett with all in favor (Vice-Chairman Fannin abstained due to late arrival).

BRAULIO GALINDO - 159 LAKE SHORE DRIVE; TM - 74.35-1-24; SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION (DEMOLISH & CONSTRUCT SINGLE FAMILY DWELLING)

- Mr. Michael Dobler of Mastromonaco Consulting Engineers representing the applicant appeared before the Board.

Chairman Laga said you were here before - correct?

Mr. Dobler replied the applicant had attended the previous meeting.

Chairman Laga said right because he had already filed plans and taken the house down and now he's looking for a permit to build a new house.

Mr. Dobler responded yes.

Chairman Laga said this plan is to show us the layout of the new home?

Mr. Dobler replied the plan that you have before you has been revised to address the comments from the previous meeting. The plan does reflect the pre-existing footprint of the old house as well as all the proposed improvements to take place on the site. We have provided a comment response memo for the comments from your earlier meeting and I'm here to answer any other questions or review any concerns you may have.

Chairman Laga said we'll go through the comments. the first question we had was a copy of the deed which is now attached; is that pile of debris still there?

Mr. Dobler said I can't tell you. I haven't been to the site in over two months but I would think not because the house has been removed and they would have had dumpsters and equipment to remove the rest of the material.

Chairman Laga right; they broke up the slab as well?

Mr. Dobler replied yes.

Chairman Laga said the next item is a spec sheet for the new spill pit - got it and the area of disturbance recalculated. The area of disturbance in the buffer is approximately half of the lot - 5,000 square feet. The entire lot of disturbance is noted on the plan of 10,005 square feet. You have to submit a SWPPP because you're over 5,000 square feet.

Mr. Dobler replied the SWPPP is being reviewed by the Town Engineer and upon his approval, the NOI will be filed with the State's D.E.C.

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Chairman Laga said we need to see a copy of that as well.

Mr. Dobler said we'll provide a copy.

Chairman Laga said the Town Engineer will review it and give us a letter of approval or disapproval. The next item is spill prevention plan. Spill prevention notes are added to the plan; the applicant agrees that any equipment left on site will be parked on oil absorbing pads. I also mentioned that it had to be stored on 6mil poly.

Mr. Dobler replied okay; we've provided notes to that extent. Notes 16 & 17 on the Plan as well as we show an equipment storage area.

Chairman Laga interjected you'll have to change that from oil absorbing pads because you'll have thousands of them then.

Mr. Dobler said I see - 'in lieu of'.

Chairman Laga responded yes; in lieu of. I'm going to mark up this copy in the file - parked on 6mil poly.

Mr. Starace asked did we outline the 100' buffer on this Plan.

Mr. Dobler responded it is reflected on the Plan.

Chairman Laga said yes; 100' lake buffer. It goes right through the house. Next item is a new spill kit will be on site. On the drawings, we had asked where the equipment going to be stored and/or a fueling plan.

Mr. Dobler responded that is noted on the Plan if you refer to the driveway proposed area and you see the note "equipment storage/fueling area provide oil absorbent pads on grade". That note will be revised to reflect the poly.

Mr. Starace asked on the proposed driveway?

Mr. Dobler reiterated the location of the storage and fueling will be at the location of the proposed drawing.

Chairman Laga asked there's a note on the drawing?

Mr. Dobler apologized. That particular note has been revised on the Plans I have with me.

Chairman Laga asked for a copy of those revised plans with revision date of June 7th. There will be no pots stored in the buffer and that is also noted on the plan.

Mr. Starace asked what does it say in the proposed driveway.

Chairman Laga responded PR equipment, storage & equipment.

Mr. Starace asked can you just point it out to me.

Chairman Laga continued wired back silt fence will be used on the site is also noted on the plan. Where is the detail for the silt fence.

Mr. Starace replied it's right here in the middle. Silt fence & hay bale detail.

Chairman Laga continued schedule inspection with Town Wetlands Inspector. That has to be done after you put up the silt fence. Is the silt fence up now?

Mr. Dobler responded yes; including the requested second row. The owner sent me a picture this afternoon.

Chairman Laga asked did he schedule with him to go out there?

Mr. Dobler replied he communicated with the Town Wetlands Inspector today and tomorrow morning, they will be scheduling that.

Chairman Laga continued we asked for tree locations. There are no trees to be removed on the site. Wire backed silt fence will be used and it's noted on the plan. Sizing of the infiltration chambers. We had questions regarding the infiltration chambers. We had said.....

Mr. Starace interjected 16" x 34".

Chairman Laga continued we wanted to see the calculations based on your sizing of the infiltration chambers.

Mr. Dobler said if you refer to the zoning schedule, I provide an impervious coverage detail. Each of the improvements from structure, driveway, patio, deck, steps, other. If you refer to the Storm Water Management calculation at the top middle of the plan, that is designed to accommodate all the increased impervious to the site. If there's any concern by the Town Engineer, that will be addressed prior to his approval of the SWPPP.

Chairman Laga said I'm just noticing that you did a deep test pit up in the right hand corner of the property near the lake.

Mr. Dobler replied that testing was done to quantify the soil in order to design the.....

Chairman Laga said and was that done by hand or by a machine?

Mr. Dobler I couldn't tell you that answer.

Chairman Laga continued to run through his checklist.

Mr. Starace directed to Chairman Laga: you had a question relating to the footings on this project.

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Chairman Laga directed to applicant: they're going to be within the footprint of the building - correct?

Mr. Dobler replied as referred earlier, you can see the existing house footprint - the dotted line; the shaded area represents the proposed house. You see there is some overlap but not entirely.

Mr. Starace stated a good portion of the house is in the buffer zone including the footings.

Mr. Dobler replied that's correct; more than 2/3rds of the house.

Mr. Starace added I think you (Chairman Laga) wanted to see that detail.

Chairman Laga said it's going to be within the footprint of the house; it's part of his calculations for the disturbance. He's already at the 5,000 square feet. If he "cheats" a little on the envelope a little, it's negligible. He's addressed all of our comments.

Mr. Turano interjected one other thing with regard to the Storm Water calculation; he is providing only the chambers for an increase in impervious area; what exactly is the requirement if he's demolishing it and starting all over again. Is it still just the increase when he demolishes the house bringing you back to zero and builds a new house?

Mr. Dobler responded that's typically how it's addressed. Should the Town Engineer have any considerations, there's room to expand it. He would be the governing body to provide input on that.

Chairman Laga asked and what are you doing with the gutters on the house? Are they leading to the infiltration chamber?

Mr. Dobler replied all of the building roof drains are to discharge into the infiltration chambers, the footing drains are to discharge to the level spreader on the opposite side of the lot - the North side.

Mr. Turano said you show the 'now-demolished' house had a total impervious area was 2,768 square feet. What is included in that figure?

Mr. Dobler replied if you look at the zoning chart, it's broken down - each item; you see the structure is listed, the driveway area is listed, the patio, the deck and any other impervious area is outlined.

Chairman Laga said you're not doing any blasting are you?

Mr. Dobler replied I don't see it necessary.

Mr. Turano said I'm looking at the supplied photo of what was existing, it seems like it should be more of an increase than that.

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Chairman Laga said remember though, he's only 5,000 square feet of disturbance in the buffer. The rest of the house - this portion of the house & back is outside the buffer but everything is calculated in the impervious.

Mr. Dobler responded that's an accurate calculation; you can basically see all of the existing improvements are reflected on the Plan and each and every impervious improvement has been calculated.

Chairman Laga said the only other thing is to verify calculations.

Mr. Starace moved to accept the application as submitted for Braulio Galindo of 159 Lake Shore Drive to demolish and construct a single family dwelling with the following conditions: provide a copy of the SWPPP for the file and await the Town Engineer's approval; verify the calculations of the infiltration chambers with the Town Engineer and the storage of the equipment will be on 6 mil poly.; seconded by Mr. Barnett with all in favor.

Chairman Laga said get me the SWPPP by Monday and get the calcs to the Town Engineer and a note to the file that you're going to store equipment on 6 mil poly. And; do not start work before you get your permit.

Mr. Turano said I need to bring up one other thing. This house was demolished without a permit; Are we giving a permit for the construction of the new house or the demolishing of the old house and the construction of the new one.

Chairman Laga said let me see file and said "to construct a new dwelling and associated grading partially in the buffer area of Lake Secor".

Vice-Chairman Fannin said the short-form EAF says, "demolish existing residence and construct a new residence".

Chairman Laga said we'll modify that the day of the short form. We're only basically looking at the construction of new residence.

Mr. Dobler agreed and said "at this point".

Vice-Chairman Fannin asked has the Engineer been out there at all?

Mr. Dobler said I can't be sure.

Vice-Chairman Fannin asked did you receive a stop-work order or notice of violation?

Mr. Dobler responded not that I'm aware of. The Town did issue a demolition permit.

Vice-Chairman Fannin said then I don't know what happened. I would definitely also like to pass along a note to Mr. Franzetti to just do a general overview of the property for us. If this was done without any environmental considerations previously, it couldn't hurt to have him opinion on the actual proposal of the project.

BOENAU, DIANE - 153 TOPLAND ROAD - TM - 74.26-1-36 - CONSTRUCT 10'X14' DECK

Ms. Diane Boenau addressed the board and stated she is looking to have her contractor build a 10'x14' pressure treated deck and remove and dispose of existing 10'x18' deck. She said the reason we are having this done is because there is no building permit for existing deck. My parents bought the house in December of 1954 and my siblings and I want to sell the house, so we need a new deck. She said we didn't know the brook that's there was going to create a problem. My parents bought the house 63 years ago and it was built in 1944. The brook and the house have been there all this time.

At which time, Chairman Laga looks at the survey where the deck, house and brook is located. He asked if it was the deck in the back.

Vice Chairman Fannin asked are we looking at open porch or the one with the steps?

Ms. Boenau said the one with the steps at the back of the house. She said there should be pictures of the existing deck in the file.

Chairman Laga said we have the pictures.

Ms. Boenau said the new deck will be going the opposite way towards the brook. She said the existing deck has been there for many years.

Mr. Turano asked why do you want to take down the existing deck?

Ms. Boenau said it's old and it won't pass inspection. It's rotting and the footings aren't good and the support posts are too wide.

Mr. Starace asked why aren't you making it the same size as before?

Ms. Boenau said we don't need it that big. She said the 10'x14' is big enough.

At which time, a discussion ensued regarding where exactly the new deck will be.

Chairman Laga stated what we will need for the file is a clean white copy, basically showing where on the property map the deck will be. We need to see the dimensions of the deck on the site plan (survey) within your property lines and the 100 foot buffer.

At which time, a discussion ensued regarding whether to make it a wetland permit or letter of permission.

Chairman Laga stated we are looking at 3 footings, that's all the area of disturbance. The deck will be smaller from the original deck. They are basically replacing it more or less in-kind.

Mr. Turano asked when were you told you needed to come before us.

Ms. Boenau said about 2 weeks ago from Mr. Carnazza.

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Mr. Turano asked if the existing deck was taken down.

Ms. Boenau replied no.

Mr. Turano asked when did you apply for a permit for the removal of the deck.

Ms. Boenau replied April 20th.

The board members continued to discuss wetland permit versus letter of permission.

Chairman Laga said what I would like to do is give her a letter of permission with conditions and move it forward. It's a replace in kind and it's smaller.

Vice Chairman Fannin asked if heavy machinery will be used for this.

Ms. Boenau replied no.

Vice Chairman Fannin asked will be removing everything including the frame.

Ms. Boenau replied yes. We are building a new deck.

Mr. Turano asked what is underneath the existing deck.

Ms. Boenau replied pavers.

Vice Chairman Fannin asked are they cemented in?

Ms. Boenau replied no.

Vice Chairman Fannin asked will you be leaving the pavers?

Ms. Boenau replied yes.

Vice Chairman Fannin said I would go with a letter of permission with conditions, such as a silt fence 50 feet from the stream and have the town engineer do a site visit.

Ms. Boenau replied everything will be taken away immediately.

Vice Chairman Fannin asked where will the dumpster be located.

Chairman Laga said one of the conditions will be the dumpster has to be in your driveway, not near the house, on the grass, etc.

Mr. Barnett moved to grant a letter of permission with the following conditions:

- Dumpster must be placed in the driveway.
- No heavy equipment to be used to construct the deck.
- Provide a sketch of the layout of the property and deck.

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- Have the wetland inspector inspect the site prior to construction and post construction to verify that the site is clean.
- All this information must be submitted before a letter of permission is granted.

The motion was seconded by Mr. Starace..... Mr. Turano abstained and Vice Chairman Fannin didn't vote yet.

Mr. Barnett said would it be more palatable if the Wetland Inspector does a site visit pre-construction.

Vice Chairman Fannin replied yes. Everyone was in agreement with Mr. Barnett and all five board members voted yes.

VENNARD, CHRIS - 60 FASSITT DRIVE - TM - 86.12-1-28.2 - LEGALIZE EXISTING 12'X16' SHED

Mr. Chris Vennard appeared before the board and stated he would like to legalize his 12'x16' shed. He said he received a violation for the shed, because I didn't have a building permit for it.

At which time, the board members looked at the drawings where the shed is located.

Mr. Turano asked is the shed in the wetlands?

Mr. Vennard replied no, it's in the buffer area.

Vice Chairman Fannin asked if he had any pictures.

At which time, Mr. Vennard displayed pictures of his shed and wetlands via his cell phone to the board members.

Vice Chairman Fannin asked how far is the shed from the wetlands?

Again, Mr. Vennard displays his cell phone to the board members to show the wetlands.

Mr. Turano said it's approximately 40 feet.

Mr. Barnett asked if there was any plumbing.

Mr. Vennard replied the pool equipment is near, but there is no plumbing in the shed itself. He said there is electrical from the pool which is mounted to the shed.

Mr. Starace asked if the deck is on footings.

Mr. Vennard replied no, item 4 and it's pressure treated.

Vice Chairman Fannin asked is it placed on the item 4?

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Mr. Vennard replied yes.

Chairman Laga asked did you put a rain garden in for the pool?

Mr. Vennard replied no, because the part that was in the buffer was a very small amount. It was more the equipment and the patio that was in the buffer.

Vice Chairman Fannin asked is the pool equipment on a slab?

Mr. Vennard replied yes.

Vice Chairman Fannin asked if there were any gutters on the shed.

Mr. Vennard replied no.

Mr. Barnett stated there is a vast area around it that's pervious. I don't think a rain garden will do much.

Chairman Laga agreed and asked if he put any wetland signs up when the pool was done.

Mr. Vennard replied no, but there are tags and markings.

Chairman Laga said from the front of your house to 100 feet passed the shed; we want wetland markers for both sides every 50 feet. He said to ask the wetland inspector how he wants to install the signs.

Mr. Turano moved to grant a letter of permission for the installation of a 12'x16' shed as shown on the plans with the following conditions:

- Install wetland tags from the front of his home to 100 feet passed the shed, every 50 feet on both sides of the wetlands. The lower end and upper end.
- Talk to the wetland inspector beforehand on how he wants them installed and inspect them after the tags are in.

The motion was seconded by Mr. Barnett with all in favor.

MISCELLANEOUS

MINUTES - 03/15/18 & 04/05/18

Mr. Barnett moved to accept the March 15, 2018 minutes. The motion was seconded by Mr. Starace with all in favor except Mr. Turano who was absent.

Mr. Starace moved to accept the April 5, 2018 minutes. The motion was seconded by Mr. Turano with all in favor except Chairman Laga who was absent.

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Mr. Turano moved to close the meeting; seconded by Chairman Laga with all in favor.

Respectfully submitted,

Dawn M. Andren