

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
Nicole Sedran

ENVIRONMENTAL CONSERVATION BOARD AGENDA

FEBRUARY 16, 2023 – 7:30 P.M.

EXTENSION OF WETLAND PERMIT

<u>APPLICANT</u>	<u>ADDRESS</u>	<u>TAX MAP #</u>	<u>COMMENTS</u>
1. Suez Water New York Inc - London Bridge Wells	39 Brook Street	64.7-1-10	Upgrades to Existing Well Site
2. Suez Water New York Inc – Geymer Wells	70 Geymer Drive	75.13-1-6	Upgrades to Existing Well Site
3. MK Realty	Route 6 & Old Route 6	55.6-1-44&45	Site Plan

SUBMISSION OF AN APPLICATION OR LETTER OF PERMISSION

4. Bullet Hole Farms, Inc.	360 Bullet Hole Road	53.17-1-39	Tree Harvesting
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MISCELLANEOUS

5. Minutes – 01/05/23 & 01/19/23



1/30/2023

To: Mr. Robert Laga, Chairman
Town of Carmel Environmental Conservation Board

Re: Request for extension of SUEZ Water New York, Inc. – London Bridge Well 1 & 2
Wetland Permit #978 (39 Brook Street, Mahopac, NY 10541.)

Cc: Ms. Rose Trombetta, Secretary

Dear Mr. Laga:

This letter is to request the Town of Carmel Environmental Conservation Board (ECB) to kindly grant an extension of the wetland permit for the above referenced project.

The current wetland permit (attached) was granted on March 17, 2022, and is set to expire on March 17, 2023.

Construction on the project site is ongoing and is anticipated to be completed in August 2023. Therefore, an extension of the wetland permit would be necessary.

Please place this project on the next available meeting agenda so the Board may consider this request. Thank you for your cooperation in this matter.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "S. R. Garabed", written over a horizontal line.

Steven R. Garabed, P.E.
Manager of Engineering
Veolia Water New York, Inc.



1/30/2023

To: Mr. Robert Laga, Chairman
Town of Carmel Environmental Conservation Board

Re: Request for extension of SUEZ Water New York, Inc. – Geymer Well 1 & 2
Wetland Permit #979 (70 Geymer Drive, Mahopac, NY 10541)

Cc: Ms. Rose Trombetta, Secretary

Dear Mr. Laga:

This letter is to request the Town of Carmel Environmental Conservation Board (ECB) to kindly grant an extension of the wetland permit for the above referenced project.

The current wetland permit (attached) was granted on March 17, 2022, and is set to expire on March 17, 2023.

Construction on the project site is ongoing and is anticipated to be completed in August 2023. Therefore, an extension of the wetland permit would be necessary.

Please place this project on the next available meeting agenda so the Board may consider this request. Thank you for your cooperation in this matter.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "S. R. Garabed".

Steven R. Garabed, P.E.
Manager of Engineering
Veolia Water New York, Inc.



February 10, 2023

Town of Carmel Environmental Conservation Board
Carmel Town Hall
60 McAlpin Avenue
Mahopac, New York 10541

RE: MK Realty Site Plan
U.S. Route 6 and Old Route 6
Tax Map #55.06-1-44 & 45
Town of Carmel Wetland Permit #844

Dear Chairman and Members of the Board:

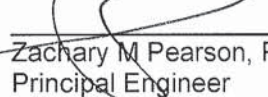
This letter has been prepared to request an approval extension of Wetland Permit #844. At the time of the last wetland permit extension in March of 2021, your Board had decided to amend the permit to have run concurrently with the Planning Board Site Plan Approval which was set to expire in March of 2023. The applicant received a re-grant of Site Plan Approval at the February 9, 2023 Planning Board meeting and is now seeking extension of the wetland permit. Enclosed herewith please find the updated Approval List for the Board's reference.

The project plans have not changed and no construction activities have taken place on the property since the wetland permit was issued by your Board in 2011. As you are aware, the applicant is actively searching for a user for the approved commercial development of the site. Should any site plan revisions be required in support of a potential user on the property, it is understood that an amended site plan approval will be required by the Planning Board and a new wetland permit will be required from your Board.

If you have any questions or comments, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By: 
Zachary M. Pearson, P.E.
Principal Engineer

ZMP

cc: Kevin Dwyer

Insite File No. 04235.100



**MK REALTY
APPROVAL LIST
February 9, 2023**

AGENCY	APPROVAL	EXPIRATION DATE
Carmel Planning Board	Site Plan	March 11, 2025
Carmel Environmental Conservation Board	Wetland Permit	March 14, 2023
Putnam County Department of Health	Sewer	February 9, 2028
New York City Department of Environmental Protection	Sewer	January 19, 2026
New York City Department of Environmental Protection	Stormwater Pollution Prevention Plan	August 16, 2026
New York State Department of Transportation	Highway Work Permit	Transferred to the new NYSDOT Permit in May of 2015. (No Expiration Date)
New York State Department of Environmental Conservation	Stormwater Pollution Prevention Plan Coverage	General Permit Coverage obtained March 19, 2011. (No Expiration Date)



LOWER HUDSON FORESTRY SERVICES, LLC

P.O. Box 756, Nyack, NY 10960
(845) 270-2071
www.lowerhudsonforestry.com

February 7, 2023

Dear Rose,

Enclosed are four copies of the Article 24 permit that was approved by the DEC for the Bullethole Road timber harvesting project. You will also find a copy of the January 19, 2023 email where Town of Carmel High Superintendent Michael Simone approves the location for the temporary driveway entrance onto Bullethole Road with the stipulations of having warning signs posted in both directions, having a flagger stop traffic when trucks are entering and exiting and the posting of the \$50,000 surety bond to ensure the road does not get damaged. Please place me on the agenda for the February 16th ECB meeting. Please let me know if you have any questions. Thank you.

Sincerely,

Christopher Prentis, CF



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: LOWER HUDSON FORESTRY SERVICES LLC PO BOX 756 NYACK, NY 10960-0756 (845) 270-2071	Facility: BULLET HOLE FARMS BULLET HOLE RD MAHOPAC, NY 10541
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Facility Location: in CARMEL in PUTNAM COUNTY

Facility Principal Reference Point: NYTM-E: 602.624 NYTM-N: 4583.624
Latitude: 41°23'51.4" Longitude: 73°46'20.5"

Authorized Activity: This permit authorizes the disturbance of NYS Freshwater Wetland OL-52 (Class II) and it's state regulated 100 foot adjacent area for the purpose of installing a temporary stream crossing bridge and selectively harvesting timber at Bullet Hole Farms.

All work must be conducted in strict accordance with the plans referenced in Natural Resource Condition No. 1 and as conditioned by this permit.

As per Natural Resource Condition No. 3, best management practices shall be employed to avoid impacts to Northern Long-eared Bat (NLEB).

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 3-3720-00455/00001

New Permit Effective Date: 1/31/2023 Expiration Date: 12/31/2026

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: TRACEY L O'MALLEY, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
 21 S Putt Corners Rd
 New Paltz, NY 12561

Authorized Signature: _____ Date 1 / 31 / 2023



Distribution List

Supervisor, Town of Carmel
S. Pawliczak, R3 Ecosystem Health
L. Masi, R3 Wildlife
M. Tupper-Goebel, NYC DEP

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign
Northern Long-eared Bat BMPs

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Christopher Prentis, Lower Hudson Forestry Services.
- 2. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 3. Northern Long-eared Bat** Best management practices shall be employed to avoid impacts to Northern Long-eared Bat (NLEB) as described in the permit attachment.
- 4. Notice of Intent to Commence Work** The permittee shall notify Sarah Pawliczak-Vacek, DEC Bureau of Ecosystem Health via electronic mail (sarah.pawliczak@dec.ny.gov) at least 48 hours in advance of the time of work commencement.



- 5. Road & Trail Erosion Controls** The permittee shall install, and continuously maintain throughout the logging operation, erosion and sedimentation measures following Best Management Practices guidelines on all segments of roads and trails with a slope leading to stream crossings. As necessary this may include cross ditching, water bars, sediment fences and staked straw bale filter barriers or other preventative measures on all roads and skid trails where silt and suspended solids would otherwise reach any stream, pond or wetland. Necessary erosion and sedimentation controls must be in place prior to the installation of the crossing to prevent visibly turbid discharges into the stream. Erosion control measures shall be adequately maintained throughout the life of the logging operation.
- 6. Approaches to Crossing** As necessary, within 50 feet of each side of the stream, approaches to the crossing shall be stabilized and maintained to prevent sedimentation entering the stream. Logs laid down in corduroy road fashion or brushmats may be used.
- 7. Bridge Placement** Bridge ends shall extend onto firm upland to prevent collapse of streambanks. Bridges shall be placed so as to span the entire bankfull width of the stream and be placed above the bankfull height of the stream.
- 8. Bridge Design** Bridge decking shall be constructed with minimal open space and sided so that no debris may fall into the water causing a sedimentation problem.
- 9. Log Landing Areas** Log landing areas shall not be located closer than 50 feet from any stream, water course or regulated freshwater wetland.
- 10. Tree Felling** Trees shall not be felled onto the immediate banks or into streams. Felling and clearing of trees within 50 feet of a stream is permitted so long as there is no disturbance to soils. Felling should follow all BMPs for activities within Riparian Zones.
- 11. Water Clarity** Stream reaches downstream of construction areas shall always remain as clear (non-turbid) as the reaches upstream of the construction areas.
- 12. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 13. No Machinery in Stream** Machinery shall not be allowed in the stream, or on its banks, where it may cause the bank to collapse.
- 14. No Gravel From Stream** No gravel shall be removed from any stream to be used as fill or for logging road construction or maintenance.
- 15. No Excavation From Stream Bed** There shall be no excavation or disturbance of the stream bed or its banks. Stream rocks, sediment or any other stream bed or bank material may not be moved or disturbed during the installation, maintenance or removal of the crossing.
- 16. No Impedance to Aquatic Organisms** Structures must not impede upstream and downstream migration of aquatic organisms.



17. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within the state regulated freshwater wetland or its 100 foot adjacent area.

18. Stream Crossing Removal and Restoration Immediately upon job completion, all authorized bridges must be removed. All backfill material within the banks used to stabilize the bridge shall be removed without excavating into the original stream bed or banks. The site shall be returned to original contours. Exposed areas should be planted with a conservation seed mix and other suitable woody plants to stabilize the site and restore it to its pre-construction character. Temporary stabilization techniques such as natural fiber matting or straw mulch must be maintained until a mature vegetative cover is established. (Hay is not acceptable mulch, owing to its potential to introduce invasive weed seeds).

19. Disposal of Material Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated waterbody or wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

20. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

21. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

22. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.



Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

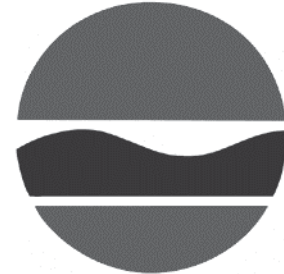
Item E: SEQR Type I Action, DEC Lead Agency, No Significant Impact Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as a Type I Action with the Department of Environmental Conservation designated as the lead agency. It has been determined that this project will not have a significant effect on the environment.



New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department condition on it, contact the DEC at 845-256-3054. Please refer to the permit number shown when contacting the DEC.

Lower Hudson

Permittee: Forestry Services LLC

Permit No. 3-3720-00455/00001

Effective Date: January 31, 2023

Expiration Date: December 31, 2026

Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is NOT a permit.

Requirements for Projects That Do Not Result in a Change of Land Use within Northern Long-eared Bat (NLEB) Occupied Habitat

November 1 to March 31

During this period of time, the NLEB are inactive and are within the hibernacula.

- No cutting of any trees may occur inside of the ¼ mile buffer around a hibernaculum.
 - Please note that if any tree clearing activities are required within ¼ mile of a hibernation area for NLEB, you may be required to obtain a permit from the US Fish and Wildlife Service.

April 1 to October 31

During this period of time, the NLEB are active and will be found outside the hibernacula.

- Within 5 miles of known hibernacula or within 150' of documented summer occurrence the following cutting restrictions apply:
 - Leave uncut **all** snag and cavity trees unless their removal is necessary for protection of human life and property. For the purposes of this guidance, protection of human life and property includes removal of trees that, if not removed, could result in the loss of electric service. Snag and cavity trees are defined under [DEC Program Policy ONR-DLF-2 Retention on State Forests](#).
 - Leave uncut all known and documented roost trees, and any trees within a 150 foot radius of a documented summer occurrence.
 - Please note that if you plan any tree clearing activities within 150 ft of a summer occurrence for NLEB during June or July, you may be required to obtain a permit from the US Fish and Wildlife Service.
 - If any bats are observed flying from a tree, or on a tree that has been cut, forestry activities in the area should be suspended and DEC Wildlife staff notified as soon as possible.
- Within a ¼ mile of a hibernaculum, leave all trees uncut unless their removal is necessary for protection of human life and property.
 - Please note that if any tree clearing activities are required within ¼ mile of a hibernation area for NLEB, you may be required to obtain a permit from the US Fish and Wildlife Service.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of
Environmental
Conservation

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit. **It has also been requested that you contact Jean Marc Roche, NYCDEP at 914-749-5359 prior to work commencement.**

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

Michael V. Drosso

Division of Environmental Permits, Region 3
Telephone (845) 256-3165

- Applicable only if checked. All work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.
- Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>
- Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505.



Department of
Environmental
Conservation