

Southeast Conservation Commission

APPROVED MINUTES FOR February 22, 2005

All Present

Pledge of Allegiance

Motion, second and unanimous consent to open the meeting.

WORK SESSION

Vita Subdivision, Brewster Hill Road – Paul Lynch of Putnam Engineering addressed the SCC on behalf of the applicants, the Vitas. This proposed subdivision involves the creation of two new building lots. The application for a wetlands permit has been modified by removing the sub surface sanitary disposal system on lot #3 from the controlled area. The remaining activities within the controlled area are the designated septic reserve area and a well. The public comment period for the notice of complete application expired on January 29, 2005. The mailings were in order and the fee was paid.

CHAIR – Can you tell us why the well cannot be dug outside of the wetland buffer?

Paul Lynch (PL) – Putnam County Department of Health requirements state that the placement of wells must be at least 200 feet from sub surface waste treatment areas.

Member Tringali (PT) – I thought the requirement was 100 feet?

PL – No, when there is a water supply down hill from the sanitary disposal area the minimum distance requirement is 200 feet.

CHAIR - Are there any other questions from board members? Since there are no further questions is there a motion to set the public hearing date for March 22nd?

Member Langley (ML) – I'd like to motion that a public hearing date be set for March 22nd?

(PL) - Second.

CHAIR - Discussion? Without objection the public hearing is set for the Vita Subdivision application on March 22nd at 7:30 PM at Lakeview Manor.

Waterview Estates Subdivision – Theresa Ryan of Insite Engineering and Richard O’Rourke Esq. appeared before the SCC on behalf of the applicant, Daniel Gizzo.

This is a parcel of approximately 40 acres located along Allview Avenue and Route 22. The site is adjacent to the Diverting Reservoir and within the Diverting Reservoir Basin. The site is zoned R-160. The land is a mixture of woods and brush. The proposal is to create 4 residential lots with access off of Allview Avenue.

There are 2 local wetlands, one located in the central portion, and a smaller one located in the northeast portion of the property. The central wetland is approximately 1 acre and the smaller wetland is approximately .02 acres. The wetlands have been surveyed and indicated on the plans. The wetlands and appropriate buffer areas have been flagged.

The property contains steep slopes with the exception of the area to be developed and the central wetland corridor. Soil types have been ascertained and a breakdown is provided on the maps and in the Storm water Management Report.

CHAIR – Can you explain the volume of store water runoff this project will generate and how it will be collected and disposed of?

Theresa Ryan (TR) – Generally speaking the majority of storm water runoff will be collected and discharged to a proposed storm water basin via grass swales and subsurface collection systems. The water run off from the access road at the front of the property will be collected and pumped to the rear of the property where it will discharge into a large storm water basin for initial treatment, discharged into a water quality swale for secondary treatment and finally discharged into the stream.

CHAIR – What about water quality entering the stream?

TR – Storm water management for this property requires compliance with NYCDEP and NYSDEC requirements. In order to meet these requirements a combination of swales and the large basin were designed in series. As required by NYCDEP, the 24 hour detention of the 2 year, 24 hour storm has been provided which also satisfies NYSDEC requirement for stream channel protection.

Member Tringali (PT) – I noticed that there are areas of what appears to be substantial cut and fill along the area of the proposed main road. Can you explain the amount of disturbance and how you will protect the wetland, watercourse and buffer areas from erosion and what means will you use to control sediment?

TR – The entrance for the private road was selected because it has the best site distance to the left. Regrading will be necessary along the front in order to obtain proper site distances to the right. The plans were reviewed and modified after consultation with the Town engineer and Highway Superintendent to provide 335 feet in both directions for site distance. The private road crosses over a locally regulated controlled area. The wetland is located at the center of the property and has been flagged. A portion of the

road will be in the buffer area. There is also a watercourse in the middle of the wetland which is regulated by local law and the NYCDEP. This portion of the watercourse is intermittent and we were advised to move one of the driveways so that it (driveway) is now 51 feet from the edge of the watercourse. As you know DEP has restrictions on impervious surfaces within certain distance of a watercourse. There will be only one crossing in the buffer over land that has already been disturbed. There will be new disturbances. Fill and cut will be associated with the construction of the road. Also, a drainage pipe will be installed in the buffer that will serve to discharge water to a swale leading to the large storm water detention basin, which will also be partially in the buffer area. A discharge water quality swale will also be partially in the buffer to channel flow into the watercourse.

The driveways will be paved and meet the town standards for private roadways. Deep test holes were dug and it is expected that we will hit rock. A rock cut is proposed to minimize excavation. Fill and cut locations are noted on the plans and there will be one storm water detention basin to collect all storm water run off from the property. A sub surface collection system has been designed to include drain and curve inlets. Drain inlets will be at the entrance of the property and piping will channel run off to the rear of the property where the swale will direct it to the basin. The secondary treatment will be a water quality swale which will discharge into another grass swale containing stone check dams before entering the intermittent watercourse. Complete details of the storm water management system are contained in the Storm Water Management and Pollution Prevention Plan now under review by the NYCDEP.

CHAIR – Chairman Fasano requested that copies of the Storm Water Management Report be sent to SCC members for their review.

A discussion ensued about the possibility of alternative plans that would have fewer incursions into the wetland buffer areas. Mr. O'Rourke explained how this application has evolved and cited instances where measures were taken to avoid and minimize wetland and buffer disturbance. For example, a private road, one private residence and one storm water basin were removed from the original plan. There is no wetland disturbance. A negative declaration under SEQRA was issued by the Planning Board.

SCC members inquired into construction phasing, tree preservation, storm water infrastructure maintenance, blasting, road alignment and grading. The applicant responded that there will be some rock removal that will be used as fill for the road. There will be about 700 cubic yards of excavation within the buffer area. Stockpile locations were detailed on the drawings. Orange construction fencing will be placed along the buffer line to prevent erosion and damage from equipment. A plan outlining construction sequence was submitted as well as a soil and erosion control plan with details. The applicant will prepare a tree and forest preservation plan to the Planning Board that will protect specimen trees outside of the disturbance area. Future home owners will be responsible for maintaining storm water infrastructure devices under a maintenance agreement. The access road, especially at the turn could not be aligned further away from the buffer. In fact, this part of the road had to be lengthened to meet

Town grading requirements for private roads – the Town requires a 12 percent maximum grade.

There were no further questions and a motion to notice the application complete was seconded and approved by a vote of 7-0.

Terravest 3 - LADA submitted a modified proposal based on the questions and recommendations made by the SCC. Written responses were provided to each SCC member, along with map revisions and a new independent biological and environmental report and survey authored by Michael Nowicki. Also, letters from the United States Fish and Wildlife Agency and the New York State Department of Environmental Conservation were submitted to document wildlife and vegetation on the subject property.

Mr. Robert Torquenson provided a review and analysis of the Nowicki report which detailed and identified potential wildlife and vegetation issues that were part of the NYSDEC findings. The report also provided specifics (specifically pages 10&11) with regard to potential impacts on the function of wetland and buffer areas and recommendations where applicable. Water quality issues were also addressed in this report. The report was limited to the T3 site but earlier studies did include T2.

Detailed maps indicate that the subject property is not in nor does it drain toward the Lake Tonetta and Ice Pond watersheds. Drainage from the Terravest 3 site runs southward, underneath Route 312 along the railroad tracks. Specific Town concerns about flooding at the end of Zimmer Road and where Route 312 crosses the Railroad tracks are reflected in the size of the proposed detention basins.

The revised plan before the SCC indicates 5.71 acres of proposed disturbance to the buffer areas as opposed to 8.07 acres of disturbance in the last proposal. The reduction in buffer disturbance was accomplished by several means. First, a series of retaining walls were added to the back of the property and the lower terrace was redesigned. Changes were made to the proposed Town Park that eliminated 50% of the proposed parking spaces, relocated the bath room structure and reduced grading. Also, an additional reduction of .25 acre disturbance from within the 100 foot buffer was achieved by further pulling in the retaining walls and redesigning the unit that had been previously partially in the buffer area. When queried by the Chairman and members about potential run off from the stepped hill, the applicant responded that run off will continue to sheet flow as it does currently but the run off from the back of the aforementioned unit to the retaining walls will be picked up and discharged by pipe to the detention basin. Additional soil and erosion measures, such as temporary swales will be placed to handle the flow and drainage during the construction phase of this area. There is a Town requirement that limits the height of the retaining walls to 10 feet.

Chairman Fasano requested the applicant explain and review changes made regarding the access road, highlighting the advantages and disadvantages of the roads location under both plans. The previous road proposal had two tenth's acre of buffer disturbance,

however, by moving the structure out of the buffer area under the modified proposal about twenty 40 foot mature specimen trees would have to be cut down. Chairman Fasano asked for SCC members to comment on the weighing the .25 acre of disturbance with the removal of trees. There was general consensus that the maintenance driveway remain in the buffer area and that the trees be spared, but members wanted to revisit the site for further evaluation and review.

The issue of turbid water originating from the site was brought up by Board member Cuomo. A discussion ensued regarding the storm water mechanisms used on site to contain water volume and maintain water quality. Inspection and monitoring reports from the NYSDEC will be circulated to the SCC to document that there are no violations and that the design and function of the basin meet NYSDEC standards.

A letter was brought to the attention of the Chairman by Member Cuomo from a resident (Vincent Caterina) of 120 Pumphouse Road. The letter was read and described the ponding of water behind the resident's house. This was explained as a relatively new phenomena and the exact source of this water or how it came to find its way there is undetermined. The inference, however was that there might be a connection to the Terravest Development, specifically T2 and the series of detention basins that were previously approved by the SCC and the Town Board which issued a permit for their construction. Board member Cuomo expressed his concern that there might be an increase in wet area west of Lake Tonetta and that it might be associated with drainage from the T2 site and that any additional drainage that may occur as a result of T3 would impact this area. He indicated that if there is a connection between the high water levels at these locations it will increase greatly by the new construction at T3. LADA will respond to these concerns in writing.

Board member Cuomo then read information from various sources concerning the cedar swamp watershed area, the significance of the Atlantic White Cedar and its ranking (S1 under the Natural Heritage Program) and the danger of extinction and protected status of the Atlantic White Cedar stands. (there are two, north of Lake Tonetta and at Karlsen Lake) Citing the Town's Master Plan recommendation that this watershed area should be a designated critical environmental area a brief discussion among SCC members ensued and the Chairman summarily noted that if there is a connection between drainage from the subject property and the watershed areas mentioned that SCC would look into it. The applicant stated and will document drainage patterns that show no connection and that drainage from the subject property does not go in the direction of the Lake Tonetta and Cedar Swamp watershed areas. The Chairman stated that the SCC would need time to read and absorb the package of material submitted by LADA and to re visit the site. The project will be placed on the March agenda for continued review.

Bucaj Lot –this application to construct a pool, fence and patio was noticed complete and the comment period has expired. The applicant's representative was not in attendance and the SCC deferred its review.

Red Rooster Ltd. - The application was mailed to the SCC members. Originally identified as a violation, the Wetlands' Inspector walked the site and provided the SCC with a brief overview of the projects' status. The fee was mailed in according to the applicant and will be verified by the Chairman. A motion was made by Board member Anthony, seconded by Board member Tiernan and approved by a vote of 7-0.

Before adjourning, the Chairman distributed a letter from Martha Shortlidge addressed to individual Board members inviting them to walk her property which is next to the Terravest property.

The meeting was then adjourned at 9:30 pm.

Respectfully submitted,

Stephen V. Fasano
Chair, SCC