

Town of Southeast
Conservation Commission
One Main Street
Brewster, NY 10509

MINUTES FROM THE MEETING
OF
May 30, 2006

PRESENT: Susan Anthony, Don Cuomo, George Hauser (Wetlands Inspector and Acting Chairman), Michael Langley, Mary Ellen Tiernan, Peter Tringali and Graham Trelstad (Town Planner).

ABSENT: There is one vacant seat on the Conservation Commission.

ORDER: 7:30 p.m.

AGENDA:

Pledge of Allegiance

Public Hearings:

Jonke Building Lot – Harry Nichols, representing the applicant, appeared before the Commission and provided certified mailing receipts of notice to property owners within 500 feet of the project site. Mr. Nichols indicated that this application for a Wetland Permit is for a single-family dwelling on a 17-acre parcel on Joe’s Hill Road. Mr. Nichols indicated that the Conservation Commission had previously granted a Wetland Permit for a single-family residence and septic system within the Wetland Controlled Area, but that the site had been rezoned to R-160 which caused the house location to change to the interior of the property. This change would necessitate a crossing of an intermittent watercourse and wetland with a driveway, sewer line (to septic system), and water line.

Mr. Bruce Bauer questioned whether there would be any impact to New York City watershed properties in the vicinity. Mr. Nichols responded that the intermittent nature of the stream and the use of erosion and sediment control devices during construction would limit any impacts to adjoining properties including reservoirs.

There being no further public questions and on a Motion by Mr. Tringali (seconded by Ms. Anthony), the Commission declared the Public Hearing closed. On a further Motion by Ms. Anthony (seconded by Mr. Tringali) the Commission voted to send a Positive Determination to the Town Board to grant the Wetland Permit (approved 6-0).

Regular Meeting:

Salmon Daily Brook, Lot 49 – Ross Alan, applicant, appeared before the Commission. It was noted that the Commission was unable to make a formal determination at its last meeting due to a lack of quorum. Members of the Commission questioned Mr. Alan on

the resolution of issues previously discussed regarding modifications to the site which a neighboring property owner claims caused flooding on his property. Mr. Alan indicated that his engineer, Joe Buschynski evaluated the situation and determined that the modifications to the drainage channel on the subject property could not have caused the extent of flooding witnessed by the adjoining property owner.

On a Motion by Ms. Anthony (seconded by Mr. Tringali) the Commission voted to send a Positive Determination to the Town Board to grant the Wetland Permit (approved 4-2).

Pennella LLC Site Plan, 261 Fields Lane – Jason Leper of Jay Fain & Associates, representing the applicant, appeared before the Commission. The application is for a 6,000 square-foot warehouse/office use on Fields Lane for a landscaping business. A Wetland Permit is being sought for encroachment in the Wetland Controlled Area for construction of a stormwater basin and grading.

The Commission questioned the status of approvals before other boards. Mr. Trelstad indicated that the Planning Board held a public hearing on this application on January 9, 2006 and issued a Negative Declaration under SEQRA on January 31, 2006. The Town Board held a public hearing on the Special Permit application on May 25, 2006 and is expected to vote on the Special Permit at an upcoming Town Board meeting.

The Commission asked the applicant if he would be willing to use pervious paving to reduce the total amount of impervious surface area (approximately 14,200 square feet including the 6,000 square-foot building) and installation of a green roof. Mr. Pennella, the applicant, stated that he is willing to consider use of pervious paving in an approximately 1,000 square-foot area designated for parking in front of the building. Other areas indicated to be paved on the site plan would not, according to the applicant, be appropriate for pervious paving due to the anticipated truck traffic associated with his business.

On a Motion by Mr. Cuomo (seconded by Mr. Langley) the Commission voted to send a Positive Determination to the Town Board to grant the Wetland Permit with the condition that the applicant include pervious paving wherever possible to the site plan (approved 5-1).

High Meadow Farm – Harry Nichols, representing the applicant, appeared before the Commission. Mr. Nichols provided copies of the following correspondence for the Commission's consideration:

- E-mail from Joseph M. Dillon, P.E., Nathan L. Jacobson & Associates, Inc., to Harry Nichols, P.E. dated March 28, 2006;
- Letter from Matthew Gianetta, NYCDEP, to Harry Nichols, P.E. dated May 30, 2006.

Mr. Dillon's communication indicated that he had reviewed the information provided by Mr. Nichols regarding the proposed leaching pits and that "the pits should function properly even when taking into consideration that they will lose leaching efficiency over time due to clogging by fine particles."

Mr. Gianetta's communication provided four comments on the Drainage Report and associated drawings (last revised 5/19/06) submitted to NYCDEP in support of the

applicant's application for a Stormwater Pollution Prevention Plan. Mr. Gianetta's letter requests minor changes to the design of the leaching pits including adjusting the bottom elevation of dry wells #2, 2a, and 2b to meet the minimum four foot separation to highest groundwater, inclusion of stone check dams, and addition of notes to design drawings.

Mr. Trelstad noted to the Commission that it was his understanding that the Planning Board had not yet issued a determination of significance under SEQRA for this application and that the applicant was before the Commission at this time for an informal referral and the Commission's recommendation on the matter of the determination of significance. Ross Alan, applicant, questioned whether this interpretation was correct and contended that a Negative Declaration granted for a previous version of the subdivision was still valid. Mr. Trelstad indicated that he would consult with the Town Attorney on this matter. Mr. Trelstad recommended to the Commission that it could consider a motion for formal Determination and allow the Town Attorney time to research the matter prior to formal issuance of a Wetland Permit by the Town Board or defer making a formal Determination pending the results of the Town Attorney's research.

On a Motion by Mr. Tringali (seconded by Ms. Anthony) to adopt a Positive Determination on the application, the Commission voted 3-3. This Motion failed.

On a further Motion by Mr. Cuomo (seconded by Mr. Langley) the Commission voted to defer formal action on this application pending resolution of the validity of the SEQRA Negative Declaration (approved 6-0).

JP International Subdivision – Harry Nichols, representing the applicant, appeared before the Commission and provided certified mailing receipts of notice to property owners within 500 feet of the project site. Mr. Nichols indicated that this application for a Wetland Permit is for a three-lot subdivision of a 35-acre parcel on Old Milltown Road.

On a Motion by Ms. Anthony (seconded by Mr. Langley) the Commission voted to notice the application complete (approved 6-0).

The Commission questioned whether the center-line of the proposed driveway had been staked as requested. Mr. Nichols indicated that Ted Koslowski had flagged the wetland boundary approximately six weeks ago. There were no further questions from the Commission.

Mr. Nichols asked if the Commission would waive the public hearing requirement (pursuant to §78-4.b(2)) given the apparent absence of any public objection to the application. The Commission discussed the request and questioned whether any communications had or had not been received by the Town. Mr. Trelstad indicated that the receipts of certified mailing were dated April 7, 2006 and that he was not aware whether any correspondence had been received by the Town.

On a Motion by Mr. Tringali (seconded by Ms. Anthony) the Commission voted 3-3 to waive the public hearing. This Motion failed.

Following further discussion among the Commission members a revote was taken on the preceding Motion. The Commission voted 4-2 to waive the public hearing.

Farms Subdivision, Lot 4 – Henry Keil, applicant, appeared before the Commission and provided certified mailing receipts and a copy of a published notice of complete

application dated April 5, 2006. The applicant is seeking to construct a single-family residence and septic system on a 7.6-acre parcel located at 22 Mill Farm Lane in the Farms Subdivision which received Final Subdivision Plat approval in 1987. The applicant was referred to the Conservation Commission by the Putnam County Department of Health which included as a condition of a permit for a septic system to either receive a Wetland Permit or to receive a formal letter stating that a Wetland Permit is not required for the project.

The Commission discussed the applicability of the new Wetland Controlled Areas to this project. Mr. Trelstad indicated that the subdivision had been reviewed and approved prior to the change in Local Law that increased Wetland Controlled Areas and that the Final Plat presented by the applicant appears to show Lot 4 in compliance with the then-applicable 100-foot buffer requirement. Mr. Trelstad indicated that he would consult with the Town Attorney on the applicability of new buffer distances to this application and whether this application requires a Wetland Permit at this time.

On a Motion by Mr. Cuomo (seconded by Mr. Langley) the Commission voted to defer action on this application pending advice from the Town Attorney (approved 6-0).

At 9:25 PM a Motion was made to close the May 30, 2006 meeting of the Town of Southeast Conservation Commission (approved 6-0).