

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

**MINUTES FROM THE MEETING**  
**OF**  
**June 28, 2005**

**PRESENT:** Steve Fasano (Chairman), Susan Anthony, Michael Langley, Mary Ellen Tiernan, Peter Tringali and Angela Morelli (AA)

**ABSENT:** George Hauser (Wetland Inspector), Don Cuomo

**ORDER:** 7:30 p.m.

**AGENDA:**

*Pledge of Allegiance*

Approval of April 2005 Minutes- The minutes are unanimously approved.

Board Discussion: Waterview Estates - The applicant has asked to be deferred until the July meeting.

Mr. Fasano states that the redelineation of the wetland and buffer boundaries has been done by Evans and Associates who were hired by the property owners. It has been flagged so the members need to take another look.

Mr. Fasano wants to discuss the documents received after the public hearing from Mr. George Yourke, and from the consultants hired by the public. The applicant has also received each of these documents and they will address each issue at the next meeting. There are recommendations in the summary of the consultants' report that this Board needs to look at and consider. **See Attached Report.**

The boardmembers agree with each of the first few recommendations. Mr. Fasano states that he will follow up with the applicant to be sure they respond and put into place those recommendations.

Recommendations six and seven can become requirements of this board's determination and recommendation to the Town Board.

Records review for New York's Natural Heritage Program is a simple Phone call and is usually done under SEQR. In this case there was only an Environmental Assessment Form done, but to Mr. Fasano's recollection it was done. If it was not he will have the applicant check on it, and he will check on it also.

In reference to the second point, it is agreed that additional studies are needed, and the applicant has assured Mr. Fasano that those studies will be done. In reference to the first point, it has never been the policy of the Board to directly apply to the Army Corps of Engineers for a jurisdictional determination. That is usually left up to the applicant. Even if the jurisdictional determination made by the ACOE indicates that there are no wetlands in their jurisdiction it does not mean that there are no wetlands. The Board needs to determine what other, if any, further information is necessary.

Ms. Tiernan notes that the Consultant's statement that it would be preferable from both the ecological and hydrological standpoints to access the site from Rte. 22 is a very important statement. The eight points and that particular statement which is not part of the eight points all need to be addressed.

Mr. Fasano states that it is his understanding that an alternate plan was not formally presented to the Planning Board, but that it was mentioned within the context that NYC would not permit it. If this Board decides that the Allview Avenue access is going to be detrimental to the wetlands then the applicant will need to look to the City for relief, however access from Rte 22 could very well have the same impact to wetlands on that part of the property.

Mr. Fasano asks that all members come prepared to the July meeting with their lists of questions and items to discuss. He strongly urges all members to re-visit the site.

Ross Alan- Mr. Joe Buschynski of Bibbo Associates is now representing this project. He has come in for a preliminary review, and will be submitting an application. Mr. Fasano reviews the past minutes regarding the Ross Alan property for the benefit of Mr. Buschynski and the Board members.

Mr. Buschynski presents a working sketch of the property with the wetlands and buffers, delineated by Evans and Associates depicted, and gives an explanation of where he plans to locate the house and driveway. The wetland and buffer impacts the old plan for development of the lot which was approved at an earlier time. The former, approved fill pad for sewage disposal is shown and it does touch the wetland and encroach into the buffer. He laid out a septic system that would accommodate a three bedroom home and an expansion area and still maintain the proper distances from the neighbor's well and this site's own well.

Mr. Fasano notes that half of the house is located within the 100 foot buffer and most likely the buffer will be larger than that. If the buffer is 133 feet, part of the primary SSTS and part of the expansion area will fall into buffer as well as more of the structure.

Mr. Buschynski states that half of the house is located on the old fill pad which is clearly a disturbed area. The alternatives would be changing the angle of the house, or

switching the garage and the house, but he thinks this is the best plan regarding impact. He prefers to keep the driveway farthest away from the buffer, and the placement of the house on the lot is determined by the setbacks from Milltown Road and Salmon's Hollow. Most of the lot is in the controlled area. The site had approvals at an earlier time and could have been built on, but was not. He is trying to make the best effort to separate the activity from the controlled area. The area is flagged.

In regards to the violation: Adjacent to the fill pad, there was a ravine that took the curtain drain discharge. Apparently that was filled over and graded off.

Mr. Fasano suggests that Mr. Buschynski pursue the application and the violation will be taken as part of the application.

Wetland Inspector's Report - Mr. Hauser is not present so the report is deferred until next month.

aem