

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

DRAFT

**MINUTES FROM THE MEETING**  
**OF**  
**July 26, 2005**

**PRESENT:** Steve Fasano (Chairman), Susan Anthony, Don Cuomo, George Hauser (Wetland Inspector), Michael Langley, Mary Ellen Tiernan, Peter Tringali and Angela Morelli (AA)

**ABSENT:** None

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

**AGENDA:**

*Pledge of Allegiance*

Approval of May & June 2005 Minutes- The minutes of May & June are unanimously approved with the June attendance amended.

Baroody: This application was originally to be a two-lot subdivision. However, due to DEP and Conservation Commission concerns, the two lots have been combined into one. Mr. Harry Nichols explains that this will be a less intensive configuration. There will be one four-bedroom dwelling, with fewer disturbances. There is one driveway. As suggested, the primary system has been kept as far as possible from the wetland.

Mr. Fasano asks for the details of the disturbance. The driveway, the well, the house, the pump up system for the SSTS, and the primary SSTS are all in the buffer.

Mr. Fasano asks Mr. Nichols to present a modified application and the application will be noticed again. Mr. Fasano also asks that the stream buffer be re-evaluated with soils and slopes. The buffer may be larger than 100 feet; if so, the stream buffer flagging may need to be changed also. The total amounts of disturbance for the three areas must be clearly listed. Mr. Fasano asks that the narrative of the erosion control be listed on the map as well. NYS Heritage Program be consulted in reference to Endangered and protected species.

Mr. Fasano asks that the decrease in disturbance be quantified also.

Mr. Fasano suggests that Mr. Nichols look again at the plan to determine if there is any other possible way to decrease the disturbance on this one lot plan.

Ann Shelbourne and Jeremy Shelbourne, the previous owners of this subdivided property, request to speak.

Mr. Fasano notes that this is not a public hearing, but allows a short comment.

Mr. Shelbourne remarks that the wetland boundary is not the stone wall.

Mr. Fasano asks if they have documentation, in writing from a qualified source, supporting this

Mrs. Shelbourne states that she does.

Mr. Fasano asks that a copy be submitted to this board and to the applicant.

Red Rooster: Mr. Paul Lynch is present this evening. The mailings are in order, no responses were received and Mr. Tringali makes a motion to waive the Public Hearing. Ms. Anthony seconds the motion. All are in favor.

Mr. Langley makes a motion to forward a positive determination to the Town Board. Ms. Tiernan seconds the motion. All are in favor.

Outdoor Riding Arena – Represented by Dave Johnson of Zarecki Associates and Mr. Garber for the applicant.

The applicant is constructing a riding ring on a 20 acre parcel off of Nelson Boulevard. A stop work order was received by Mr. Harper TOSE Zoning Officer for bringing in more than the allowable amount of fill. 3,500 CY have been brought in. He would like to bring in another 1,400 CY of fill. The proposed riding arena is partially in the wetland and in the buffer area. The materials brought in are very permeable so the water will not run off, but will permeate down. The present substance is clay. The clay is taken out and replaced with the material that will not allow ponding of water. The property has an agricultural exemption through the county.

The original survey did not show wetlands in the area they are disturbing. This was not done intentionally.

Mr. Fasano asks if any alternatives have been considered that will keep the arena completely out of the wetland area, and as far away from the buffer as possible. He also asks for the amount and type of fill being used in each of the areas. A soils study needs to be done also to determine the proper buffer area.

3500 CY of fill are already in place so alternatives are not an option at this point. It is already there.

Mr. Fasano asks if the fill in the wetland and buffer areas is the only disturbance.

That is the only disturbance, and the arena has been made smaller than originally planned. There will be mitigation to restore some of the previously disturbed area near the stream.

The board members need to go out and look at the site. There are questions regarding the agricultural exemption that need to be researched as well. The applicant will do the research and submit the findings. Mr. Hauser points out that the runoff will be laden with manure and urine.

Mr. Tringali would like to visit the site during a heavy rainfall to confirm that the water does not runoff. Mr. Garber agrees and offers to bring in the gentleman that designs the arenas if necessary to explain how the water percolates down and does not run off.

Quinn Subdivision – Represented by Theresa Ryan of Insite Engineering. The applicant owns a number of properties along Turk Hill and Allview Avenue. There will be a lot line adjustment to make one lot larger and allow a portion of the lot to be subdivided into two lots. Each lot will be about 10 acres.

There will be portions of the common 190 feet of common driveway, and 230 feet of one of the individual driveways that will fall within the buffer. There will also be a portion of the swale in the buffer area. The

total area of disturbance is about .38 acres consisting of 540 CY of fill and 15 CY of cut. (Driveway, grading, and infiltration areas)

The state wetland boundaries are flagged, but the local wetland needs to be flagged.

Mr. Fasano would like a narrative of the soils and vegetation on the map. The site also needs to be flagged so the board members can go out and look at the site.

Turk Hill East – Represented By Theresa Ryan.

This lot is also about 43.5 acres. It is three tax lots, but the deed says it is one lot. A five lot subdivision is being proposed. One lot will have a single driveway from Allview Ave. without any disturbance to the buffer or wetlands so it will not be part of the application. Off of Turk Hill road a proposed single access point for a common driveway will branch quickly into two individual driveways.

There is approximately .4/10 of an acre of disturbance in the 160 foot buffer area.

Mr. Fasano encourages the members to contact Theresa Ryan for a site walk.

Waterview Estates – Represented by Theresa Ryan.

A letter dated July 20<sup>th</sup> has been received by the Board from Mr. George Yourke. The letter is relevant to the Rte. 22 access which is not being looked at tonight.

Mr. O' Rourke has a copy of a letter from the DEP dated March 1998 indicating that a driveway is prohibited because it crosses the reservoir stem. This is after the new DEP watershed regulations went into effect.

The wetlands have been redelineated by Ron Gautreau. On June 10 he, a soil scientist, and Beth Evans, a wetland scientist had revisited the site. In the lower portion of the site the existing flagging was where they would have marked it except for two or three flags that they moved out making the area larger by about 10 to 20 feet. A more significant change was made to the southern portion of the upper area where the wetland was extended by about 100 feet upland. The area meets the Town's definition of a wetland, but does not meet the Army Corps Of Engineers definition of a regulated wetland. There are no wetland impacts, so there is no Army Corps permit needed. The ACOE does not regulate buffers.

Mr. Cuomo was in full agreement with what we did in the field. Nothing was flowing, but that is fully expected in June when the trees foliate, and the water tables drop. There is a slight increase in the buffer that surrounds the watercourse.

The wetland is receiving hydrologic input from the entire area. The culvert will prevent any water from being trapped upland, and the adjoiner's engineer has agreed that the culvert is sufficient.

Insight has contacted the NY Natural Heritage Program and they have no record of any protected species on the site. Mr. Gautreau thinks his letter sufficiently covers the points from Mr. Youke's consultants.

Mr. Fasano asks if the possibility of a tree barrier has been discussed with the applicant. It will be discussed, and it will be discussed with the Planning Board as well. He also asks if any ponding of water was observed. Mr. Gautreau states that no ponding of water was observed.

A motion for positive determination is made by Mr. Tringali. Mr. Hauser seconds the motion. Five are in favor. Two are opposed.

**Roll Call Vote:**

Ms. Anthony – Yes

Mr. Hauser – Yes

Mr. Langley – Yes

Chairman Fasano – Yes

Mr. Tringali - Yes

Mr. Cuomo - No

Ms. Tiernan - No

Wetlands Inspector Report – Tilly Foster, at the corner of Prospect Hill and Rte 312. They are installing drains but they are outside the 50 foot watercourse buffer.

Ms. Anthony makes a motion to adjourn. All are in favor.