

From AEM to 279-4399 at 9/27/2004 12:15 PM 00

Town Of Southeast
Conservation Commission
1 Main St. Brewster, NY 10509

DRAFT MINUTES OF THE MEETING FOR August 24, 2004

PRESENT: George Hauser (Acting chairman, Wetland Inspector), Susan Anthony, Don Cuomo, Mary Ellen Tiernan, Peter Tringali and Angela Morelli (AA).

ABSENT: Steve Fasano (Chairman). Michael Langley,

ORDER: 7:35 p.m.

AGENDA:

Pledge of Allegiance

Baroody Public Hearing - Ms. Anthony makes a motion to open the public hearing. Mrs. Tiernan seconds the motion. All are in favor. Mr. Harry Nichols' Jr. P.E. is present to represent this project.

These are the two remaining lots from the Shelbourne subdivision. In 1986 & 1987 permits were issued for each lot. Subsequently the permits have expired. The pre-requisite for obtaining new Department of Health permits is a wetland permit. The NYC DEP and the Putnam County Health Department both require a minimum of 100 feet from the watercourse.

Mr. Hauser asks the board members if there are any questions.

Mr. Tringali asks why the septic is so long and narrow, extending further into the questionable area rather than widening parallel to the house.

Mr. Nichols replies that they will have to check on this with the PCHD. The new perks were done to the left and right of the house. They require that one test hole be shown in the primary area and the expansion area. We have to keep a 100% reserve area. If the whole area is approved this would be a better scenario. If this board would perhaps request such testing the PCHD would honor that request.

Mr. Cuomo again asks if the applicant has thought about combining the lots.

Mr. Nichols states that there are no alternate plans.

Mr. Shelbourne, a member of the public asks to see the property and wetland lines. Mr. Nichols invites Mr. Shelbourne to take a closer look at the map, and explains all of the boundaries.

Mr. Shelbourne asks how far the encroachment will be into the buffer.

Mr. Nichols explains that the buffer extends almost to the front of the property - 166 feet due to the new regulations.

Mr. Shelbourne reads the initial letter he sent to the Conservation Commission in response to the notice of application to clarify their position.
SEEATTACHEDLETTER.

Mr. Shelbourne then reads aloud a letter submitted by Mr. Ted Koslowski, the Environmental Conservation Inspector for the Town of Patterson
.SEEATTACHED)LETTER

Mr. Shelbourne states that they would like the law to be maintained. He did not realize that the entirety of the property was in the buffer area, so perhaps there is room for compromise. In the overall picture, he does not want to feel that he was part of a great expansion of building in the Town of Southeast that overrides these laws.

Mr. Hauser explains that this board is waiting for input from DEP. and that this Board's Law allows for determining each project on its own merit.

Mrs. Edie Keasby is speaking on behalf of Mr. Koslowski, FROGS, and herself She states that Mr. Koslowski has asked that she relay for him that he is completely opposed to this -he does not want septic in the buffer areas. She notes that this area of the Great Swamp is the most pristine, and this buffer intrusion will have a great impact on this pristine area that reaches from Ice Pond Road to Pine Island. She asks. as a Resident of Patterson, that this board not allow this situation to become worse by adding an additional home where homes should not have been built in the first place.

Ms. Eckhardt asks that if the lots were combined into one lot if the septic could be out of the buffer.

Mr. Nichols replies that merging the lots will not change the impact to the buffer. He will ask the Health Department if the system can be reconfigured, as Mr. Tringali had asked. to lessen the impact to the buffer.

Ms. Eckhardt states that CRSE would like the lots to be reconfigured into one lot - it will be better for the environment. Referring to Mr. Shelbourne's previous comments, she states that these laws are circumvented all the time from this board and there is a point where the citizens are tired of hearing it. This project is not setting precedent because the precedent has already been set.

Judy Terlizzi President of Putnam County Land and Trust notes that they own two land preserves affected by this property. They are the Cloud Preserve and the Twin Hill Preserve along with Ice Pond. Their responsibility as stewards of this property is to protect it. She asks that the Conservation Commission think seriously upon this application and help them protect these green pieces of land.

Mrs. Shelbourne notes that adjacent to the wall the soil is water logged for most of the year Any drains near that wall will not work anyway.

Mr. Hauser notes that the engineer believes that the drains will work and that if the DEP has a problem with it, they will note it. Drains do work.

Mrs. Baroodv asks the Board to please consider this as a home on a half acre. Its simple building lot -not a development. We are not trying to hurt the environment of Putnam County in any way-not the wetlands, not the birds.

Mr Cuomo makes a motion to close the Public Hearing. Ms. Anthony seconds the motion. All are in favor.

Mr. Hauser notes that there will be a ten day written comment period.

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Sarkas Property Public Hearing: - Mr. Robert Benoit is present for this application. The septic berms are requiring about 50 cy of fill in the 100 foot buffer area and the PCDH is requiring a Town of Southeast Conservation Commission Permit.

Mr. Jack Convers, a member of the public asks if the fill that was brought in when this was done constitutes a raised leach field.

Mr. Benoit explains that this is a legitimate leach field. The fill is brought in to raise the top of the field six feet above the water table. It is NYS design, and Putnam County Design. Deep holes and perk test are used to determine hydrology and also the types of soils. If you were to hit rock or water two feet below the surface would constitute the need for a raised septic - if the Department of Health would allow it.

Mr. Tringali asks if any remediation can be done to get this fill out of the buffer area.

Mr. Benoit states that if it could be done, they would move it, but it cannot be changed at this point - the house already exists, all the work is done. He stresses again that neither the septic nor the expansion area are in the buffer, just the fill for the support of the septic.

Mr. Tringali makes a motion to close the Public Hearing. Ms. Anthony seconds the motion. All are in favor.

Mr. Hauser again notes that there will again be a ten day comment period.

Northwater Group - Mr. Hauser references a letter received from DEP regarding this project. He states that the project is not any farther along than it was at the last meeting until all of the information is received that was required by DEP. At this point this Board will not be able to make a determination this evening.

Mr. Tringali asks for clarification on the point that all of the stormwater goes into the detention pond.

Mr. Bob Howe explains again how all of the runoff is directed to the pond

He recaps that he will submit an update for the next meeting, and if it is not complete he will submit a letter on the progress and be placed on the October agenda.

Vigliotti - Mrs. Tiernan has walked the site and notes that the stream is at the bottom of a very steep, rocky hill. She wonders how horses are going to make the crossing, and also notes that the land was very wet. She would like to have more information on the site before they make any decisions.

Mr. Hauser states that based on Board members' observations this site needs more engineering. Mr. Cuomo Concur.

Based on this decision, and the fact that the public comment period does not expire until September 9 that further discussion will be deferred until next month's meeting.

Ross Alan - Mr. Nichols is no longer present, so this discussion has been deferred.

Tarlton Property - Mr. Hauser notes that there has been no correspondence from the public on this project.

Ellis Tarlton is present to represent his project. His initial plan is to build the accessory dwelling first, and then live in it while he builds the main house. A portion of the septic for the accessory dwelling falls within the wetland buffer. The board members also suggest that he not pave the driveway which is in the buffer area.

Mr. Cuomo does not see a problem with the house falling within the buffer as a result of the AT&T easement. He and Mrs. Tiernan are concerned, however, with the accessory building falling directly in the buffer area.

Mr. Tarlton states that he is building the accessory dwelling first so that he has a place to live for the interim, and then when he is ready, he will build the main house. The accessory building will then be used as in-law apartment and garage. He will consider the possibility of an alternative plan, and return next month.

Mr. Tringali makes a motion to waive the public hearing. Ms. Anthony seconds the motion. All are in favor.

Terravest 3 - Ms. Terri Hahn is present. She states for the record that when they went out to do the buffer flagging, all of the original flags were missing. The site was re-surveyed and the biologist checked the wetlands flagging. The buffers were then marked, and there was a site walk this past Saturday. Based on the last meeting Ms. Hahn states that she believes all of the additional material requested from the Board along with the fee has been submitted.

Mr. C:uomo makes a motion to notice the application complete. Mrs. Tiernan seconds the motion. All are in favor.

Wetlands Inspector's report

1. Mr. Hauser states that a violation will be issued on property owned by the Red Rooster.

2. A silt fence on the property on North Main was incorrectly placed. That fence has now been properly placed.

3. There is no wetland violation on the Alberghini property. He has been fined by the building inspector for causing the silting of ponds below his property. All measures to prevent this are now in place, but it appears that the ponds are still filling with silt.

Mrs. Tiernan makes a motion to adjourn. Mr. Cuomo seconds the motion. All are in favor.