

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

MINUTES FROM THE MEETING
OF
September 27, 2005

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

ABSENT: Don Cuomo, Peter Tringali

ORDER: 7:30 p.m.

AGENDA:

Pledge of Allegiance

Approval of August 2005 Minutes – The minutes from August 2005 are unanimously approved

Red Rooster Violation – Mr. Andreas Lintzeris is present to discuss this violation. He states that he was not aware that he needed a wetlands permit to clear, grade and seed the area. Mr. Harper, the zoning enforcement officer, and the Town engineer were out there to look at the area, their clearance was given as long as no fill was brought in. This is a separate issue from wetlands however. This is the second time work was done on the property without a permit. The first was a public health issue regarding the SSTS so the Conservation Commission handled it without imposing a violation. Because there is a disturbance to the controlled area the violation will be forwarded to the Town Board and a fine will be imposed. All members of the Conservation Commission agree and a \$250.00 fine will be recommended to the Town Board..

Ross Alan/ Salmons Hollow Rd – Mr. Joe Buschynski of Bibbo associates is representing the project. All members have visited the site.

The wetland has grown since the original map of the 1980's. They have been redelineated and flagged by Evans and Associates. The SSTS has been relocated from the original plan to move it as far from the wetland boundary as possible. There is 7/10 of an acre of disturbance in the buffer. There is no wetland disturbance. Testing has not

been confirmed to know the exact amount of fill for the SSTS. Lower grading will be done to the west to avoid grading toward the wetland. There is no way to utilize the site without infringing on the buffer but the infringement was minimized as much as possible. It will be a three bedroom house. Stormwater from the driveway will go back to the stream. Roof runoff will go into an infiltrator and a curtain drain will be installed. If the board thinks it is appropriate plantings can be added to enhance the wetland edge although it is very thickly shrubbed now.

Mr. Hauser makes a motion to notice the application complete. Ms. Anthony seconds the motion. All are in favor.

Landau Subdivision on Federal Hill Rd. – Theresa Ryan of Insite Engineering is representing this project. The applicant is proposing a four lot subdivision of the 31 acres with one of the lots remaining with the current structure.

About three hundred feet of the common driveway and three hundred feet of the individual driveway for Lot 1 cross the buffer. There is also some stormwater management within the buffer. Most of the area has been previously disturbed and has been used as and is currently retained as horse pasture. There is an existing trail used to access the area that crosses the wetland. There will be very limited wetland disturbance with a discharge pipe and some of the common driveway crossing over that existing trail. The pipe will discharge treated stormwater from the stream edge directly into the stream that runs into the reservoir. The buffer disturbance totals to about .68 acres. There will be about 350 cy of fill and 450cy of cut.

A small culvert will be used at the road crossing to allow the water to drain through. Town code requires a common driveway be paved and 18 feet wide. To minimize impact on the wetland the Planning Board has agreed to paving 12 feet in the center and having gravel shoulders.

The members will visit the site once Mr. Landau has it mowed.

Gair/Welles Riding Arena at 100 Nelson Blvd. – A state and local wetland has been filled at this site, but after further research it is found that this address is not included in the State Agricultural District as was first believed. At this moment it stands as a violation because the work has been done. There is also a letter from the Fish and Wildlife Association listing the exempt and regulated activities as issued by the NYS DEC under the Freshwater Wetlands Act. Under regulated activities that require a fish and wildlife wetlands permit is “...including filling for agricultural purposes” There are also others that do not apply to the applicant in question. The property owners are alleging that they are exempt based on the Agricultural Exemption which would pre-empt state and local Law, but they do require an NFWA permit and perhaps an Army Corps of Engineers permit because they are in a wetland that is of size regulated by ACOE. IF that property has not received an exemption they are in violation of Town Code as well.

Ms. Anthony will draft a letter to the Town Attorney stating the discrepancy.

Lake Tonetta – Paul Johnson and Bob Zubricki, members of the Tonetta Lake Advisory Committee, are here to update the Board on what they are doing around the lake for informational purposes. To improve the water quality of the Lake they have begun a three pronged procedure. First they have engaged Princeton Hydro - a Hydrologist firm used in the carp deployment in Lake Carmel. Second they have done lake testing and sent two newsletters on the importance of mitigating stormwater runoff. They are 80% done with the stormwater infrastructure around Lake Tonetta. Finally they would like to introduce grass eating, sterile carp to eat excessive aquatic vegetation. The Lake is full of vegetation from the nutrients invading the lake. Back in 2004 the community got together and weighed the pros and cons then made a recommendation to the Town Board to deploy the sterile carp. As part of this application an application was made to the DEC to deploy the carp. There needed to be an assurance that the carp would stay in the lake so they need to install a carp fence. A site has been chosen in lake so it is completely on Town property and will be low maintenance.

The project is being permitted by DEC and is being advised by a hydrologist.

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

DRAFT