

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

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MINUTES FROM THE MEETING
OF
SEPTEMBER 28. 2004

Approval of JULY 27 2004 Minutes- Mr. Cuomo makes a motion to approve the minutes. Mr. Tringali seconds the motion. All are in favor.

Approval of August 24, 2004 Minutes- Mr. Fasano would like to make one correction to item number three under the wetlands inspectors report. Mr. Alberghini has not been fined for the pond silting. Reverend Gould has been fined, possibly by DEC for causing silting of ponds below his property-. Mr. Hauser makes a motion to approve the amended minutes. Ms. Anthony seconds the motion. .All are in favor. Mr. Fasano abstains.

Sarkas: This project is on the agenda for making and forwarding a determination to the Town Board. Neither Mr. Sarkas nor his engineer are present this evening so the discussion will be deferred.

Baroody Lots 1&2 - Mr. Fasano states that a multitude of correspondence has been received on this project from several different sources, including FROGS The Coalition for Open Spaces and The Wetlands Inspector of Patterson.

He spoke with Cynthia Garcia from New York City DEP and she stated there has been no movement on this from either Mr. Nichols or the Baroody's since July 15. He states that he does not believe that this Board is ready to make a decision on this project. There are concerns about the accuracy of the flagging, the topography of the area, and the drainage into the swamps. Also, he again addresses the issue of trying to combine the lots if it will reduce the impact to the buffers.

Mr. Fasano points out additional issues of particular concern. One is the NYC DEP withdrawal of approval to the Putnam County Department of Health and their concerns regarding witnessing deep hole testing and how much fill will be brought in. Until all those issues are addressed it does not seem rational for this board to move ahead one way or the other. until NYC signs off on it, and we are more informed.

Mr. Nichols states that he does understand and due to extenuating circumstances has not been able to meet with Cynthia. He understands that the board is unable to make a decision without the letter from DEP, and he will make every effort to meet with here in the near future.

Mrs. Tiernan asks if any other plans have been submitted for the site.

Mr. Cuomo suggests that if Mr. Nichols would present this Board with a different plan - a combined lot plan - you would have a better chance of it being passed.

Mr. Nichols again states that the Baroody's have purchased two building lots back in the 80's and that there is no alternative plan for the properties.

Mr. Tringali points out that the Baroody's are not trying to subdivide - the lots are already separate. They bought two pieces of Property with Board of Health approval and there is no speculation - it is not like buying sock, as it was referred to last month. These lots could be owned by two individual owners, and Mr. Tringali feels that it is unfair to ask them to merge the two lots into one. They have paying taxes on them for fifteen years as though they were two individual lots. This oversteps our boundary.

Mr. Fasano states that those Board of Health approvals expired many years ago and that this property is very sensitive, and very wet. It may not be able to support a Sub-Surface Treatment System the way it is currently engineered. The issues that need to be looked at are: what is the amount of fill that needs to be brought in, what testing needs to be done, and what detriment will it cause to the watercourse and the flow rates off the property into the state wetland that brings it into the swamp. He thinks it is the responsibility of the applicant to provide alternative ideas about what can be done, and information that will allow the Board members to have more knowledge. Everyone has all been out to the site, Mr. Fasano walked it and found it very wet. He states that he sunk a little bit in certain areas close to the wall, and he observed lot of ponding of water. It is not just the concern of this Board - it is the concern of other organizations, it is the concern of individuals who are neighbors, and it is the concern of NYC DEP. Mr. Fasano again states that until all of those issues are addressed specifically, the Board cannot go any further. He also notes' to clarify the issue, that this Board does not have the authority to tell an applicant that they have to change the lot design. It is only a suggestion to reduce impacts, and make it a workable site.

Mr. Nichols states that there was a Memorandum of Understanding between the City and the Putnam County Health Department stating that subdivision lots approved prior to the agreement will be grandfathered, and the applicant must do the best they can.

Mr. Tringali points out that he suggested last month to realign the septic field so that it is further away from the watercourse.

Mr. Nichols states that he will provide this to the board.

Mr Fasano states that further discussion will be deferred until additional information and the plan showing a realignment of the SSTS' if possible, is received.

Vigliotti - Mr. Fasano states that the board is continuing their review. No public comment has been received from the notifications. The site has been visited by most of the members.

Mr. Hauser states that the site is wooded and would require quite a bit of physical disturbance with the removal of trees and brush before you even get to the stream corridor if it is to be used as a paddock.

Mr. Cuomo suggests that Mr. Vigliotti have a soils report done. Mr. Vigliotti expresses concern over the cost of such a report.

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Mr. Fasano notes that there is no site plan in the file; he would like to have a site plan submitted with the erosion control measures depicted. The area from the stream to the wall needs to be part of the application because it is possibly within the buffer.

The Board has received flow rates and drainage calculations for the pipe crossing of the watercourse. After some further discussion the board decides additional information should be submitted before they make a determination. This information needs to include limits of disturbance, grading changes, and soil & erosion control. Mr. Fasano would like to see a detailed narrative of the erosion control plans as well. He indicates to Mr. Vigliotti that this is necessary to avoid damage & fines resulting from not installing the proper control measures.

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

Mr. Vigliotti will return with the additional information when it is complete.

Tarlton (140 Joe's Hill Road) - Mr. Tarlton owner, and Mr. Doto, engineer, are present to represent this application. The concern of the board members is that the building is located within the buffer area. Mr. Doto states that due to the layout of the property - it is 21 acres and they are developing about an acre - there is no way to minimize the impact to the buffer.

Mr. Fasano notes that the Putnam County Department of Health requires that the SSTS does not fall within 200 feet of a watercourse. He asks what it is exactly that is falling into the buffer.

Mr. Doto replies a portion of a corner of the house falls into the buffer - about four feet fl it, the entire garage, and the existing driveway.

Mr. Cuorno and Mrs. Tiernan have a problem with an accessory building being located in the buffer. Mr. Cuomo asks if the main house

can be moved out of the buffer. and if the accessory- dwelling can be incorporated as part of the main dwelling.

Mr. Tarlton asks if they can remove the paved turnaround, install mitigation. as well and leave the driveway unpaved if that will help with reducing the impact.

Mr. Doto believes that the impact of the accessory dwelling will be no more than a lawn. If the accessory dwelling were not built, most likely it would be lawn up to the stone wall. They did not have much choice in placement. even though it is a 21 acre site. He does offer, as long as Mr. Tarlton agrees, and he does, to remove the fill placed in the turnaround' bring it back to grade, and let it reclaim itself as a wetland. The driveway is flat so he sees no problem with leaving it as gravel.

Mrs. Tiernan asks what will surround the accessory dwelling.

Mr. Tarlton states that he will keep what is there except for what needs to be cleared for the septic system. He prefers to keep it private. and screened with the existing trees.

Mr. Hauser makes a motion to forward a positive determination to the Town Board subject to Mr. Tarlton's agreement to mitigate the turnaround area between wetland flags 13 and 16 and to keep the driveway pervious from the point that it has already been paved and beyond.

Ms. Anthony, seconds the motion.

Roll Call Vote: Mrs. Tiernan: NO Ms. Anthony: Yes Mr. Tringali: Yes Mr. Cuomo: NO Mr. Langley No Mr. Hauser: Yes Chairman Fasano: Yes

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Twin Brook Manor - Sketch Review - Mr. James Vaeth is present. He explains that Twin brook manor has a problem with a failed septic system and they cannot put a septic system on their property due to soils. Hunter's glen is updating their treatment plant so they will be integrating both systems. They will be directionally drilling under the stream, and wetland to install a two-inch pipe. They already have a DEC permit and there will be no impact to the stream, the wetlands or the buffer area.

Mrs. Tiernan asks if there will be any indicators if the pipe began to leak.

Mr. Vaeth replies that the amount of sewage entering the pump station would drop off.

Mr. Vaeth states that if the buffer for the watercourse is 200 feet, they would go outside the buffer to drill.

This is not a permitted activity unless he falls within the buffer. This gentleman states that he will remain outside the buffer. This is not an article 24 stream permit from DEC so it does not require an additional permit from us if he remain out of the buffer.

Mr. Vaeth will inform the board of the soils and slopes by letter so that both he and the board can be assured that he will remain outside the buffer. The Board will then inform Mr. Vaeth of the distance of the buffer.

Wetland Inspector's Report -

Mr. Ryan did not notify the wetlands inspector before he commenced work and he caused silting of the ponds below him. A violation needs to be issued.

Mrs. Tiernan asks if all members can come to the meeting at 7:00 so Mrs. Terlizzi can work in a training session.

Mrs. Tiernan is concerned with the size of the Lawe's site. Mr. Hauser explains that once the silt fence had been properly installed, they had not gone beyond it, and that is their limit. He will continue to monitor the site.

There is no further business to discuss at this time.