

**East Hampton Inland Wetlands & Watercourses Agency**  
**Regular Meeting**  
**April 25, 2012**  
**Town Hall Meeting Room**  
**REGULAR MEETING**  
Approved Minutes

1. **Call to Order:** Chairman Jeffry Foran called the meeting to order at 6:30 p.m.

**Present:** Jeffry Foran, Josh Wilson, David Boule, Dean Kavalkovich, Scott Hill 6:43pm, Marc Lorah, and Bob Talbot

**Absent:** Maureen Heidtmann and Peter Wall

2. **Seating of Alternates:** Bob Talbot was seated

3. **Approval of Minutes:**

**A. March 28, 2012 Meeting-** *Jeff Foran moved to approve the minutes of March 28, 2012 with (2) corrections; Item 3 March 6, 2012 Special Meeting and Item 10 heavy. Motion was seconded by Marc Lorah. The motion carried unanimously.*

**B. March 31, 2012 Site Walk-** *Jeff Foran moved to approve the minutes of March 31, 2012 Site Walk minutes. Motion was seconded by David Boule. The motion carried Marc Lorah, Josh Wilson, Bob Talbot abstained. The motion carried 3-0-3.*

**C. April 11, 2012 Cease and Desist Special Meeting-** *Jeff Foran moved to approve the minutes of April 11, 2012. Motion was seconded by Marc Lorah. The motion passed unanimously.*

Josh Wilson reported that he has obtained copies of the disks from the March 28, 2012 and April 11, 2012 meeting and has read the minutes therefore feels he able to sit on the application before the agency on this agenda..

4. **Communication, Enforcement, and Public Comment:**

**Communications:** None

**Enforcement:** None

**Public Comments:** None.

5. **Agent Approval:** None

6. **Reading of the Legal Notice:** Keith Hayden read the legal notice into the record.

**7. New Applications:**

**A. James Marino, 7 Dale Drive, construct a single family home in the upland review area. M07A/L55/B14-1**

Mark Reynolds was before the agency representing the applicant stating nothing has changes since the April 11, 2012 cease and desist hearing.

Mr. Hayden provided the members of the agency with copies of recent photographs from the site showing the applicant has continued to work in the wetland area. Mr. Hayden reviewed the photos as presented.

*Jeff Foran moved to accept the application of James Marino, 7 Dale Drive, construct a single family home in the upland review area. M07A/L55/B14-1 and continue to the next regular scheduled meeting. Motion was seconded by Josh Wilson. Motion passed unanimously.*

*Jeff Foran moved to issue a notice of violation if the site is not restored to the satisfaction of the wetland enforcement officers within 48hours. Motion was seconded by Bob Talbot. Motion passed unanimously.*

**B. Town of East Hampton, Shipyard Road Bridge, repair, undermining at East abutment.**

Scott Hill recused himself from this application.

Keith Hayden read into the record a letter received from Scott Hill, DOT regarding a biannual inspection of the Shipyard Road Bridge. The Department of Public Works is applying for this permit in order to repair this undermining of the abutment to prevent the collapse and to insure the abutment is preserved. Time frame for this project is one day of work.

*Josh Wilson moved to accept the application of The Town of East Hampton, Shipyard Road Bridge, repair, undermining at East abutment and continue to the next regular scheduled meeting. Motion was seconded by Dean Kavalkovich. The motion passed unanimously.*

**C. Butler, 0000 West High Street, activity within the upland review area to construct a single family home. M12/L36/B8**

Mr. Hayden provided the agency with a brief description of this application. They are proposing a driveway thru an upland review area to construct a new single family home.

*Josh Wilson moved to accept the application of Butler, 0000 West High Street, activity within the upland review area to construct a single family home. M12/L36/B8 and continue to the next regular scheduled meeting. Motion was seconded by Dean Kavalkovich. The motion passed unanimously.*

**D. Stanislaw Oleksenteo, 15 Cone Road, clearing for establishment of agricultural crop land, M06/L37/B6**

Mr. Hayden reported the applicant is looking for approval from the agency under the permitted uses 4.1 of the Wetland Regulations.

Mr. Oleksenteo stated to the agency he is looking to establish an orchard approximately 3 acres for apple and cherry trees. There is a stream that runs in between that is 2-3feet wide. Mr. Oleksenteo will not cut any trees within 25 feet of the stream. A bridge will be constructed for any potential crossing using 6x6. The agency asked the applicant to provide more details on the specific crossing.

*Jeff Foran moved to approve the clear cutting portion as presented to the agency as permitted 'as of right' and falls under the farming wetland regulations; conditioned that the applicant has agreed not to intrude 25 feet on either side of the existing stream and is not disturbed. Motion was seconded by Scott Hill. The motion passed unanimously.*

## **8. Continued Applications:**

### **A. Joseph & Pamela Rinaldi, P.O. Box 1107, 1 Appaloosa Lane, Millbrook New York, for a minor amendment to the site plan for 1 West Street to extinguish the Special Permit currently encumbering the property and allow construction of a single-family home – Map 03A/Block 44/Lot 59**

Frank Magnotta, PE, representing the property owner and applicant presented a summary. The property is located on the corner of Lake Drive and West Street, 20,000sf lot, proposing a single family home, a portion of the house and some grading around is within the 100 foot regulated area. The Lake Advisory Commission asked for the applicant to plant sod along the perimeter along the edge of the pavement as an additional buffer for erosion control.

*Josh Wilson moved to approve the application of Joseph & Pamela Rinaldi, P.O. Box 1107, 1 Appaloosa Lane, Millbrook New York, for a minor amendment to the site plan for 1 West Street to extinguish the Special Permit currently encumbering the property and allow construction of a single-family home – Map 03A/Block 44/Lot 59 using the standard short form permit with the one additional condition: Install and maintain a 15' buffer of sod along the edge of the pavement on the perimeter of the site. The reason for approval is the proposed activity reduces the nutrient loading of this site from current conditions and the activity in the upland review area will not impact the lake in a negative way. Motion was seconded by Jeff Foran. Motion passed unanimously.*

### **B. Carol Hartmann, 266 Hog Hill Road, to conduct a timber harvest, M08/L24/B4A**

Mr. Onowski was before the agency to discuss the application. The site is approximately 13 acres, the area being cut is approximately 6 acres and the stream is approximately 1000feet in length; The temporary bridge will be set on site and removed when completed.

*Josh Wilson moved to approve the application of Carol Hartmann, 266 Hog Hill Road, to conduct a timber harvest, M08/L24/B4A using the standard short form permit; The reason for approval is forestry activity will minimize any direct activity within a wetland or watercourse by use of a span and best management practice for forest and clearing*

*activity will be adhered to. Motion was seconded by David Boule. The motion passed unanimously.*

**9. Public Hearing:**

**A. Application of 195 West High Enterprises, LLC, 195 West High Street, for commercial two lot subdivision, M12/L36/L3; Continued from March 28, 2012.**

David Earlandson, reviewed the revisions made to the plans dated May 5, 2012. George Logan from REMA, found changes to be made to the wetland boundary and reviewed these changes with the agency.

Jeff Foran opened this up for any public comment. Hearing none;  
*Jeff Foran moved to close the public hearing portion of this application. Motion was seconded by Josh Wilson. Motion passed unanimously.*

*Josh Wilson moved to approve the application of 195 West High Enterprises, LLC, 195 West High Street, for commercial two lot subdivision, M12/L36/L3; Continued from March 28, 2012, the proposed development of the site does not create any undue adverse impact to the wetlands or watercourses on the site and aims to improve those wetlands and watercourses that are onsite that have historically been disturbed by filling and other site activities. The motion takes the approved long form with additional conditions: (See Attached) Motion was seconded by Jeff Foran. The motion passed 6-0-1. Marc Loran abstained.*

**B. Application of Town of East Hampton, North Main Street, replace Christopher Brook culverts with twin box culverts, M04A/B45/B26**

Brian Long, CLA Engineers was before the agency and explained the project which consists of replacing 3 24" cross culverts that carry Christopher Brook into Lake Pocotopaug. The conditions of the existing culverts are deteriorating. The Town is proposing to replace the 3 metal culverts with 2 6' wide/ 2' deep, reinforce concrete box culverts which will be side by side with head walls. Estimated time of construction is 4 weeks during the Fall months.

Jeff Foran opened this up for any public comments.

Al Petel, 224 Clark Hill Road asked since the pipes are going to be increased, therefore increasing the volume of flow, what impact will that have on the lake?

Mr. Long stated that since the boxes are continuously submerged the outlet control, the flow coming down from Christopher Brook actually dissipates the velocity of the flow as it enters into the lake.

*Jeff Foran moved to close the public hearing portion of this application. Motion was seconded by Marc Loran. Motion passed unanimously.*

*Josh Wilson moved to approve application of Town of East Hampton, North Main Street, replace Christopher Brook culverts with twin box culverts, M04A/B45/B26, finding that*

*the proposed modifications to the stream crossing will replace a deteriorating crossing that would otherwise if not replaced create larger issues to the watershed to the lake and the proposed crossing permits fish passing thru the culvert into Christopher Brook. Motion was seconded by Jeff Foran. Motion passed unanimously.*

**C. James & Mary Ann Hubert, 68 Spellman Point Road, for a site plan modification to existing application, construct a retaining wall.**

At the attorneys advice Mr. Foran will recuse himself from this application.

George Logan, REMA, was before the agency and presented a restoration plan for this property that will be protective of the lake for both short and long term. This report can be found on file in the Building Department.

Josh Wilson opened this up for any public comments. Hearing none

*Josh Wilson moved to close the public hearing portion of this application. Motion was seconded by David Boule. Motion passed unanimously.*

*Josh Wilson moved to approve the application of 68 Spellman Point Road, for a site plan modification to existing application, construct a retaining wall, as the proposed restoration of the shoreline will enhance the quality of the shoreline for both wildlife as well as aquatic wildlife and the application is approved with the standard short form with 3 additional conditions.*

- 1. Restoration of the shoreline shall be completed in accordance with the plan presented by REMA dated 4/11/2012, and upon issuance of this permit.*
  - 2. Monitoring shall be extended to 3 years after planting.*
  - 3. Monitoring shall ensure 80% success of plantings*
- Motion was seconded by Dean Kavalkovich. The motion passed unanimously.*

**D. LCS Properties, LLC, 130, 138, 140 & 000 East High Street, for activity in an upland review area, Phase 1A & 1B – Map 10A/Block 85/Lots 5, 5A, 5B & 5C. Josh Wilson recused himself from this application.**

Attorney McCoy representing the applicant was before the agency to discuss the application before them.

Kent Schwendy, Fuss & O'Neill provided the members of the agency with a copy of the report dated April 25, 2012; a transmittal to Keith Hayden, which addresses specifically CLA report.

Howard McSparren, 83 Old Marlborough Road, expressed concern with the run off from the driveways, and would like to know what will be done to protect the State culvert that is there that has water and debris filling up. Mr. Schwendy responded that during construction erosion and sediment controls measures will be in place as they realize the existing conditions are a problem. Post construction this will be addressed by changing the flow patterns so the water will no longer be running down the hill.

Patrick Conners, Whittier Road, expressed concern on how there is going to be less water that the area is unable to contain. Mr. Schwendy responded that currently there are no controls on the water and although it is not paved, there is a lot of sand and open areas; the proposed storm drainage report shows by adding areas of detention gardens and rain gardens this will decrease and slow the water down.

James Bansemer, 28 Tennyson Road, asked how these issues were going to be addressed during construction. Mr. Schwendy again explained the first steps will be the erosion and sedimentation to slow the water and temporary make the situation improve; however this will not be completely fixed until completion of the project.

Pricilla Ulm, Old Marlborough Road, asked the approximate start and finish date of this project. Mr. Schwendy stated the start date is contingent on obtaining the proper permits from various boards. Once construction begins the day care will take approximately a year to construct and the apartment building will be started at the same time and could be 2 – 3 years for completion of the buildings.

*Jeff Foran moved to close the public hearing portion of this application. Motion was seconded by Scott Hill. Motion passed unanimously.*

*Jeff Foran moved to approve the application of LCS Properties, LLC, 130, 138, 140 & 000 East High Street, for activity in an upland review area, Phase 1A & 1B – Map 10A/Block 85/Lots 5, 5A, 5B & 5C, as the plans that have been presented is an asset to the community, with all special conditions on the original permit remain in effect. Motion was seconded by Scott Hill. The motion passed unanimously.*

**10. New Business:** Josh Wilson discussed mitigation projects and changes that should be made moving forward.

**11. Old Business:** None

**12. Public Comments:** None

**13. Adjournment:**

*Mr. Wilson moved to adjourn the meeting. Mr. Kavalkovich seconded the motion. The motion carried unanimously. The meeting adjourned at 10:33pm.*

Respectfully submitted,

Kamey Peterson  
Recording Secretary