



**THREE LAKES COUNCIL
WACCABUC–OSCALETA–RIPPOWAM
P.O. BOX 241, SOUTH SALEM, NY 10590
www.threelakescouncil.org**

October 18, 2012

Town of Lewisboro Planning Board
P. O. Box 725
Cross River, NY 10518

Re: Petruccelli Project on Oscaleta Road, South Salem, NY.

Dear Chair Kerner and Members of the Planning Board:

The Three Lakes Council is a community organization that promotes the maintenance and stewardship of the watershed of lakes Waccabuc, Oscaleta, and Rippowam. Since 1970, we have been active in environmental protection, stewardship, and research for these lakes. The association is comprised of members of the various associations with access rights to the three lakes with approximately 330 families. In our role as watershed stewards, we are writing based on our knowledge of the lakes and the environment to express our concerns with and opposition to the project as proposed by Mr. Petruccelli for his Oscaleta Road property.

The Three Lakes Council has two categories of concern. First, we feel that developing this property as currently proposed will have an adverse environmental impact upon Lake Waccabuc, the Three Lakes community, and upon Lewisboro as a whole. Second, we own the property directly to the south of the proposed development, and we are concerned about the deleterious effects of the proposed activities upon our property.

In the current proposal, to build a house, Mr. Petruccelli proposes to fill in an 8650 square foot Town wetland, and then build his house, septic system, and driveway either in this doomed wetland or in its buffer. The wetland is within 400 feet of Lake Waccabuc, and it holds water most of the year. The elimination of this wetland will mean more untreated water will flow into Lake Waccabuc, even before consideration of the added impervious pavement and deforestation of half an acre. More nutrients and sediment are detrimental to the lake's health: indeed much of the outreach we provide is to educate our watershed residents to preserve open areas, protect wetlands, maintain and expand buffer landscaping, and minimize nutrient loading to the three lakes. Mr. Petruccelli's proposal will result in more nutrient-laden runoff to Lake Waccabuc and thus will worsen the lake's water quality for its residents and users. The impacted users include the entire Three Lakes community, as they can all access Lake Waccabuc through the channels that connect the lakes.

We are also concerned that the proposed septic system may be located at an elevation that could be saturated by high lake levels. We have established lake gauges and track the heights of the lakes. In recent years, we have seen the lake elevation change by about 33". We note that Mr. Petruccelli's plans use relative but not absolute contour lines, and we ask that Mr. Petruccelli provide a contour level for the lake surface in the same elevation used for his contours. With that information and the date of the

reading, we will be able to calculate how high water has come in the recent past. That will allow assessment of the vertical separation of the lake's recent recorded levels and the septic system, a comparison that we feel is essential for this application. As the applicant notes, the septic system is less than 50 feet from the wetland that communicates directly with Lake Waccabuc.

As to the harm to the entire Lewisboro community, we note that the current Lewisboro wetland ordinance has permitted, restricted, and prohibited activities. Filling a wetland is one example of Mr. Petruccelli's proposed actions that is explicitly classified as a prohibited activity. If the Planning Board allows a prohibited activity in this instance, essentially nullifying the law, what will happen in any future case? We note that the ordinance lays out the "General Powers of the Planning Board:... to do any and all things necessary or convenient to carry out the policy and intent of this chapter." We do not believe that the Petruccelli proposal is in keeping with the policy and intent of the wetland law, and we do not feel that you can or should permit an activity that is prohibited under Town law.

Furthermore, we own the property that is immediately to the south of Mr. Petruccelli's property. That gives the Three Lakes Council an additional reason for concern about the proposed activities. Since the applicant has not provided any mitigation for filling in the wetland, the water that previously filled the wetland will flow onto our property, changing its hydrology and limiting potential future uses.

In addition, we understand that our property is linked to the applicant's property, and that he is proposing a formal subdivision of the properties. We have not been contacted by the applicant about this proposed subdivision and we have no clear understanding of the ramifications of this proposal upon our property, if any. We intend to devote our limited resources to our environmental activities and do not want to have to engage legal counsel, planning consultants, engineering, or other experts to help us evaluate the implications of this proposal. Without that understanding, we cannot give our support to opening the status of our property in this manner.

Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Andersen".

Three Lakes Council
Janet Andersen
President