



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

September 13, 2013

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

Re: Petruccelli Application 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 stewardship of the watershed and waters of lakes Waccabuc, Oscaleta, and Rippowam. Since 1970, we have been active in environmental protection, education, outreach, and research for these lakes. The association is comprised of members of the various associations around the three lakes, with approximately 330 families having access rights to the lakes. As watershed stewards, we are writing based on our knowledge of the lakes and of the environment to express our concerns with and opposition to the project as currently proposed by Mr. Petruccelli for his Oscaleta Road property.

As previously expressed to this board, 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 site, and we remain concerned about the harmful effects of the proposed activities upon our property.

In the recent plan submission revisions dated August 28, 2013, Mr. Petruccelli shows the footprint of the proposed house outside of the wetland. Since construction of the basement will require excavation and subsequent fill of the wetland, this presents only an illusory acknowledgement of the wetland and its functions. We cannot understand how anyone could build on this lot without violating the town code, which says depositing construction material within a wetland or buffer area is a prohibited activity.

The planned house, garage, yard, driveway, and septic system are entirely within the wetland buffer. The local wetland is within 400 feet of Lake Waccabuc, and currently holds water much of the year. As part of construction on this lot, most of this 8650 square foot Town wetland would be covered with fill that is three feet deep. Fill is required for placement of the septic tank, the initial septic fields, and future distribution box and fields. The remaining unfilled segment of the wetland is also disturbed, proposed to be made into an expanded wetland enhancement area with a two to three foot wall on one side, with more disturbance for a contiguous created wetland. No accommodation appears to limit the

flow of water onto neighboring Three Lakes Council property. As far as we know, the applicant has made no plans or commitments for monitoring and maintenance of the proposed wetland enhancement area. In other words, the entire local wetland topology and hydrology will be altered by the applicant without regard for the impacts to adjacent property or connected wetlands.

The plan eliminates 32 trees, and even more tree cutting is permitted because additional tree removal is allowed as determined in the field. Trees are an important part of the site hydrology through interruption of rainfall, evapotranspiration from the soil into the air, and enabling infiltration by the root structure. The removal of these trees combined with filling a wetland and more impervious surface will stress the ability of the remaining wetland to perform flood mitigation and nutrient removal functions.

The Three Lakes Council is also concerned that the proposed septic system may affect the quality of water in Lake Waccabuc, which the NYS Department of Environmental Conservation designates as a Class A drinking water lake. According to a 2006 survey, at least 17 homeowners obtain their household water from Lake Waccabuc. The threat of an additional septic system that may fail is a substantial risk to impose on these homeowners. While the Department of Health is concerned about treatment of septic effluent for pathogens, the Three Lakes Council is concerned about nutrient levels, especially nitrogen and phosphorus. Even septic systems with adequate function to prevent human harm from pathogens can be a leading source of nutrients. In freshwater systems, the nutrient of highest concern is phosphorus. Indeed, the town is currently undertaking costly stormwater projects to reduce the phosphorus pollution of Town waterbodies.

As documented in the Town's Lake Management Plan, septic systems are the primary source of phosphorus to the lakes. The Town Lake Management Plan recommends that no new septic systems be permitted to be built within 100 meters (approximately 330 feet) of a wetland or waterbody that connects to the Town's lakes. The applicant notes that the proposed septic system is less than 50 feet from the wetland that communicates directly with Lake Waccabuc. High levels of phosphorus are associated with harmful algal blooms, and these algal blooms can produce toxins that may affect the nervous system, the liver, and skin through consumption, contact, or inhalation. A typical household produces 0.5 g of phosphorus per day per person, and each gram of phosphorus can enable approximately 500 to 1000 grams of algae growth. Even if the applicant had shown an attempt to mitigate this impact with a phosphorus reduction unit in their septic system, we would remain very concerned, but we note that no such attempt is proposed. A septic system installed in such close proximity to these wetlands creates an unacceptable risk of harm to the water quality of the lakes and the associated drinking water sources, as well as to recreational users who may encounter harmful algal toxins. The lake ecosystem is stressed, and we do not know when a tipping point might be reached that would slide the lake beyond its capacity for resiliency

Should the Planning Board decide, despite these risks, to allow this proposal to go forward, we urge that part of the mitigation include the installation of test wells between the septic area and the DEC wetland with scheduled monitoring for phosphorus, nitrogen, and coliform bacteria, and a plan to address any increase in nutrient loads. The current mitigation proposal, which largely consist of setting aside unusable property, is grossly inadequate to offset the filling of a wetland and the loss of wetland and buffer area functions. We also urge the Planning Board to require regular septic inspections and to suggest inclusion of phosphorus removal septic practices, since the septic system is such a critical element of this plan.

As to the harm to the entire Lewisboro community, we note that the current Lewisboro wetland ordinance states "Considerable acreage of these important natural resources has been lost or impaired by draining, dredging, filling, excavating, building, polluting, and other acts inconsistent with the natural uses of such areas.... It is therefore the policy of the Town of Lewisboro to protect its citizens, including generations yet unborn, by preventing the despoliation and destruction of wetlands...." We do not believe that the Petruccelli proposal is in keeping with the policy and intent of the Town's wetland law. We remind the Planning Board that the applicant will fill a wetland and will place the septic system expansion in fill within 50 feet of the DEC wetland. Indeed, the applicant's June 12, 2012 Engineering Report states, "The local wetland area impacts are unavoidable if any use of the project is to be approved." We reemphasize that Planning Board approval of the proposed actions on this site will set a poor precedent for future Town wetland protection.

Further, 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. With a two- to three- foot wall on the north side of the remaining wetland area, we fear that the additional water in this area, anticipated after the fill of wetland, removal of trees, and increased impervious surface, will encroach on to the northern border of our property beyond the wetland's current extent. We would appreciate an assurance that the planning board will require a design that will not allow water from this site to flow onto our property, changing its hydrology and limiting potential future uses.

Again, we understand that our property is linked to the applicant's property, and a formal subdivision of the properties is proposed. We have no clear understanding of the ramifications of this subdivision proposal upon our property, if any. Without that understanding, we cannot give our support to opening the status of our property in this manner.

We strongly urge you not to approve the wetland permit or subdivision application. Thank you for hearing our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Janet Andersen".

Janet Andersen
President, Three Lakes Council