



**THREE LAKES COUNCIL  
WACCABUC–OSCALETA–RIPPOWAM  
P.O. BOX 241, SOUTH SALEM, NY 10590  
[www.threelakescouncil.org](http://www.threelakescouncil.org)**

March 26, 2014

Town of Lewisboro Planning Board  
P. O. Box 725  
Cross River, NY 10518  
Via email to [planning@lewisborogov.com](mailto:planning@lewisborogov.com)

Re: Petruccelli Application on Oscaleta Road, South Salem, NY. Sheet 33B, Block 11157, Lot 46.

Comments on March 2014 submission materials

Dear Chair Kerner and Members of the Planning Board:

We reviewed the Petruccelli Engineering response dated March 5, 2014 to the Kellard-Sessions memo of February 21, 2014. Our comments are numbered to correspond with the numbered responses in the Petruccelli Engineering memo.

1. The first point reviews the shortfall in mitigation. The shortfall in the mitigation plan is significant because some of the items proposed as mitigation, such as a conservation easement that was previously required by the DEC, and grass planting on the septic system, should not be accepted as mitigation in this case. The grass planting on the septic system is exceptionally weak mitigation if the limited-mow area has no permanent physical demarcation separating that area of grass from the adjacent the lawn area. Our wetlands engineer also questioned the mitigation value of the small created wetland. The wetland law protects wetlands without regard to their function, and we feel that the wetland's values for flood reduction and pollution protection are very important functions at this lakeside site. As far as off-site mitigation, no specific proposal has yet been given to the Three Lakes Council for mitigation on our property. The applicant indicates that only commercial microbial inoculation systems are available, but we understand that White Knight and other vendors offer residential microbial inoculation systems. We also continue to urge that monitoring stations for phosphorus be required as part of mitigation.
2. Wetland delineation. While flags #7, #8, and #13 have been added to the plan, no information was provided to support the new locations of these flags. Flag #7 is about 15' from the property line, not the 10' suggested by Kellard-Sessions, and not at the location of the original wetland delineation. Flag #8 is even further to the south than Flag #7, and only 5' away and directly in line with Flag #9. We continue to recommend a new wetland delineation and survey, especially since no explanation for the reappearance and relocation of these flags is given, and because the survey that recorded the wetland flags was not performed until more than 8 months after the updated wetland delineation.
6. The plans that were submitted by the applicant to NYSDEC differed significantly from the current application. Most notably, they contained no indication of the local wetland. The house and well locations were also different. While we have not seen the plans that were submitted to the Westchester DOH, we urge the Planning Board to confirm that the submitted plans show the local wetland, show the septic expansion area adjacent to filled and enhanced wetlands and a swale or pitch to direct runoff. The provided statements of approvability appear to be based on outdated, incomplete, and inaccurate plans.

The applicant should provide a restatement of approvability from the NYSDEC and Westchester DOH with a confirmation that reviews were done on the plans currently before the Planning Board.

10. The applicant only provided soil test and deep water bore hole results for DT 4, 5, and 6 and PT 4, 5, and 6. The plans show DT and PT 1 through 5, but do not show the locations of PT-6 or and DT-6. The tests were performed in July, not in the spring season as recommended for problematic sites. No information has been provided for the tests at locations 1, 2, and 3, and the information provided for 4, 5, and 6 lacks any color or mottling information. These tests are inadequate because information is lacking, they were done in the wrong locations, and were done at the wrong time of year. New, compliant test holes and reports should be required.
11. Hydraulic analysis should include the EPA's recent climate change update.
13. The source of water on the property is not clear. The remains of the rock wall on the western side of Oscaleta Road may be permeable and may allow water to flow from the road onto the property.

We also reviewed the EAF as recently submitted. In part A, question 3 (Q3), the soil drainage is listed as moderately well drained for 100% of the site, yet residents report water on the location for months at a time, which also conflicts with question 8, where the water table is reported as >5 feet. Under B, project description, Q18 indicates that no herbicides or pesticides will be used, which conflicts with the invasive control activities in the proposed mitigation plan. For C, Zoning and Planning information, Q1, the proposed action will require a zoning variance for the structures that will be within the setback lines. For Part 2, Q1 should say yes, since the project involves filling and crossing a wetland to construct the septic system, so construction occurs on land where the depth to the water table is less than 3 feet. Q13 and Q18 should also be yes, since the quality of existing recreational activity on Lake Waccabuc is likely to be impacted, as is the potential health and safety of those who use Lake Waccabuc for their household water supply.

We also reviewed the plans that were submitted in March, 2014. As stated previously, we have no assurance that the new wetland flag locations are based on any wetland delineation. We continue to question the relative elevation between Lake Waccabuc and the development site: the difference in elevation is overstated by about 1.5 feet. The Cowles' septic system appears to be within 200' and uphill of the well, while the plans state that no planned or existing septic areas are within 200' uphill. The plans also say that an unnamed number of trees flagged in yellow may be removed, without any indication of location or number, and all trees on the septic area will be removed. The reference to a swale has been replaced by a "pitch", so untreated stormwater will still flow to the wetland.

In sum, the application remains incomplete, inaccurate, and flawed. The Town of Lewisboro has a wetland ordinance, and instituted controls on wetland buffer area activities with the intent of protecting wetlands. The recognition of the value of wetlands has only grown over the years, and the stresses of climate change only increase residents' need of the services provided by wetlands. This application flies in the face of both the spirit and the letter of Town law. Your role is to uphold the law and protect the valuable shared resources of the community. You do that by denying this application.

Sincerely,



Janet Andersen

President, Three Lakes Council