



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

November 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:

As the Planning Board considers the subject application, you might be interested in the history of the parcel that is immediately to the south of the Petruccelli parcel. The Three Lakes Council acquired ownership of that parcel in 1996, and the land continues to be a valuable asset to our organization. The following information was compiled from minutes and other documents in our files, from Planning Board files, and from discussions with past Three Lakes Council officers.

In 1985 the Eastbrook Construction Company, Inc. acquired the parcel for \$60,000. Eastbrook Construction Company first applied for a wetland permit on March 27, 1987 to construct a house, septic system and driveway within 100' of wetland areas (the regulated wetland buffer at that time) and to construct a new 800 square foot wetland area. This application was denied by the Planning Board on September 1, 1987. Eastbrook Construction Company submitted a second application on September 23, 1988 which was very similar to the first, and the Planning Board again denied the application on March 7, 1989. The reasons for denying the two Eastbrook applications were similar, and included:

- Onsite wetlands that are part of a larger wetland system. The functions of the wetland include stormwater storage, biochemical oxidation of contaminated road runoff, and wildlife habitat.
- The plans called for placement of 3000 cubic yards of fill on top of the wetlands and 3000 square feet of impervious surface.
- Construction on the property could drain the wetlands on the property to the north (the current Petruccelli parcel), altering the hydrology and the nature of the vegetation.
- Development would create risks of further future damage to the wetlands and contamination of surface and ground water.
- Construction would eliminate 0.5 acres of wetlands on the site.
- Approval of a permit would not be consistent with the purposes of the Town of Lewisboro's wetland protection law.

The Eastbrook proposal partially used the berms that had previously been installed on these lots. A report by Keith E. Simpson and Associates, of New Canaan, CT, dated 12/5/1988, prepared in support of the Eastbrook proposal, states that the fill has been “placed on what was once contiguous wetland area”. The Natural Resource Inventory map also shows wetlands on that parcel (attached).

The Three Lakes Council acquired this property because we recognized the value of protecting the wetlands that are interconnected with the lakes. While owning property is not our organization’s primary purpose, in this instance ownership conforms to our mission of stewardship and environmental protection. By holding this parcel, we ensure that no one will create a nuisance on it that would jeopardize the health of the lakes. In addition to wetlands that have the ability to clean the waters that enter the lake and attenuate the flood waters, we recognize the value of the natural habitat and riparian vegetation. While we feel that the ecosystem services are a value in themselves, we also remain open to potential economic benefits from our property. For example, in 1997 the Three Lakes Council issued an easement to New York Telephone (aka NYNEX) as a site for their telephone support equipment, for which we received \$13,000. The Three Lakes Council continues to retain this property not only for its environmental functions but also for unspecified potential future uses.

The implications of the history of our property should be clear for the current application before the board by Mr. Petruccelli. Mr. Petruccelli acquired the property for \$4000. His proposal includes building a house, septic system, and driveway within the wetland buffer, just as proposed by the Eastbrook Construction Company. Mr Petruccelli would fill in a wetland, just as proposed by Eastbrook. The current application proposes a created wetland area, which was considered inadequate mitigation in the Eastbrook case. Both proposals rely on the fill previously placed on the wetland. Construction could alter the hydrology of wetlands on an adjacent lot. Building on these lots would create a nuisance that goes against the public welfare and public trust. The land retains value even as an unbuildable lot.

We do not believe Mr. Petruccelli has demonstrated that the proposed activities are in accord with the policies and provisions of the Lewisboro Freshwater Wetlands ordinance. We note that it is the obligation of the applicant to prove compliance. The Planning Board twice denied the Eastbrook application in the past, and the Planning Board should deny the current application for the adjacent lot.

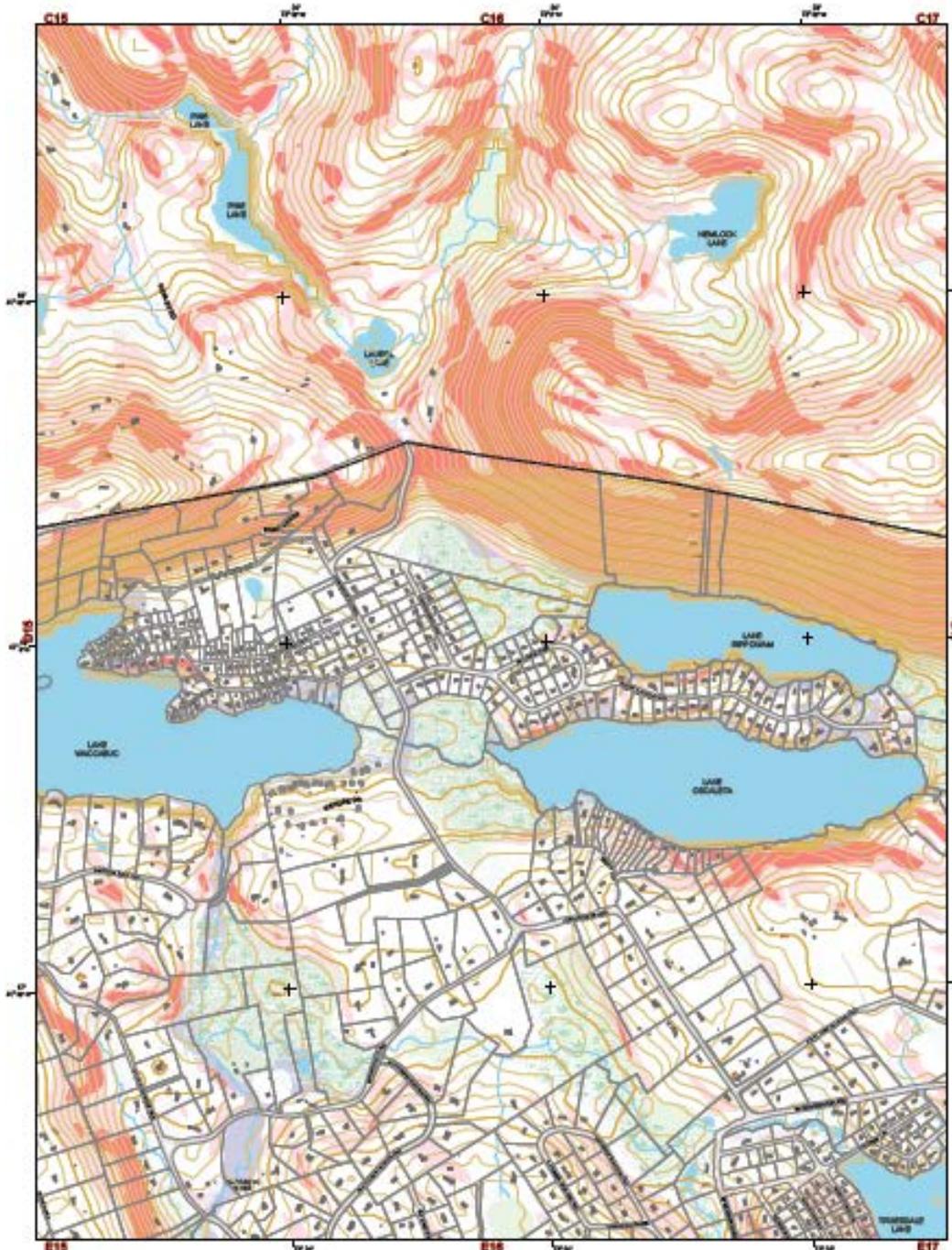
Once again, the Three Lakes Council strongly urges you not to approve Mr. Petruccelli’s wetland permit application or subdivision application. Thank you for hearing our concerns.

Sincerely,

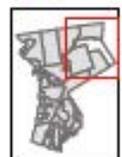


Janet Andersen
President, Three Lakes Council

Attachments



Natural Resource Inventory Map # D16
Town of Lewisboro



Legend

- 10' TOPO
- 30' TOPO
- Streams
- Lakes, Ponds or Reservoirs
- Aquifer
- Drainage Ditches
- Hydro Soils
- Planned Roadways
- Tax Parcels
- Buildings
- Signs
- 108 - 218
- 218 and Over
- National Wetlands Inventory

- MDECC Wetlands
- Greater than 12.4 acres
- Less than 12.4 acres
- Floodlines
- 100
- 500

TILE INDEX

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Natural Resource Inventory Map zoomed to show wetlands on Petrucelli property.

