

SPDES

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June 28, 2004

Michelle West, Chairperson and Planning Board Members
Town of Washington Town Hall
Post Office Box 667
Millbrook, New York 12545

Re: Proposed Trumbull Home Subdivision
Stanford Road
Engineering and Environmental Review

Dear Chairperson West and Members of the Board:

As requested by our client, Adelaide Camillo and Ronald S. Gross, whose residence is located immediately adjacent to the proposed Trumbull Home Subdivision, our office has made a cursory review of the most recently submitted materials, which included a revised Trumbull Home, LLC subdivision Sketch Plan, dated last revised 06/24/04, correspondence and the project's revised Long Form EAF from the Applicant's Engineer, Mr. Peter Setaro, PE of Morris Associates, and project documentation prepared by the project's Attorney (not dated, but logged in by the Town on 06/25/04).

The following information is presented, as a supplement to our prior review comments, for the Board's consideration in their review of this proposal for SEQRA determination and subdivision of this property:

I. Subdivision Plan Deficiencies –

- A. As the Board will note in its review, information required by the Town Subdivision Code (including the delineation of wetlands on the entire property, location of building and septic field sites, and location of soil areas with a depth of 3 feet or less to bedrock) have not been shown in this latest map revision.
- B. Note #12 on the Subdivision map implies that development of driveways crossing wetland areas must be limited to 0.1 acres. However, if driveways and all other building elements in the subdivision disturb more than a **CUMULATIVE TOTAL AREA of 0.1 acres** of federally regulated wetlands, then a Permit is required from the Army Corps of Engineers -- the term used by the ACOE for not considering the

cumulative wetland disturbance of a proposed development is "wetland stacking", which is specifically prohibited by U.S. EPA Clean Water Act regulations.

- C. A basic culvert capacity analysis should be provided to verify that the 12" diameter culvert which is being proposed beneath the driveway on Lot 2 is appropriate.

Similarly, a culvert installation will be necessary to convey the intermittent stream drainage beneath the proposed Lot 2 driveway where it crosses the federally regulated wetland (i.e., no culvert is indicated to be required at this location).

The Board should note that no wetland crossing would apparently be necessary (although wetland delineation in this area has not been provided by the Applicant) if the driveway for this lot were relocated near the existing barn as has been suggested by several Board members.

II. Application of the Stormwater SPDES General Permit (Phase II) Requirements – ←

- A. With reference to the LRC Memorandum dated 06/01/04, p. 2 at item 3 and p. 3 at item 3 state that the proposed project is not subject to the Phase II Stormwater regulations. This statement is an error. The Board should note that a requirement for a Stormwater SPDES General Permit was also affirmed by the Applicant's Engineer at the June 1, 2004 Planning Board meeting.

Simply stated, this subdivision is required to apply for the Stormwater SPDES General Permit, since all subdivisions that cumulatively disturb more than 1 acre of land in the construction of the proposed houses, drives, lawns and septic systems are subject to and required to apply for this general stormwater permit. Permit coverage for this development requires that an Erosion and Sediment Control Plan be prepared for the project and that a Notice of Intent be filed with the NYSDEC. This Notice of Intent must be certified by a professional engineer, stating that the Erosion Control Plan will be followed by all activities during the subdivision's development.

What is not required to be prepared is the additional Stormwater Pollution Prevention Plan (SWPPP) that is necessary for projects that cumulatively disturb more than 5 acres during the development's construction activities. If the subdivision will not disturb more than 5 acres, then the additional SWPPP does not have to be prepared.

Our office has requested correspondence from NYSDEC's Division of Water Engineer Pat Ferracane to clarify this matter for the Board. Mr. Ferracane's previous letter to Mr. Setaro clarified that the full SWPPP would not be required, but did not intend to imply that a Stormwater SPDES General Permit would not be necessary for this proposed development.

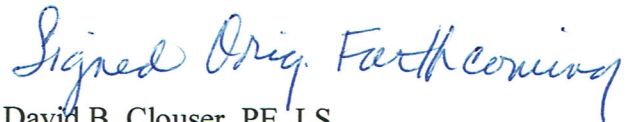
- B. The EAF's Part B, Item 25, should include under "State Agencies" approvals that the NYSDEC Stormwater Permit is required.

Finally, we wish to renew our previous numerous requests that the full field report of the wetland delineation by Mr. Nowicki be provided for our review. This field report should include a full description of the wetland vegetation, soil hydrogeology and results of auger soil samples. The Board's Planner indicated that this information would be provided in a conversation with

him during both the Board's April and June meetings, and later in a follow-up telephone conversation and June 3, 2004. Our office also requested a copy of this report in our June 1, 2004 review correspondence to the Board. An attempt to FOIL this report information indicated that this full field report was not included in the Planning Board project file for this subdivision proposal.

Your consideration of the above information will be appreciated. Please feel free to contact me at your convenience with any questions or comments that you may have.

Sincerely,
David Clouser & Associates



David B. Clouser, PE, LS
NYS Professional Engineer No. 069334

Cc: Adelaide Camillo and Ronald S. Gross
James B. Bacon, Esq.

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