

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

## **BOARD MEMBERS**

**KIM KUGLER**  
**RAYMOND COTE**  
**ROBERT FRENKEL**  
**MARK PORCELLI**  
**VICTORIA CAUSA**

## **TOWN OF CARMEL** **PLANNING BOARD**



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**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

**PATRICK CLEARY**  
**AICP, CEP, PP, LEED AP**  
*Town Planner*

## **PLANNING BOARD MINUTES** **FEBRUARY 24, 2021**

**PRESENT:** CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO, KIM KUGLER, MARK PORCELLI, ROBERT FRENKEL, VICTORIA CAUSA

**ABSENT:** RAYMOND COTE

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>TYPE</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Carmel Centre Senior Housing – Lot 3	55.14-1-11.1	Bond Return	1-4	Public Hearing Left Opened.
Hamlet at Carmel	66.-2-58	A. Site Plan	5-14	No Board Action.
Fairhaven at Baldwin Place	86.6-1-4	Site & Sketch Plan	14-19	No Board Action.
MK Realty	55.6-1-44&45	Re-Approval	20	Re-Approval Granted for 1 Year.
Yankee Development	76.15-1-12	Extension	20	180 Day Extension Granted.
Minutes – 01/27/21			20	Approved.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Rose Trombetta

**CARMEL CENTRE SENIOR HOUSING – LOT 3 – STONELEIGH AVE – TM – 55.14-1-11.1 – BOND RETURN - PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Franzetti read his memo which stated in response to requests from the applicant for a Bond return for the referenced site, the Town of Carmel Engineering Department has performed numerous site visits (April, May, July, December of 2018, August, September and October of 2019 and May, October 2020) to inspect this site. A representative of the Engineering Department performed a field inspection of the referenced property on October 28, 2020 to evaluate the current status of the site construction, for the purpose of determining whether a bond return was warranted. The results of our investigation are presented below. The Board should note that the original bond for Lot 3 was \$2,579,959.00. This bond amount has not been reduced. Based upon our inspection all the site improvements required pursuant to the Board's Site Plan approval have now been completed. On this basis, this Department recommends that the bond be released.

Mr. Franzetti addressed the board and stated what a performance bond typically entails is erosion sediment control, earth work, cut and fill, retaining walls, drainage, drainage pipes, water, sewer lines, fire hydrants, curbing, pavements, guardrails, site lighting, landscaping and plantings. These were all part of the \$2,579,959.00 performance bond. We have inspected the site based on those criteria and they have finally met all the criteria for that.

At which time, Chairman Paepre asked if anyone in the audience wished to be heard on the bond return.

Mr. Jack Adesso of 75 Blair Heights approached the podium. He addressed the board and stated he is on the Board of Directors of the Home Owners Association and we are in opposition of the releasing of the bond for the following reasons. He stated lot 3 has eight stormwater ponds and the board has been advised previously that Falcon Engineering is an engineering firm that was hired by The Retreat to assist us in reviewing the engineering issues at the site. He stated the Falcon Engineering Report, phase 2 was submitted to the town months ago, stating there is an existing problem with the stormwater basins. The basins are found to have dense brush, reed and meadow coverage. This problem continues to this day, including slopes that have dense growth of Phragmites and Mugwort which are not indigenous to the pond, but are actually detrimental to the pond. They choke the pond and if you look at the photographs that are attached you could see this infestation of these non-indigenous plants. The approved plans show that lot 3 has eight stormwater basins with 4,875 individual plants of nine types in 39 distinct groups. Recent visual inspection indicates that this requirement has not been met. We have not seen that these plants are evident in the ponds. We haven't seen any report in the foil information that we received from the Town of Carmel that these plants were planted. Unfortunately, with the cold weather and the snow cover, it's impossible to go out there now and inspect. We would like to see an inspection done for that specific reason when the weather warms up in the spring and we could determine if the plants were planted and if they were planted are they still alive and to expedite the removal of the harmful plants that are growing in there now. He said Falcon Engineering also stated in their report that the basins were found to have evidence of significant erosion. Again, this can not be inspected at this time due to the weather and snow conditions, so additional time would have to be allowed to inspect for erosion and for basin landscaping during the growing season. He stated the memorandum from the

Town Engineer, dated January 14, 2019, lists as a deficiency, a “planting verification per approved plans and status of invasive species such as Phragmites”. We don’t know of this requirement has been met. We could not find any verification or proof from the FOIL information provided by the Town of Carmel. There was also a requirement that a “Stormwater Control Maintenance Agreement” be filed with the Putnam County Clerk’s Office as specified in Section 156-85 required by condition 23 of the amended lot 3 site plan approval. No such agreement was found in the FOIL materials. This is an important agreement because it indicates what has to be done to keep the ponds functioning properly, so they operate the way they’re supposed to. You have to inspect them annually and, in some cases, bi-annually. Pulte has been here since 2006, during the construction period they probably did some work to clean out certain items, but hasn’t since. The records from the town do not show that these reports were filed and these maintenance items were undertaken. In the FOIL material provided there is a copy of an email from Anthony Rossi from Pulte Group, dated October 20, 2020. It indicated that there is an agreement on six items related to Pulte Homes Lot 3 bond release request. Item #1 is stormwater ponds and this item has been satisfied as the HOA is responsible for their maintenance. This is untrue. The HOA is not responsible for the maintenance of the ponds. We are not responsible until the ponds have been approved by the NYCDEP, NYSDEC and the Town of Carmel. They have to be accepted by The Retreat. We have seen no evidence that it has occurred. To make a statement that the ponds have to be maintained by the HOA at this point in time, when they are still under the controlling jurisdiction of Pulte, is not only false but misleading.

Mr. Adesso continued and stated besides the ponds there are other issues. The conditions of sidewalks and curbs all along the property show heavy damage. The Belgian block that’s attached between the roadway and sidewalk are falling off and coming away from the sidewalk. He said not only does it look bad, but it’s a tripping hazard. He went on to discuss the landscaping. He stated there is an amended landscape site plan that indicates the locations of trees and bushes along lot 3 properties and roadways. There are photographs of where trees and bushes were supposed to be planted and none were planted. Landscaping that was supposed to be done has not been done and some of the landscaping that was done has either died or been buried by other weeds and growth. The stormwater pond plantings are very expensive and part of the landscaping plantings as well. In Pulte’s estimate of the bond release numbers, they show one pond to plant at a cost of \$18,000. Lot 3 has eight ponds. He stated the Falcon report notes that the site plans provided do not include detail for the driveway culverts. Pulte should provide approved plans showing construction details of the driveway culverts. In any case, the purpose of the culverts is to permit the continuous flow of stormwater in the existing riprap and grass along the roadways. The existing driveway culverts do not function as intended. They should be replaced with properly pitched and appropriately sized pipes to allow for the continuous flow of stormwater. He stated the Falcon report also noted that the riprap in the drainage swales were the wrong size. This was acknowledged by Pulte. It is supposed to be 4-inch average diameter and Pulte used a smaller size. Pulte agreed that this had to be replaced, but it still exists that way. These items have been discussed from time to time with the Engineering Department who has been very responsive to our calls, but I believe some of these issues have to be looked at before you release the bond. We’re not saying that Pulte isn’t entitled to some of their bond back, but they haven’t done it all. We’re suggesting that the planning board consider releasing half of the bond and keep the other half until the weather warms up and these inspections can be done. If, everything has been done and is in the proper format, then they are entitled to the balance of the bond. We are asking them to correct it. We want to get what we paid for. It’s a beautiful development and a

beautiful lot. We need a little help in making sure that what Pulte is supposed to do is done. He said these ponds in particular are very important to the New York Watershed. It's not only us that suffer if they are not done correctly, but the town and reservoir system. We are more than willing to cooperate in anyway we can with the town agencies to help whatever the problems are.

Vice Chairman Giannico asked have these issues been brought to the attention of Pulte?

Mr. Adesso replied yes. They were given the Falcon report and I will also send them a copy of this letter. They were given two Falcon reports which specifically list many more items that I have raised here tonight.

Vice Chairman Giannico asked did they respond to the Falcon reports?

Mr. Adesso replied they responded once. They were supposed to respond to the second report November 29<sup>th</sup> but we haven't heard from them.

Chairman Paeprer asked are these all bondable items?

Mr. Adesso replied yes.

Chairman Paeprer asked if anyone else in the audience wished to be heard.

Ms. Michelle McCabe from 17 Crosby Road approached the podium. She stated her property backs up to lot 3. I'm here on behalf of the landscaping and the stormwater retention plans. There is water coming into my property since the construction started. I'm requesting that the stormwater retention plans be looked at because I don't think they are working. She said I have been following up with Mr. Franzetti since late 2018 via email. He has followed up with Pulte on my behalf during that time, but I haven't seen any trees, maybe two or three that have since died. There has been no follow up after those trees were planted. There has been no landscaping between my property line and this construction. I'm very disappointed at Pulte, because my quality of life has suffered. There is no privacy and nothing to block the lights. It's a quality of life issue. It's the responsibility of the planning board to protect that and I would like this resolved.

Vice Chairman Giannico asked Ms. McCabe if she has any photos of the property after a storm event?

Ms. McCabe replied no, but she will be happy to take them for the board.

Mr. Michael Hubertus of 15 Crosby Road approached the podium. He addressed the board and stated his main complaint is the landscaping along the property between the Pulte property and residential properties. He stated no landscaping has been done on that side. On the original proposal, Pulte had stated that there would be a 25 feet buffered area between the properties. That doesn't exist. He said I'm not sure what could be done as far as landscaping is concerned. Those trees would have to be 50 to 100 foot trees that could block the views between Pulte and the residential area on Crosby Road.

Chairman Paeprer asked Mr. Franzetti what his thoughts are on re-visiting the site in the spring.

Mr. Franzetti stated hearing everything that the residents have said, the board should maybe consider having the bond reduced, but not fully returned, so we could go back out in the spring time. I will ask Mr. Lynch, Pulte's representative to review what was said. We have asked to have trees replanted three or four different times. When we out there and conducted the most recent inspections, everything was there. I can't attest that they are still alive at this moment, but they were when we were out there in the fall.

Chairman Paepre stated I think we should just reduce the bond and do another inspection.

Mr. Franzetti stated we typically don't lower a bond lower than 20%. 20% of this bond will be about \$500,000.00 which I think will be more than sufficient to cover.

Vice Chairman Giannico stated before we consider lowering or returning any bond, I'm concerned about the retention ponds. Were they at any point signed off, so that the site was given a C.O. and residents could move in. If this is the case, then it's a maintenance issue. Also, we do not have any input from Pulte. I would like to see a response to Pulte and this letter should be sent to Pulte. What is Pulte willing to do?

Mr. Porcelli stated if the town was going to accept this as a town road, the ponds would have to be kept up and these items addressed. It would be the responsibility of the developer.

Mr. Franzetti stated Pulte would have to take care of the Stormwater Maintenance Agreement which was part of the original resolution. The agreement entails the posting of a fee for annual maintenance. That needs to be done.

Mr. Paul Lynch of Putnam Engineering, representing the applicant stated most of this is new information to me. I'm not aware of the Falcon reports. It's only fair that you do another site visit in the Spring to everyone involved. He said at this point, I think a bond reduction is due, obviously not the full bond, but I don't think it's fair to the applicant that they are still paying for a 2.5-million-dollar bond, when there's probably less than a half a million dollars worth of work.

At which time, a discussion ensued with regards to what the amount of the bond should be reduced to.

Mr. Charbonneau stated it's not up to the planning board to make a determination as to the amount that should or should not be returned. The applicant has made a request for a full bond return. Mr. Lynch stated he would consent to a partial return. Now, it's up to the applicant and the Engineering Department to get together and figure what amounts could be attributable to the items that have raised here tonight and any other potential outstanding items and then come back to the board with a fixed number. To sit here and engage in a colloquy as to price allocations for things that are not and have been completed is not the proper way to handle this.

Chairman Paepre was in agreement.

Vice Chairman Giannico moved to keep the public hearing open with all in favor.

## **HAMLET AT CARMEL – STONELEIGH AVE – TM – 66.-2-58 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicants propose to develop a 120 unit Multi-Family Development with the necessary parking and recreation spaces on 35.28 acre parcel that was previously approved for Multi-Family Dwellings for the Elderly. This project is for all ages, not a Multi-Family Dwelling for the Elderly.

Section 156-28 of the Town of Carmel Zoning Ordinance has criteria for Multi-Family Developments in the R-Residential zoning district, however, the Schedule of District Regulations does not mention Multi-Family Developments in the R-Residential zoning district. There is a conflict in the code. **This needs to be addressed by either Interpretation or Variance.**

The applicant could use section 156-45E, entitled “Residential Cluster Development” code, for this project. Using that section, this development would be held to +/- 11 units.

The following are permitted Principal Uses in the R-Residential Zoning District: *Single-family dwellings, Farms, truck gardens, nurseries and other agricultural activities (See § 156-17.), Parks, playgrounds and other recreation facilities operated by the Town of Carmel, Municipal offices, libraries, fire and police stations, schools and other similar buildings, Hospitals existing at the time of adoption of this chapter, and Nursery schools and day nurseries (See § 156-38.).*

The following are permitted Conditional Uses in the R-Residential Zoning District: *Farm stand or market (See § 156-22.), Parks, playgrounds and other public or private recreation facilities not operated by the Town of Carmel, Private schools (See § 156-23.), Annual membership clubs, including country, golf, tennis, and swim clubs (See § 156-24.), House of worship, Private stables (See § 156-25.), Greenhouses accessory to the principal residence and not used for business purposes, Camps (See § 156-26.), Private beach, wharf, dock and boathouse (See § 156-27.), Residential cluster development, Customary home occupations (See § 156-188.), Office of a professional in a residence (See § 156-21.), Public utility installations (See § 156-37.), Bed-and-breakfast establishment, Accessory dwelling unit, Multifamily dwellings for the elderly, and Recreation center (See § 156-45.3)*

Section 156-28 of the Zoning Code reads as follows:

### **§ 156-28 Multifamily developments.**

***A. In R Residential Zones, multifamily developments and their on-site accessory uses for parking and recreation shall be permitted as a garden apartment design or townhouse design, provided that:***

- (1) The site of the development shall be at least 10 acres.***
- (2) The maximum permitted density shall not exceed five units per acre in a R-MF and 3.4 units per acre in an R-MFA Zone.***
- (3) For each housing unit there shall be provided a minimum of two on-site parking spaces as defined in this chapter. However, for multifamily developments (nonapartment) that are designated for occupancy by the elderly exclusively, there shall be a minimum of 1.5 on-site parking spaces for every dwelling unit. No parking space shall be located in a front setback area or within 10 feet of any side or rear lot line.***  
***[Amended 5-31-1984; 10-21-1998 by L.L. No. 9-1998; 9-20-2006 by L.L. No. 5-2006]***
- (4) The building height shall not exceed 35 feet.***
- (5) Coverage of the lot by buildings shall not exceed 30%.***
- (6) There shall be a distance of at least 50 feet between all buildings.***

***[Amended 12-18-1985]***

***(7) No building shall exceed a length of 200 feet.***

***(8) There shall be a perimeter building setback area of at least 100 feet on all sides of the site.***

***(9) A total of not less than 300 square feet per dwelling unit shall be improved with recreational facilities, such as swimming pools, tennis, basketball and other court games, playground or other recreational equipment for the use of the residents of the site and their guests. Such facilities shall not be operated for profit.***

***(10) In addition to the required 300 square feet per dwelling unit which shall be provided for recreational facilities for use by the residents of the site, the applicant shall pay to the Town of Carmel an amount to be established annually by the Town Board and on file in the office of the Town Clerk, for each dwelling unit shown on the site plan prior to the issuance of the certificate of occupancy. This amount shall constitute a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.***

***[Amended 11-26-1986]***

***(11) A landscaped buffer area of at least 10 feet in width shall be provided along all property lines and around all parking areas. Such buffer planting shall be maintained at a height of at least four feet to satisfactorily screen the parking area.***

***(12) No multifamily development in a R District shall contain more than 150 dwelling units.***

***(13) Adequate water supplies shall be made available the entire year for fire protection purposes. These sources may be pressured systems, cisterns or dry hydrants. The quantity available must meet NFPA Standard 1231 entitled "Standard on Water Supplies for Suburban and Rural Fire Fighting," primarily Tables 5-1.1(a) and (b). All water supply distribution points shall be readily accessible and so located that the maximum travel distance for fire-fighting apparatus shall not exceed 1,000 feet from distribution point to farthest delivery point.***

***[Added 12-18-1985]***

Variance required for section 156-28A- These apartments are not Garden Apartments. By definition, they may not exceed 2 stories in height.

***APARTMENT HOUSE, GARDEN-TYPE- A multifamily residential structure of not more than two stories containing three or more dwelling units.***

The Engineering Dept. needs to confirm this project conforms with section 156-28A(13) which reads ***"adequate water supplies shall be made available the entire year for fire protection purpose..."***.

Mr. Franzetti read his memo which stated the applicant seeks an amended site plan for the approval of 120 units of multifamily housing in accordance with § 156-28 of the Town Code. The site is 35.3 acres. The Planning Board granted Final Site Plan approval for this project involving the development of a 120 unit senior housing development on June 9, 2009.

As previously provided to the Planning Board on November 19, 2020, the applicant requested a re-approval of the previously approved site plan. At that time the Engineering

Department did not have any objection to re-approval of the site plan application for this project as there are no changes to the site being made.

The Engineering Department advised the Planning Board we had met with applicant on October 5, 2015. The following should be noted:

- The re-approval request is for the previously Planning Board approved site, any site changes which may be contemplated by the applicant may trigger a new site review process and regulatory review.
- The performance bond and engineering inspection fee will need to be increased to reflect current costs.
- Stormwater maintenance agreement and bond will be required.
- The Out of District (OOD) Water and Sewer agreements will need to be updated to reflect the proposed use. The applicant is in the process of amending the existing OOD water and sewer agreements. The amendment will result in a reduction from the previously approved flow of 72,000 gpd (for water and sewer) to 42,000 gpd of flow (for water and sewer). The Engineering Department performed a flow assessment and the reduction is acceptable.

Based upon our review of this submittal, the Engineering Department offers the following **preliminary** comments

### **I. General Comments**

1. The following referrals would appear to be warranted:
  - a. New York State Department of Environmental Conservation (NYSDEC)
  - b. New York State Department of Transportation (NYSDOT).
  - c. New York City Department of Environmental Protection (NYCDEP).
  - d. Putnam County Department of Highways and Facilities
  - e. Putnam County Department of Health (PCDOH).
  - f. Putnam County Department of Planning (GML 239 M).
  - g. Town of Carmel Highway Department
  - h. The Town of Carmel Environmental Conservation Board (ECB).
  - i. Carmel and Croton Falls Fire Departments
2. Permits from the following would appear necessary:
  - a. NYSDEC - for stormwater.
  - b. NYSDOT for work permit and traffic study
  - c. NYCDEP for stormwater.
  - d. PCDHF work permit
  - e. Town of Carmel for the OOD connection for water and sewer.
  - f. ECB for wetlands permit.
3. An existing conditions map must be provided.
4. A comparison map of what has previously been approved to what is being proposed must be provided.
5. A wetlands delineation should be performed.
6. The application identifies that the maximum day water and sewer flows are 24,400 gallons per day. The OOD district connection must be amended to reflect these values.



7. A Stormwater Pollution Prevention Plan (SWPPP) detailing the sizing of the SMPs is required. The SWPPP should meet the NYSDEC GP-0-20-001 and NYCDEP requirements.
8. A traffic study should be conducted and provided for review. The traffic study will need to be review and approved by the NYSDOT and PCDHF.
9. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).
10. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. The applicant will need to develop a quantity take off for bonding purposes

## **II. Detailed Comments**

1. The SEAF should be updated to include the following:
  - a. Page 2 of 3 it is unclear is the answer to question is correct. Is the proposed action “permitted under the zoning regulation”? This should be clarified.
  - b. Page 2 of 3 additional information will need to be provided regarding traffic and transportation for the proposed use.
2. Overall Plan - SP-1
  - a. Available sight distances and calculations should be specified on plan. Any clearing along the edge of the roadway right of way (R.O.W.) that may be necessary to assure appropriate sight distances are provided, should be identified. All calculations must be provided.
    - i. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles on the site.
    - ii. All turning radii for the site should be graphically provided. This includes the turning radii into the site entrance.
    - iii. Slopes at the entrance way need to be defined. It is suggested that slopes of less than 6% be used for the first 20 feet of entry and that slopes of no greater than 8% be used entering the site. Please refer to AASHTO guidelines.
3. Layout, Landscaping and Lighting Plan SP-2
  - a. All planting should be verified by the Town of Carmel Wetlands Inspector.
4. Grading and Utilities Plan - SP-3
  - a. Rim and invert elevations for the drainage system should be provided.
  - b. Hydraulic calculations and pipe sizes should be provided.
  - c. Electric, water and sewer utility information is not provided on this drawing.
5. Erosion Control and Phasing Plan - SP-4
  - a. Rim and invert elevations for the drainage system should be provided.
  - b. A full SWPPP is required.

- c. Each Phase provided should have its own sheet for review.

6. Site Details – D-1 through D-3

- a. Guiderails, concrete sidewalk and curb details should meet the criteria defined in §128 of the Town of Carmel Town Code.
- b. A detail for standard duty asphalt in the parking area has been provided. The top layer of pavement should be 2 inches, the binder course should be 3 and the base should be minimally 8 inches
- c. Town road specifications are 12-inch subbase, 3-inch base, 2-inch binder and 1-inch top coat.
- d. For driveways the top layer of pavement should be 2 inches, the binder course should be 3 inches and the base should be minimally 8 inches
- e. All sewers must meet the Town of Carmel Town Code § 120-29.
- f. All water service connections must be K-copper.
- g. Gate valves shall be AWWA non-rising stem type, as manufactured by Mueller Company, Model A-2360-23, or approved equal, conforming to the latest AWWA Standard for Gate Valves - 3" through 48" - for Water and Other Liquids, AWWA Designation C-509.
- h. Sizes up to and including 12" shall be 250 psi working pressure. The valve body and bonnet shall be ductile iron. All interior and exterior metal surfaces shall be coated with a two-part thermosetting epoxy complying with AWWA C550.
- i. Valves shall have dual "O" ring seals, inside screw, resilient wedge seats in accordance with AWWA Designation C-550 and shall be constructed so as to provide unobstructed full port clearance when fully open and immediate complete closure when closed. The ends of the valves shall be mechanical joint.
- j. All valves shall be arranged to open in counter clockwise direction unless otherwise specifically indicated and operating nuts shall be 2" square.
- k. Valves shall be tested to a pressure of not less than two times the working pressure.
- l. All hydrants shall be six inches in size with six-inch mechanical joint inlet connection and shall be equal to the Mueller Centurion A-421, with one (1) 4 ½ " pumper nozzle and two (2) 2 ½ " hose nozzles.
- m. Water Service Saddles shall be equal to those manufactured by Mueller, Model 7 ½" x 1" SS Series Stainless Steel Saddle, Double Stud.
- n. Corporation stops shall be equal to those as manufactured by Mueller Company, Model B-25000 Series, NRS and of the size required. Such corporation stops shall meet the requirements of AWWA Specification No. C800.
- o. Curb valves (stops) shall be equal to those as manufactured by Mueller Company, Model H-15214 and shall conform to AWWA Specification No. C800.
- p. Curb boxes shall be equal to those as manufactured by Mueller Company and similar to Mueller extension type with arch pattern base model H-10314 all extension rods shall be stainless steel.
- q. All fire hydrants shall be the approved AWWA type fire hydrants in conformance with the American Water Works Association Standard for Fire Hydrants for Ordinary Water Works Service, AWWA Designation C502, and shall have a 5-1/4" valve opening, a 6" mechanical joint inlet complete with an auxiliary gate valve (close coupled), a 6" mechanical joint shoe, and all appurtenances.

- r. Fire hydrants shall be rated for a working pressure of 250 Psi. Fire hydrants shall be sized for a 4'-6" bury.
- s. In the event of blasting operations, a permit will be required from the Building Department.

7. Site Details – D-4 and D-5

- a. These will be reviewed when the SWPPP is submitted.

Vice Chairman Giannico read Mr. Cleary's memo which stated this application involves amending the 120-unit senior housing development approved in 2009 that consisted of two 24-unit multifamily buildings and 72 cottages, a community recreation building and tennis court, to allow for the development of a 120-unit, non-age restricted multifamily development consisting of two 20-unit multifamily buildings and five 16-unit multifamily buildings. The community recreation building is no longer proposed. Amenities include a gazebo, playground and sports court. The proposed access would remain unchanged from the prior plan, via a connection to the existing hospital driveway.

**SITE PLAN REVIEW COMMENTS:**

§ The applicant is proposing the development of a multifamily rental project aimed at families and individuals of all ages and varying incomes. The units will include workforce, middle income and market rate housing.

§ The applicant has indicated that the project has been submitted in accordance with §156-28.

This section of the Code refers to multifamily developments in R zones. This section of the Code is a remnant pre-dating the early 2000's upzoning.

In accordance with the Schedule of District Regulations, this use is no longer permitted anywhere in the Town of Carmel.

Unless this proposal is modified to correspond to the Senior Citizen Multifamily Dwelling provisions of §156-39 (similar to the prior approval), **a use variance would be required.**

§ The Town of Carmel has no workforce or affordable housing regulations. Clarification is required regarding how the workforce and middle-income housing will be assigned. Also, what is meant by "middle-income" housing?

§ By eliminating the cottages, the development footprint has been decreased from a coverage of approximately 9% to 4%, which represents a benefit.

§ Should the applicant wish to proceed with the non-age restricted development, a new SEQR review would be necessary, that would need to address the following:

- o Traffic impacts.
- o School children impacts on schools.
- o Utility and infrastructure impacts.
- o Visual and aesthetic impacts of the additional taller buildings.
- o Municipal service impacts.
- o Fiscal impacts.

§ A zoning compliance review cannot be conducted until the use of the proposed project is addressed.

Mr. Ken Kearney, the owner of the property addressed the board and stated we have owned the property for about five years and we are proposing 120 units, 80 are mixed income, similar to other projects we have developed in Hudson Valley and throughout the state. Forty units will be true market rate. The mixed income units will be workforce and middle income. We will serve people and families from 45,000 to 102,000 a year. I consider middle income anything above 70 percent of area median income. We have

successfully developed four middle income projects in the last five years and we have three in the works. The 80 units of mixed income is funded with private financing together with private equity. The private equity is raised by the syndication of tax credits. The tax credits come from New York State. The tax credits are syndicated to an investor and in this case, it is Raymond James. We have worked with Raymond James for the last 12 years and have successfully developed over 1200 units with them. The tax credits come with restrictions tied to incomes, therefore, we have various income limits tied to the units. You will have units at 60%, 80% and 90% of area median income for the 80 units. The 40 units are true market rate. The breakdown for the 80 units is 42 bedrooms, 21 bedrooms and 23 bedrooms. They are all two-story walkups. The market rate units are forty, 2 bedrooms that could be amended to a couple of 3 bedrooms and a couple of 1 bedroom. We believe the location is perfect for this type of development. The market is extremely strong for both the mixed income and market rate units. There is a lack of rental housing in the area and its proximity to Westchester County, train station and highways make it an ideal location for this model. We are familiar with this model, we are developers, we build, but more importantly we manage all of our properties. We currently own and manage approximately 1500 units throughout New York State. The construction itself will be LEED certified. The finishes are high end finishes, we do not use vinyl siding, we use hardy plank. We just finished a project similar to this in Beacon overlooking the Hudson. We did 73 units of mixed income and 25 units are market rate. We were able to get the highest rents in the city of Beacon. He said you need three things to make this work. You need the right location, the right product and the right management. We know how to do it. You have views from the front and back and it's a beautiful piece of property. It is serviced by water and sewer. I invite any members of the board to view our most recent development in Beacon and we have one model that's opened for that purpose. He said when we secure the tax credits, we form a limited partnership. My son and I are the general partners in the limited partnership. We put up all the guarantees. We do everything. We develop it, we take on all the risks and we personally guarantee all the loans. He said with this development, there will be a restriction of either 30 or 50 years, depending on if we do a tax-exempt bond deal or a 9% tax credit. There will be a 30 or 50 year affordability period on the mixed income units. The market rate is not. We will not do a subdivision. The limited partnership will then lease the pad site to the market rate.

At which time, Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated this property is 35 acres, just south of Putnam Hospital Center. The southernly driveway to Putnam Hospital Center extends to the property line of this property and was constructed with the full intent that it would be extended into this property for multi-family housing for seniors. He stated Mr. Kearney has controlled this property for quite some time and during that time we have kept all of the approvals associated with the 120 unit senior housing project in order. This property has been fully engineered and approved. The current proposal is to reduce the footprint of the property. Our coverage is going from 9% to 4%. The upper portion of the property is not slated for development. We have compressed the footprint, but still have the 120 units of multi-family. All of the approvals with respect to sewer, water, stormwater and related agencies have been perfected for the previous 120 unit proposal and we are proposing to amend them. We are amending with minor modifications, we are not re-creating the wheel. We are trying to build off a fully approved and designed site and make it work for the applicant's current program.

Mr. Porcelli asked the property that's slated to not be developed, will not be developed in the future, correct?

Chairman Paepre asked of the 35 acres, how much of that property will you be building on?

At which time, Mr. Contelmo displayed the drawing showing the full 35 acres. The current proposal is to site the market rate units in buildings 1 and 2 (points to map) and the mixed income units in buildings 3 to 7 (points to map).

Mr. Kearney stated ideally the site could hold 150 units, but what we have in front of you tonight is 120 units.

Mrs. Causa asked the previous approval is for senior housing, why the switch?

Mr. Kearney stated when we bought this property it was approved for senior housing. Our partners fell in love with this property and they always wanted to do "for sale". The CEO of the company passed away and that started the discussion about senior rentals. I have about 700 to 800 units of senior rentals. The market isn't there, it's definitely not there for two bedrooms. He said the demand for the proposed units based on 2018 statistics are incredible. The Town of Carmel households who are 22 to 34 years old, 51% of the them are income eligible to live here. From 34 to 44 it drops to 36%. From 44 to 54 it drops to 31%. The demand is incredible and it's needed. There are no housing choices in the Town of Carmel. All the young people leave.

At which time, a discussion ensued on what the impacts on the schools, buses, cars and traffic would be as opposed to senior housing.

Mr. Kearney stated enrollment has declined by about 22% in the Carmel School District. In 2023 it's estimated to be down 28%. The school district still has the infrastructure and staffing resources for more children. He said the increase in school children will not have a tremendous impact on the schools. The infrastructure is there, it's under utilized right now. You have programs at risk of being discontinued, because there aren't enough children in those programs.

Mr. Frenkel asked about the property taxes for the site. Will it be full market rate?

Mr. Kearney stated there is a law that started in the Town of Carmel called 581-A of the real property tax law. It states, if you use tax credits, you must assess the property based on the restrictions of the units of the income.

Mr. Frenkel stated by populating this with reduced income residents, you're paying a reduced tax to the town and you are asking us to create a different use to effectively subsidize that.

Mr. Kearney said I don't see it that way. There are responsibilities with each community to address the regional housing needs and to provide diverse choice of housing and this is one of them.

Mr. Frenkel stated there may be a shortage of rental housing for reduced income people in Carmel and Putnam County, but in Carmel we have a shortage of commercial properties paying full boat market rate real estate taxes, so the burden of reduced taxes effectively falls on the already overburdened population in the Town of Carmel.

Mr. Porcelli asked is there room for negotiation in having more market rate units and less mixed income units?

Mr. Kearney replied yes. He stated this development will not solve the reduced tax rates of commercial property.

Mr. Frenkel said it will exacerbate the problem.

Mr. Kearney replied I don't see that. It hasn't happened in other communities we worked in.

The board members and Mr. Kearney continued to discuss reduced market rate versus full market rate.

Vice Chairman Giannico stated currently this proposed project does not meet within our town code. He said there are a lot of impacts needed, are you willing to do those impacts? He stated I agree with you that the young adults have no place to go, are there any assurances that would give Carmel residents first choice for those units?

Mr. Kearney stated the tax credit program we use, does not allow priority or preference. They use to do, but not anymore. He said what we have found is the majority of the residents are local.

Vice Chairman asked in your experience what type of mechanism would you use to lease out these apartments?

Mr. Kearney replied it's a lottery. He said I don't see a lottery for the market rate units, but there will be lottery for the mixed units.

Chairman Paeprer stated it might be a good idea if we declare intent for lead agency on this.

Mr. Contelmo stated this is a little different than other projects you have done SEQRA on. He stated this property was a subject of a full environmental impact statement.....

Chairman Paeprer stated for a different use.

Mr. Contelmo replied yes, for a slightly different use. He said with an environmental impact statement there is what's called a finding statement, which is the conclusion of that preceding which establishes the conditions or the metrics by which the approval could go forward. Typically, what that type of arrangement when you enter into a revised project you continue in your roll as lead agency, you could opt out of that, but as far as we're concerned you're the lead agency under SEQRA. You have the right to ask us to revisit certain impact assessments that were done. We are willing to do that. Many of them are going to be very much the same. Some will change slightly, I don't think many will change grossly.

Mr. Kearney stated we will need an updated traffic study and the impact to the schools and water and sewer. He stated we had to amend the water and sewer agreements anyway.

Mr. Franzetti replied that's correct. You had it at 72,000 gallons a day to 42,000 gallons a day and now you are recommending 24,000. I would like to see closer to 24,000 than the 42,000. The town has the option to make that request.

Chairman Paeprer stated that's the whole point on this board be lead agency.

Mr. Charbonneau stated if the board is comfortable with the project as its been spelled by Mr. Kearney, then you can make a motion to declare lead agency.

Mr. Kearney asked Mr. Carnazza with regards to the market rate, you don't consider those as garden style? I have built them in past, where I had two stories in the front and three in the rear and they were still walk ups and they were considered garden style. He asked is it because of the elevator?

Mr. Carnazza said the definition of garden style says two stories. The multi-family senior housing does not say it has to be garden style. He said we will take a look at it and discuss further.

Chairman Paeprer stated we would like to get these comments taken care of and then come back before we declare lead agency.

#### **FAIRHAVEN AT BALDWIN PLACE – BALDWIN PLACE ROAD – TM – 86.6-1-4 – SITE PLAN & SKETCH PLAN**

Mr. Carnazza stated I have the same comments. The site plan must not be approved until the subdivision plat is filed. I gave the list of variances that are required. They need the interpretation that the septic and well meet the code or if they a variance for it. He stated the fire department is present tonight as requested by the board.

Mr. Franzetti stated there are no additional comments from my prior memos.

Chairman Paeprer asked Mr. Contelmo if anything has changed since you were last before the board?

Mr. Jeff Contelmo of Insite Engineering, representing Search for Change addressed the board and stated we submitted a number of documents, but we did not make changes to the site plan with our most recent submittal. We submitted a detailed response to the comments from the County. He said the County did not have the latest site plan, the full description of the project and the parking study. We provided a written response addressing what we felt was the missing information relative to those items.

Chairman Paeprer asked if we have a copy of the response letter.

Mr. Contelmo replied yes, it was submitted to the office.

Mr. Charbonneau asked did the County indicate that they were going to review it. What did they tell?

Mr. Contelmo stated the County said they don't deal directly with the applicant, it's a GML239 referral and everything comes through the town. It was coordinated with the secretary to make sure they got the response letter.

Mr. Charbonneau stated just to understand they didn't solicit information from you, you responded to their 239m referral and now they have a complete package of what this application is all about.

Mr. Contelmo replied that's correct.

Mr. Charbonneau stated in light of that there may be additional information from the County Planning Department. They may amend, modify or leave the same comments that was previously provided.

Mr. Contelmo continued and stated in addition, Mr. Ashley Brody, Director of Search for Change was asked to provide some documents relative to funding and taxes. There was question about operations, the handling of school children and buses. He came up with a plan with his staff regarding the school children.

Chairman Paeprer asked the fire department if they had an opportunity to review the application.

Chief James Stasiak of Mahopac Volunteer Fire Department addressed the board and stated this project is going to fall under the Mahopac Falls Fire Protection District. We will be very happy to work with Chief Boyle, unfortunately he couldn't be here tonight due to a very serious car accident. I was with Mr. Carnazza trying to get an overlay of our fire protection district lines to confirm that none of the structures would be in our jurisdiction. If a piece of it does, we would be more than happy to be involved. We will be happy to be involved even if it's not, because at some point we're going to be involved if there is an emergency as a mutual aid to Mahopac Falls Fire Department. We would bring our tower ladder because it's a three story building.

Chairman Paeprer thanked Chief Stasiak for coming to the meeting.

Mr. Ashley Brody, CEO of Search for Change addressed the board and stated some questions were raised at the last meeting about the proposed use and accommodating school children, getting them safely from the main entrance to the development and bus stop. He said we retain an agency vehicle on site with which we provide some transportation to occupants of this development. We would be prepared to use that vehicle to transport school children as well and we would also prepared to erect a small bus shelter to accommodate them should it be necessary.

Mr. Carnazza asked is that a good spot for a bus stop? Did you contact the bus garage to see if that will work for them?

Mr. Brody replied I understand.

Chairman Paeprer asked how far are the proposed buildings to Baldwin Place Road?

Mr. Contelmo replied the distance from the intersection at Baldwin Place Road to the short driveway into the complex is approximately 1700 feet. He said the construction of this roadway is fully intended to meet town road specifications.

Mrs. Kugler stated she is still struggling with there is a need and the need comes within our community in Putnam. What is this real, real need to justify the size of the facility.



Mr. Brody stated the facility proposes to house 72 units, half would qualify as workforce individuals and would be employed and earning up to 60% of the area median income. The balance would be for people who have certain health conditions as we described in our project proposal. It would be health conditions that don't impair their ability to live independently. He said 72 units can be comfortably accommodated on this site and we feel there is more than enough need in this community. It's not just our assessment, all the data we have looked at supports that.

Mr. Frenkel asked is it restricted to local residents?

Mr. Brody said for the supportive housing unit it is Putnam County.

Mr. Frenkel said so there's no opportunity for someone from Westchester.

Mr. Brody asked into the supportive or workforce units?

Mr. Frenkel replied either one.

Mr. Brody stated the supportive units would be restricted to Putnam County.

Mr. Frenkel asked would that be a condition of our approval?

Mr. Brody stated it's codified in the funding and the regulatory agreements that supports those units.

Mr. Frenkel asked would you be willing to put that restriction in as part of a condition of approval.

Mr. Brody said I could do that for the supportive housing units, but I don't know if I could do that for the workforce units. I will research that.

Chairman Paerprer asked how will the funding work for this?

Mr. Brody stated there are two components to the population, the workforce and the supportive housing units. We receive funding from state agencies that supports the service delivery to occupants of the supportive housing units. That comes from a state agency known as the Office of Temporary and Disability Assistance. There are other sources that support the construction, the acquisition, the building and capital financing. There is typically a bank loan and some private equity investment as is customary for tax credit financing. In addition, tenants pay rent. Tenants who occupy the supportive housing units pay adjusted rent based on their income. Tenants of the workforce housing also pay rent. The rent is reduced, because it's meant to be affordable for individuals earning up to 60% of area median income.

Mr. Frenkel asked where does the funding for ongoing maintenance come from?

Mr. Brody stated for ongoing maintenance that comes from the services and operating award that I described. It comes from state agencies and tenants' rents. It's a combination of the municipal funding sources as well as tenant contributions.

Mr. Porcelli asked what financial input do you have in this?

Mr. Brody replied it's all different grants and municipal sources.

Mr. Carnazza asked can 10 years pass and then it all becomes workforce.

Mr. Brody replied I couldn't tell you if the state legislature decides to make some type of change that I can't anticipate or predict. Our agency currently supports about 70 people living independently throughout the county. These types of services that have existed for many years, the funding structure has not changed.

Mr. Carnazza said so it could happen.

Mr. Brody replied yes, it could happen.

Mr. Franzetti stated the road would ultimately be dedicated to the town, but the stormwater ponds will not be dedicated to the town. In the interim, who will maintain those ponds, who is charge of that and where does the funding for that come from and what happens in the future when the rest of the property is developed.

Mr. Contelmo stated the Search for Change lot which is about 16 acres encompasses all of their infrastructure. It includes their wells, septic area, parking lot, building and stormwater. It will be 100% operated and maintained by the operation of Search for Change multi-family apartment complex. The roadway coming in would be accessed through an easement. It would owned and controlled by the landowner who would be required to maintain that under some agreement of the easement and the same with associated stormwater. In the future, if this goes forward as a town road, then the developer would seek to dedicate that road.

Mr. Porcelli stated this is back door into other residential developments like this on this 180 acres which is a commercial site. This is setting a precedent for other developers to take commercial and creating a huge residential development.

Mr. Contelmo stated the development of any property in town is based on the market and we have seen very little happen since this is still vacant. The landowner has actively marketed this property and would love to see something developed. We are in the commercial business park zone, which only permits residential senior housing which we modeled our development after. I don't think this is any different from what exists there now. He said one of the planning aspects of multi-family, particularly supportive and workforce multi-family is the proximity of services. He said some of the funding sources actually require proximity to services.

At which time, a discussion ensued comparing Mahopac Hills senior housing to this project and the master plan being developed.

Mr. Contelmo stated we are just trying to get to the zoning board and we have to articulate our arguments relative to use to them.

Mr. Frenkel said in the materials that was submitted you provided some information about real estate taxes with interest. I'm still in the dark in terms of what the delta would be in terms of the pilot arrangement you proposed versus full market rate taxes. Can you provide some type of pro forma estimate?

Mr. Brody replied yes, we could provide that. He said I don't at this point in time what it would be assessed at market rate. We could certainly provide you with an estimate of what the tax revenue would be under the structure as proposed.

Mr. Frenkel asked what would be the total occupancy limit for the complex as a whole?

Mr. Brody replied the total maximum for 2 people (1 bedroom) and we have 54 one bedroom units and 18 two bedrooms – 4 people maximum.

Mr. Frenkel asked what is the relapse rate for individuals with alcohol and substance abuse?

Mr. Brody replied there is no one rate, it depends on a variety of factors. Recovery does not fit into one category. Part of our mandate is to provide housing and basic support services for people who are in recovery and don't have an acute or active addiction, but there is no telling of anyone's particular life trajectory.

Mr. Frenkel asked if you do have someone that relapses, what are your protocols in terms of allowing them to continue to reside there or removing them?

Mr. Brody stated if someone has a relapse depending on the scope of it, such as a serious issue and needs to go to a hospital or facility we would help to facilitate that.

Mr. Frenkel stated let's use an example. You have someone that has a substance abuse problem, they have a severe relapse and start stealing from their neighbors. What do you do?

Mr. Brody replied if that happened we would arrange an intervention, maybe calling the police or arranging an admission into a rehab facility. Whatever would help that individual to get back into treatment and to get back on track.

Mr. Frenkel asked what are your screening protocols for allowing somebody in?

Mr. Brody replied for the supportive housing tenants, there is a screening protocol through which we review the individual, their history, where they reside and looking at the condition on which they qualify. We will do an assessment, we would ask for information from a referral source that would substantiate their claim to be in recovery and progressed to a point where they could reside independently and safely in a community like this.

Mr. Frenkel asked who is CSD housing LLC and what is their financial interest and legal interest.

Mr. Brody stated CSD is our development partner. It's a small partnership comprised of individuals who have a mix of expertise, such as law and construction. They work with non-profit providers like my agency throughout the state and bringing projects like this to fruition.

Mr. Frenkel asked are they a for profit organization?

Mr. Brody replied yes.

Mr. Frenkel asked who pays their fee?

Mr. Brody stated as part of the structure of this development and whenever you leverage things such as tax credit financing, private equity investment, there is a developer's fee that is built into the component that is typically available at closing. They receive a portion of that if the project is successful.

Chairman Paeprer stated since we are waiting for a response from the Putnam County Planning office, I would like to hold this over. We don't typically get letters from the county and I think we should wait to hear back from them.

Mrs. Causa asked what about hearing from other municipalities and their impacts on the community.

Mr. Charbonneau asked Mr. Brody for a list of local municipalities where there is a Search for Change operating right now that would be helpful.

Mr. Brody stated my agency has been operating housing for more than 40 years in both Westchester and Putnam and we provide a continuum of housing support services which includes people living independently and we have also operated other programs in Putnam and Westchester Counties.

Mr. Charbonneau asked what towns in Westchester County?

Mr. Brody replied Larchmont, Mamaroneck, Scarsdale and Greenburgh.

Chairman Paeprer asked are they grouped into a large complex like this or are they spread out?

Mr. Brody replied both. He said nothing we operate right now is comparable to what we are proposing here. We will provide you with information about other operations in Westchester and Putnam which are somewhat different from this.

Mrs. Kugler stated these areas aren't neighboring localities. We are asking for something closer to Carmel.

Mr. Brody asked are you looking for projects that are comparable to this located nearby or are you interested in knowing what Search for Change operates nearby?

Mr. Porcelli replied Search for Change.

Mrs. Kugler asked do you provide transportation for residents since most of them don't drive to local shopping centers?

Mr. Brody stated as part of the plan a walkway will be erected from the site to Route 6 with the understanding that all the stores and amenities are there.

Chairman Paeprer stated we would like to hear some feedback from the schools, school transportation, Carmel police, Mahopac Falls Fire District and we still have to hear back from the County.

**MK REALTY – ROUTE 6 & OLD ROUTE 6 – TM – 55.6-1-44 & 45 – RE-APPROVAL OF FINAL SITE PLAN**

Mr. Carnazza had no objection to the re-approval of site plan.

Mr. Franzetti had no objection to the re-approval of site plan. All permits are in order. There are some issues as it relates to the bond and it needs to be updated to reflect current pricing.

Mr. Cleary had no comments.

Mrs. Kugler moved to grant re-approval of final site plan for 1 year. The motion was seconded by Vice Chairman Giannico with all in favor.

**YANKEE DEVELOPMENT – PIGGOTT ROAD – TM – 76.15-1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

Mr. Carnazza had no objection to the extension. He said we spoke to the applicant to discuss some thoughts about the project.

Mr. Franzetti had no objection to the extension of preliminary subdivision approval.

Vice Chairman Giannico moved to grant an extension of preliminary subdivision approval for 180 days. The motion was seconded by Mrs. Kugler with all in favor.

**MINUTES – 01/27/21**

Mr. Frenkel moved to approved the minutes. The motion was seconded by Vice Chairman Giannico with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 9:10 p.m. with all in favor.

Respectfully submitted,

Rose Trombetta