

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
APRIL 8, 2021

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
RAYMOND COTE, MARK PORCELLI, ROBERT FRENKEL, VICTORIA CAUSA

ABSENT: KIM KUGLER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
House of Prayer & Worship	64.6-1-14	Site Plan	1-2	No Board Action.
Tri-County Coal & Wood Pellets Inc.	55.12-2-12,14	Site Plan	2-4	Public Hearing Closed & Resolution Adopted.
Jones & Hoag	53.-1-79.1&79.2	Lot Line Adjust.	4	Public Hearing Scheduled.
Minutes – 02/11/21			5	Approved.

The meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Rose Trombetta

HOUSE OF PRAYER & WORSHIP – 365 HILL STREET – TM – 64.6-1-14 – SITE PLAN

Mr. Carnazza stated all the necessary variances were granted by the ZBA and are noted on the plat. He stated the restrooms are fully within the building now, there is no bump out on the back of the building and all my zoning comments have been addressed.

Mr. Franzetti stated the applicant received a letter from the NYSDEC indicating that a freshwater wetland permit is needed, possibly a water quality certification over 5,000 square feet for SPDES or stormwater. Information is needed from NYCDEP in the watershed and cultural resources. The applicant will need to provide information regarding those permits. It is unclear if the storm tech units are part of the site plan. If so then the depth to groundwater at for the storm tech units must be provide to make sure they meet the NYSDEC criteria. Applicant has removed the porta-potty and replaced it with bathrooms and a holding tank. Additional information is needed.

- a. Location of holding tanks.
- b. how the unit will be maintained.
- c. how water will connect into the unit and how the unit will control overflows.

Mr. Cleary stated all planning issues have been addressed. He asked for clarification on the pavement on surface of the parking lot.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated a lot has happened since that letter from the NYSDEC came which Mr. Franzetti is referring to. Unfortunately, because of COVID, I have been trying desperately to get in touch with the DEC to tell them things have changed. As of today, I haven't received a response yet. I did receive two letters from the NYCDEP. He stated according to Jason Coppola from NYCDEP if we go with pervious pavers and do not put any additions on the back, we wouldn't have to do any of the work that Mr. Franzetti mentioned, such as SWPPP. The DEP will accept a holding tank, but it has to be at least 1,000 gallons and we have to give them the name of the company that will be doing the cleaning every month. He stated we received all the variances from the Zoning Board and the ECB should be accepting our application at the next meeting.

Mr. Franzetti stated you need to get your permit or at least clarify what the NYSDEC wrote to you in that letter.

Mr. Greenberg stated the letter you received was dated sometime in January, since then the project has changed tremendously and the amount of work has changed tremendously which they aren't aware of. I have tried to email them and I'll keep trying and I think they will have a completely different report.

Mr. Franzetti stated the freshwater wetlands aren't moving, so if you do any work in the 100 foot boundary per the state, you will need a permit and you will need whatever approvals from the DEP. A letter is nice, but they will have to review and give you their approvals ultimately.

Chairman Paeprer stated we have three pages of comments, we are not rushing this through. He asked what are you doing with the pervious pavers and where will they be?

Mr. Greenberg stated based on my conversations with the DEP, we are going with pervious pavers throughout the property. The driveway and parking lot.

Chairman Paeprer asked is that the letters you handed out tonight?

Mr. Greenberg replied yes.

Chairman Paeprer stated we need to review this and put it on the next agenda.

Mr. Greenberg was fine with that.

Mr. Cleary stated the drawings need to updated with the specifications of the pervious pavers.

Mr. Greenberg replied I wanted to make sure I had the right specifications and yes it will be on the drawings.

Chairman Paeprer stated we are happy with all the improvements being made to this historic site, but there are too many agencies with questions right now for us to proceed.

TRI-COUNTY COAL & WOOD PELLETS, INC. – 113 OLD ROUTE 6 – TM – 55.12-2-12 & 14 – SITE PLAN

Mr. Charbonneau recused himself due to a conflict with the applicant and left the dais.

Mr. Carnazza read his memo which stated the applicant proposes to legalize an existing coal and wood pellet stove and associated heating fuel sales business off Old Route 6 in the Town of Carmel. The property is in the C-BP-Commercial-Business Park zoning district. The permitted uses include “Commercial Establishments” and “Retail sales and service establishments”. There is a chain link fence that buffers the property to the Bike Path. This needs to be maintained to keep the uses separate. The two lots need to be merged upon filing of the plat. This is an administrative merge which is done by the Assessor’s office upon written request. The rear (TM# 55.12-2-14) should be labeled “Storage Area”. The storage containers that are partially on the Bike Path property need to either be moved onto the subject property or submit an easement or license agreement to leave them where they are which we received after the fact. They are shipping containers (not buildings or structures). The canopies on the adjacent Old Route 6 R.O.W. also need to be moved, removed or legalized through an easement or license. The canopies are structures and need to be moved 40 ft. from property line or removed.

Mr. Franzetti read his memo which stated the application involves formalizing a site plan for the referenced project. As long as there are no changes being made to the site this Department does not have any additional comments related to this project. The applicant should note that due to the proximity of streams and wetlands any future work will minimally require wetland permits.

Pat's memo said this proposal involves legalizing a pre-existing business operation (Tri-County Coal) that has been operation at this site for many years. No changes to the existing site plan are proposed. The property is transferring, so they need a site plan that runs with the property so the future owners know what's going on. He stated the reason why Mr. Carnazza is being so critical about the location of those ancillary structures is that they need to be documented where they are for enforcement. Right now, Mr. Carnazza has nothing to enforce anything against. That's why we are granting site plan approval. There are no planning issues with this, it's literally legalizing the operation that's been there for many, many years.

Mr. Carnazza stated sometime in the 1980's, they went through a process because I found ECB reports and complaints about coal. Everything was unfounded, there were no problems. There was a lot of other paper in the file, but nothing showing there was a site plan approval.

Chairman Paeprer stated from my understanding, the bike path allowed the storage containers there. He asked if it transfers ownership, will the new people have to move it?

Mr. Cleary stated we will have to look at the license agreement, typically it's associated with the operation not the individual.

Mr. Carnazza stated that's my understanding as well.

Mr. Cote asked if anyone had the opportunity to actually review the license.

Mr. Cleary replied no. We wouldn't in this case, it would normally be Mr. Charbonneau, in this case it will be Mr. Folchetti.

Mr. Carnazza stated I did read through it. My understanding was everything was in place and Mr. Folchetti did look at it.

Mr. Cleary stated for something like this it would be a condition of your approval.

Chairman Paeprer stated this has been there forever.

Mr. Cleary stated the good thing here, is we now have enforcement capabilities, something we don't have today.

Mr. Joel Greenberg of Architectural Visions, representing the applicant read a letter from Putman County Planning & Development dated October 16, 2002, which stated we are in the process of receiving parcels adjacent to Old Route 6. We will run the fence parallel to the bikeway instead of along the property line of that parcel up to the edge of Old Route 6. This is so you may have use of that area for your storage containers and parking. What this is referring to are two areas on his property. At which time, Mr. Greenberg points to the map showing the encroachment of the storage containers along the bike path. So, this agreement gives the applicant the right to leave his containers in the same location as they are now. He stated we are doing absolutely no work to the site. What we are trying to do is legalize this, so that there is an approved site plan and that the new owner knows everything here is legal. The new owner is also planning on running the same type of business as it is now. The most important thing is we have the agreements for the containers with the County.

Vice Chairman Giannico asked if the storage containers are locked up. Are they open?

Mr. Carnazza replied they are sea containers.

Mrs. Causa asked what is actually in the containers?

Mr. Carnazza said the coal and the wood pellets are stored in the containers.

Mrs. Causa is there any issue with refilling those containers at any time with coal. Is there an environmental thing that we need to be concerned about?

Mr. Franzetti replied no. He said most of it is bagged coal, pelletized coal and pelletized wood. You're basically moving pallets.

Chairman Paeprer stated it's not a busy area or in a residential area, so in this case if someone wants to make a motion to waive the public hearing and prepare a resolution.

Mr. Porcelli moved to waive the public hearing. The motion was seconded by Mr. Frenkel with all in favor.

Mr. Cleary stated you have a resolution before you. You could take action on it tonight, or you could review it and return to the next meeting for adoption of the resolution.

Chairman Paeprer said we will take action tonight.

Mr. Cote moved to adopt Resolution #21-03, dated April 8, 2021; Tax Map #55.12-2-12 & 14 entitled Tri-County Coal Final Site Plan Approval. The motion was seconded by Vice Chairman Giannico with all in favor.

Mr. Charbonneau returned to the dais.

JONES & HOAG - 66 & 72 LOCKWOOD LANE - TM - 53.-1-79.1 & 79.2 - LOT LINE ADJUSTMENT

Mr. Carnazza stated all the necessary variances were granted and are noted on the plat. All zoning comments have been addressed.

Mr. Franzetti had no comments.

Mr. Cleary stated there are no site plan issues with respect to the lot line adjustment.

Chairman Paeprer asked for a motion to schedule a public hearing. He said the reason why I say that is this is a residential area and warrants a public hearing.

Mr. Cote moved to schedule a public hearing. The motion was seconded by Mrs. Causa with all in favor.

MINUTES – 2/11/21

Mr. Frenkel moved to accept the minutes. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:27 p.m. with all in favor.

Respectfully submitted,

Rose Trombetta