

**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**  
**DECEMBER 17, 2020**

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

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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>
Stillwater Business Park	75.17-1-53 86.5-1-25,26	P.H.	1-4	Public Hearing Closed & Authorized to Sign Resolution.
Hillcrest Commons – Lot E-2.2	44.10-2-4.2	Bond Return	4	Public Hearing Closed & Bond Return Recommended to Town Board.
DP 53, LLC (Spins Bowl)	55.7-1-1	A. Site Plan	5-6	Public Hearing Scheduled.
House of Prayer & Worship	64.6-1-14	Site Plan	6-9	No Board Action.
Fairhaven at Baldwin Place	86.6-1-4	Site Plan	9-16	No Board Action.
Fairhaven at Baldwin Place	86.6-1-4	Sketch Plan	16-17	No Board Action.
Carmel Centre Senior Housing – Lot 3	55.14-1-11.1	Bond Return	17	Public Hearing Scheduled.
Minutes – 11/12/20			18	Approved.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Rose Trombetta

**Chairman Paepre requested a moment of silence in acknowledgment of the passing of retired Planning Board Chairman, Harold Gary.**

**STILLWATER BUSINESS PARK – 105 STILLWATER ROAD – TM – 75.17-1-53, 86.5-1-25,26 – OPEN PUBLIC HEARING**

Mr. Carnazza read his memo which stated the site plan was amended to relocate the westerly driveway and shift the northerly building to the west to provide screening. A variance was granted by the ZBA for rear setback for the rear storage building and is noted on the plat. A lighting plan has been submitted. The lights are all down-lit and do not project across the property lines.

Mr. Franzetti read his memo which stated based upon our review of this submittal; the Engineering Department offers the following **preliminary** comments:

**General Comments**

1. The following referrals would appear to be warranted:
  - a. Putnam County Department of Health
  - b. Mahopac Fire Department
  - c. Town of Carmel HighwayApplicant has noted these referrals.
  
2. Permits from the following would appear necessary:
  - a. Town of Carmel Highway Driveway permit
  - b. New York State Department of Environmental Conservation (NYSDEC) – Coverage under General Permit GP-0-20-001  
Applicant has noted these permits.
  
  - c. New York City Department of Environmental Protection per the Watershed Rules and Regulations, permits are required within limiting distance to reservoirs and reservoir stems and selective clearing along right of way.
  
3. The area of disturbance for the work has been provided as 1.8 acres. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and the development of Stormwater Pollution Prevention Plan (SWPPP) that has permanent controls.  
  
Applicant has noted this comment. A SWPPP has been provided and is under review.
  
4. Traffic and Vehicle Movement Plans should be provided which provide the following:
  - a. Sight distances and proposed clearing at each driveway have been specified on the plan.  
  
The applicant will need to provide the site distance calculations for the other driveways on the site.
  
5. The applicant may be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).

Applicant has noted this comment.

6. 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.

Applicant has noted this comment and has stated that the only work to be done in the public right of way is the driveway connection to Stillwater Road which will be done under a Highway Work Permit.

The applicant should note that a Performance Bond and associated Engineering fee is minimally required for the stormwater management practices, erosion and sediment control drainage features, landscaping etc., installed on the site. Please see §156-61 J and K of the Town Code for additional information.

Mr. Cleary stated all planning comments have been addressed. He said there is one significant change which is the relocation of the driveway.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated we took the comments from the last meeting into consideration and we made amendments to the plan and provided additional information on each of those items. The significant change was the elimination of the westerly driveway. He said we felt the westerly driveway gave the facility a little better function, but it wasn't a necessity and we understood it was creating concerns with some of the neighbors across the street. We also shifted the front building slightly to the west as recommended by one of the speakers and provided other information on open items.

Mrs. Kugler thanked Mr. Contelmo for making the changes and working with the neighbors.

Chairman Paepfer said there could be better housekeeping on the site. There is a garbage truck parked alongside the blue house. He said there is enough property there that you could do better housekeeping.

Mr. Contelmo said he will pass the information to the owner. He said the site plan is intended to organize some of that by way of designating parking spaces for vehicles and trucks.

Mr. Carnazza stated there will be plantings where the existing blue house is now. Vehicles will not be parked there.

Mr. Contelmo stated plus the relocated building is moving up. He said what we are doing in an effort to create a uniformed frontage and screen the property is relocating the chain-link fence behind the plantings, extend the stonewall to create a nice hardscape along the roadway and add a significant landscape buffer.

Mr. Cote asked Mr. Cleary if certain language could be added to the resolution to address parking vehicles only in designated areas.

Mr. Cleary stated I think we can. This is really a property maintenance issue and it falls under Mr. Carnazza's authority.

Mr. Carnazza stated it wouldn't hurt to have it in the resolution, because then it would be a violation of site plan if anything did come up.

At which time, Chairman Paepfer asked if anyone in the audience wished to be heard on this application.

Mr. Robert Bohlmann of 96 Stillwater Road approached the podium and thanked the board for addressing his concerns from the last meeting, especially the proposed driveway on the west side of the property. He thanked Mr. Moloney for his concession to exclude the driveway and other revisions to the site plan. He asked what is going to happen to the area between the proposed 6,000 square foot building and the western property line and between the 6,000 square foot building and the relocated 5,000 square foot building. At which time, Mr. Bohlmann points to map to show the location of reference.

Mr. Contelmo stated there are no proposed improvements in the area Mr. Bohlmann pointed to. He said there was some confusion with where the wetland lies. The wetland is a NYSDEC wetland and it's not located on our property. It's located about 100 feet from our property. The control zone associated with that wetland does extend onto our property. We are not proposing any improvements or activities within that control zone.

At which time, Mr. Bohlmann displayed a picture that was taken today of the western property line with the 5,000 square foot building. In between, there are containers, trucks, vehicles and trailers all along the western property line that can be seen from the street. I would like to see these vehicles and containers moved from this area and relocated somewhere else on the property out of site from the street and added to the site plan that no such items are to be placed in the area. Maybe add some plantings, so no items could be stored there. If this is not possible, I would like to see some screening such as high dense trees on the property line to screen the sight line and noise they may be generated by these vehicles. I'm also requesting that when the work starts on this project that it is done during normal business hours and not on Sundays and holidays. He asked what kind of businesses will be in the relocated 5,000 square foot building and proposed building and what is allowed by code. He said currently there is a sign that is five times larger than code allows in front of the main building that lights up all of Stillwater Road. He asked will there be any more signage for the new tenants in the new and relocated building.

Mr. Contelmo stated the signage and the multi uses are associated with the lot to the east which is not part of our application. Our application is for the three storage buildings.

Chairman Paepfer asked will there be additional signs added?

Mr. Contelmo replied there will be no additional signs. The buildings will be used strictly as storage. He said the containers are proposed to be relocated internally into the site (points to map).

Chairman Paepfer stated once the project is completed it will be a better appearance of what it is today from the road. He said we do not want an eyesore there, I like all the changes that have been made and we should pay attention to buffering and screening. He asked Mr. Carnazza if we could make this part of the resolution.

Mr. Carnazza stated the screening that is proposed for the property is a condition of approval. If they build and get approval on this site plan, everything on that site plan has to be built before they could any certificate of occupancy for that property.

Mr. Cleary added and maintained in perpetuity. They would have to replace the landscaping if it dies.

Vice Chairman Giannico asked what is the use of the 5,000 square foot building?

Mr. Contelmo stated the three buildings that are part of this application will be strictly storage. No other uses.

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

Hearing no further comments from the audience, Mr. Cote moved to close the public hearing. The motion was seconded by Mrs. Kugler with all in favor.

Chairman Paeprer asked the Planner to prepare a resolution contingent upon the engineering fee, bond and the DEC letter.

Mr. Cleary said that would not be a problem. He said there should be a motion for the board to authorize the Chairman to execute the resolution when it's prepared in the next day or so.

Mr. Cote moved to authorize the Chairman to sign the resolution provided it has all the comments added that were discussed this evening. The motion was seconded by Mr. Frenkel with all in favor.

**HILLCREST COMMONS – LOT E-2.2 – CLAPBOARD RIDGE ROAD – TM – 44.10-2-4.2  
– PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary had no comments.

Chairman Paeprer asked if anyone in the audience wished to be heard on this application.

Hearing no comments from the audience, Vice Chairman Giannico moved to close the public hearing. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to recommend full bond return to the Town Board. The motion was seconded by Mr. Cote with all in favor.

Mr. John Bainlardi of Wilder Balter Partners addressed the board and stated this is the conclusion of a two phase project that went on for quite some time. As you know, this year has been challenging and for the record working with the professionals in this town throughout this was a pleasure.

**DP 53 LLC (SPINS BOWL) – 23 OLD ROUTE 6 – TM – 55.7-1-1 – AMENDED SITE PLAN**

Mr. Carnazza stated there is some confusion on the property, because there is a whole area that used to be the Briar Patch and then a restaurant type in the back. Now their claim is they don't use it as a restaurant. Is that correct?

Mr. Bill Diamond, owner of Spins Bowl replied that's correct. We don't actually have a formal restaurant.

Mr. Carnazza said I need a breakdown for a parking calculation. The architect gave him the floor plan, but I didn't get a chance to check the parking calculations.

Mr. Diamond asked can't it just be included in the overall square footage?

Mr. Carnazza replied we could talk about it. He said at some point which way we are going to go with getting a parking calculation. Will it be used for entertainment space? It can't just be an empty space in the back of the building.

Mr. Franzetti had no comments.

Mr. Cleary had no further comments.

Mr. Diamond stated there is space where the bar is located. It is generally in support of the rest of the bowling center. Part of the space is used for birthday parties; it's sort of a party room. He said we have a couple of axe throwing lanes inside, foosball tables and billiards tables. We don't operate or have a demand for a separate restaurant inside the bowling center.

Mr. Carnazza stated it might be a better idea to do a site visit to see exactly what they have.

Mr. Diamond stated there is an area in front of the building that we would like to repurpose as an outdoor gaming area, such as axe throwing, fowling and corn-hole. He said today we do have two axe throwing lanes inside the building in the space that was discussed.

Mr. Porcelli asked will the axe throwing lanes remain inside and add additional lanes outside?

Mr. Diamond replied yes. That will be used in the colder weather and in the spring and summer we'll transfer it outdoors.

Mr. Cleary asked to clarify if this is a single operator and it's not a separate business and it's part of Spins Bowl.

Mr. Diamond replied it will be operated by the same team that's inside.

Mr. Cote asked what will the hours of operation for the outdoor area?

Mr. Diamond stated currently I would like to keep it the same as the indoor. Our operating hours are Monday – Thursday and Sunday we close by 11:00 pm. Fridays and Saturdays we never stay open past 1:00 am.

Mr. Cote asked about outdoor entertainment.

Mr. Diamond stated we would like to be allotted 15 days a year where we could have outdoor music and the music would end at 11:00 pm.

Mr. Carnazza stated you would need to get an outdoor amplification permit from the Town Clerk for anything you want to do outside.

At which time, a discussion ensued regarding the nights of the week to hold outdoor entertainment.

Chairman Paeprer asked Mr. Carnazza if he will do a site visit before the next meeting.

Mr. Carnazza replied yes.

Vice Chairman Giannico asked if there is protective cover on the proposed string lighting.

Mr. Diamond stated string lights typically have protection over each one.

Vice Chairman Giannico stated make sure they do, because it is required by code.

Mr. Cleary stated this requires a public hearing.

Chairman Paeprer stated being that our next meeting is almost a month from now, I think that's the right thing to do. Mr. Carnazza could do his site visit in that time.

Mrs. Kugler asked about the lighting around the axe throwing area.

Mr. Diamond stated generally for axe throwing we have LED colored lighting mounted on the back of the cage facing the targets. Each cage will have the LED lighting.

Mrs. Causa asked are there certain regulations you have to follow with regards to axe throwing which sounds dangerous.

Mr. Diamond said axe throwing is really quite safe. Axe throwing venues have opened all over the country and there hasn't been one serious injury. He said it is an employee monitored activity.

Chairman Paeprer said to schedule a public hearing.

#### **HOUSE OF PRAYER & WORSHIP – BALDWIN PLACE ROAD & ROUTE 6 – TM – 86.6-1-4 – SITE PLAN**

Mike's memo said the applicant propose to add bathroom facilities, parking, and handicap accessibility to the existing church on Long Pond Rd. in Mahopac. Variances are required from the ZBA. The total occupancy for the church will be posted at 51.

Mr. Franzetti read his memo which stated the site of the former Methodist Church which is to become the House of Prayer and Worship. Both the site plan application and the SEAF identified this as the project/proposed use/operation and proposed action,

respectively. The site is 0.2044 acres in size. Based upon our review of this submittal, the Engineering Department offers the following **preliminary** comments:

### **General Comments**

1. The following referrals would appear to be warranted:
  - a. Mahopac Falls Fire Department
  - b. NYSDEC Wetlands
  - c. NYCDEP increase in impervious area
  - d. Putnam County:
    - i. Department of Health
    - ii. Department of Planning GML-239N

Applicant has indicated that these referrals have been made.

2. Permits from the following would appear necessary:
  - a. New York State Department of Environmental Conservation (NYSDEC) – Wetlands
  - b. Putnam County Department of Health for Water and Septic.

Applicant has indicated that the plans have been forwarded to the NYSDEC and the PCDOH.

3. The area of disturbance for the work as provided in the SEAF is 5,723 sf. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and the development of Stormwater Pollution Prevention Plan (SWPPP) that has erosion and sediment controls.
4. 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.
5. The facility is not served by either water or septic. The applicant proposes a new well and the use of porta potties. Approval from the PCDOH will be required for the well and possibly the use of porta potties for this recommended use.

### **Detailed Comments**

1. Provide a legend on the drawing.
2. Details for the proposed handicap access ramp must be provided.
3. Depth to groundwater at for the storm tech units must be provide to make sure they meet the NYSDEC criteria.
4. Access for maintenance of the storm tech unit must be provided.
5. The storm tech units must be rated for car/truck loading.

Mr. Cleary stated this is a charming little church that has been there forever. The existing parking lot will be partially repaved and new stormwater, landscaping and ADA site access improvements are proposed. The majority of the site lies within the 100' buffer of an off-site wetland. New improvements including the repaved parking lot,

stormwater management facilities, landscaping, porta potties are located in the buffer. A referral to the ECB is required. The rear parking spaces are proposed to be gravel, to limit the extent of new impervious surfaces. Two new porta potties are proposed at the rear of the existing church building. Why are permanent restroom facilities not proposed? The church requires the provision of 17 off-street parking spaces. 7 spaces are proposed. A 10 space parking variance is required. Clarify if any architectural modifications are proposed to the building, including façade modifications, changes to windows, signage, etc. Details of the ADA handicapped ramp should be provided. Are any exterior lighting modifications proposed, such as lighting in the parking lot? Is a dumpster or refuse enclosure proposed? If so, it should be depicted on the site plan, not be located in a required parking space.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the deed to the church goes back to 1877. He said it's a charming church and except for the handicapped ramp, we aren't changing anything. The front of the building will be exactly the same as it is. He said we have eliminated all the parking in the front and moved it to the rear and replaced it with planters. There will be one way traffic going around the building and enter on the north side and come out on the south side. He said the handicapped parking spot has to be paved. The other spaces will be gravel. We are involved with several agencies, NYDEP, NYSDEC and the Putnam County Health Department. We made an application for a well on the property. There has never been water and sewer since the 1800's. The Methodist Church that was there before used porta potties. He said the layout of the site is very constrictive. He said there is no room to be in a septic system, so we are proposing to keep the porta potties. We will provide access to the porta potties from the inside. There will not be any public improvements, so I don't think a bond would be required.

Mr. Carnazza asked if there will be a sink in the porta potties.

Mr. Greenberg replied yes. Each porta potty will have a sink. He said there will not be any garbage enclosure, because this building will be used about twice a week and the refuse will be in a garbage can which will be taken in and out on the pickup dates. There is no need for an enclosure.

Mr. Frenkel asked will it be an issue running water out to a porta potty in the winter?

Mr. Greenberg stated the porta potty is heated with electric heat.

Mr. Cleary stated to Mr. Greenberg to provide details of the porta potties.

Chairman Paeprer asked these porta potties will have electric and running water once the well is done?

Mr. Greenberg replied yes.

Chairman Paeprer also said we need details (specifications) of the port-a-potties.

Mr. Frenkel asked are the porta potties external to the building or are they in part of the building.

Mr. Greenberg stated where the church projects out, from that point you will be able to go directly from the church into the porta potty. He said you can go into the porta potty without going outside.

At which time, the board members continued to discuss the porta potties.

Mr. Cleary stated we definitely need more details and we need to hear from the Health Department.

Mr. Cote said there are seven parking spaces with occupancy of 51 people. Is this an existing congregation using this church?

Mr. Greenberg replied right now they operate somewhere in Carmel. Their parishioners are scattered all around the area. There probably won't be more than 3 cars parked. The parishioners are actually picked up and taken to church.

Mr. Frenkel asked is there any on-street parking available?

Mr. Greenberg replied no.

Mr. Frenkel stated with an occupancy of 51 people are you expecting 51 people to show up?

Mr. Greenberg replied no. Based on the way they are operating now, it's usually 20 – 25 people at the most.

Mrs. Causa asked will the porta potties be handicapped accessible?

Mr. Greenberg replied yes. I will get all the specifications for the porta potties and provide them with the next submission.

#### **FAIRHAVEN AT BALDWIN PLACE – BALDWIN PLACE ROAD & ROUTE 6 – TM – 86.6-1-4 – SITE PLAN**

Mr. Carnazza read his memo which stated the applicants propose to subdivide this 11.8 acre parcel off the +/- 180 acre parcel (separate submission) and develop a 72 unit "Supportive Housing" and parking using the Multi-Family Senior Housing criteria in the Zoning Code. This Site Plan must not be approved until the subdivision is approved and filed. Define "Supportive Housing" so the ZBA knows if it can allow this to fall under the Senior Housing Code. Provide lot depth and lot width lines. Provide floor plans and elevations. Recreation space and clubhouse is required by code. Are there any recreation amenities? Clubhouse? Is there a Fire Suppression System? Is there a Public Bus Route? Is this within 2500 ft. of retail/service? Size of apartments?  
Variances are required from the ZBA for the following:

Senior Housing Ordinance age restriction- All people will not be 55 or older.  
Municipal or Community Sewer and Water are required. Not available. Parking 108 spaces required, 84 provided, variance of 24 spaces. I do not necessarily agree with the parking calculation. If the use is for disabled persons, there may be nurses, doctors, guests, etc. visiting the site for people and needing additional parking. Parking has been an issue at many of our multi-family developments.

Mr. Franzetti read his memo which stated This application encompasses a proposal to add 72 units of supportive housing with 84 on-site parking spaces and related site improvements on an 11-acre site located behind 150 Route 6. Based upon our review of this submittal, the Engineering Department offers the following **preliminary** comments:

## **I. General Comments**

7. 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. Mahopac Fire Department
8. Permits from the following would appear necessary:
  - a. NYSDEC - for stormwater and wetlands.
  - b. NYSDOT for work permit and traffic study
  - c. NYCDEP for stormwater and sub-surface treatment system (SSTS).
  - d. PCDHF work permit
  - e. PCDOH for well and SSTS.
  - f. ECB for wetlands permit.
9. A wetlands delineation should be performed.
10. 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.
11. Due to the site location and the proposed bridge over Route 6 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.
12. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).
13. 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 FEAF should be updated to include the following:
  - a. Page 2 of 13 should include the NYCDEP for regional agencies
  - b. Page 7 of 13 additional information will need to be provided regarding traffic and transportation for the proposed use.
  - c. Page 8 of 13 provide additional information regarding petroleum storage (site if proposed tanks for facility if petroleum is being used).

- d. Page 10 of 13 – answer of dam on site is no however information is provided for an existing dam on site. This should be clarified.
2. Overall Plan - OP-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 and Landscape Plan SP-1.1 and SP1.2
    - a. All planting should be verified by the Town of Carmel Wetlands Inspector.
    - b. All plantings shall be installed per §142 of the Town of Carmel Town Code.
    - c. Details for the proposed woodchip walkway and raised walkway must be provided.
    - d. Stormwater designs should take into account the future road extension.
    - e. Slopes for the walkways will need to be provided. It should be noted that the walkway may need to be paved as on other sites the gravel walkways has continuously washout.
  4. Grading and Utilities Plan - SP-2.1 and SP-2.2
    - a. Rim and invert elevations for the drainage system should be provided.
    - b. Hydraulic calculations and pipe sizes should be provided.
    - c. Contours elevations along the SMP should be reviewed as there is a 670 listed twice.
    - d. Electric, water and sewer utility information is not provided on this drawing.
    - e. Additional details should be provided regarding the SSTS (access, design, etc.)
    - f. Legend shows top/bottom wall elevations. It is unclear if there are walls on the site.
    - g. All retaining walls great than 6 foot must be certified by a NYS licensed structural engineer.
  5. Erosion and Sediment Control Plan - SP-3.1 and SP3.2
    - a. Rim and invert elevations for the drainage system should be provided.
    - b. A full SWPPP is required.
  6. Site Details – D-1 and D-2
    - 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 not 1.5 inches and the binder course should be 3 inches not 2 ½ inches

- c. Town road specifications are 12-inch subbase, 3-inch base, 2-inch binder and 1-inch top coat:
- d. Material of end section should be provided.

Mr. Cleary stated there are two issues associated with this application. The first is the creation of the subdivision. The lot that is being proposed is peculiarly shaped lot. Ordinarily, we like to see lots that are uniformed and orderly. He said we need to understand the reason for creating a lot that's not typical. The access to the lot is sharing the adjacent properties and the stormwater facilities are on the adjacent property. The second element is to build this project which is for a use that is prohibited. They have proposed to utilize the closest available use which is the senior housing multi-family provision of the code. He said the first issue is the Zoning Board needs to determine if that's appropriate. The second issue is that they don't comply with a lot of the provisions of that code (senior housing ordinance). So, do those provisions apply if it's not really that use for example. He said there are a lot of site plan issues associated with this, but we do not need to get into any of that until we understand if the Zoning Board is going allow them to this. He said a lot of the senior housing provisions relate to senior housing uses. This isn't a senior housing use and the biggest issue with respect to the use is we really do not know what it is. This is their introduction tonight and the engineer will tell us what the uses are. From what I understand, there are two proposes uses on the site. One is a facility for people with disabilities and the other half is an affordable housing project. It's not clear if it's linked to the other operation or not, or if it's a separate independent operation. He said we have to understand what's going on, but I think it's premature to dive into all the site details until we know how we're dealing with the zoning for a use that's not allowed.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated the proposed project is for a 72 unit independent living (apartment complex). This complex will be owned and managed by a local company called Search for Change. Their headquarters is in White Plains and they provide supportive services throughout Putnam and Westchester County. One of the supportive services that's offered is housing. They have submitted a description with our application of who they are, what they do and how they are going to use the site. They also submitted a needs assessment which shows there is a need for this type of facility within Putnam County. The independent living will be made of a mix of their clients. Their clients are people who need supportive housing. They have disabilities, emotional and financial trauma. The proposal the applicant put forth for the 72 units of independent living, 36 units are supportive housing for the disabled and 36 units for workforce housing which is affordable housing. He said they do this throughout the region. We were involved in East Fishkill with the same model. They brought in workforce housing with supportive housing. The most important part of the program is that they are together. Search for Change submitted a two page statement of use which detailed who they are and what they do. They also submitted a needs assessment. He said this is about a 182 acre parcel and our proposal is to take about 12 acres for this use. What we are trying to do with the odd shaped lot is to maintain the concept of a future through road through this property to connect back out to Route 6.

Chairman Paerprer asked where is this property in comparison to the two banks on Route 6?

At which time, Mr. Contelmo points to map showing the banks. He said there is a road that services the two banks and that road was aligned so this future connection of a road

can happen back to Baldwin Place Road. He said there was a comment relative to the senior housing code. We agree, this particular use is not your code, therefore it's not permitted. Our goal is to get to the ZBA to see if we can get some relief from them to allow it to happen. We did submit schematic floor plans and the building was developed by the architect to meet the standards of Search for Change. He said your code does not require a club house, your code requires community space which we have provided. We have provided recreation. He said Mr. Carnazza pointed out that we need sewer and water. The code does not say municipal sewer and water; it says central community water and sewer. This would be a centralized community water and sewer project.

Mr. Cleary stated all those provisions that were mentioned apply to senior housing facility, which this isn't. The Zoning Board has to figure out how to deal with this. Do those provisions apply or not apply to this particular use.

Vice Chairman Giannico asked is this age restrictive?

Mr. Contelmo replied no it is not. He said if it was age restrictive it would conform.

Chairman Paeprer asked does the Master Plan that is currently underway affect this in any way?

Mr. Carnazza stated that has not been discussed thus far.

Mr. Cote asked how does the Zoning Board create a variance for the senior housing code?

Mr. Carnazza said the Zoning Board is allowed to waive the code in any way they feel fit. He said if this is a use variance, then they need to show and meet the criteria for a use variance.

Mr. Charbonneau asked have you considered going straight to the ZBA and asking for an interpretation?

Mr. Contelmo replied yes the team did. He stated the town code right now does not have multi-family as a use that would accommodate this. The only multi-family that gets close to this is your senior housing law. Their decision was to utilize the metrics in that, because this facility is exactly like one that would be developed for over 55 and if they change that one provision they would be conforming. They believe it gives them strength to utilize your code and the planning foundation in your code that says multi-family works in this way under these particular conditions albeit for 55 and older. He said some of their disabled population actually functions much like 55 and older. They made the decision to utilize that as a planning tool to develop a proposal that the town could understand and latch onto and seek a variance maybe just for the age limit.

Mr. Frenkel stated it's not just for the age limit, for example, the existing code provision requires two stories, you're going to three stories.

Mr. Contelmo said I would like to meet with Mr. Carnazza and go over the provisions. That is also a provision we would need relief from. That's an area variance.

Chairman Paeprer asked Mr. Charbonneau when you mentioned going to the Zoning Board directly, did you mean before coming to this board?

Mr. Charbonneau replied yes for an interpretation.

Mr. Cleary stated if it was a clear interpretation that probably is the right route for them, but in case we have to understand what is being built on the properties. I think this is the right process so you could understand if they could theoretically build this building on the property and if you're comfortable then a trip to the Zoning board makes sense.

Mr. Carnazza stated we wanted them here first.

Mr. Cote stated you talk about a component of it that would be for handicap and then another component. With regards to the handicap, will there be some sort of therapeutic component to this facility, will there be services provided or is it just residences for them.

Mr. Contelmo stated the handicap is the wrong word, it's supportive housing for the disabled. Disabled as I understand it could come in many different forms. This is an independent living facility. These are apartments and the idea is that people with severe disabilities cannot live independently. This is a population of the disabled that are at a point where they need to assimilate back into the community and need to live independently. Each of them may have a different case associated with the support they seek. Some of the disabled may require a weekly visit for certain purposes. Others may require a daily visit for certain purposes. Some may require none.

Mr. Cleary asked will the visits occur on site?

Mr. Contelmo replied some of the visits will be on site, some happens elsewhere. One of the reasons why the parking is reduced is because they don't need it. He said with the disabled population only a small percentage of them will have a car.

Mr. Frenkel asked how will this impact traffic on Route 6?

Mr. Contelmo stated we are not proposing to connect to Route 6. We are coming off of Baldwin Place Road.

Mr. Frenkel asked how much traffic will be on Baldwin Place Road.

Mr. Contelmo replied we can provide that kind of background. What we are trying to do at this point is to figure out if we have a project or not. He said we have a not for profit local provider of necessary services based on market study that shows this is needed. They have spent substantial time and money to develop the concept and convince themselves that it could work. He said at this point we don't have a project until the ZBA grants us relief for the use.

Chairman Paepre stated we all have a lot of questions on this. It might be in your best interest to meet with the consultants on this.

Mr. Porcelli stated this was originally a commercial development with some apartments. If a variance is granted for the senior housing, and you then have another 160 acres that could fall into that precedent and maybe have hundreds of apartments like this, which would be a huge impact on schools and traffic.

Mr. Frenkel stated this is getting a jump on the master plan that I feel uncomfortable about, because of the look, feel, traffic and the impact for that general area.

Mr. Contelmo stated our application is specific to the 11½ acre. A use variance does not create a precedent nor does it open up the rest of the land for this to continue to proliferate across it.

Mr. Cote stated I think it does create a precedent and another developer could come along and say I'm doing the same thing.

The board members and Mr. Contelmo continued to discuss the impacts on the community.

Mr. Contelmo stated I understand your planning concerns, they are real, but if we don't have a project, I think it's disingenuous to ask an applicant to go study traffic and a lot of other things. We are prepared to do that if we have a project, but our goal right now is to get to the ZBA and prove to them that we don't need 150 parking spaces, we only need 84 spaces and prove to them that there is truly a need for this and that the code doesn't recognize it, but we meet the standard for consideration of a use variance. What we are trying to do with your board is follow the town's procedure which says you have to come to the planning board before you could go to the ZBA. In other jurisdictions you can go directly to the ZBA and the Building Department. We are trying to be respectful and get feedback. Your consultants gave some good comments and the suggestion that was made earlier for us to meet with them and discuss it further will be helpful to the board. Again, our goal is to get to the ZBA and see if we meet the necessary criteria for a use variance.

Mr. Cote stated in your plans you show a children's play area. Who is that for? Is it for the disabled people or for the affordable housing part?

Mr. Contelmo stated my understanding is the disabled community is made up different constituents, such as veterans, people with PTSD, people with physical disabilities. They have families. The children's playground is to accommodate the kids within the community of the 72 units. He said it's done through Search for Change where people come to get help, a place to live and supportive services.

Mr. Cote stated so in theory we could have 72 units, each of which has one child in it.

Mr. Contelmo replied I think you would break some records statistically, but in theory yes.

Mrs. Kugler stated we need to know more about Search for Change.

Chairman Paepre stated typically for projects this size in the past, the applicant's usually come in and do a presentation on their company.

Mr. Contelmo stated I wanted them to come, but they couldn't make this evening.

Mr. Cote stated you mentioned that Search for Change did a needs analysis for Putnam County and they found that there is a need here. He asked was that part of the application?

Mr. Contelmo replied yes.

Mrs. Causa asked will these residents be from Putnam County?

Mr. Contelmo stated they service the regional population. He stated he will look into that further.

Mr. Charbonneau stated my experiences in dealing with Search for Change is it's not restrictive county wide. It wouldn't be just county people have access to it, other jurisdictions would have access to it.

Mr. Porcelli stated that doesn't necessarily benefit the town.

Mr. Charbonneau stated the board really needs to get more information of what Search for Change is, the population that it services and how it services. They are a very diverse group and it probably would have been good to have someone here from Search for Change. He said going forward it would be a good idea that someone be provided from Search for Change so the board can ask these questions.

Mr. Contelmo was in agreement with Mr. Contelmo. He said we will meet with the consultants to clarify some of aspects that are less then clear and also come back with the Executive Director from Search for Change.

Chairman Paeprer stated that would be great.

#### **FAIRHAVEN AT BALDWIN PLACE – BALDWIN PLACE ROAD & ROUTE 6 – TM – 86.6-1-4 – SKETCH PLAN**

Mr. Carnazza read his memo which stated the applicants propose to subdivide this 11.8-acre parcel off the +/- 180-acre parcel (separate submission) and develop a 72 unit "Supportive Housing" and parking using the Multi-Family Senior Housing criteria in the Zoning Code. This Site Plan must not be approved until the subdivision in approved and filed. Provide lot depth and lot width lines. Variance required from the ZBA for lot depth line appears to exit and re-enter the lot.

Mr. Franzetti stated I don't have detailed comments. I want the board to see what the subdivision was, what it entailed. Also, there was a letter from the County wanting to see that bike path on the bridge or something to that effect.

Mr. Cleary stated the County letter stated there was funding for this. The question is how is this linked to this project.

Mr. Contelmo stated this isn't really part of our project. The County had been talking about the extension of the bikeway. The County has been talking with the State for over a decade about a link through our property. He said from my understanding the County has 2 million dollars set aside and they are in the process of doing an extension of the bikeway from the existing trail across Route 6 through our subject property and back up to the Koehler Center with maybe a future link to the north some time down the road. He said this is not our project. The only reason we submitted it was because the County reached out to us about discussing the property again and the potential for a connection, so we worked collaboratively with them on this concept, but this is their project. We are not putting a bridge across Route 6. This is a County project with money that has been allocated from the State as I understand it. He said we are working with them to offer whatever land needs to be offered and to make a connection ultimately into our project.

Mr. Frenkel asked approval of this, contingent upon approval of your project?

Mr. Contelmo replied no. This has nothing to do with us, except they will need some of the land from the landowner and they would like to see the connection ultimately happen.

Mr. Franzetti stated it wasn't clear if this was part of the project, because it was submitted with the application material. He stated some documentation should get into the file that helps explain that.

**CARMEL CENTRE SENIOR HOUSING – LOT 3 – TERRACE DRIVE – TM – 55.14-1-11.1– BOND RETURN**

Mr. Carnazza read his memo which stated the applicant is requesting a bond return. I don't generally have many comments on bond returns as it is an Engineering Department function, however, I walked the property and found a piece of steel protruding 5-6 inches behind the Multi-Family building (Bldg 37). This must be removed IMMEDIATELY.

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.

Mrs. Kugler asked does anyone have any further information as to what the HOA's complaints are?

Mr. Paul Lynch of Putnam Engineering, representing the applicant replied I do not have any information.

Mr. Franzetti stated the HOA has said they absolutely do not want the bond being returned. They have issues with Pulte and the site is what they essentially wrote.

Mr. Cote said it is very non-specific. It says there are many issues with lot #3, but it doesn't say what they are.

Mr. Franzetti stated they hired a private independent engineering firm and they provided us a report on that, but nothing had to do with the performance bond.

Mr. Cleary stated it had to do with the private improvements for Pulte. He said that has been longstanding. We have been involved with this for years.

Vice Chairman Giannico moved to schedule a public hearing. The motion was seconded by Mr. Cote with all in favor.

**MINUTES - 11/12/20**

Mr. Frenkel moved to accept the minutes as corrected. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Cote moved to adjourn the meeting at 8:40 p.m. The motion was seconded by Mrs. Kugler with all in favor.

Respectfully submitted,

Rose Trombetta