

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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*Director of Code
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RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES
NOVEMBER 18, 2021

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

ABSENT: KIM KUGLER, VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Binns Family Trust	75.20-2-2	Site Plan	1	Public Hearing Scheduled & Planner to Prepare Resolution.
Delamere-Fitzpatrick Family Chiropractic	75.59-1-2	Special Site Plan	1-4	No Board Action.
Mehra, Sanjay	75.16-1-27	Site Plan	4-6	No Board Action.
Downtown Mahopac Properties Inc.	75.12-2-26	Re-Approval	6	1 Year Re-Approval Granted.
14 Nicole Way LLC (Zakon)	65.6-1-22	Extension	7	1 Year Extension Granted.
Braemar at Carmel	55.10-1-3	Re-Approval	7-8	1 Year Re-Approval Granted.
Minutes – 09/22/21 & 10/14/21			8	Approved.

The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Rose Trombetta

BINNS FAMILY TRUST – 5 VESCHI LANE SOUTH – TM – 75.20-2-2 – SITE PLAN

Mr. Carnazza stated provide a list of the previous variances. He has all the area variances, but he did not include the use variance. The recent variances were granted and are noted on the plan. All other zoning comments have been addressed.

Mr. Franzetti read his memo which stated this application encompasses a proposal to install a storage building. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

I. General Comments

1. Permits from the following would appear necessary:
 - a. New York State Department of Environmental Conservation (NYSDEC) – Coverage under General Permit GP-0-15-002 as the area of disturbance is over 5,000 sq ft.
2. 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.
3. The applicant has noted the needed to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively) to assure long-term maintenance of all stormwater management practices (SWMP) proposed for the site.

Mr. Cleary stated all site planning issues have been addressed.

Mr. Cote asked what is the height of the building.

Mr. Joel Greenberg of Architectural Visions, representing the applicant replied the code says you could go up to 35 feet, but the Zoning Board gave us to 25 feet.

Chairman Paeprer stated just to confirm it's for storage only, correct?

Mr. Greenberg replied that's correct.

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

Mr. Greenberg asked if a resolution could be drafted also.

Chairman Paeprer replied yes.

DELAMERE-FITZPATRICK FAMILY CHIROPRACTIC – 87 ELLEN AVE - TM – 75.59-1-2 – SPECIAL SITE PLAN (HOME OFFICE)

Mr. Carnazza read his memo which stated the applicant proposes to legalize an existing Chiropractic Practice in the Residential Zone. The Code allows "Office of a Professional in

a Residence". This Professional office is now in the 2nd residence. Use Variance is required for the expansion of a pre-existing, non-conforming lot containing two one-family dwellings. Provide # of employees (you provided number of patients and (1) person in the office), write number of employees on the plat. There are several area variances required from the ZBA- Lot area, Depth, Side Yd. (Workshop), Rear Yd., Rear yd. (Workshop), Rear yd.(office), Rear Yd. (garage). The sign now meets the requirements. 2 sq. ft. allowed. The chicken coop must be 15 ft. from the property line and provide an easement. The Architect claims they have an easement (please provide the easement for review). The owner of the adjacent property (Town of Carmel) must obtain a variance and permit for the coop. I do not think the Town of Carmel will be applying for any variances before the ZBA.

The applicant is looking to create a chiropractic office in an existing building located at 87 Ellen. The site is 1.59 acres in size. Based upon our review of this submittal, the Engineering Department offers the following **preliminary** comments:

General Comments

The following referrals would appear to be warranted:

- a. Mahopac Fire Department
- b. Putnam County Department of Health

Applicant has noted this comment

Permits from the following would appear necessary:

- c. Putnam County Department of Health for Septic.

Chicken coop is located on Town of Carmel Property.

The drawing indicates 850 sf of disturbance. This area of disturbance must be identified/delineated on the drawing. This area should include the proposed driveway modifications and rain garden.

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

The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively) to assure long-term maintenance of all stormwater management practices (SWMP) proposed for the site.

Applicant has noted this comment

Detailed Comments

1. Erosion and sediment controls for the site must be provided.
2. It is unclear if any additional electric utilities are being installed.
3. A lighting spill plan must be provided.
4. Stormwater control (erosion and sediment control) details must be provided
5. Paving (parking area) details must be provided. These must meet Town Code of 8" base, 3" binder and 2" top.
6. Guiderails details must be provided. These must meet Town Code.

The Board should note that the Engineering Department met with Mr. Joel Greenberg and the owner Mr. Fitzpatrick on September 22, 2021. The following was discussed:

7. Applicant was directed to place silt fencing up where there has been soil disturbance (upper driveway and Ellen Ave.);

This has been provided on the drawing. Additional details are required.

8. The only viable location for a turn off is at the upper western section of the driveway (left side as you go up the driveway;

This has been provided on the drawing. Additional details are required.

9. Guiderails are to be installed;

This has been provided on the drawing. Additional details are required.

10. Applicant was ok with restricting (not having) truck traffic go up driveway (the reason is that he is spending a lot of money for the driveway and does not want it destroyed);

11. Applicant is to address drainage issues from site and runoff from driveway. Per the owner there is an ice formation at the bottom of the driveway;

This has been provided on the drawing by the use of a rain garden. Additional details are required.

12. The applicant talked about a pathway to the newly excavated area to park vehicles. I recommended that all site features be placed on the drawing for approval. However, I was not able to answer if the applicant does not install a feature and waited if this would affect any approvals or COs. Joel was directed to meet with Mike Carnazza to discuss this further.

13. Applicant is to meet with Mike Simone (Highway Superintendent) as the applicant has performed excavation at the south-east corner of the property and is now parking a car in the location;

14. The applicant was directed, as there is an application in front of the Planning board, that no work should be performed on the site until it is approved. The owner has performed some grading work at the top of the driveway and on Ellen Ave.

Mr. Cleary stated as Mr. Carnazza indicated there are a number of variances including a use variance required for this application. This is also a special permit use; the home professional office and that is governed by five or six standards in the code which it appears are complied with. I believe he complies with most of those, but document it on the plan. The plan has been revised to include a pull-off approximately 150' up the driveway. The applicant has agreed to prevent truck access along the driveway. It is unclear how this restriction would be enforced.

Chairman Paeprer asked what do you mean by that? A UPS truck will not be able to go up the driveway?

Mr. Cleary said that's what the applicant is proposing, because of the steepness of the driveway and the concerns the board has expressed.

Mr. Greenberg stated when we talked about trucks, we were talking about huge 18 wheelers.

Mr. Cleary said you need to clarify that.

Mr. Greenberg stated he will clarify what could go up and what can't go up the driveway.

Mr. Franzetti stated they are putting a new driveway in and they don't want it ripped up by heavy trucks.

At which time, a discussion ensued regarding the pull off which was lowered down to about 150 feet as you head up the driveway on the left-hand side.

Vice Chairman Giannico suggested putting a sign up saying up has the right of way.

Mr. Greenberg stated that's not a problem.

Chairman Paeprer asked if he received any feedback from the fire department.

Mr. Greenberg replied no.

Mr. Cleary said to follow-up with the fire department.

Mr. Greenberg replied he will.

Chairman Paeprer stated there are too many comments to move this forward right now.

MEHRA, SANJAY – 10 VESCHI LANE SOUTH – TM – 75.16-1-27 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to complete the conversion of a one family dwelling into a commercial office building. The previous architect/engineer got final approval, however, never completed the process. All necessary variances were granted by the ZBA and are noted on the plat. (Lot area, depth, side yd for existing garage, 2-way aisle width, and frontage). I have no zoning comments for this submission.

Mr. Franzetti read his memo which state this application is described as an office and was previously approved by the Planning Board and Resolution 12-16, dated June 13, 2012 is on file. The resolution identifies that the conditions for the project and at a minimum items 6, 7, 8, and 9 need to be addressed. These are as follows:

6. The existing detached garage shall be removed.
7. Handicapped access shall be appropriately addressed.
8. All comments of the Town Engineer shall be satisfactorily addressed prior to the execution of the Final Site Plan by the Planning Board Chairman.
9. The Planning Board Attorney shall confirm the legality of the right-of-way providing access to this site.

The most recent memorandum on files for this project is dated May 8, 2012 and the following are the comments provided in this memorandum

The applicant proposes to convert an existing one family dwelling into a commercial office building. Only minor site improvements are proposed. Necessary variances were previously granted by the ZBA. At this point, the issues which remain open from our prior technical memorandum are presented below:

1. *If not previously provided, a copy of the right-of-way which exists to permit this access should be provided to the Planning Board for their review and files.*

2. *The use of pervious pavers was originally suggested for the two limited areas which the existing pavement is to be expanded in order to minimize stormwater treatment requirements. However, as one area is to be located within a snow plowing easement in favor of the Town of Carmel, the Highway Department will likely end their plow run at this location and subject the pervious pavers to constant plow impact. As such, they will likely become damaged over time. Therefore, the Highway Department believes that asphalt pavement will hold up better under these conditions. This minor increase in impervious area can easily be treated with a small subsurface system or rain garden on site.*
3. *As was previously requested, construction details remain to be shown for the following:*
 - a. *dumpster enclosure, which should meet town requirements.*
 - b. *Planting details for all landscaping proposed.*
 - c. *Pavement details.*
 - d. *Details of any retaining wall required at the end of the parking area off Veschi Lane South, to accommodate the re-grading required to provide the expanded parking planned, so as to keep the fill from intruding into the existing drainage swale.*
4. *Handicap access ramp must be provided.*

The applicant will need to confirm if these comments have been addressed and provide the appropriate details/backup information for review.

Mr. Cleary stated when this was in front of the board in 2012, there were a couple of issues. The first is the requirement to provide handicapped access to the building. He said there is a now a handicapped in front of the building, but if you look at the plan, next to that is a flight of stairs to get into the building.

Mr. Greenberg stated there is an entrance right next to the handicapped spot and there is a ramp to enter.

Mr. Cleary said that wasn't clear on the plan.

Mr. Cleary continued and stated vehicular access to the site is available from Veschi Lane South. A second driveway accesses the site from Battista Drive. The Board expressed concern about accessing the site from this driveway. Is this this second site access driveway proposed to be utilized? Clarification is required.

Mr. Greenberg stated in the previous approval it called for the garage to be removed and it has been removed. He said on the previous site plan it showed pervious pavers in order to get the 10th parking space which is required. As far as, the area off Veschi Lane there is pavement and it has been stripped for four cars. Also, by getting rid of the garage that driveway is longer than needed to go up there, so that becomes the extra parking space. The revised map will show the ramp going up to entrance by the handicapped spot and we will address all the other issues that were brought up.

Mr. Cleary stated to be clear you are proposing to eliminate the access to Battista Drive.

Mr. Greenberg replied no. We are proposing to maintain that.

Chairman Paeprer asked where will the dumpster go.

Mr. Greenberg replied where the garage used to be (points to map).

Mr. Charbonneau asked how you sent anything to me regarding the right of way easement.

Mr. Greenberg replied no. I just found out about it yesterday. He said we will address all these issues and come back to the next meeting.

Mr. Charbonneau stated if that right of way doesn't exist, you don't have access.

DOWNTOWN MAHOPAC PROPERTIES INC – 559 ROUTE 6 – TM – 75.12-2-26 – RE-APPROVAL OF FINAL SITE PLAN

Mr. Carnazza had no objection to the re-approval.

Mr. Franzetti read his memo which stated the Engineering Department does 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 Board should note the following:

Permits from the following would appear necessary:

- a. New York State Department of Environmental Conservation (NYSDEC) – Coverage under General Permit GP-0-20-001
- b. PCDOH – connection to well
- c. NYSDOT - connection into NYSDOT catch basins
- d. Town of Carmel – sewer permit

Applicant has acknowledged these comments and has contacted the various agencies and is waiting for a response from the NYSDOT and PCDOH.

The file **does not** contain documentation regarding the following items identified in the November 11, 2018 Planning Board Resolution (#19-08):

- e. A posted performance bond and engineering inspection fee (Items 5 and 6);
- f. A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Item8);
- g. Putnam County Water approval (Item 24)
- h. Applicable sewer connecting permits (Item 24)

Mr. Cleary had no objection to the re-approval.

Mr. Cote moved to grant re-approval of final site plan for 1 year. The motion was seconded by Mr. Frenkel with all in favor.

Chairman Paeprer stated I think this is a good project for the town, especially where it's located. This could be part of the whole downtown revitalization. We are looking forward to you proceeding with this.

Mr. David Nicholas, applicant addressed the board and stated the person who was holding us up finally retired. The person I'm dealing with now has been very helpful.

14 NICOLE WAY LLC – (ZAKON) – 14 NICOLE WAY – TM – 65.6-1-22 – EXTENSION OF FINAL SITE PLAN APPROVAL

Mr. Carnazza had no objection to the extension.

Mr. Franzetti read his memo which stated the Engineering Department does 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 Board should note the following:

Permits from the following would appear necessary:

New York State Department of Transportation – depending on improvements to the ingress/egress along Route 6.

Putnam County Department of Health Water and subsurface septic treatment systems.

New York State Department of Environmental Conservation (NYSDEC) – Coverage under General Permit GP-0-20-001.

Applicant has noted this comment and will obtain the necessary permits.

The file **does not** contain documentation regarding the following items identified in the November 24, 2020 Planning Board Resolution (#20-14):

A posted performance bond and engineering inspection fee (Items 5 and 6);

Approved Stormwater Pollution Prevention Plan (Item 7)

A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Item 8);

Putnam County Water and sewer approval (Item 10 and 11)

Mr. Cote moved to grant an extension of final site plan for 1 year. The motion was seconded by Mr. Frenkel with all in favor.

BRAEMAR AT CARMEL – 49 SEMINARY HILL ROAD – TM – 55.10-1-3 – RE-APPROVAL OF FINAL SITE PLAN

Mr. Carnazza had no objection to the re-approval. He asked if they were close to meeting all the conditions of the approval.

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated the project is a full go. Obviously, everyone is aware of the impact that COVID-19 has had on the assisted living industry. That’s really the cause of the delay, but they are looking to break ground as soon as this coming spring. At which time, Mr. Thyberg gave a brief overview of the project.

Mr. Franzetti read his memo which stated the Engineering Department has no objection to the re-approval of the site plan as there are no changes made to the project. The Planning Board should note the following:

New York State Department of Environmental Conservation (NYSDEC) Requirements

- The file **does not** contain documentation regarding this permit. This permit will be need to applied for five (5) days prior to the start of construction.

New York City Department of Environmental Protection (NYCDEP) Requirements

- Approved the Stormwater Pollution Prevention Plan (SWPPP) for this project. The expiration date is August 24, 2024
- Approved sanitary sewer permit. The expiration date is January 3, 2025

Town of Carmel

- The file **does not** contain documentation regarding the following items identified in the October 30 ,2019 Planning Board Resolution (#19-12):
 - A posted performance bond and engineering inspection fee (Items 5 and 6);
 - A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Item9);
 - Putnam County Water and sewer approval (Item 10)
 - Applicable water and sewer connecting permits (Item 11)

Mr. Thyberg stated that’s all forthcoming. The DEP approvals are in place and we do have a few other items to check off before we go to construction. At which time, Mr. Thyberg gave an overview of the project and displayed elevation drawings.

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

MINUTES – 09/22/21 & 10/14/21

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

Vice Chairman Giannico moved to adjourn the meeting at 7:34 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta