

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA

TOWN OF CARMEL
PLANNING BOARD



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext.190
www.ci.carmel.ny.us

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 23, 2022

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

ABSENT: KIM KUGLER, VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
G & F Subdivision – 5, 6 & 7	55.-2-24.5, 6-1,7-2,8-2	P/H & Reso.	1-2	Public Hearing Closed & Resolution Adopted.
Gateway Summit Multi- Family – Lot 6	55.-2-24.6-1 55.-2-24.6-2	P/H & Reso.	2-3	Public Hearing Closed & Resolution Adopted.
The Fairways Multi- Family – Lot 7	55.-2-24.8-1 55.-2-24.8-2	P/H & Reso.	3	Public Hearing Closed & Resolution Adopted.
P & R Estate Corp	44.13-2-68	Res. Site Plan	3-6	Referred to the ECB.
Yankee Land Development	77.15-1-12	Extension	6	180 Day Extension Granted.
MK Realty	55.6-1-44 & 45	Extension	6	1 Year Extension Granted.
Minutes – 01/13/22			6	Approved.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Rose Trombetta

G & F SUBDIVISION – LOTS 5, 6 & 7 – GATEWAY DRIVE – TM – 55.-2-24.5, 6-1, 7-2 & 8-2 – PUBLIC HEARING

Mr. Carnazza stated all his comments have been addressed.

Mr. Franzetti had no comments.

Mr. Cleary stated this item is the subdivision application, no new lots are being created, they are just being modified. The biggest change is the reduction in the length of the cul-de-sac by 400 feet.

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

Mr. John Butler, a resident of Kelly Ridge Road in the Hamlet of Carmel addressed the board and stated his comments will be in relation to all three projects. He said he has lived at that location for 38 years. He stated this project started its genesis back in the 1990's. The Liebowitz family had acquired most of the site for the purposes of building their 27 hole golf course which has been asset to the community and the neighbors. Mr. Butler continued to discuss the history and sale of the property to Mr. Camarda. The marketing of that sale was the building of a hotel conference center and other commercial development in that immediate area, such as office space, restaurants and a YMCA. This was needed not only for the purposes of revenue producing of the site, but as a generator of commercial development in the Hamlet of Carmel. Having something like this as an anchor, means that we're serious, this is where you could do business and generate commercial tax revenues. Sadly, 20 years later, none of that exists. That's what the people who voted that in the Town of Carmel expected and wanted, but it never happened. After it was passed, part of the big project with the commercial development was senior housing. He said residential development was never part of this, but we'll take it. Everything is a balance. He said back then there was an urgent need for senior housing and an urgent need to mitigate over development occurring in the Town of Carmel. Therefore, the Town Board passed an ordinance establishing 3 acre zoning for single family homes, with the exception of any multi-family residential developments restricted to senior citizens only and that's how senior housing became part of the overall plan. Twenty years later, there's no hotel, no commercial development and no tax revenue from any commercial elements existing on that site. To my knowledge, there are no plans for commercial development, hotel or a conference center. We have a project to construct 150 units of senior housing which was part of the plan 20 years ago. Now, the Zoning Board decided to allow non-age restricted residential development and that is now The Fairways. He continued to discuss his dissatisfaction with the decision of the Zoning Board regarding the non-age restricted residential developments. Mr. Butler continued with the following comments:

- The decrease in student population in the Carmel Central School District and discussion of schools and school budgets.
- Discussed the dirty and brown water in Carmel Water District #2 and the re-alignment of pipes and replacing the water tank on Everett Road which was not needed in his opinion and should have been maintained by the town.
- Discussed the process in notifying neighbors for a public hearing and not having the opportunity to review the file because he received the notice over the weekend.
- Stated the 150 homeowners of the Kelly Ridge community should have been noticed, because it could impact their water. He asked the board to leave the public hearing open, so that the Kelly Ridge community can have the opportunity to speak.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated we have a fully approved project that was based on an extremely detailed record which discussed the impacts of the project. Our fully approved project is similar in nature to our amended site plan. There is nothing different about our project this evening that will inhibit the hotel parcel and owner. They haven't done anything because of the market. Our proposal will not hamper the commercial development along Route 6, it will actually help him. As far as the Carmel schools are concerned, the standard protocols were used in assessing the school children population projections as well as the physical impacts. As far as the CWD #2 is concerned it is the same exact proposal for connection to that district as the previous site plan.

Chairman Paeprer asked whether in his opinion the water is negatively affected by this project?

Mr. Contelmo replied the water and sewer were two of the key issues that were studied throughout the entire project. We have submitted all the updated reports related to that. He said our work stands on its own merit and is consistent with all the previous work that's been done. He said we are here this evening with full disclosure of the details of the changes we are making in a way to make the project better, more marketable and consistent with the law. The zoning decision was misrepresented by Mr. Butler. That was an interpretation of the legislation and the obligation from the federal level down as to what the Town of Carmel intended in their code and what they are obligated to do.

At which time, a discussion ensued regarding procedures and noticing the public for a public hearing and the approximate number of people notified.

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

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

Mr. Cote moved to adopt Resolution #22-04, dated February 23, 2022; Tax Map #55.-2-24.5, 6-1, 7-2 entitled G & F Subdivision, Lots 5, 6 & 7 Lot Line Adjustment. The motion was seconded by Vice Chairman Giannico with all in favor.

GATEWAY SUMMIT MULTI-FAMILY – LOT 6 – GATEWAY DRIVE – 55.-2-24.6-1 & 6-2 – PUBLIC HEARING

The consultants had no comments.

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

Vice Chairman Giannico asked if there were any changes to the map since they were there last, correct.

Mr. Contelmo replied that's correct. Since, Mr. Frenkel asked about the landscaping plan at the last meeting, we brought the plan showing the street trees and landscaping around the units.

At which time, a discussion ensued regarding the landscaping and making sure it's done properly and we want people to take notice.

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

Mr. Cote moved to adopt Resolution #22-05, dated February 23, 2022; Tax Map #55.-2-24.6-1 & 6-2, entitled Gateway Summit Multi-Family Housing, Lot 6 Amended Final Site Plan Approval. The motion was seconded by Vice Chairman Giannico with all in favor.

THE FAIRWAYS MULTI-FAMILY – LOT 7 – 2054 ROUTE 6 – TM – 55.-2-24.8-1 & 8-2 – PUBLIC HEARING

The consultants had no comments.

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

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

Mr. Cote moved to adopt Resolution #22-06, dated February 23, 2022; Tax Map #55.-2-24.8-1 & 8-2, entitled The Fairways Multi-Family Housing, Lot 7 Amended Final Site Plan Approval. The motion was seconded by Mr. Frenkel with all in favor.

P & R ESTATE CORP – 122 GLENEIDA AVE – TM – 44.13-2-68 – RESIDENTIAL SITE PLAN

Mr. Carnazza read his memo which stated applicant proposes to legalize a four-family dwelling that is listed in my records as a two-family dwelling. The minimum building area is incorrect; the Zoning Table provides 17,360 sq. ft. (that looks like the lot area). Use variance required from the ZBA. Should be fine, they are changing a mixed-use building to a multi-family building. Five area variances are required from the ZBA.

Mr. Franzetti read his memo which stated the application involves legalizing an existing multi-family property that currently supports four (4) apartments. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

1. The following referrals are required:
 - a. New York State Department of Environmental Conservation (NYSDEC)
 - b. The Town of Carmel Environmental Conservation Board (ECB).
 - c. Carmel Fire Department
2. The following permits are required:
 - a. NYSDEC - for stormwater;
 - b. ECB for wetlands
3. The applicant must provide a water/sewer use report for review;

The applicant provided water billing. A water/wastewater report should be provided that follows the 2014 NYSDEC design standards.

4. Referral Putnam County Department of Planning GML 239 M is required.

Applicant has indicated they will complete referral. This should be completed by the Town

5. The area of disturbance for the work has been provided as 9,320 sq ft. 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.

6. All curbs sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code

Applicant indicates they will meet or exceed town codes.

The applicant should add a note added to drawing indicating that curbs sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code

7. A lighting plan should be provided.

Applicant has provided lights and has requested a waiver of the photometric plan. The photometric plan must be provided.

8. Drainage from the site should be addressed.

The applicant has provided a rain garden for stormwater management. The applicant should note that they must meet the criteria as defined by the NYSDEC. This includes providing sufficient depth to groundwater. All calculations must be provided.

The use of haybales is discouraged for use in runoff control

Details for the inlet protection of drainage sites should be provided.

9. 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.

o Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles on the site.

10. All re-grading required to accomplish the intended development should be provided. It is unclear from the drawings provide the extent of cut and fill proposed for the site. All fill brought to the site must be certified per NYSDEC regulations and manifests/certification of the fill material being delivered should be provided. A note should be added to the drawing.

11. All planting should be verified by the Town of Carmel Wetlands Inspector and all plantings shall be installed per §142 of the Town of Carmel Town Code. A note should be added to the drawings.

12. Sequence of Construction should be included on the drawing.

13. Should any public improvements (i.e., stormwater controls, etc.) be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must be established for the work.

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.

14. The applicant is advised that a stormwater bond and maintenance guarantee, pursuant to §156.87 of the Town Code, may be required.

Mr. Cleary stated the applicant has been before the board twice before. The primary issue was the existing parking area in front of the building. It required backing out onto Route 52 which has been a problem for us. The applicant has removed the front parking and there is now a parking lot on the south side of the building that extends to the rear. The original obstacle was the wetland in the rear of the property which would require an encroachment into the wetland buffer area. He said we now have a nice conforming paved parking lot and it meets town's standards. It's a much improved plan from a safety perspective. We now have a landscaping plan, it just requires a little cleaning up. Clarify the condition of the existing sidewalk, and if it requires repair or replacement. Provide details of the proposed "post lights" including illumination levels. The project continues to require a use variance, as well area variances. The proposed modification to the site plan, which includes an expansion of the parking lot, now totals 9,320 square feet of disturbance. This now exceeds the Type II threshold, and would be classified as an Unlisted Action. Prior to approval a SEQR determination of significance must be adopted.

Mr. Frenkel asked about the landscaping and façade of the building.

Mr. Robert Sherwood, Applicant's architect addressed the board and stated we removed the back out parking which was a major concern. We have created a parking area in the rear with one curb cut. We will be utilizing an access easement for the flagged lot property that sits behind us.

Mr. Cleary stated once that's settled, Mr. Charbonneau needs to review the easement.

Mr. Sherwood stated we had the wetlands flagged and they off site along the property line and the buffer is encompassing half of the building lot (points to map). The parking area is encroaching into the wetland buffer. We will be redoing the curb cut and there will be small trees planted there to give the house a residential look. There will be a residential style walkway will be put in. Small trees will be planted in the front and along the base of the building there will be a variety of boxwoods, such as hydrangeas. Most of the landscaping is to screen the back property from light pollution or any other nuisance from now having the parking area permanently in the back. We have wetland buffer style plantings and arborvitaes. We are proposing to install cultec stormwater galleys in the parking lot.

Mr. Franzetti stated to check with DOT regarding the curb cut.

Mr. Sherwood replied okay. The architectural plan hasn't changed, but we could add 8 to 10 shutters to the front of the house.

Vice Chairman Giannico asked about the elevations to the existing house.

At which time, Mr. Sherwood displayed the renderings showing the elevations.

Chairman Paeprer stated at this time we're comfortable with sending you to the ECB, but I think we need a little more for the Zoning Board.

Mr. Frenkel moved to refer the application to the ECB. The motion was seconded by Vice Chairman Giannico with all in favor.

YANKEE LAND DEVELOPMENT – BAYBERRY HILL ROAD & OWEN DRIVE – TM – 76.15-1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

The consultants had no objection to the extension of preliminary approval.

Mr. Luppino, the owner of the property stated we have made good progress and getting very close. He stated we are in the process of doing a two –7 lot subdivision and we hope to before the board in the next month or so.

Vice Chairman Giannico moved to grant 180-day extension of preliminary subdivision approval. The motion was seconded by Mr. Cote with all in favor.

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

The consultants had no objection to the extension of final site plan approval.

Ms. Dawn McKenzie of Insite Engineering, representing the applicant addressed the board and stated the applicant continues to actively market the project. In support of that, they are keeping all of their permits up to date.

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

MINUTES – 01/13/22

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

Vice Chairman Giannico moved to adjourn the meeting at 8:14 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta