

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

**BOARD MEMBERS**

**KIM KUGLER**  
**RAYMOND COTE**  
**ROBERT FRENKEL**  
**VICTORIA CAUSA**  
**JOHN NUCULOVIC**

**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**  
**JUNE 9, 2022**

**PRESENT:** CHAIRMAN, CRAIG PAEPRER, VICTORIA CAUSA, ROBERT FRENKEL,  
JOHN NUCULOVIC

**ABSENT:** VICE-CHAIRMAN ANTHONY GIANNICO, RAYMOND COTE & KIM KUGLER

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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>
De Almeida, Hernane	55.5-1-18	Public Hearing	1	Public Hearing Closed; Planner to prepare Resolution
Suez Water New York Inc - London Bridge Wells	64.7-1-10	Public Hearing	1 – 2	Public Hearing Closed; Planner to prepare Resolution
Suez Water New York Inc - Geymer Wells	75.13-1-6	Public Hearing	3	Public Hearing Closed; Planner to prepare Resolution
John Regan	55.6-1-24	Site Plan	3 – 5	Public Hearing Scheduled

The meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Dawn Andren

**HERNANE DEALMEIDA; 26 GLENVUE DRIVE; TM – 55.5-1-18; PUBLIC HEARING**

Mr. Carnazza stated it's on for a public hearing. All of my comments have been addressed.

Mr. Franzetti stated the same.

Mr. Cleary stated I have no issues on this Mr. Chairman.

*Chairman Paeprer then asked if there was anyone from the public that would like to be heard on this application of which there was none.*

Chairman Paeprer said the only thing that I would remind the applicant is that we've discussed this before and it's really about the engineering and regrading. As long as it's not affecting any of your neighbors; obviously there are none out tonight so just be cognizant as you had mentioned before.

Mr. DeAlmeida said absolutely.

Chairman Paeprer said any other comments from any of the Board Members? If not, we need a motion to close the public hearing.

***Mr. Frenkel moved to close the public hearing on this application; seconded by Mr. Nuculovic with all in favor.***

*Chairman Paeprer asked Mr. Cleary to prepare a resolution.*

**SUEZ WATER NEW YORK INC-LONDON BRIDGE WELLS; 39 BROOK STREET; TM – 64.7-1-10; PUBLIC HEARING**

Chairman Paeprer said I don't believe Mr. Carnazza, Mr. Franzetti or Mr. Cleary had any comments.

Mr. Carnazza said it's just on for a public hearing is all that I was going to say.

Mr. Franzetti said the only comment that I have is if you're going to have a resolution, they need to give us the engineering fee and performance bond amounts before we sign that. Or, we want to, at least, get that number included in the resolution.

Chairman Paeprer asked if there was anyone from the public that would like to be heard on this application.

- Mr. Ryan Biddle of 51 Brook Street

Mr. Biddle said I neighbor the property. They came in and cut a bunch of trees, opened up a lot of things. I'm just wondering how much further they're coming toward our property.

Chairman Paeprer said if you're looking at the building, you're to the right there?

Mr. Biddle said yes.

Chairman Paeprer said that's an excellent question and it's important that we hear from the neighbors. Technically, they've done a very good job. We've challenged this several times for trees, height of trees, colors, landscaping and such. One of their obligations is to satisfy the neighbors. That's why we're here tonight. So, (directed to Ramya Ramanathan) would you please explain to this gentleman how you're going to landscape it and let's answer specifically, are there any more trees going to be cut down and then just take us through the landscaping a little bit if you don't mind.

- Ms. Ramya Ramanathan, Planning Analyst with Atzl, Nasher & Ziegler representing Suez Water New York spoke.

Ms. Ramanathan explained that we had a tree clearing permit window which is why you may have noticed the trees cut down. We had a deadline of March 31<sup>st</sup> which is why that had to happen before. That's the reason the trees were cut down initially. I can show you the landscape plan right here. This is the site. Everything that you see here is proposed landscaping. We're proposing a combination of green giants, cedars & hollies. We've tried to landscape this as much as possible. This is the blown-up version of the entrance portion. We're cognizant of the fact that we're close to the road and there's going to be a lot of visibility. We would be happy to push it back but we have constraints on the site pertaining to wetlands. So, we have to maintain some distance from that which is why we've located the building where it is. We're trying our best to landscape it.

Unknown woman asked so it's just going to be behind where the existing.....

Ms. Ramanathan said yes. The existing spring house is right here, and that (points to map) is the proposed building. For the new building which is about 22' in height, we're going to give as much landscaping as possible. We have the renderings with us if you'd like to see that.

Chairman Paeprer said and they're going to maintain the property.

Mr. Biddle said I just didn't want them to come any further with cutting the trees down. It takes my privacy away.

Chairman Paeprer said that was a very valid question and we expect Suez to be good neighbors to you. You're going to get better water quality.

Chairman Paeprer said (to the Board Members) do we have any more questions on this. If not, do we have a motion to close the public hearing?

***Mr. Frenkel moved to close the public hearing on this application; seconded by Ms. Causa with all in favor.***

Chairman Paeprer asked Mr. Cleary to prepare a resolution but as Mr. Franzetti commented, to be sure the engineering fees were straight before they sign on that.

Mr. Carnazza said you got me the lot depth on that one – correct? It met the 200'?

Ms. Ramanathan said yes. We got it for all the sites.

**SUEZ WATER NEW YORK INC-GEYMER WELLS; 70 GEYMER DRIVE; TM – 75.13-1-6; PUBLIC HEARING**

Chairman Paeprer said I don't believe Mr. Carnazza, Mr. Franzetti or Mr. Cleary had any comments.

Mr. Carnazza said no comments.

Mr. Franzetti said the same thing with the performance bond and engineering fee. They need to have those numbers developed for us and approved so they can get included as part of the resolution.

Mr. Cleary had no comments.

Chairman Paeprer said anyone from the public wish to be heard on this? As a reminder to the Board, this is the one that is set way back into the woods. I wasn't expecting many neighbors in for that. If not, can we have a motion to close the public hearing.

***Mr. Frenkel moved to close the public hearing on this application; seconded by Mr. Nuculovic with all in favor.***

Mr. Cleary said Mr. Chairman, do you want a resolution on that.

Chairman Paeprer said yes please.

**JOHN REGAN; 1751 ROUTE 6, CARMEL; TM – 55.6-1-24 – RESIDENTIAL SITE PLAN**

Chairman Paeprer stated I believe Mr. Carnazza had a few comments.

Mr. Carnazza said yes;

- provide measurements of the rooms – just rough measurements. I just need a little something to go by for the units so that they all comply with the requirements.
- Provide elevations of the building.
- You're missing the number of employees.
- The easement information for the funeral home. Provide the easement for counsel to review.

Mr. Franzetti said no site improvements have been proposed for this project. This department does not have any additional comments. It seems the applicant has addressed them already. So, as long as there are no changes being made to the site, the Engineering Department is good.

Mr. Cleary said if you remember, this application required a Use Variance which the applicant obtained in May. That was the big hurdle for this application. There was, if you remember, a large paved parking area on the site but the parking spaces weren't identified. Mr. Greenberg was updating the plan. They're on the plan; they're dimensionally compliant. So, they've shown their parking requirement. The biggest issue with respect to this is we are legalizing a third apartment in the building. The Building Department needs to make sure that it is Code compliant and meets the Building Code Fire Code. We shouldn't approve this if it's an illegal apartment and not constructed properly. So, that significant issue needs to be confirmed and Mr. Carnazza had mentioned the easement that's required for the driveway that crosses the property. We do need that easement.

Chairman Paeprer said to summarize Mr. Cleary's comments, there are two things needed: easement is needed and since that third apartment was added, is that code compliant?

➤ Mr. Joel Greenberg, Architect for the client spoke.

Mr. Greenberg said Mr. Carnazza had mentioned these two items. I have, and can give to the Town Attorney, the information regarding the easements that Mr. Carnazza had requested. We do have dimensions of all the rooms now and we also have the elevations of the building as Mr. Carnazza had also requested.

Chairman Paeprer asked were they submitted?

Mr. Greenberg said no. I just found this out today so if you can set the public hearing, those are all ready.

Chairman Paeprer said to Mr. Charbonneau do you review easements?

Mr. Charbonneau said yes.

Chairman Paeprer said so you haven't seen this yet then.

Mr. Charbonneau said correct.

Chairman Paeprer said {to Mr. Carnazza} do we know if that third apartment has been reviewed for Code for fire and.....

Mr. Carnazza said that will not be until after they get the approval. That's a separate role. What I'm looking for is the measurements of the rooms so that I can see that it, at least, meets that requirement. Then we'll get into windows, smoke detectors and all of that but that's later on. That's the next step after getting approval.

Mr. Cleary said so Mr. Chairman, what I would suggest is that if Mr. Greenberg can make a representation that he's committing to you that it's code compliant, then you can base an approval as a condition for Mr. Carnazza to confirm that after the fact. My point is that you wouldn't approve something if it's not going to meet the Code. But, Mr. Greenberg is a licensed architect and can make that representation, Mr. Carnazza can confirm, as a condition of approval.

Mr. Carnazza said we're still missing a few general items that are required; elevations and number of employees isn't on there.

Mr. Greenberg said again, Mr. Carnazza mentioned those things so I have those drawings which can be submitted tomorrow so it would be well in advance of the public hearing.

Chairman Paeprer said we can put you on the agenda in two weeks for a public hearing – conditionally. If Mr. Carnazza doesn't get the data, he needs and Mr. Charbonneau is not satisfied with the easement, then no public hearing. I think I want to make sure we check off all of these boxes here. If we check them off, we'll proceed with the public hearing. I'll be in the office ahead of time reviewing with Mr. Cleary, Mr. Carnazza, Mr. Franzetti & Ms. Trombetta. If all the "I"s aren't dotted and "T"s crossed, then there will be no public hearing. Does that sound reasonable? Any other questions from the Board on this? Mr. Greenberg - Can you just explain how all this transpired? I was reading that a Use Variance was

granted January 2<sup>nd</sup> 1996 to allow the continuation of a two-family dwelling. In January 1997, the Planning Board approved this site plan for a one-story addition over it. So now, we're going back to get the approvals?

Mr. Greenberg said what happened was this was approved by the Planning Board and also a variance from the Zoning Board way back.

Chairman Paeprer said 'this' being the two-story; then the addition turned into an apartment?

Mr. Greenberg said the addition was added on, from what you've just read, but instead of making it two apartments, the previous owner (not Mr. Regan) made it three apartments. Mr. Regan bought the property twelve years ago. So, this was after the previous owner had put the apartment in. Then the fact that this apartment was never approved came up. We came before this Board a couple of months ago. You sent us to the Zoning Board to get a Use Variance and we proved the need for the User Variance and that's where it is now.

Chairman Paeprer said that helps. So, when you bought it, it was already a three-family. Now, you're going back.....

Mr. Greenberg said right. We're just trying to legalize what the previous owner had done.

Chairman Paeprer said we'll move this forward – conditionally.

Mr. Carnazza said just to clear up: the previous variance was for the mixed-use with the two-family. The first variance that was granted was because it was two-families over a commercial agency or whatever it is. Then, it becomes three. So, now they've expanded a non-conforming further.

Mr. Cleary said and this is in a commercial zone.

Chairman Paeprer said okay; I'm just trying to piece it together. Alright; so, we'll submit a public hearing if you're ready for it.

Mr. Greenberg said we'll get all the information in.

Mr. Frenkel moved to adjourn the meeting at 7:19 p.m. The motion was seconded by Ms. Causa with all in favor.

Respectfully submitted,

Dawn Andren