

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

**BOARD MEMBERS**  
**RAYMOND COTE**  
**ROBERT FRENKEL**  
**VICTORIA CAUSA**  
**JOHN NUCULOVIC**  
**NICHOLAS BALZANO**

## **TOWN OF CARMEL** **PLANNING BOARD**



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 – Ext.190  
[www.ci.carmel.ny.us](http://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** **JANUARY 10, 2024**

**PRESENT:** **CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,  
RAYMOND COTE, ROBERT FRENKEL, VICTORIA CAUSA, JOHN NUCULOVIC,  
NICHOLAS BALZANO**

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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>
Carmel Terminals	55.11-1-23,24,27	A. Site Plan	1-2	Public Hearing Scheduled.
TTSHR, LLC	55.6-1-69 & 70	Res. Site Plan	3-6	Lead Agency Declared.
Kass Subdivision	53.-2-17	Sketch Plan	6-9	No Board Action.
G & F Subdivision	55.-2-24.5, 6-1, 7-2 & 8-2	Bond Reduction	9-10	Public Hearing Scheduled.
14 Nicole Way, LLC	65.6-1-22	Bond Return	10	Public Hearing Scheduled.
Pani, Fabian	75.17-1-52	Regrading	10-11	Public Hearing Scheduled.
Doupis, Achilles	75.16-1-18	Waiver	11	Applicant Did Not Show Up.
Minutes – 12/14/23			11	Approved.

The meeting was adjourned at 7:57p.m.

Respectfully submitted,

Rose Trombetta

**CARMEL TERMINALS – 79 OLD ROUTE 6 – TM – 55.11-1-23, 24 & 27 – AMENDED SITE PLAN**

Mr. Carnazza stated the necessary variances were granted by the ZBA and all zoning comments have been addressed.

Mr. Franzetti read his memo dated January 5, 2024.

Mr. Cleary stated there were considerable amount of comments originally on this because it was sort of understanding how the operation was going to work. The applicants did quite a good job in responding to all of those issues. We had one issue that was of some concern. As it is illustrated on the plan there's no curb cut and the entire frontage is sort of open. They provided a vehicle maneuvering plan that shows how vehicles would access the site which allows them to move through the site in a frontward direction without backing up. However, it requires the open curb cut in the front to maneuver onto the site. Our typical position would be to provide curb cuts, but in this case, there aren't any today and it wouldn't benefit how the site operates. I think they've resolved that issue fairly well. The other minor comment was about the potential of adding landscaping to the site and again when you overlay that concern with the maneuvering of vehicles on the site and the parking and storage, there really isn't any space to provide that landscaping. With those two caveats I think they've done a very good job of responding to the issues. The next step in this is going to a public hearing.

Chairman Paeprer asked if the trailer that is there now leaving the site?

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and replied yes, that's correct.

Chairman Paeprer asked compared to the amount of tanks you have there today will it be the same number in the future?

Mr. Thyberg replied it is the same number of tanks, but capacity is somewhat increased which is not indicative of an increase in the intensity of the use. I think it's more of a storage Issue. The footprint of the tank enclosure is more or less the general location of the existing conditions plan.

Mr. Carnazza stated it could actually reduce the traffic because bigger tanks mean less delivery is possible.

Mr. Cleary stated I want to emphasize what Mr. Thyberg said. This is not changing the way the site operates today it's just going to be a better site to operate. Intensity and so forth no change.

Chairman Paeprer stated it's not an overly busy, lots of traffic type of business.

Mr. Thyberg stated we gave a breakdown of the average traffic that'd be coming onto the site in terms of customers and I think you'll see it's pretty minimal. There will not be any employees on the site. Just a handful of customers a day.

Vice Chairman Giannico asked is this strictly storage?

Mr. Thyberg stated customers do come to pick up fuel.

Vice Chairman Giannico asked how many times a week, a month will trucks come in to fill the tanks and what is the daily or weekly anticipation of how many trucks will be customers coming to fill up and leave the site.

Mr. Thyberg stated the numbers provided by the applicant were in the winter months they're approximately 15 to 20 customers per day and in the summer months this number is reduced to 3 to 5. Bulk deliveries in the winter can be up to five to seven per day which reduce down to zero to two during the summer months. He said it's important to note that this is not an increased number of customers and it's not an increased number of deliveries. It's just a continuation of the existing operation.

Vice Chairman Giannico asked will the bulk deliveries be scheduled at certain time not to conflict with customer deliveries.

Mr. Jack Durkin replied no. He said all of the deliveries and the amount of times that the customers pick up are directly related to each other. If more customers come to pick up then we'll have to bring in more product but as far as them happening at different times there's really no relation to it.

Chairman Paeprer stated one of the notes said the buildings will not be heated or cooled.

Mr. Thyberg said the building is the enclosure for the tanks and the loading rack which is just a covering over it.

Vice Chairman Giannico asked about the traffic flow.

Mr. Thyberg stated vehicles will come from Route 6. They'll come into the site this way (points to map) if they're loading or unloading they'll come through here (points to map).

At which time, Mr. Thyberg pointed to the map to show the vehicle maneuvers.

Mr. Durkin added there will not be any increase in the amount of business that this project will further create. He said if we were in a busy time of year and there were a lot of trucks there, with the improvements of the site, now that the site's being pushed back away from the road a little bit more, there's actually increased room for trucks to either pull off to the side or park. There would be a decrease of any parking jam or staging that you're concerned about.

Chairman Paeprer asked if there is a concern with lighting and security.

Mr. Thyberg stated the tanks are going to be in the enclosure. We are showing lighting which is shown (points to map) here. We're sticking to the town requirement that we're below a foot candle at the property lines. It'll be adequately lit without spreading off the site.

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

**TTSHR, LLC – 25 & 27 SEMINARY HILL ROAD – TM – 55.6-1-69 & 70 – RESIDENTIAL  
SITE PLAN**

Mr. Carnazza read his memo which stated the applicant wants to legalize work that was done several years ago. The property currently consists of a four-unit building, a seven-unit building, a concrete block garage, and a separate 1-1/2 story, two-family frame residence. The 2-family dwelling was converted to 4 families, the one family dwelling was converted to 7 units and the garage was converted to two additional dwelling, all without any permits or approvals. Use Variance required from the ZBA for the expansion. Provide a parking calculation(s). Until this is submitted, I do not recommend referral to the ZBA. Six area variances are required from the ZBA.

Mr. Franzetti read his memo which stated this application encompasses a proposal to merge two lots and legalize twelve units. The following are preliminary comments:

- The applicant should note that both tax parcels are located in the New York City Department of Environmental Protection Designated Main Street area. The applicant will need to contact the NYCDEP to confirm if any additional approvals are required.
- A lighting spill plan should be provided.
- Traffic and Vehicle Movement Plans should be provided which provide the following:
  - o Provide all sight distance calculations.
  - o Provide a driveway profile
  - o 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.
- Existing conditions plan:
  - o Identifies survey of property for Lamot Enterprises. However, the owner is TTSHR. This should be clarified.
  - o Does not provide parking spaces. Are there any existing?
- It is unclear if there is any proposed disturbance with regards to the parking areas. The plan should specify the total area to be disturbed in order to determine Stormwater Permitting requirements for both the NYSDEC GP-0-20-001 and NYCDEP.
- 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. This includes striping or the parking areas.
- 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 this is another example of an existing nonconforming condition that the applicant is choosing to legalize. The situation with these always is if we chose to say no it remains in a potentially unsatisfactory condition. It may not be code compliant and so forth. We should make an effort to try to bring it up to code and legalize the condition that's going on the site. The two separate sites would be merged. There's an existing compound now the way it operates. You wouldn't notice it to drive by, it's very deceptive, but in fact it's 12 dwelling units within those three buildings. There's a lot going on. The primary issue is they need a ton of variances, obviously this is primarily a Zoning Board issue. He said all of those buildings should be brought up to building code, fire code issue. That's a primary concern right now they could be deathtraps. He said stormwater management needs to be addressed. That site probably has no stormwater management. It probably has no infrastructural improvements the kind of things we would require today. He said we need to go through SEQR with this application and I recommend designating lead agency, so we could start the process.

Mrs. Causa asked how long have those dwellings been there?

Mr. Frank Smith, applicant's attorney replied since the late 1950's to early 1960's. The buildings have been there much longer. He said there are four structures, two are houses and then there is a three-car stone garage and another out building.

Mr. Frenkel asked what is the business plan once this gets legalized?

Mr. Smith replied just as it is, residential rentals for nearly 60 years

Chairman Paeprer asked whether you just decided now to come forward to legalize this or are you looking to sell the properties?

Mr. Smith stated the applicant recently purchased the property and we were in the process of trying to legalize it before the applicant purchased the property. He said we were seeking to establish it as a pre-existing non-conforming use and part of the reason why we went that way is because the house structure to the right on the assessment card from the town it states it as a 7 family with a date of 1941. Mr. Carnazza and I have a disagreement as it relates to that on the assessment card. From my point of view, it's a town record that says 7 family 1941. There's the other structure next door that we sought to establish as pre-existing non-conforming use as well, but we spoke to a gentleman named Edward Adams who in the late 50s early 60s operated a funeral parlor on the bottom and according to him had two residences upstairs. At that time, it was a mixed use, but we're having trouble establishing it back to pre-1955.

Mrs. Causa asked if the apartments are going to be low income, middle income or luxury rentals?

Mr. Christopher DiMillia stated our plan is to keep it operating in the use that it has right now, which is middle income not luxury, not specifically low income. The apartments have a range in terms of the market rent based on size and number of bedrooms. We're not planning on doing any significant cosmetic renovations to make them luxury units. Our intent as an investment group when we buy properties we've invested here in Carmel already we invest in other areas of Dutchess County and Putnam County as well. We buy them as existing use. We don't want to kick people out of their homes, we want to make sure it's a good business decision to buy building as it exists not to completely change the usage of the property or upset people's living space.

Mr. Frenkel asked what do you get by legalizing it that you don't have now as a pre-existing condition.

Mr. DiMillia replied nothing specifically. The previous owner was sent a violation for the state of the building. Our intent upon purchasing it in good faith was to come forward as soon as possible with the town and legalize it exists because we believe it's the right thing to do.

Mr. Frenkel asked are there any plans to expand the number of units.

Mr. DiMillia replied not at this time. He said we paid all cash for the building, because a bank would not finance on it. Looking at its financials and recognizing financials from 12 units if they're not legal with the town and if we wanted to refinance to pull cash out to do some other activities this will enable us to do that but that's not really has anything to do with what we're do doing with the site.

Mr. Carnazza stated in that area of the town, there are several multi-family homes. Mr. Cote stated part of our concerns as a board is the safety of the tenants so we need to have the Building Department go in there and look at the apartments and make sure everything is up to code and safe and if not, it needs to be remedied. Also, part of our responsibility is to make sure that you know every property owner is a good neighbor and they make sure that their property is kept up and so on and having said that I mean I know the house I drive past it all the time. Do you have any plans on sprucing up the outside perhaps even painting the house?

Mr. DiMillia said we have already done a number of things and we plan to continue to improve the buildings. We've already replaced a number of windows, all the gutters on one side of one building. There were appliances that were in dire need. This is not an exterior thing for the town, but appliances in dire need of replacement that we did right away. Frankly, the general sentiment of the residents of the building was that it was not kept up under the prior ownership and we're doing our best to remedy that. We operate a property management company that has units elsewhere and we have a reputation and I have my real estate license and we want to make sure that places run appropriately. In addition to the things that we've already done we're willing to work with the town on things that need to be done from a safety standpoint as well. Power washing is in the near future for the whole site. There's a number of things that that need to be done and will be done to make sure the building is safe and nice to look at and all the above.

Chairman Paeprer asked if having 12 family dwelling units safe enough?

Mr. Carnazza stated the fire inspector has been out there every year for years even before we knew that this was there he still continues to do his fire inspections just for safety.

Mr. Smith stated the two practical points that I was going to mention is number one that the property is subject to annual fire inspections that have taken place from the town and there have been no issues. There is a violation issued by the building department related to the property as a whole and that's why we're seeking site plan approval. Secondly, as far as the general character of the neighborhood there's a multi-family next door and there are mixed uses across the street that have residences and offices.

Vice Chairman Giannico stated we have to get this up to code and we have to get it before the ZBA. The sequence of how that happens, we'll have to figure out but, in the end, we have an opportunity which we've been saying all along is to improve this site.

Chairman Paeprer stated every applicant that comes before us should leave us with a better-looking site.

Mr. Smith agreed with the Chairman and at which time, he respectfully asked the board for the referral to the Zoning Board because if we don't prevail with the Zoning Board then I think what we'd be coming back to the Planning Board would be much different.

Mr. Cote stated there was some information that Mr. Carnazza needed - parking calculations.

Mr. Carnazza stated parking calculations.

Mr. Jack Karell, the applicant's engineer stated the parking calculations is on the application form. The requirement is 24 and we have 20 spaces so that's one of the things we're going variance.

Mr. Carnazza said the calculation has to be written on the map.

Mr. Cleary stated the use variance is subject to SEQR at the Zoning Board level. We should adopt a negative declaration prior to the Zoning Board acting on this. Tonight, the board should designate lead agency. He said let's go SEQR and then refer them to the Zoning Board.

Mr. Cote moved to declare the Planning Board as lead agency. The motion was seconded by Mr. Frenkel with all in favor.

### **KASS SUBDIVISION – 90 MEXICO LANE – TM – 53.-2-17 – SKETCH PLAN (2 LOTS)**

Mr. Carnazza read his memo which stated the applicant wants to subdivide a 132,422.4 sq. ft. lot into two lots. Lot 1 will maintain the existing house and lot 2 will now be a building lot if approved. Variances are required from the ZBA.  
Variances are required from the ZBA for the following:

Mr. Franzetti read his memo which stated this application encompasses a proposal to subdivide a 3.04 acre parcel at 90 Mexico Lane into 2 lots. Lot 1 will be 1.56 acres and Lot 2 will be 1.48 acres. There is an existing structure on Lot 1 and Lot 2 is proposed to be developed with a residential dwelling. The development of Lot 2 will need to come back to the Planning Board. The following are preliminary comments:

- Provide signed/sealed, by licensed surveyor, survey of property.
- The Board should be aware that the drawing DOES NOT contain information regarding areas proposed to be reserved for open space.
- As the subdivision plans are refined, all missing elements mandated by §131-13 should be incorporated into the project's design plans. Based upon our review of this submittal, the Engineering Department offers the following comments regarding the future development of lot 2.

- The applicant should provide a separate Subdivision Plat.

#### **I. General Comments**

1. The following referrals would appear to be warranted:
  - a. New York State Department of Environmental Conservation (NYSDEC)
  - b. New York City Department of Environmental Protection (NYCDEP).
  - c. Putnam County Department of Planning GML 239M
  - d. Putnam County Department of Health (PCDOH).
  - e. Town of Carmel Highway Department
  - f. Mahopac and Mahopac Falls Fire Department
2. Permits from the following would appear necessary:
  - a. NYSDEC - for stormwater.
  - b. NYCDEP for stormwater (dependent on area of disturbance).
  - c. PCDOH for well and SSTs.
3. The plan should specify the total area to be disturbed in order to determine Stormwater Permitting requirements for both the NYSDEC GP-0-20-001 and NYCDEP.
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. The applicant will need to develop a quantity take off for bonding purposes
5. 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 this is an example as to why we have 3 acre zoning in the town today. He said the entire parcel barely meets the minimum lot area and they are proposing to divide it in half. If you look at the illustration you'll see there's an existing well and the applicant's engineer has indicated the setback from that well which extends well into the adjacent property. There would be a new well which probably extends into the other property. Ordinarily you want to have those things on the individual property themselves. Same thing with respect to septic systems, it's not illegal to do it that way but that's why we have 3 acre lots, so all of that stuff remains on a single parcel. This is an illustration of why this is a challenging subdivision. There's a new curb cut proposed on Mexico Lane, we'd have to take a look at site distances and typical work we would do with driveway locations and not only sewer and water but all the other utilities that would serve the buildings. The lots need to be demonstrated on the property. The house is in a weird location that of the lower right-hand corner so it's an odd configuration to begin with today. The big issue is substantially undersized parcels.

Chairman Paeprer stated we're being asked to take a legal parcel and make it two illegal parcels.

Mr. Cleary stated if you want to move through this process, we should start the SEQR process and designate lead agency so we can start looking at the environmental issues associated with this as well.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated the acre and a half size is pretty even with the other lots in that area. In terms of health department that's usually what drives the bus on you know whether or not you're going to be able to develop a lot or not. We went out there and did our preliminary testing to make sure that we had adequate soils for soil depth for deep holes percolation. Based on that information if you're not thinking in terms of a one and a half acre or 3 acre lot what you need to put on the lot works and you are locked in by what exists around you, such as the uphill septic are in this area so that's what causes me to bring my well down into this location (points to map). Outside of that, I have no impact on what would become lot 1. I have no impact on the on the upper lot.....

Mr. Cleary interrupted and asked where is the well on lot 1.

Mr. Lynch stated lot 1 well is over on this side (points to map).

Mr. Cleary stated to add the setback around that well on the drawing so we can see it.

Mr. Lynch said I can do that, but again that is an existing condition, but obviously I'll locate that and put it on the plan.

Mr. Cleary stated the whole point is it's an existing condition on a 3 acre lot, so now it's half the size what are the implications of that.

Chairman Paeprer stated you're saying that the well and septic would fit on each acre and a half lot and meet our code?

Mr. Lynch replied yes. If I couldn't get a well or septic to work on the lot, I wouldn't be here tonight. That was the first step. If you want to go down this road to see if you could subdivide the lot, you need to look at what are the constraints around you, such as other wells, other septic. What's your setback from the existing stream that runs through here to make sure you maintain your 100 foot separation and whether or not you're going to have



adequate sight distance. On a preliminary basis on our part in terms of seeing if there's a viability to do this, we did that. That's why we're here tonight.

At which time, Vice Chairman Giannico asked Mr. Lynch to point out the wells, septic for each lot and where the existing home.

Mr. Lynch points to the existing home, the existing driveway and well and septic and proposed well and septic.

Mr. Frenkel asked what are the neighboring lot sizes?

Mr. Lynch replied the lots are roughly the same size one and a half acres.

Mr. Carnazza said that was the zoning requirement back in 1982 to 2002.

Mrs. Causa asked if the plan is to reside on one side and sell the other side or sell both?

Mr. Lynch said I think it's to sell. It would be to sell the proposed lot. The applicant's daughter lives in the existing house.

Vice Chairman Giannico said we have an existing conforming lot and being asked to come up with two non-conforming ones. He said that's my struggle.

The Chairman agreed.

Chairman Paeprer stated the rationale for this is obviously financial gain. You have a 3 acre lot and you want to divide it into two. You want to put up a house and sell it. I'm having a hard time with this also.

Mr. Lynch stated one of the issues that comes up is that there have been other projects where lots have been subdivided that made smaller lots than what the three acre zoning is. Unfortunately, there's a precedence that exists.

Mr. Cleary stated I don't know that there's a precedent. There have been other undersized lots that have been created, I don't know that there have been many that have been half the size of what's required. He said currently as you know the Town Board is considering modifications to the zoning, which may affect this area and may benefit the property owner at the moment or when that's done so it's just something to bear in mind.

Mr. Frenkel asked do we know specifically if the master plan and the zoning code were adopted as proposed a year or so ago, how that would affect this?

Mr. Lynch replied I do not know.

Chairman Paeprer stated I believe it would be one acre.

Mr. Frenkel said if it's one acre, it doesn't really solve the issue.

Chairman Paeprer stated it would help the applicant.

Mr. Frenkel stated if you told me that this is going to become one acre zoning under the new code, part of me says, okay we'll get a jump on it. The other part says why don't we wait for that to happen and then he's doing it in conformity with the code.

Mr. Carnazza stated my understanding is that area is going to be the larger lots.

Mr. Frenkel said so this will not go to one acre?

Mr. Carnazza said that's my understanding.

Chairman Paeprer asked is there a dire emergency. What's the time frame?

Mr. Lynch said I think it's something that the applicant would like to accomplish within this year. The next step is that we would have to go to the Zoning Board to see if they would grant the variances.

Vice Chairman Giannico said first we have to declare ourselves as lead agency, correct?

Mr. Carnazza said not for area variances.

Mr. Cleary said you still have to do SEQR, but it doesn't have to be done prior to the Zoning Board.

Chairman Paeprer said the Town is looking at the code and hopefully it will wrap up in the first half of the year. Given what we know today, I personally have a hard time taking something that's legal today and making "illegal" in today's code. He said we could send this to the Zoning Board with a negative recommendation, correct?

Mr. Cleary replied yes. He said if I were Mr. Lynch, I would be telling you right now, let me do that neighborhood analysis and show you where there are 3 acre lots and one acre lots. That may help you in making that decision.

Mr. Lynch said I would rather give you that drawing to see how it fits into the community.

Chairman Paeprer said we'll table this to the next meeting.

Mr. Carnazza said to do an area map and color code it to half acre and larger than half acre.

Mr. Lynch was okay with that.

#### **G & F SUBDIVISION – GATEWAY DRIVE – TM- 55.-2-24.5, 6-1, 7-2 & 8-2 – BOND REDUCTION**

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Franzetti's memo which stated in response to a request by the above applicant, a representative of the Engineering Department performed a field inspection of the referenced property on January 5, 2024 (along with numerous field inspections during construction) to evaluate the current status of the site construction, for the purpose of determining whether a bond reduction was warranted. The results of our investigation are presented below. The original bond amount posted, which is currently being held, is \$1,539,425.00. The applicant provided a breakdown of items completed and items that remain outstanding.

The applicant has noted that the following work remains to be completed:

- Paving Top Course: \$60,000.00
- Guiderail: \$80,000.00

- Sidewalk: \$80,000.00
- Stormwater basin conversion: \$65,000.00
- Landscaping: \$35,000.00

This Department has no objection to the breakdown submitted. The work remaining totals \$320,000.00 which is 20% of the original Bond amount.

Mr. Cleary had no comments.

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

#### **14 NICOLE WAY, LLC (ZAKON) – 14 NICOLE WAY – TM – 65.6-1-22 – BOND RETURN**

Mr. Carnazza said you also got a letter from me waiving the lighting. Is was way too much up front.

Mr. Cleary read Mr. Franzetti's memo which stated the applicant, per the attached September 26, 2023 letter has, requested that the bond for the referenced project be released. The original bond amount for the project was \$242,000.00. The bond was reduced to \$98,000.090 (20% or the original bond amount), by Town Board Resolution dated May 3, 2023. The Town of Carmel Engineering Department has performed numerous site visits with the most recent being October 4, 2023 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. Based on the inspection, the site features have been installed as approved and are completed and the bond can be returned.

Mr. Cleary had no comments.

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

#### **PANI, FABIAN – 112 STILLWATER ROAD – TM – 75.17-1-52 – REGRADING APPLICATION**

Mr. Carnazza stated this application is the one we discussed in the past on whether to remove the fill or not.

Mr. Jack Karell, applicant's engineer addressed the board and stated we have an email from NYSDEC and they want the fill removed.

Chairman Paeprer stated the fill was contaminated, correct?

Mr. Karell stated we sampled five locations, two of the locations were contaminated slightly.

Mr. Cleary summarized Mr. Franzetti's memo which stated the applicant. The applicant will need to have the soils removed and disposed as per the NYSDEC. The applicant is requesting permission to remove those soils. All other engineering comments have been addressed.

Mr. Karell stated the applicant put some fill in his backyard, unbeknownst to him, the neighbors turned him in and it came to the building department. We did the sampling that the town requires and we hired a consultant to review the data and we sent the data to the

DEC. The DEC required the removal of the two areas. One is a very small area, they just dumped a couple yards over this wall (points to map) and the other area is (points to map) is right in here. The DEC has this under restricted residential use and so we're going to remove that.

Mr. Frenkel stated my recollection from previous meetings is there was some fog around what the meaning of the test results were and we were shrugging our shoulders and saying what do we do with this. Am I understanding correctly, and is the way it's now been worked out is that you've presented those results to the DEC, and the DEC says remove them?

Mr. Karell stated these sites have to be remediated and the other sites do not.

Mr. Carnazza said there are certain instances where disturbing it again will be worse, this is not one of them. They want it removed. He asked are you going to replace the fill with clean fill after you remove the fill?

Mr. Karell replied yes. We have a construction sequence. His whole his whole reason for doing this was to level his backyard so his children could play soccer.

Mr. Carnazza asked does your final map show a flat backyard like a soccer field?

Mr. Karell said we show some grading in here to just level it off the area of disturbances.

Mr. Cote asked what's going to be the disposition of the dirt that you remove?

Mr. Karell said we have to take it to an approved DEC site and that would happen under DEC supervision. He said I will be there to make a determination on how much fill has to come out. He said it would be a decision between Mr. Franzetti and DEC.

Mr. Carnazza said there's a manifest on the trucks. The trucks go somewhere they get a manifest that they received it and all the records come back and we end up with the full record of what happened with the fill.

Mr. Cleary stated the next step is a public hearing.

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

#### **DOUPIS, ACHILLES – 441 ROUTE 6 – TM – 75.16-1-18 – WAIVER OF SITE PLAN APPLICATION**

The applicant did not show up.

Chairman Paeprer stated we will hold this over to the next meeting.

#### **MINUTES – 12/14/23**

Mr. Frenkel moved to approve the minutes as amended. The motion was seconded by Mrs. Causa with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:57 p.m. The motion was seconded by Mr. Nuculovic with all in favor.

Respectfully submitted,

Rose Trombetta