

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

BOARD MEMBERS
ANTHONY GIANNICO
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE

TOWN OF CARMEL PLANNING BOARD



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Town Planner*

PLANNING BOARD MINUTES

OCTOBER 10, 2018

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, ANTHONY GIANNICO,
DAVE FURFARO, CARL STONE, KIM KUGLER, RAYMOND COTE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
The Retreat at Carmel HOA Inc Carmel Centre Senior Housing (Lot 4)	55.14-1-11.2	1-4	A. Site Plan	Public Hearing Scheduled.
Racek, Tom	74.11-1-11	4-7	Waiver	No Board Action.
Gonzalez, Nidia & Enrique	54.5-1-84	7-9	Regrading	No Board Action.
Minutes – 08/08/18, 09/12/18 & 09/26/18		9		Approved.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Rose Trombetta

THE RETREAT AT CARMEL HOA INC – CARMEL CENTRE SENIOR HOUSING – LOT 4 – AMENDED SITE PLAN

Mr. Carnazza stated this is an amended site plan to change from a pitch and putt which was constructed several years ago. They want to replace it with a walking and exercise path amenity. He said the property does comply with zoning as far as amenity space and have no objection to the change.

Mr. Franzetti read his memo which stated the application is for the replacement of the existing pitch and putt with a new park which includes flower beds, gazebo, exercise station, walking trail and open lawn. The new park will be in a new location of the site and structures at the pitch and putt will be removed and the area will be left to go back to nature. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

I. General Comments

1. The following regulatory permits will be required for the application:
 1. New York State Department of Conservation (NYSDEC) Stormwater Permit.
Applicant acknowledged comment and has advised that the project is currently covered under an existing NYSDEC SW permit.
 2. New York City Department of Environmental Protection (NYCDEP) Stormwater (amended)
Applicant acknowledged comment and is pursuing a revised NYCDEP SW permit.
2. The following referrals would appear to be warranted:
 1. Carmel Fire Department
Applicant has submitted plans to the CFD,
 2. Town of Carmel Environmental Conservation Board
Applicant has advised that they have submitted an application to the ECB.
3. The applicant may 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. The applicant will provide this with the finalized SWPPP.
4. All easements (water, sewer stormwater etc.) should be provided
Applicant has advised that there are no easements associated with the referenced property.

II. Detailed Comments

1. The applicant should use an electronic version of the short environmental Form (SEAF)

Applicant has noted. Applicant should provide a copy for file

2. Provide details for parking at the proposed park;
Applicant has noted that the parking for this park already exists and has been in place for ~ 10 years.
3. Provide details related to the abandonment of the pitch and putt area;
This information is provided on drawing C-6 and has been submitted to the ECB for review.
4. An updated schedule of amenities must be provided on the drawings. details regarding the amenities schedule and how the new amenity meets the prior Planning Board approval;
5. Drawing D-1 – shrub and tree planting should have a note that all plantings must be installed per §142 of the Town of Carmel Town Code;
6. Drawing C-1- General Note 4 – should identify;
7. Drawing C-2 – Grading and Drainage – no details are provided;
8. Drawing C-3 – Existing Conditions Plan – the parking lot should be shown on this drawing;
9. Drawing C-5 – Notes 1 – should identify the Town of Carmel Wetlands Inspector.
10. Drawing C-6:
 - a. It is unclear as to why is the post and rail fence and walkway bridge is being removed;
 - b. Details must be provided for the five (5) rain gardens proposed; and
 - c. It is unclear from the drawing if the sand bunkers, putting greens, fairways etc. are being removed. Additional details should be provided.

Mr. Cleary stated the choice for the recreational facility is clearly a decision for the homeowners. It's a planning board issue with what they choose. It doesn't matter as long as they comply with dimensional requirements for that recreational space, which Mr. Carnazza has indicated they do. We had a few comments which have been addressed except for one minor comment. We recommended they use native plants in their landscaping plan and they have indicated that they have referred that comment to Mr. Franzetti and the ECB. They have not agreed to do that. So, that needs to be resolved. Presumably the ECB will comment on that.

Vice Chairman Paerprer asked did they disagree or they haven't gotten back to you?

Mr. Cleary stated it was an unusual response. It wasn't a disagreement, somebody else is going to make that decision for the planning board, which we typically don't rely on, but in this case it's the ECB.

Mr. Stone stated it's my understanding this amenity is in a different location then the pitch

and putt.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated yes, it is about 300 yards as the crow flies.

Mr. Stone stated and the existing pitch and putt is going to be abandoned.....

Mr. Lynch replied decommissioned. He said our proposal in front of the ECB is to remove all the fencing, netting, stockade fences that were installed and the walking bridge. Basically, we are taking out any manmade features and let Mother Nature reclaim the land.

Mr. Carnazza asked if there was landscape fabric under the sand?

Mr. Lynch replied he doesn't know.

Mr. Carnazza said to check that.

Mr. Lynch replied we will check it.

Mr. Giannico asked why was the recommendation of the planning board as far as plantings are concerned ignored.

Mr. Lynch replied I didn't know that I did. The plantings wouldn't be decided by the ECB for this. The plantings were to be reviewed by Mr. Franzetti. I may not have given him a separate plan with a cover letter.

Mr. Cleary said Mr. Lynch's response was we referred it to the wetland inspector. That was the limit of his response. It wasn't a wetland inspector comment, it was our comment. The response should have been back to the planning board not deferring it to Mr. Franzetti.

Mr. Carnazza asked did the board ask for specific plants?

Mr. Cleary stated just native plants.

Mr. Carnazza said it would be the same thing the ECB would ask for also.

Mr. Giannico stated then we expect a response in kind that we will comply.

Mr. Furfaro asked if the park is owned the homeowners association.

Mr. Lynch replied yes.

Mr. Furfaro stated so the town will not have any maintenance issues.

Mr. Carnazza said it is not on town property so it's not a town park.

Vice Chairman Paepre said to schedule a public hearing.

Mr. Lynch asked the board if they would consider waiving the public hearing. He said the reason I ask this is the project is here at the HOA's request. So, the HOA in this instance had their own referendum with all the property owners. And they had to have a two-thirds majority to vote on it and pass which it did. He said if we have a public hearing here, it will become more like all our other public hearings. The focus of the public hearing will become Pulte Homes and Pulte Homes is not involved with this project.

Mr. Charbonneau asked if all the adjoiningers would be within Pulte Homes?

Mr. Lynch replied there are outside property owners within 500 feet of the property lines, such as Arms Acres. At which time, Mr. Lynch points to the map to show the abutters of the property.

At which time, a discussion ensued regarding the abutters of Lot 4.

Vice Chairman Paepre stated I personally do not like waiving a public hearing. He said we just need to manage the public hearing.

The board members were in agreement with the Vice Chairman.

Vice Chairman Paepre said to schedule a public hearing.

RACEK, TOM – 65 SECOR ROAD – TM – 74.11-1-11 – WAIVER OF SITE PLAN APPLICATION

Mr. Carnazza stated they have a commercial and residential mixed use. They went to the zoning board and they interpreted that the 3 family is more restrictive; therefore, it's okay to have. They are here asking for a waiver of site plan approval. They are not changing anything on the site. I have no objection to the waiver of site plan.

Mr. Franzetti read his memo which stated it is unclear from the information provided as to what is being requested and if any site work is being performed. Per § 156-61 L of the Town of Carmel Town Code, the following information must be provided:

- A detailed statement of the applicant's proposed use of the building or property, including detailed information on the conformity and adequacy of the on-site parking and loading facilities, signs, number of employees and all other applicable information required by §156.
- The applicant's reasons for requesting a waiver of all or part of the site development plan requirements §156.
- A sign/sealed site survey.

Otherwise the Engineering Department does not have any objection to the waiver of the site plan application for this project as long as there are no changes being made to the site.

Mr. Cleary stated the zoning board ruled that the pre-existing mixed use building was a legal non-conforming use. They are proposing to change that to a 3 family use which the zoning board has ruled is a less intensive use than the prior pre-existing use. As Mr. Carnazza stated there are no physical changes to the site at all. He said I suggested that they comply with parking and show it on the plan with a striped parking lot to show those spaces. Other than that, I have no objection to waiver of site plan.

Mr. Furfaro asked if there was ever an approved site plan.

Mr. Bill Shilling, applicant's attorney replied no.

Mr. Furfaro stated so the survey (signed and sealed) will become the record of the site plan.

Mr. Stone inquired about the new railroad tie wall on the back of the parking area.

Mr. Carnazza stated it is already there, they are replacing it.

Mr. Tom Racek addressed the board and stated this particular plan shows that retaining wall pushing back to allow for the parking spaces perpendicular to the building to 3 point turn out to Secor Road.

Mr. Stone said so there is a new retaining wall being built?

Mr. Racek stated there is a retaining wall there; we are just pushing it back.

Mr. Cote asked how many feet will you be pushing that retaining wall back?

Mr. Racek replied about 10 feet.

Vice Chairman Paerprer stated so you will not have an electrical business there anymore.

Mr. Racek replied that's correct.

Vice Chairman Paepre asked why not remove that horrible looking sign (box)?

Mr. Racek replied once we do the siding, we hope to remove the whole box.

Vice Chairman Paepre stated Mr. Cleary mentioned the parking lot striping, but the whole site could use some improvement.

Mr. Shilling replied Mr. Racek is a contractor and as soon as these issues are resolved, he intends to address it very quickly.

Vice Chairman Paepre asked what is the reason to request a waiver of site plan?

Mr. Shilling stated the zoning board established this as a legal use, in that the mixed use that was in existence in 1984 was deemed legal by a 1982 ordinance which permitted mixed uses. The commercial element died and it morphed into a 3 family. Mr. Racek bought the property and he got the interpretation that the use is more restrictive and under the code §156, it says, if a pre-existing, non-conforming use is more restrictive and is legally there, now we have a legally created 3 family use and the commercial use thankfully has been extinguished. He said there is virtually no site work to be done, there is no change in the zone, there is no building, no addition.....

Mr. Cleary stated we believed that there was no site work, the grading and wall work was something we were unaware of. He said that is site work and suggested that we need to see that. We need to know is it 8 or 10 feet, is the wall on your property. He said with that information that waiver may be still be a viable request, but we need to see that on.....

Mr. Charbonneau stated it would a lot easier for the board to a decision of waiving a site plan if they have a document in front of them that they could rely on. I don't think they could rely on this.

Mr. Cleary stated and we weren't aware that the retaining wall was moving.

Mr. Shilling stated as I understand the board's sentiment, you would like to see the site work and the survey should be stamped and certified and perhaps the location of what appears to be an encroachment on the site work. He asked if we did all that would the board be more responsive to a site plan waiver. He said your waiver part is in your code. He said it's an existing 3 family, it's legal and it's better than the commercially established use before. There are no physical changes to the building. He said Mr. Racek and his surveyor went to great extremes to make that parking lot as best as we can and have very little if any backing out onto Secor Road, because it is a hairpin turn. It's treacherous. It would be more treacherous should a restaurant be there. Under all these circumstances, your code says you want to hear why we want it waived and these are reasons why we should get it waived. I respect the board's opinion, I was unaware of the site work and we will address the site work issues and re-submit the answers to those questions.

Mr. Furfaro stated we now have the architectural piece, so for me if you could make it look better, for instance maybe taking the sign down, whatever those superficial things you are going to do to make the place look better.

Mr. Shilling asked do you want to see that in the next submission as well?

Mr. Furfaro said if it's possible.

Vice Chairman Paepre said absolutely!

Mr. Shilling said okay.

GONZALEZ, NIDIA & ENRIQUE – 67 DIXON ROAD – TM 54.5-1-84 – REGRADING APPLICATION

Mr. Carnazza had no comments.

Mr. Cleary stated this is an instance where fill was brought onto the site without permit. There are no planning issues with respect to this.

Mr. Cleary read Mr. Franzetti's memo which stated the application involves remedying a Notice of Violation (NOV) issued by the Town of Carmel on January 26, 2018 and a subsequent NOV issued by the New York State Department of Environmental Conservation (NYSDEC). The Planning Board should be aware that the applicant has already had soils delivered to the site. The applicant has provided soil testing results and has been ordered by the NYSDEC to have the soil removed. The overall disturbance for the project as submitted is ~7,775 sq-ft which is above below the threshold criteria of disturbance for New York State Department of Environmental Conservation (NYSDEC) stormwater regulations. The development of Stormwater Pollution Prevention Plan (SWPPP) is required; however erosion and sediment controls are required for the site. This Department reviewed the documentation provided and offers the following comments:

1. A Short Environmental Assessment Form (SEAF) should be provided;
2. A SWPPP is required;
3. A construction sequence and additional details should be provided on how the proposed work will take place;
4. The drawings have a black box located in the center that needs to be removed or "turned on" in CADD.
5. Show wetland buffer limits on drawing
6. Various plan information required pursuant to §156-43 ("Landfills, grading and excavations ") is currently lacking. These include, but are not limited to:
 - Assessment of runoff from the site so as not cause erosion, landslides or increased runoff to abutting properties.

Mr. Dan Holt, applicant's engineer addressed the board and stated back in December fill was brought onto the property. The applicant didn't anticipate as much fill as it did. It was cleaned at first and somewhere along the way a stop work order was issued. We contacted the DEC because there are state wetlands on the property. We met with the DEC and confirmed the location of the wetlands. The DEC actually arranged to test the soil and it came back that it is essentially C & D. No contaminated materials were found. He said I spoke to Mr. Jaehnig, soil tester, earlier today to see if he had anything new. The process is once Mr. Jaehnig delineates the wetlands and we put it on the map, the State certifies with us the location of the wetlands and then we move forward as far as they are concerned. We haven't received that sign off yet but we anticipate it shortly. More importantly, all they want to do is clean up the property. He said we will try to get back to what the old topography was. During the process of finding where the soils were, we did some auger testing and presume to be the existing pre-filled condition. So, we have a handle on how much material is going to come out. It's estimated somewhere between 500 to 700 yards of material. He said my plan represents the augering that was done where we think the topo will be. Until we start digging, we won't know if it is less than 300 or up to 700, because we didn't have a pre-topography location.

Vice Chairman Paerprer asked if the roads were checked before and after, 500 to 700 yards is a lot of trucks and possible damage to the local roads.

Mr. Cleary said part of the construction management plan is to address that issue. There might be a pre-inspection of the roadway surfaces and if they are damaged they will be responsible for repairing it. He said we have required performance bonds to be posted for site improvements. He said it will be up to Mr. Franzetti on how he wants to handle that.

Mr. Furfaro asked do we issue a permit for this?

Mr. Cleary stated it is an approval by the planning board for the re-grading plan.

Mr. Carnazza said we will give him a permit to return to the original grade as per the plan.

Mr. Cleary said basically this is a restoration.

Mr. Furfaro asked if we have to do a public hearing.

Mr. Cleary said a public hearing is not required; sometimes we do them if you think you need public input for this. He said because this is a restoration, I don't think you need public input.

Vice Chairman Paerprer asked what is the timetable for this?

Mr. Holt stated I would say within a week of when you give us a resolution to start.

Mr. Furfaro asked Mr. Holt if he has Mr. Franzetti's comments.

Mr. Holt replied yes. We will make the changes.

At which time, a discussion ensued regarding the amount and weight of the trucks coming in and out of property to do the work. They also discussed the machinery to be used for the restoration.

Mr. Stone asked if it was all lawn area before.

Mr. Holt replied probably about 60% of the disturbance was lawn.

Mr. Stone said in terms of restoration plans, should we review wetlands plants or appropriate replanting.....

Mr. Franzetti asked Mr. Holt if he was in front of the ECB with this?

Mr. Holt replied no. The whole area is in the buffer, so we are dealing with the State on this.

Mr. Franzetti stated the State will have to do all the review and approval of it. He said I have been working with Mr. Holt on this. Typically, these regrading applications take two meetings. He said I'm comfortable with what's going on so far.

The board agreed with Mr. Franzetti.

MINUTES – 08/08/18, 09/12/18 & 09/26/18

Mr. Cote moved to accept August 8, 2018 minutes. The motion was seconded by Mr. Furfaro with all in favor.

Mr. Cote moved to accept September 12, 2018 minutes. The motion was seconded by Mr. Furfaro with all in favor.

Mr. Cote moved to accept September 26, 2018 minutes. The motion was seconded by Mr. Stone with all in favor.

Mr. Stone moved to adjourn the meeting at 7:40 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta