

# **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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**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

### **PLANNING BOARD MINUTES**

**NOVEMBER 14, 2018**

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

**ABSENT:** CARL STONE

<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>TYPE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Romash, Rick	44.14-1-47	1-3	R. Site Plan	No Board Action.
Charry Subdivision	54.19-1-1	3-4	Extension	Extension Granted.
Random Ridge Subdivision	76.10-1-23	4	Bond Red.	Bond Reduction Recommended.
Cargain Funeral Homes, Inc.	75.15-1-6	5	Bond Return	Public Hearing Scheduled.
Gonzalez, Nidia & Enrique	54.5-1-84	5-6	Regrading	Public Hearing Scheduled.
Zalesiak, Robert	64.13-1-8	6-8	Regrading	Public Hearing Scheduled.
Minutes – 10/10/18		8		Approved.
Regrading/Fill Applications		8		Discussion.

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Rose Trombetta

## **ROMASH, RICK – 19 FAIR STREET – TM – 44.14-1-47 – RESIDENTIAL SITE PLAN**

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated we are not changing the site plan or adding on to the building. We are doing absolutely nothing to the site. He said the existing building is pre-existing, non-conforming with two offices and one apartment. He said when the applicant goes to the Zoning Board; he will show how for years he tried to rent the office space and couldn't rent it. However, there is a need for apartments, so we are here to try and convert that office into an apartment. Everything stays exactly the same, including the interior. So, we are here tonight to get a denial to the Zoning Board of Appeals and ask for the use variance. In addition, it's the policy of this board and the consultants that any commercial site plan that comes before your board if the existing lot has any non-conformities we have to add those into the other variances that we need. In addition to the use variance to convert the office into an apartment, we need variances for the side yard, front yard and lot width. Again, it's all existing; it has been there for many, many years. He said we need to clear up the site and get all of the other non-conformities taken care of at the same time.

Mr. Franzetti read his memo which stated the application involves converting an existing office space into an apartment. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

- No site improvements are proposed for this project. This Department does not have any additional comments related to this project as long as there are no changes being made to the site.

Mr. Franzetti read Mr. Cleary's memo which stated it is an existing two and a half story building which supports an office space on the first floor. Offices and apartment on the 2<sup>nd</sup> floor and it also calls for abandoning the first floor office space and converting it into an apartment.

At which time, Mr. Franzetti continued to read Mr. Cleary's memo which was two pages long.

Mr. Greenberg stated again the pre-existing, non-conforming setbacks are on the drawings. I'm surprised about the scale; because I have the survey and the survey clearing says 1" equals 15'. He said I discussed the variances with Mr. Carnazza. Again, it is this board's policy to get the area variances even though we are not doing anything to the site. He said the main thing is to get the use variance to convert the office on the first floor to an apartment.

Vice Chairman Paepre stated I received an email from Mr. Carnazza this afternoon and his comment was the application is not complete.....

Mr. Greenberg said I spoke to Mr. Carnazza about 30 minutes ago. He said as long as I added the variances. Again, these are all pre-existing. We are not creating these variances, they have been there as long as the building has been there back in the early 40's or 50's.

Vice Chairman Paepre stated you were going to clear up all non-conformities. He said I know it's a Zoning Board issue, but how are you going to clear them all, they are still going to exist. You mean just get variances for the building, correct?

Mr. Greenberg replied yes, that's correct.

Mr. Charbonneau stated some of those variances will be very significant.

Mr. Greenberg stated again they are pre-existing.

Mr. Charbonneau stated I understand that, but you can get denied on any one of those variances.

Mr. Cote stated according to Mr. Cleary's memo, he indicated that the 2<sup>nd</sup> floor was a single office and then residential but it also said find out what the plan is moving forward. Is the 2<sup>nd</sup> floor going to be exclusively residential?

At which time, Mr. Greenberg points to the drawing showing the first floor which is now an office and want to change it to an apartment.

Mr. Furfaro said to walk us through the first floor.

Mr. Greenberg stated you have an entrance in the front and an entrance in the back. He said this is all on town water and sewer.

Mr. Furfaro asked is this existing, what is there now.

Mr. Greenberg replied yes. He said there is an office in the front and a utility room on the first floor. On the 2<sup>nd</sup> floor, you have Mr. Romash's office (points to map) and there is a staircase that brings you up to the apartment. He said Mr. Romash's office is in the back of the building and there is an apartment on the 2<sup>nd</sup> floor.

Mr. Furfaro stated this is a commercial zone, I don't think it is good planning to have residential space on a first floor in a downtown commercial.

Mr. Greenberg stated there are apartments and mixed use in that area.

Mr. Furfaro said yes apartments on the 2<sup>nd</sup> floor and commercial on the 1<sup>st</sup> floor. That's pretty standard in a downtown area. This is a little different.

Mr. Cote asked if you are looking at renting it to a commercial business (a daycare center) why are you now looking to make it residential?

Mr. Greenberg said it is not etched in stone yet.

Mr. Romash addressed the board and stated I have had nothing but trouble with renting it commercially. It has been vacant more than it has been filled. He said over 25 years more than 50% of the time it was vacant. He said residential is highly in demand and it makes it a productive building.

Mr. Greenberg added if you go along Fair Street there are areas where there is residential on the ground floor, not directly adjacent to this building, but as you go further down passed the high school there is residential.

The board members and applicant continued to discuss apartments on the first floor in commercial areas.

Chairman Gary asked Mr. Greenberg to show the traffic flow coming in out of that lot.

At which time, Mr. Greenberg pointed to the map and showed the traffic flow.

Chairman Gary reminded the board members that we shouldn't send anything to the ZBA that this board doesn't think it's right. He said it does not leave this board until you think it's right. When it comes back from the ZBA you will have very little argument on it.

Mrs. Kugler agreed with Mr. Furfaro with putting an apartment on the 1<sup>st</sup> floor in a downtown commercial area.

Mr. Romash asked why?

Mrs. Kugler said you are surrounded by businesses.

Mr. Romash said they are all multi-family houses.

Mrs. Kugler said we are looking to grow the area and if we start by bringing in more residents, generally the norm was we had residential upstairs and store fronts on the lower floor.

Vice Chairman Paepre said being that I received an email from Mr. Carnazza stating that the application is not complete, I'm not looking to do anything tonight. He said complete it with Mr. Carnazza and we will look at again in two weeks.

**CHARRY SUBDIVISION – 85 WASHINGTON ROAD – TM – 54.19-1-1 – 2<sup>ND</sup> EXTENSION  
OF FINAL SUBDIVISION APPROVAL**

Mr. Franzetti said there were no comments from Mr. Carnazza and Mr. Cleary. He stated the Engineering Department does not have an objection to an extension for final subdivision approval as long as there are no changes being made to the site.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated the applicant subdivided his property in order to sell the lot to NYCDEP. He said it's not moving fast enough.

Mr. Cote moved to grant a 2<sup>nd</sup> extension of final subdivision approval. The motion was seconded by Mr. Furfaro with all in favor.

### **RANDOM RIDGE SUBDIVISION – KENNICUT HILL ROAD – TM – 76.10-1-23 – BOND REDUCTION**

Mr. Franzetti said Mr. Carnazza and Mr. Cleary had no comments.

Mr. Franzetti read his 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 November 14, 2018 (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 \$1,967,000.00. The applicant has provided a breakdown of items completed and items that remain outstanding. This Department has no objection to the breakdown submitted. The work remaining totals \$334,350.00. However, the policy of the Board is to not entertain a bond reduction below 20% of the original Bond amount. We therefore recommend a bond reduction of \$1,573,600.00, leaving a balance of \$393,400.00 (20%).

Mr. Furfaro stated initially the road was supposed to be dedicated to the Town, from my understanding that is not going to happen.

Mr. Franzetti replied that's correct.

Mr. Furfaro asked will the final bond return be an issue when the time comes.

Mr. Charbonneau replied no, they just won't be able to dedicate to the Town. The Town is not going to accept it.

Mr. Giannico moved to recommend bond reduction to \$393,400.00. The motion was seconded by Mr. Furfaro with all in favor.

**CARGAIN FUNERAL HOMES, INC. – 416 ROUTE 6 – TM – 75.15-1-6 – BOND RETURN**

Mr. Franzetti said Mr. Carnazza and Mr. Cleary had no comments.

Mr. Franzetti read his memo which stated in response to a written request from the applicant for a Bond return, a representative of the Engineering Department performed a field inspection of the referenced property on October 9, 2018 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. The original bond amount of \$132,000.00 was posted on September 20, 2016. Based upon our inspection all the site improvements required pursuant to the Board's Site Plan approval have now been completed. On this basis, this Department recommends that the bond of \$132,000.00, be released.

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

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

Mr. Franzetti said Mr. Carnazza and Mr. Cleary had no comments.

Mr. Franzetti read his 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 order 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. All Engineering comments have been addressed.

Vice Chairman Paerprer asked is this in the process of being removed?

Mr. Dan Holt, applicant's engineer, replied no. We received a complete stop work order.

Vice Chairman Paerprer asked how long will it take to get it done.

Mr. Holt replied hopefully as quickly as possible, before the ground freezes.

Vice Chairman Paepre asked how many trucks will you need.

Mr. Holt stated we are using 7000 yards as an approximate number, but we really don't know. It could be 5000 yards, but we really don't know how many trucks we will need.

Vice Chairman Paepre said to schedule a public hearing.

#### **ZALESIAK, ROBERT – 260 AGOR LANE – TM – 64.13-1-8 – REGRADING APPLICATION**

Mr. Jack Karell, applicant's engineer, addressed the board and stated the applicant wants to level off his backyard for a playing area for his children. We will bring in about 500 yards of fill material which is about 2 acres in size. We will be disturbing about 4/10 of an acre.

Vice Chairman Paepre stated Mr. Carnazza and Mr. Cleary had no comments. He proceeded to read Mr. Franzetti's memo which stated the application involves the regrading and leveling of the backyard located at 240 Agor Drive TM 64-13-1-8. The applicant intends to bring in 500 cubic yards of fill. The overall disturbance for the project as submitted is 19,700 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. Additional details should be provided on how the proposed work will take place (construction sequence);
2. Location of the limits of disturbance on the site should be provided.
3. All fill brought to the site must be certified per NYSDEC regulations and manifests/certification of the fill material being delivered should be provided.
4. Show wetland buffer limits on drawing
5. 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.
  - The location of that portion proposed to be disturbed and its relation to natural watercourses, if any, within 300 feet of the boundaries of said portion of said premises herein referred to shall be shown. An inset map at a reduced scale may be used, if necessary.
  - Existing and Final contours and show final slopes no steeper than one foot vertically for each two feet horizontally.

Mr. Karell said he will address the engineer's comments.

Chairman Gary asked how will be bringing in the fill?

Mr. Karell stated he is a contractor from Connecticut, I can't remember his name.

Chairman Gary said who will be checking the fill when it's delivered?

Mr. Karell said I will probably be checking it.

Chairman Gary said someone should check and certify that fill before it comes in.

Mr. Karell said usually you would get a ticket of origin. I'm not sure where he is getting the fill from, but I will find out.

Chairman Gary said what you should do is find out where it is coming from and have it certified and give it to the Chairman and let him take it from there.

Mr. Charbonneau stated there should be a submission made to the building and engineering department certifying that whatever is being brought in is good. He said as long as that is in the construction sequence that should be fine.

Vice Chairman Paepreer stated isn't that the procedure now, before you bring in soil on site it has to be certified.

Mr. Charbonneau replied I don't know that it is, but if you are requiring it then bells and suspenders is always a good posture.

At which time, a discussion ensued regarding the certification of the fill being delivered to any site.

Mr. Giannico asked Mr. Karell to show the board the project as it sits on the map.

At which time, Mr. Karell pointed to the drawing and explained where the fill will be brought in.

Mr. Furfaro said what's the process with this?

Vice Chairman Paepreer stated I would like to make sure that Mr. Franzetti's comment about the soil being inspected and certified is adhered to and we need a public hearing because the neighbors may have something to say about this.

Mr. Karell said I will put a note on the plan about the fill being certified.

Vice Chairman Paepreer said to schedule a public hearing.



Chairman Gary said we need to be more diligent with the process of inspecting and certifying fill being brought into any property. He said we need someone to certify every single load being brought in.

Mr. Karell said if the board wants somebody at the site to certify for every load that's delivered, then that's what we will do.

Chairman Gary said I think you should do that.

Mr. Karell said I will put a note on the plan also.

### **MINUTES – 10/10/18**

Mr. Cote moved to accept October 10, 2018 minutes. The motion was seconded by Mr. Giannico with all in favor except Mrs. Kugler who abstained.

At which time, a discussion ensued amongst the board members regarding fill and the Town's recourse if the fill is contaminated later on. It was also discussed to possibly hire an independent person to certify and check each load.

Mr. Charbonneau asked Mr. Franzetti to explain to the board what the process is with respect to a regrading application. He asked to what extent to you manage the certification manifest ensuring the fill that's being brought in is clean.

Mr. Franzetti stated the last few applications the fill had already been brought in ahead of time. So there is no manifest given to us. He said they are supposed to have certified fill that the DEC has approved.....

Mr. Charbonneau stated the board has just asked an applicant to have a note on the map requiring that the fill be certified. He asked how will that assist you in making sure that what they are bringing in is satisfactory.

Mr. Franzetti stated I will be able to come back to the board and say the dirt that's being brought in doesn't have construction debris. He said what the manifest says is the person that is doing the work (contractor) has had that soil tested to verify that it is clean fill. He said every truckload has to have a manifest associated with it. That it was certified clean fill. He said the State has a protocol that they would have to follow.

Vice Chairman Paepre asked Mr. Franzetti if he could provide the protocol from the State.

Mr. Franzetti replied will do.

Mr. Furfaro moved to adjourn the meeting at 7:56 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta