

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE
ADAM BASULJEVIC

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

FEBRUARY 27, 2019

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
DAVE FURFARO, KIM KUGLER, RAYMOND COTE

ABSENT: CARL STONE, ADAM BASULJEVIC

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Romash, Rick	44.14-1-47	1	R. Site Plan	Public Hearing Closed & Resolution Adopted.
RPK Precision Homes, Inc.	55.14-1-15	1	Bond Reduct.	Public Hearing Closed & Bond Reduction Recommended to Town Board.
Racek, Tom	74.11-1-11	1-2	Waiver	Waiver of Site Plan Application Granted.
Jordano/Gervasi Subdivision	63.-1-16	2	Bond Return	Off the Agenda.
MK Realty	55.6-1-44&45	2-3	Re-Approval	Re-Approval Granted for 1 Year.
Honovich, Daniel	55.19-1-15	3-5	Regrading	Referred to the ECB.
Minutes – 01/09/19 & 01/23/19		5		Approved.
02/13/19		5		Heldover

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Rose Trombetta

ROMASH, RICK – 19 FAIR STREET – TM- 44.14-1-47 – PUBLIC HEARING AND RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated you have a resolution before you to be voted on tonight.

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

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

Mr. Cote moved to adopt Resolution #19-02, dated February 27, 2019; Tax Map #44.14-1-47, entitled Romash Final Site Plan. The motion was seconded by Vice Chairman Giannico with all in favor.

RPK PRECISION HOMES, INC. – SEMINARY HILL ROAD & MECHANIC STREET – TM -55.14-1-5 – PUBLIC HEARING

The consultants had no comments.

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

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

Mr. Furfaro moved to recommend the bond reduction to the Town Board with all in favor.

RACEK, TOM – 65 SECOR ROAD – TM – 74.11-1-11 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Cleary stated we have correspondence from Putnam County Highway Department indicating the acceptability of the access location on the roadway. That means they could leave the parking area in its current configuration. They do not need to install a retaining wall. There are no site plan issues, because they are not changing anything.

Mr. Franzetti stated he has not seen 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. Racek stated he is working with the surveyor to get a new survey for the property.

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

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

Mr. Furfaro moved to grant waiver of site plan application contingent upon receiving a sign/sealed survey. The motion was seconded by Mr. Cote with all in favor.

JORDANO/GERVASI SUBDIVISION – BULLET HOLE ROAD – TAX MAP #63.-1-16 – BOND RETURN

Chairman Paepre stated the application is off the agenda.

MK REALTY – ROUTE 6 & OLD ROUTE 6 – TAX MAP #55.6-1-44 & 45 – RE-APPROVAL OF FINAL SITE PLAN

Mr. Carnazza stated this is on for re-approval and I don't object to the re-approval, but this has been going on for many years.

Mr. Kevin Dwyer addressed the board and stated we have been looking for tenants throughout this whole time. We are just coming out of a bad cycle. We are still actively looking, whether it's urgent care, fast food, we will finance it. That's why we are keeping all the approvals alive.

Mr. Zac Pearson of Insite Engineering, representing the applicant stated there has been no change to the site. The applicant has kept all of his permits active.

Mr. Franzetti read his memo which stated the NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project on August 17, 2006. The NYCDEP provided a conditional extension to the August 17, 2006 SWPPP on January 30, 2017. A copy of the NYCDEP January 30, 2017 letter is provided as an attachment.

- The conditions of the SWPPP are now set to expire on August 16, 2021.
- Sub-Surface Treatment System (SSTS) permit is set to expire on March 29, 2021.
- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), permit number NYR NYR10U062.
- The project sought and received a Wetlands Permit (Permit 844) under §89 Freshwater Wetlands of the Town of Carmel Town Code. The permit is set to expire in March 14, 2019.

The file contains the requisite performance bond (\$199,770.00) and engineering inspection fee (\$9,988.50) identified in the April 11, 2006 Planning Board Resolution

(#06-12). The bond is set to expire on October 5, 2018. As the bond was originally developed in 2006, a new bond should be provided. Based on the Engineering News Record, the escalation in costs from 2006 to 2016 is ~34%. Therefore the new bond and engineering fee should be increased to \$267,000 and \$13,000) respectively.

Mr. Cleary stated this is a circumstance of our calendar with respect to approvals of site plans, extensions, re-approvals, extensions, re-approvals. You do what you need to do. If we hear applicants are pursuing their property in good faith to get tenants into their building and nothing is changing, it is a fair request to make these re-approvals and extensions. The one issue that Mr. Franzetti just raised, however, 12 years on, the cost of those improvements change over time. So, when we come back to re-approvals, which are where we are now, not extensions, Mr. Franzetti needs to look at the bond again.

Mr. Pearson stated about 3 years ago we broke down the numbers again and the bond was updated.

Chairman Paepre stated the property is located at Old Route 6 and Route 6 in Carmel and is approximately 3,000 square feet and asked for a recap of the proposed project.

Mr. Pearson stated this is a commercial property on the corner of Route 6 and Old Route 6. He said it is an approximately 3100 square foot building and the footprint and layout of it is essentially set up for a bank with a drive through lane. He said we have a DEP SWPPP approval and permit coverage under the state for construction activities.

Mr. Furfaro stated the distillery will be going up across the street soon and maybe that will create some activity.

Vice Chairman Giannico moved to grant re-approval of final site plan for 1 year. The motion was seconded by Mr. Cote with all in favor.

HONOVICH, DANIEL – 18 INTERLOCHEN ROAD – TAX MAP # 55.19-1-15 – REGRADING APPLICATION

Mr. Carnazza read his memo which stated the applicant wishes to legalize the re-grading of the property. Locate the chicken coop on the Regrading Plan. I received a call that there are Guinea Hens roaming this property. If the owner(s) have Guinea Hens in place of the Chickens, they must meet the code for Farms.

Mr. Franzetti read his memo which stated the application involves remedying a Notice of Violation (NOV) issued by the Town of Carmel on May 8, 2018 based on a New York City Department of Environment Protection report of turbid water entering stream adjacent to the property which is a tributary to the Croton Falls Reservoir.

The Planning Board should be aware that the applicant has already had soils delivered to the site and the applicant has NOT provided soil testing results. The overall disturbance

for the project as submitted is ~16,000 sq-ft which is above 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. The following referrals would appear to be warranted:
 - a. Town of Carmel Environmental Conservation Board

Comments

1. The soils delivered to the site need to be tested for the NYS Residential Use criteria and the results must be provided to the planning Board once the testing is completed.
2. A SWPPP is required;
3. A construction sequence and additional details should be provided on how the proposed work will take place;
4. 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.
 - Existing and Final contours and show final slopes no steeper than one foot vertically for each two feet horizontally.
 - The location of that portion proposed to be disturbed and its relation to neighboring properties, together with buildings, roads and 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.
 - The location of any well and the depth thereof, and the location of natural watercourses, if any, located within 300 feet of the proposed disturbed area.
 - The details of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper surface drainage of the land, both during the performance of the work applied for and after the completion thereof
 - The details of all erosion controls to be implemented.

Mr. Cleary had no comments.

Mr. Jack Karell, applicant's engineer addressed the board and stated the applicant bought this property in 2015. When he bought the property there were two very large dirt piles at the rear of the property that was supposedly leftover from the original construction of the house. So, most of the dirt that was spread on this property was from the leftover dirt. He said there is silt fence placed along the stream. He said the applicant did get a few loads of dirt off the site, but he claims 90% of the fill was on the

site. He said he will take a look at Mr. Franzetti's comments, but most of the comments are on the map. The 2 foot topo, silt fence is shown.

Mr. Franzetti said there is no pre and post.

Mr. Karell said I don't have anything because I was brought to the site.....

Mr. Franzetti said I'm just letting the board know that there are no pre and post which is what the code calls for. He said this also needs to go the Environmental Conservation Board. He said there was a lot of fill that was brought in there. This area was raised pretty high.

Mr. Karell said the applicant feels that about 500 yards was moved into that area. He said if you look at the way the property is now, it's pretty stabilized. He basically used the fill to give himself a level area to the east of his driveway.

At which time, the board members and Mr. Karell had a discussion regarding the number of soil testing should be done.

Chairman Paepre stated we could refer this to the ECB as long as the soil testing is done in parallel.

Mr. Furfaro moved to refer the application to the ECB and to get the soil testing done. The motion was seconded by Mr. Cote with all in favor.

MINUTES – 01/09/19, 01/23/19 & 02/13/19

Mr. Cote moved to accept the January 9, 2019 minutes. The motion was seconded by Mr. Furfaro with all in favor.

Vice Chairman Giannico moved to accept the January 23, 2019 minutes. The motion was seconded by Mr. Furfaro with all in favor.

02/13/19 – Heldover.

Vice Chairman Giannico moved to adjourn the meeting at 7:30 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta