

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

**BOARD MEMBERS**  
**KIM KUGLER**  
**RAYMOND COTE**  
**ROBERT FRENKEL**  
**MARK PORCELLI**  
**VICTORIA CAUSA**

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



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

**FEBRUARY 26, 2020**

**PRESENT:** CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,  
KIM KUGLER, RAYMOND COTE, ROBERT FRENKEL, MARK PORCELLI,  
VICTORIA CAUSA

\*\*\*\*\*

<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>
Willow Wood Gun Club	87.7-1-6,7&11	1-3	Referral	Positive Recommendation Made To The Town Board.
Yankee Development	76.15-1-12	3-4	Extension	6 Month Extension Granted.
VIP Wash & Lube	55.5-2-5	4	Bond Return	Applicant Did Not Show Up.
Barone, Mariano	65.18-1-4	4-6	Regrading	No Board Action.
Minutes – 02/05/20		7		Approved.

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Rose Trombetta

Chairman Paepre welcomed newest board member Victoria Causa to the board.

**WILLOW WOOD GUN CLUB – 551 UNION VALLEY ROAD – TM - 87.7-1-6,7&11 –  
TOWN BOARD REFERRAL (AMENDMENT TO ZONING ORDINANCE)**

Mr. Carnazza stated this is on for the referral for the zoning ordinance change. I have no comments. My comments were made at the last meeting.

Mr. Franzetti had no comments.

Mr. Cleary stated at the last meeting we offered suggestions the way these facilities are regulated elsewhere. One issue that came up was an industry standard of regulating parking requirements for gun clubs based on something different which was numbers of shooting stations. He said the applicant reviewed that and they found that to be an appropriate method of addressing this. They have revised the proposed amendment to the code to rely on that metric which was 1½ parking spaces per shooting station. They have provided you with an inventory of the shooting stations that are at the facility. The numbers work out to be an adequate number to address the peak demands that have existed on the facility historically and projected into the future. He stated I believe this is a useful metric to consider as the alternate to the number that exists today which is based on memberships in a club which is virtually impossible for the Building Inspector to enforce as opposed to shooting stations where he could literally go in the field and count them. He said we need clarification on what are those shooting stations. Effectively, we are trying to get to a metric that relates to people and vehicles.

Mr. George Calcagnini, applicant's attorney addressed the board and stated the question is the number of shooting stations which was laid out in my letter to the board. Basically, at the shooting stations only one person can be shooting at a given time.

Chairman Paepre stated I reviewed your letter and I think the documentation was great. He asked where the clay shooting station is, wouldn't there normally be at least two people there for competition?

Mr. Calcagnini stated it would be different if the person is there to practice or a day of competition. The competitive shooter in our club caters to training the competitive shooter.

He said we did propose for events and when you have a registered event you have squads and we are providing for that. That's our overflow mechanism, such as valet parking.

Mr. Cleary stated in your memorandum to us, you've identified those stations, for example, you have the four existing trap fields and in parenthesis you have 5 shooting positions per trap field. Does that mean one person who moves to five spots or five people?

Mr. Calcagnini replied you typically have 5 people on the line and one shoots and the next shoots, etc. Each person shoots 5 shots at each position and then they rotate down to the next spot and the one on the end moves to position 1. It's very similar with five-stand.

Mr. Cleary asked at the four trap fields, is it four individuals moving to the five stations or is it twenty people?

Mr. Calcagnini said on each trap field there are five positions, that's five people. There are four trap fields, so it's five, five and five. So it's twenty people overall at the trap fields and five-stand.

Vice Chairman Giannico asked Mr. Calcagnini when there is a sporting clay event; will the trap fields be open?

Mr. Calcagnini replied the trap fields will be closed during an event.

Mr. Cleary stated they have recommended for those special events, you would have the authority to establish overflow parking on the site plan in area that you select. He said that area does not need to meet the town's parking improvement requirements. It could be a grass or stabilized area. The board would have the authority to waive that standard, but we would have to designate it on the site plan.

Mr. Carnazza asked do we know if by looking into this code, will we be putting Putnam Fish and Game into violation?

Mr. Calcagnini replied I don't know the number of shooting lanes they have there.

Mr. Carnazza said I don't want to help one and hurt the other one.

Mr. Calcagnini said it certainly would be a prior non-conforming use and they would be a lot closer to their compliance then under the current ordinance. I think they have a lot more members then we do.

Mr. Cote said if it went to 1 ½ per shooting station, I think it would be more than adequate.

Mr. Frenkel stated I'm fine with the proposal, but my suggestion regarding the definition of a shooting range, should be focused on an outdoor facility, rather than an indoor facility.

Mr. Calcagnini admitted he didn't look into indoor shooting ranges.

Mr. Cleary stated the one thing we learned from the proposed pistol range in Carmel is that there are hosts of environmental air circulating facilities that are associated with

those. From that perspective it is a different type of operation than an outdoor use. He said that's a good point and they should be regulated separately.

Mr. Cote said with regard to the definition for the shooting station, the first two items are good, but when you start to go into each of the five stations, etc, maybe you could say it's a spot designated as a place where a firearm should be discharged or something to that effect.

Mr. Calcagnini said we could take out the second sentence.

Mr. Cleary reminded the board this is a recommendation that you will send to the Town Board. The Town Board would have the public hearing and amend the law accordingly. This does not need to be perfect tonight; it just needs to be satisfactory to you and whatever additional modifications you may want to recommend to them.

Vice Chairman Giannico moved to refer the matter to the Town Board with a favorable recommendation. The motion was seconded by Mr. Cote with all in favor.

#### **YANKEE DEVELOPMENT – PIGGOTT ROAD – TM – 76.15-1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

Mr. Carnazza had no objection to the extension.

Mr. Cleary read Mr. Franzetti's memo which stated it's unclear if the applicant addressed the comments from his prior memo. Mr. Cleary continued on and read the comments.

Mr. Cleary stated this application is in the preliminary approval and they are looking for an extension of the preliminary approval. He said most of those requirements/comments would be provided at the final approval stage. He stated this is a continuation of an application with a long history. There have been permitting problems with this project. Again, this is not final approval, it's preliminary approval. There can be modifications as they move forward.

Chairman Paerprer asked for an overview of the project.

Mr. Angelo Luppino addressed the board and stated when we first started we wanted to develop this property but the economy declined. There are 14 lots with at least 3 acre parcels. Over the years, we tried to market this property. The feedback we got back is the 14 lots is too small for a big company to come in and build it. He said at the last meeting I asked this board if I could divide the property into two 7 lot subdivision. We are trying to work with Mr. Cleary to see if it could be done. It would be more marketable if we could do that.

Mr. Cote asked if the issues with NYCDEP have been cleared up.

Mr. Luppino stated we are basically at our final stages with DEP. The DEP has been cleared up. There is very little left to do with DEP.

Mr. Frenkel moved to grant extension of preliminary subdivision approval for six months. The motion was seconded by Mr. Porcelli with all in favor.

#### **VIP WASH & LUBE – 118 OLD ROUTE 6 – TM – 55.12-2-5 – BOND RETURN**

The applicant did not show up – held over.

#### **BARONE, MARIANO – 32 OVERLOOK DRIVE – TM – 65.18-1-4 – REGRADING APPLICATION**

Mr. Carnazza stated he had a couple of comments, but Mr. Franzetti had the same comments.

At which time, Mr. Cleary proceeded to read Mr. Franzetti's memo which stated this application involves remedying a Notice of Violation (NOV). 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 application package does provide a chain of custody for samples. The overall disturbance for the project as submitted is ~8,300 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:

#### **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 construction sequence and additional details should be provided on how the proposed work will take place;
3. 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 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. Franzetti returned to the meeting and stated the issue is the fill on the site needs to be sampled and clean. The rest of the comments are just drawings and put the info on them. We do not need to worry about the depths of the wells in this case.

Vice Chairman Giannico stated we shouldn't consider any engineering until the soil gets resolved. The soil has been there since September 24, 2019 and we do not know if it's contaminated or not. The situation could go from bad to worse if the soil is bad. He said I would like to know why we haven't gotten any samples. I don't think we should consider any engineering going forward until this is resolved.

Chairman Paepre stated there have been too many issues like this.

At which time, a discussion ensued with regards to the amount of cases like this in the town. They all agreed there needs to be a way to communicate to the town about bringing in fill.

Mr. Cleary stated the challenge is often times the fill gets placed in a couple of hours. By the time it's there it's too late.

Mr. Franzetti stated that Mr. Karell had indicated in an email that he is going to provide samples of the soil.

Mr. Jack Karell, the applicant's engineer addressed the board and stated that Mr. Barone had no idea you needed a permit for the fill.

Chairman Paepre stated somehow we need to communicate this to the town.

Mr. Karell stated maybe moving forward you should put the onus on the truckers, and maybe they need to be violated for putting the material on any property in the Town of Carmel without an approved regrading plan.

Vice Chairman Giannico said it should be on the property owner and when the property owner brings in fill they should notify the town and the truck should have a manifest.

Mr. Cleary stated Mr. Carnazza can't pull over a truck to check the manifest. The police can, but they need cause to pull over a truck.

Mrs. Kugler stated I don't think the homeowners are educated in this. That's the problem.

Mr. Frenkel stated in this situation is there a timeline on curing the violation?

Mr. Carnazza stated we would give the homeowner a Notice of Violation and then possibly get a summons and then a fine from the courts.

Mr. Frenkel stated in this particular situation what accounts for the delay from September to today.

Mr. Charbonneau asked if there was a Notice of Violation given to the applicant?

Mr. Carnazza replied yes.

Mr. Karell stated he contacted the contractor who delivered the material and he promised that this material was sampled and was going to provide him with an analysis. He did that over Christmas. He promised to give us that information before this meeting. We contacted him earlier this week, but he has not provided us with that analysis. That's why it took so long. He said we hope to get it next week.

Vice Chairman Giannico said that would be in your best interest.

Mr. Karell stated I will work with Mr. Franzetti to see how many samples are needed.

At which time, Chairman Paepre asked Mr. Karell to point on the map where the fill was placed on the property.

Mr. Karell pointed to the map to show the location of the fill on the property. He said the total fill is 30 feet from the property line. He said silt fence has been placed on the property. He then asked will this need a public hearing?

Chairman Paepre replied yes. We always do a public hearing.

Mr. Karell asked can we schedule a public hearing?

Vice Chairman Giannico said not until we get test samples.

Mr. Karell said will have the sample results before the public hearing.

Chairman Paepre said when we get the samples and they are reviewed then we will schedule a public hearing.

**MINUTES – 02/05/20**

Mr. Frenkel moved to accept the minutes as corrected. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:36 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta