

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

**BOARD MEMBERS**

**KIM KUGLER**  
**RAYMOND COTE**  
**ROBERT FRENKEL**  
**VICTORIA CAUSA**

**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 26, 2022**

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

\*\*\*\*\*

<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>
Western Bluff Subdivision	66.14-1-20	P/H	1-4	Public Hearing Left Open.
Mehra, Sanjay	75.16-1-27	P/H/Reso.	4	Public Hearing Closed & Resolution Adopted.
Hamlet at Carmel	66.-2-58	Resolution	4	Resolution Adopted.
Regan, John	55.6-1-24	Res. Site Plan	5-6	Denied to the ZBA.
Vitiello, Naraez & Kassimis	66.18-1-18-20	Lot Line Adj.	6-7	Public Hearing Scheduled & Planner To Prepare Resolution.

The meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Rose Trombetta

**WESTERN BLUFF SUBDIVISION – 350 WEST SHORE DRIVE – TM – 66.14-1-20 – PUBLIC HEARING**

Mr. Carnazza stated this is on for a public hearing. All of my comments have been addressed.

Mr. Franzetti stated there are some minor comments that can be addressed after the public hearing.

Mr. Cleary stated this is on for a public hearing and I have no further planning comments.

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

A resident of Mahopac addressed the board and stated she didn't want to see this property get developed. It borders a stream and it's a beautiful mountain. She said it would be a negative impact to the beautiful environment.

Ms. Bethany Brown who is a tenant of 350 West Shore Drive addressed the board and stated the owner never communicated this project to her. Where am I supposed to go? I do have tenant rights. I'm definitely against this project. I was never notified or acknowledged of any of this. There was also a question of easements that need to be looked at.

Ms. Nicole Doherty of 380 West Shore Drive addressed the board and stated we just purchased our house this summer and have no idea what's going on at 350 West Shore Drive. We totally object to this project.

Mr. John Kellard of Kellard Sessions, representing the applicant addressed the board and stated Mr. Kling had lived on the property in the existing house for a number of years. The property is 14.79 acres in size and is a completed wooded parcel except for the house and driveway located on the southern portion of the property. It has 1000 feet of frontage on West Shore Drive and it is bordered in the rear by NYCDEP. It has 1.3 acres of wetlands along the frontage of the property shown on the plan in pink. It has approximately 2.3 acres of steep slopes across the property. Our proposal is to subdivide the property into 3 lots. One new house to replace the existing house and two additional homes across the 14.79 acres (points to map). The proposed lots will be between 4½ to 5½ acres in size. The new house replacing the old house will be about 250 feet from the roadway. The second home will be about 400 feet from the roadway and the third lot will be along the extreme northern portion of the property. To avoid the wetlands and steep slopes we proposed a common driveway. It will have only one entrance on the roadway. It will be a shared entrance to all three homes. The first 50 feet of the driveway will be shared by all three residences. One private driveway will branch off to lot 3 and a common driveway will extend up the road about 250 feet before it branches off between the two homes. We are disturbing approximately 4 acres of land leaving about 10 acres of forest. It's not a very intense development at all. We have tested the soils with the Putnam County Health Department and outlined septic systems for 4 bedroom homes on each of the sites. We have prepared a SWPPP which treats the stormwater coming off of the driveways and the house sites. The SWPPP addressed erosion controls, water quality and water quantity issues. We mitigated the stormwater by infiltration on lots 1 and 2 and on lot 3 we are mitigating it with the stormwater mitigation ponds. The SWPPP went through a full review with NYCDEP. We received their approval in January of 2021. We will be disturbing a 100 foot buffer setback to install the common driveway. In May of 2017 we appeared before the ECB. They have provided some comments and we incorporated those into the plan. We still have to go back to the ECB for their permit. We had discussions with the fire department regarding fire apparatus to each house site. They provided us their requirements for turnarounds. We

proposed two grasscrete pads at the end of each driveway. We also provided the town engineer with turning radius diagrams turning into the site and into each driveway servicing the homes. The revised plans showing the grasscrete pads and turning diagrams were submitted to the fire department for their comments.

Chairman Paeprer asked how far are the proposed houses from to the nearest neighbor?

Mr. Kellard replied the closest house is about 200 feet from their home.

Mr. Frenkel asked is there screening between the new houses and the neighbor?

At which time, Mr. Kellard displayed a tree survey to the board members. He said there are about 40 trees between lot 3 and the adjoining property.

Chairman Paeprer asked if there was any flexibility in centering the house on the property?

Mr. Kellard stated it is about 200 feet, but it is not in their sight line (points to map). He said if we the house further back it would be more into their backyard space. We feel it is the ideal location. We wanted to stay off of the steep slopes and we wanted to stay away from the reservoir. It is the most level area with the least disturbance and we had good percolation there.

A resident asked how long will the project take from start to finish.

Mr. Kellard replied there is no set start date at this point. He said there is no contract vendee to buy the property. Mr. Santucci is a builder, but he isn't committed to building the project. He is only helping Mr. Kling through the process.

The resident asked once you start, how long will it take from start to finish.

Mr. Kellard stated they will probably be built as individual house sites. They won't be built all at the same time. He said the driveway entrance and the driveways along the frontage would take a few months to build. He said typically a house takes about a year to build.

The resident asked did NYCDEP approve the project already?

Mr. Franzetti stated they approved the SWPPP. That's their purview for this. They meet their environmental constraints and requirements for stormwater pollution prevention.

Ms. Brown asked will you be using the existing driveway to bring in all the trucks and equipment?

Mr. Kellard replied we will be constructing a new driveway further up the road.

At which time, a discussion ensued regarding the existing driveway and proposed driveway.

Mr. Richard Gleason of Farview Road asked where is the new driveway in relation to Farview Road.

Mr. Kellard points to map to show the distance from Farview to the new driveway.

Mr. Gleason asked how much blasting will be involved.

Mr. Kellard replied we are coming in 50 feet, right at the bottom of the hillside.

Mr. Gleason asked will there be blasting there?

Mr. Kellard replied maybe, but it probably won't be much if they had to blast.

Mr. Kevin Barber asked did the owner ask NYCDEP if they would be interested in acquiring this property?

Mr. Kellard replied the first thing we did was to offer it to DEP, but they didn't want it.

Mr. Barber stated he was very disappointed to see this happening.

The resident asked what happens next. Do our opinions matter?

Chairman Paeprer said your opinions definitely matter. The owner of the property has a right to develop within the guidelines of the state and town. He said I think the driveway that was discussed is a big plus. He said we don't usually leave a public hearing open, but I think we should leave it open tonight. I would like Mr. Kellard to come back with a landscaping plan to better buffer between the proposed homes and existing homes. Also, show where the new driveway will be.

Vice Chairman Giannico said I would like to see somebody representing the ownership for the next public hearing. There are legitimate questions, such as when will this be built, what's the timeline, etc.

Mr. Kellard stated he is sure the property will be marketed as soon as we have approval. The owner of the property will not be building the project. He's 90 years old. He will be selling this property once it's approved.

Mr. Carnazza stated this project is a little different. There are no roads to be built. If they get approval and get the maps signed and filed, it's filed. There will be minimal bonding on this because they don't have to build a road.

Mr. Cleary stated because the construction planning has become an issue, we request a construction management (phasing) plan which would show where stockpiles and construction vehicles will be going. How will you access the site? Also, NYCDEP typically doesn't buy vacant land. They buy land that is valued so they could assess it. He said once this is subdivided and put on the market, the City may now have renewed interest of the property.

Mr. Franzetti stated the stormwater design and anything associated with it, they have their approvals. Any changes to that will delay the project, because they will have to get re-approvals. If they move that driveway while they are constructing it, that may re-approvals.

At which time, a discussion ensued with regards to the driveway and construction plan showing the staging area, construction vehicle parking and stockpiles.

Mr. Kellard stated that's all part of the SWPPP that was approved by the NYCDEP.

Mr. Cleary stated the public would like to see that. He said to reproduce the drawing so everybody could see it.

Chairman Paeprer asked Mr. Kellard to come back with a construction management plan and we will leave the public hearing open and also let us know if the owner has communicated with the tenant.

Mr. Cleary stated if any of the residents wished to look at the file, they are more than welcomed to go to the Building Department or the Planning Office.

Mr. Cote moved to leave the public hearing open. The motion was seconded by Mrs. Kugler with all in favor.

**MEHRA, SANJAY – 10 VESCHI LANE SOUTH – TM – 75.16-1-27 – PUBLIC HEARING & RESOLUTION**

Mr. Carnazza stated there are solar panels on the site. Our file does not show a building permit for them. It was submitted yesterday by Mr. Greenberg, but I haven't had a chance to review it yet. I recommend making a condition that the permit and Certificate of Occupancy be submitted prior to signing any maps.

Mr. Franzetti said all engineering comments have been addressed.

Mr. Cleary stated you have a resolution to be voted on tonight. I added the condition that the solar panel permits be submitted prior to signing the map.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated we do not have any objection to adding that condition to the resolution.

At which time, Chairman Paepre asked if anyone in the public 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. Frenkel with all in favor.

Mr. Cote moved to adopt Resolution #22-03, dated January 26, 2022; Tax Map #75.16-1-27 entitled Mehra Final Site Plan Approval. The motion was seconded by Vice Chairman Giannico with all in favor.

**HAMLET AT CARMEL – 650 STONELEIGH AVE – TM – 66.-2-58 – RESOLUTION**

Mr. Carnazza said all his comments have been addressed.

Mr. Franzetti said all his comments have been addressed.

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

Mr. Cote moved to adopt Resolution #22-01, dated January 26, 2022; Tax Map #66.-2-58 entitled Hamlet at Carmel Amended Final Site Plan Approval. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Ken Kearney thanked the board for all of their help and looked forward to working in the town.

## **REGAN, JOHN – 1751 ROUTE 6 – TM – 55.6-1-24 – RESIDENTIAL SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to amend a previous approval for a two-family dwelling over an Insurance office at 1751 Rt. 6, Carmel. A use variance was granted January 2, 1996 to allow the continuation of a two-family dwelling in the CB Zone. In January of 1997, the Planning Board Approved a Site Plan for Marino for a one-story addition over office addition (still a two-family dwelling). Sometime after that, the owner rented the additional 1st floor space as a third unit without full kitchen facilities. The owner is now trying to get a third residential unit along with the bottom floor office. Use Variance Required from the ZBA for the expansion of a Mixed-Use Structure.

Is there a reason that no kitchen facilities are shown in the “Studio Apartment”? It looks like a hotel room. Provide measurements of the rooms. None provided. Provide elevations. Is there a reason this is being submitted on two-11x17 pages and not on one sheet of paper? It gets confusing to go back and forth to check the information. Missing Number of Employees, Sewer/Water information, and easement information for the funeral home.

Mr. Franzetti read his memo which stated the application involves legalizing an existing third apartment at the referenced property. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

- Additional details should be provided regarding the parking spaces. This includes, but is not limited to, all striping, length, widths, travel ways, proximity to property lines, guide rails etc.
- The applicant must provide a water/sewer use report for review;

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. Cleary stated the site supports two existing paved parking areas which are accessed via two separate driveways. The southern driveway also serves an adjacent property. Currently no parking spaces are striped or formally designated in either area. The site plan indicates that a total of 16 parking spaces could be established, however, no dimensions are provided to verify that the parking spaces or travel aisles are dimensionally compliant. Clarification is required. The biggest challenge is the use variance for the third unit.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated we are not proposing any site work, except for the stripping. Our goal is to get the use variance at the Zoning Board. If we get the variance, we'll come back to the board to take care of the rest of the items.

At which time, a discussion ensued with regards to what exactly is existing, is it commercial or residential?

Mr. Greenberg stated to clarify that the present owner did not do this, he purchased it with the extra studio apartment already there. So, now he's trying to legalize it.

Mr. Cote asked is there a definition in the code for what constitutes an apartment or residence?

Mr. Carnazza replied yes. Facilities for eating, sleeping and sanitary (bathroom, kitchen and living space - bedroom).

Chairman Paepre said the other alternative is to not approve the apartment and have a legal two-family house.

Mr. Frenkel asked are you intending on putting in a kitchen?

Mr. Regan, owner of the property addressed the board and stated it doesn't matter to me either way. I would put a kitchen in there to make it an official apartment. He said I just want to make everything legal.

Mr. Carnazza said show a kitchenette, so it is an official dwelling unit by definition.

Mr. Greenberg replied no problem. He said everything hinges upon the Zoning Board.

Vice Chairman Giannico moved to deny the application to the ZBA. The motion was seconded by Mr. Frenkel with all in favor.

**VITIELLO, NARAEZ & KASSIMIS – 137 WELLINGTON DRIVE – TM – 66.18-1-18, 19 & 20 – LOT LINE ADJUSTMENT**

Mr. Carnazza read his memo which stated the applicant proposes a three lot, Lot Line Adjustment on Wellington Dr. in Carmel.

- All lots comply with the Lot Area requirement when the lots were created.
- 156-61M(4) Lot line adjustment details.

Lot line adjustments submitted to the Planning Board shall be drawn to a scale of not more than one-inch equals 50 feet, submitted on uniform size sheets not more than 36 inches by 48 inches and shall show the following information:

- Proposed project name or identifying title (must include "lot line adjustment" in the title). (CHANGE FROM "SITE PLAN FOR LOT LINE CHANGE" TO "LOT LINE ADJUSTMENT"). A key map at a scale of one-inch equals 800 feet, showing the relation of the portion to be subdivided to the entire tract and the relation of the entire tract to its neighborhood for at least 1,000 feet beyond its boundaries. (SHOW ADJACENT PROPERTIES TO VERIFY THEY ARE ALL SIMILAR IN AREA).
- The location of proposed setback lines (setback envelope).(PROVIDE SETBACK ENVELOPES).
- Existing or proposed covenants or deed restrictions applying to the site. (PROVIDE) Location, composition, and approximate size of all monuments. (ARE THERANYMONUMENTS)
- Location of all structures, wells, and septic systems. (THE SEPTICS ALL SEEM VERY SMALL AND HARD TO SEE, PLEASE PROVIDE BETTER DETAILS).
- Putnam County Department of Health approval. (WILL BE REQUIRED, HOWEVER, NOTHING IS BEING CONSTRUCTED SO THEY SHOULD NOT HAVE AN ISSUE).

Provide lot areas in square feet. The code reads "A lot line adjustment shall not result in additional lots, any lot becoming substandard nor increase/decrease any lot by more than 20% or 20,000 square feet of its original lot area". Your table is in acres. Please convert to square feet so I can determine if a variance is required.

Mr. Franzetti read his memo which stated the Town of Carmel Engineering Department does not have any comments regarding the lot Line adjustment being proposed. The applicant should note the following, per §156-61 M. of the Town of Carmel Town Code:

- The location of proposed setback lines (setback envelope).
- Label "old" and "new" property lines.

Mr. Cleary stated the primary question is why is this being done. All three lots are legally non-conforming with respect to minimum lot area, and Lot #3 (the middle parcel) is also legally non-conforming with regard to lot width. The proposal involves modifying the common side lot lines between Lots #2 & #3 and Lots #3 and #4. Doing so would allow all three lots to comply with the minimum lot width of 200 feet. However, all three lots would remain deficient in the required minimum lot area.

Owner Existing Proposed % Change

Lot #2 – Kassimis 2.122 Ac. 2.122 Ac. 0%

Lot #3 – Narvaez 2.356 A. 2.099 Ac. - 10.9%

Lot #4 – Vitiello 2.030 Ac. 2.287 Av. + 11.2%

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the three applicants got together and said let's move this line (points to map). He said lot #2 remains the same. It was my understanding that as long as the change was not more than 20,000 square feet a variance wasn't required.

Mr. Cleary stated because it was originally 1.5 acre approval and hasn't been reduced below that it's not non-conforming, so you do not need a variance for that.

Mr. Carnazza stated this is a lot on a filed map, if it was just a parcel of land you would need the 3 acres.

Mr. Greenberg asked if a public hearing could be scheduled.

Mr. Carnazza asked are all the septic tanks where you showed them?

Mr. Greenberg replied yes.

Mr. Carnazza stated you didn't give setbacks envelopes, please provide them.

Mr. Greenberg replied we could do that.

Mr. Cote stated the whole reason for doing this, is because the property line was close to the shed on the property to the right.....

Mr. Greenberg stated it also ran across the corner edge of the driveway of the property in the middle and the other lots. He said he will make the map much clearer for the public hearing.

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

Mr. Greenberg also asked if resolution could be drafted.

Chairman Paepre stated pending the outcome of the public hearing.

Mr. Cote moved to adjourn the meeting at 8:06 p.m. The motion was seconded by Mrs. Causa with all in favor.

Respectfully submitted,

Rose Trombetta