

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

TOWN OF CARMEL **PLANNING BOARD**



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*Director of Code
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RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES **MAY 25, 2022**

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Demag & Ademi	75.12-2-1&2	P.H.	1-2	Public Hearing Closed & Board Authorized Chairman to Prepare a Resolution.
Dynamite Properties Corp	44.14-1-39	Res. Site Plan	2	Application Adjourned.
Willow Wood Country Club	87.7-1-6,7&11	A. Site Plan	2-7	Board to Retain Independent Noise Consultant.
Suez Water New York Inc - London Bridge Wells	64.7-1-10	Site Plan	8-10	Public Hearing Scheduled.
Suez Water New York Inc - Geymer Wells	75.13-1-6	Site Plan	10-12	Public Hearing Scheduled.
Suez Water New York Inc - Chateau Wells	75.20-1-16	Site Plan	12-13	Denied to ZBA.
De Almeida, Hernane	55.5-1-18	Regrading Plan	13-14	Public Hearing Scheduled.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Rose Trombetta

DEMAG & ADEMI – 552 ROUTE 6 – TM – 75.12-2-1 & 2 – PUBLIC HEARING

Mr. Carnazza read his memo which stated the trash enclosure is now shown. Provide an easement that they have permission to access the dumpster from the neighboring lot. The architect claims he is in discussions with the neighboring owner. The outdoor brick paver patio does not have any seating according to the submitted plans. If any outdoor dining is proposed, the applicant needs approval from the building department and must maintain the 39 seats.

Mr. Franzetti read his memo which stated this application involves converting an existing delicatessen to a restaurant. Per the cover letter no site changes are being proposed. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

General Comments

1. The following referrals are required:
 - a. Putnam County Department of Health (PCDOH)
 - b. Mahopac Fire Department

Applicant has noted this comment.

2. The following permits are required:
 - a. PCDOH for water/sewer/restaurant

Applicant has noted this comment.

3. There appears to be a stormwater line passing through the property. The easement for this line should be provided.

Applicant has indicated that they are researching this information.

4. Provide documentation that the monitoring wells are terminated.

Applicant has indicated that this information is forthcoming.

5. Signs (e.g., stop, yield, etc.) and pavement markings (e.g., do not enter, etc.) should be provided at the ingress and egress of the site.

Applicant has provided location. Details for the signs must also be provided.

6. The applicant must install a subsurface grease trap.

Applicant has noted there is a grease trap. The location of the sub surface grease trap must be shown on the drawing.

Mr. Cleary stated all planning comments have been addressed and it's on for a public hearing.

Chairman Paeprer asked about the outdoor dining building permit.

Mr. Carnazza stated because of COVID, the Town Board waived the building permit for outdoor dining. This year it's not waived, but will check to make sure.

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. Frenkel with all in favor.

Chairman Paepre asked the Planner to prepare a conditional resolution based on Mr. Franzetti's comments being addressed.

Mr. Cleary replied will do.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated at the last meeting the board agreed to have a draft resolution ready for tonight.

Mr. Cleary stated to the Chairman the board could authorize you to execute the resolution, so it doesn't have to come back to the board if you choose to do that.

Chairman Paepre stated we have reviewed this project several times and we are very supportive of the project. He said yes, we could do that.

Mr. Cote moved to have the board authorize the Chairman to sign the resolution when done. The motion was seconded by Mr. Frenkel with all in favor.

DYNAMITE PROPERTIES CORP – 70 GLENEIDA AVE – TM – 44.14-1-39 – RESIDENTIAL SITE PLAN

Chairman Paepre stated the applicant requested an adjournment.

WILLOW WOOD COUNTRY CLUB, INC – 551 UNION VALLEY ROAD – TM – 87.7-1-6, 7 & 11 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant added a 14 station sporting clay range to the existing Willow Wood Country Club. The previous site plan was approved as a Country Club. Country Clubs are permitted conditional uses in the R-Residential zoning district.

Variances were granted for the following and are noted on the plat:

502 Parking spaces required, 80 proposed, 422 variance.

10 x 20 parking space required, 9 x 18 proposed.

Gravel parking spaces.

A noise study was done by Eric Thalheimer, INCE Board Certified Acoustical Engineer. He provided for some solutions to get the property into compliance with the Town of Carmel Noise Ordinance. Why are "sound barriers" only proposed at stations 4, 12, 13 and 14? Would the "sound barriers" be helpful at every station? Would a berm with vegetation help muffle the noise for the immediately adjacent houses on Union Valley Rd? The engineer claims the sound barriers at the trap field are currently being reconstructed in accordance with the original approved site plan. (Every part of the previous approved site plan must be maintained or the site plan approval becomes null and void).

Mr. Franzetti read his memo which stated this application is for an amended site plan for the approval of a cart path and 14 sporting clay stations. The cart path is over existing logging roads and the sporting clay stations are already installed and in use. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

1. Permits from the following would appear necessary:
 - a. New York State Department of Environmental Conservation:
 - i. General Permit for Stormwater Discharges from Construction Activities.

The applicant has acknowledged the need for the General stormwater permit and has provided a stormwater pollution prevention plan (SWPPP). The SWPPP is currently under review.

2. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively). The applicant has acknowledged this comment and has provide an agreement as part of the SWPPP. This should be reviewed by Planning Counsel.

The applicant should note that a Schedule A for the agreement, along with a bond, must be provided.

3. Should any improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. Prior to Final Resolution the applicant will be required to submit a quantity take off of all proposed improvements for bonding and inspection fee purposes.

The applicant has acknowledged this comment and will provide a performance bond/engineering fee for the erosion and sediment control and stormwater management practices.

Detailed Comments

1. The rain garden calculations must be provided and must meet the NYSDEC criteria for design.

The applicant has acknowledged this comment and has provide the calculations in the SWPPP.

2. The wetland limits must be shown on the drawing.

The applicant has acknowledged this comment and will work with this Department to determine if this requirement is needed as the wetland delineation validation from the NYSDEC is still in process.

Mr. Cleary stated at the last meeting there were questions on the location of the sound barriers and whether or not they could be adjusted or moved. They can be moved relatively easily, but the applicant has indicated that they will not do that. As proposed on the plan they will remain in that place and you could make it a condition of your approval. The Board requested details of the proposed sound barriers. The applicant indicated that details will be provided at a subsequent meeting.

Mr. George Calcagnini, applicant's attorney addressed the board and stated the sound barriers cannot be moved, the shooting cages can be moved.

Mr. Cleary stated at the last meeting there was some confusion about that. The sound barriers will remain in place. He continued and stated the applicant has conducted a Noise Study (prepared by Eric Thalheimer, dated April 26, 2022), resulting in modifications to the layout and configuration of the course. He said it was a thorough report, but also a

technical report. It raised some issues and concerns. It touches on issues that are technical in nature. He said the primary question with that study, like any technical study you review is, do you need your own expert to review the document. That's your call on whether or not you choose to do that. He said much of the mitigations measures they are proposing is based on the conclusions of that study. In my review of the study there were some questions on assumptions that went into the consultant's conclusions. One comment that was of concern was the consultant's representation that the state noise ordinance supersedes our local noise ordinance. He said Mr. Charbonneau would have to take a look at that provision of the code. There were several issues relate to the Thalheimer report: Are the 5 existing noise receptor locations included in the study appropriately representative of the impacted areas? Is Thalheimer's assertion that the Town Noise ordinance is preempted by the NY State Noise Ordinance – which exempts gun clubs from local noise regulations correct? Were the ambient noise measurement dates/times appropriately indicative of a baseline conditions? Did the gunshot tests accurately replicate how the sporting clay course will be used during competitions? Can the technical acoustical assumptions embedded in the report be verified by the Planning Board, or is an expert required? Are the mitigation measures proposed in the report adequate? Mr. Thalheimer's qualifications were not provided. Instead, an award certificate was submitted. A CV or qualification summary should be provided. Extensive documentation has been submitted by a neighbor (Cooper) which raised several additional issues which should be addressed: Will the proposed application violate any terms or conditions of a use easement with a different neighbor (Goldfine)? Mr. Cooper claims that the intensity of the use of the club has increased substantially. Certain shooting stations face directly toward the NYSEG high-tension power lines, and Mr. Copper believes this is a public safety concern. Mr. Cooper claims the spent lead shot and other by-products of the club's operations represent an environmental hazard. Does DEC regulate this or not? We'll try and get answer to that.

Mr. Calcagnini addressed the board and stated the sporting clays course is a dry area and it has nothing to do with DEC. He said as far as I know DEC has never attempted to regulate the lead going into those areas like that. There are some clubs after a period of years that will do a reclamation program. This was just done about 6 months ago at a sporting clays club in New Paltz. There are vendors that specialize in lead reclamation, basically, they strip off the top a few inches of soil. It involves shaking the soil and it separates out the lead and the dirt gets re-spread out in the same area of where it was taken from.

Mr. Cleary stated you have said the DEC was never involved, are they supposed to be?

Mr. Calcagnini replied no.

Mr. Rich Williams of Insite Engineering, representing the applicant stated DEC has been out to the site as part of this process to validate the wetland boundary that does surround portions of the property.

Chairman Paeprer asked is the lead going into the wetlands?

Mr. Calcagnini replied no. He said where the existing trap fields are, there is a wetland and we have a program that monitors the ph of the wet soil. He said as long as lead is in a neutral ph range it could stay there forever.

Mr. Cleary stated it resonates with me a little as potential concern. So, if it's not regulated by the DEC, that's good. But, if you do voluntary monitoring, would you commit to doing that as a condition of approval to do the voluntary monitoring?

Mr. Calcagnini replied I don't see why not.

Mr. Cleary stated we will need some details on how you do that and how it operates.

Mr. Calcagnini stated there are no stations that points directly to a power line. There is station #6, the sporting clays course that underneath the power line. He said one of my jobs as Chairman of the sporting clays is to make sure all target presentations are kept low to the ground.

Mr. Cleary asked does NYSEG, to your knowledge, have any rules or regulations governing this in any way?

Mr. Calcagnini replied no. He stated we own land that the power lines are on. They have easements and we're not interfering with their easements whatsoever.

Mr. Cote asked if the cages have anything to prevent the shooting from going up?

Mr. Calcagnini replied yes. There is a bar on the top that prevents them from going past 90 degrees.

Mr. Cote said that would also be a preventive measure to make sure they couldn't shoot up towards the wires.

Mr. Calcagnini stated it's not designed for that. My job as the master target setter is all the shots have to stay low. That physical limitation in the cage wouldn't necessarily stop that, but the target presentations will be so low. He said some of the shooters at our club are highly experienced.

At which time, a discussion ensued with regards to noise regulation, local law vs. state ordinance.

Mr. Calcagnini said the governing law is the state statute, but we're willing to meet the statute of the local ordinance.

Mr. Charbonneau asked are you okay with Mr. Cleary putting in the final resolution that you will meet the town's noise ordinance?

Mr. Calcagnini replied we have no problem with that.

Chairman Paeprer asked about the neighbor's easement.

Mr. Calcagnini stated we have 15 acres in front of the trap fields. That easement allows us to put shots onto that property, because that's where the shots from the trap fields go.

Mr. Charbonneau asked for a copy of the easement.

Mr. Calcagnini replied will do.

Mr. Charbonneau also asked for the NYSEG easement.

Mr. Calcagnini replied sure.

Mr. Frenkel asked what is your club's plans in terms of reclamation and adopting some of these environmental practices or not.

Mr. Calcagnini stated it doesn't make sense to dig up and strip off the layer of dirt until your 10 years out, so we haven't discussed ripping up the sporting clays course. He said where the lead is there are a lot of trees, I don't think it's feasible on the trap fields to do it, since the lead is going into the hillside.

Chairman Paeprer asked how you considered making any improvements to your stations now to deafen some of the noise?

Mr. Calcagnini replied that stations 13 and 14 have wings and a roof put on them and soundproofing materials put on the inside of the cages. He said station 12, which is L-shaped will have the acoustical stuff on the inside of that.

Mr. Cleary asked is the soundproofing acoustical material weatherproof? Do you replace it every year? Those are the details we're asking for those sound barriers.

Mr. Williams replied it will be included in the next submission.

Mr. Franzetti suggested to the board to maybe ask for representative samples to be collected to see if there is any lead contamination in the soil right now and some of the areas that are of concern. If there is then maybe a remediation has to take place. He said there are state criteria. We require everybody who brings in the fill must have manifest. If they don't have manifest and they brought in fill they have to meet certain criteria. He said this may alleviate some of the concerns if there is no lead contamination in the soil at this time. Maybe, it's something they can do on an annual basis or every 3 year, or 5 years. Again, this is the board's decision and if the applicant is willing to do it.

Chairman Paeprer asked the board members their thoughts on this.

Mrs. Causa replied I will like to see it.

Mr. Frenkel stated he would like to see some long-term vision about managing the lead in terms of at least observing when you're at a level that requires some action to be taken. What period of testing will you go through? What is the type of testing and what will you do with the results?

Mr. Cote asked does the NRA have policies already with regard to lead testing and so on.

Mr. Calcagnini replied I'm not aware of any. He said the NRA would not be the one to consult on that. NRA is very well known in terms of 2nd amendment advocacy rights. In terms of operations of gun clubs the entity that has a lot more expertise on that is National Shooting Sports Foundation. He said I could check with them.

Vice Chairman Giannico stated the sense of the board is we want to know that we don't have a problem right now. Maybe you could do some sort of certified report that the areas of all your shooting stations are acceptable PH wise and then come back with the club's plan going forward whether a reclamation is needed in 5 or 10 years.

Mr. Calcagnini stated he will look into it.

Mr. Cleary stated if in fact there are no regulations from the DEC or the Health Department regarding this and there are no industry standards relating to how you would mitigate this. You're hearing the board raise some concerns, so absent you saying no here are our best practices, they'll think it up for you. So, you don't want them to do that.

Mr. Calcagnini replied I will do my best.

Mr. Cleary stated if there are industry standards it would be very helpful to understand that. And we will do our part to see if in fact there are regulatory controls that govern this. It seems surprising to me that there aren't.

Mr. Franzetti stated maybe the DEP has some regulations, this is in the watershed.

Mr. Calcagnini stated none of the sporting clays course is in the watershed. The trap fields have been there since 1955 and go across the wetlands.

Mr. Carnazza said a watershed is different then a wetland.

Mr. Franzetti said you're in the watershed.

Mr. Williams stated there is nothing in the rules and regulations that I have ever read that addressed specifically this use or lead.

Mr. Cleary asked how you reviewed that?

Mr. Williams stated I have read those regulations many times backwards and forwards, but we will double check.

Chairman Paeprer asked the board about hiring an independent noise consultant to review the report done by Willow Wood.

Vice Chairman Giannico asked if the report that was provided stamped and sealed by an engineer?

Mr. Calcagnini replied yes.

Mr. Cleary stated the copies we have does not have a stamp and seal.

Vice Chairman Giannico stated if they provide a stamp and seal on a copy and submit it to the board, I don't think we have to go back to square one. We could get a consultant to review this report that has been certified and attest to the fact that it was done correctly. And in turn we would ask our consultant to come back with an executive summary that everyone on the board could understand. That would be my recommendation.

The board members were in agreement with the Vice Chairman.

Mr. Cote stated Mr. Charbonneau needs to look into our local law vs. state law.

Mr. Cote moved to have the board retain a sound engineer to review the report by Eric Thalheimer. The motion was seconded by Mrs. Causa with all in favor.

Mrs. Kugler asked where do we stand with regards to lead.

Mr. Frenkel stated I think we asked the applicant to do their research and bring forth some recommendation in terms of a go forward approach.

Mr. Calcagnini replied I will look into that.

SUEZ WATER OF NEW INC – LONDON BRIDGE WELLS – 39 BROOK STREET - TM – 64.7-1-10 – SITE PLAN

Mr. Carnazza read his memo which stated the applicants propose to add a PFAS Treatment Building to the water treatment facility off Brook Ave. in Mahopac. A Use Variance is not required for the Private Utility. The ZBA interpreted that Private and Public Utilities are permitted in the Town of Carmel. Referral to the ECB, Fire Department and Putnam County Dept. of Health are required by code. Provide lot depth- variance may still be required. You haven't provided this information yet. It was requested 1/13/2022 but never received. Hopefully, a return to the ZBA is not required. Remove total side yard required 50 ft. from the zoning table. The Town of Carmel does not have the 50 ft. requirement. The following variance(s) were granted 2/24/2022.
Lot area- 120,000 s.f. required, 60,886 provided, 59,114 s.f. variance
Front yd- 40 ft. required, 33 ft. provided, 7 ft. variance.

Rich's memo said this application involves the construction upgrades to the existing well site and installing a 33'x22' granulated activated carbon treatment building to treat water from this public water supply. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments

General Comments

The following referrals are required:

- a. New York State Department of Environmental Conservation (NYSDEC)
- b. Putnam County Department of Health (PCDOH)
- c. New York City Department of Environmental Protection (NYCDEP)
- d. The Town of Carmel Environmental Conservation Board (ECB).
- e. Mahopac Fire Department

The applicant has previously noted these referrals

The following permits are required:

- f. NYSDEC - for stormwater and wetlands;
- g. PCDOH for well and treatment system.
- h. ECB for wetlands

The applicant has previously noted these permit requirements

The area of disturbance for the work as provided is 17,186 sf. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and the development of Stormwater Pollution Prevention Plan (SWPPP) that has erosion and sediment controls.

The applicant has provided a SWPPP which is currently under review.

The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively). The applicant has provided an agreement as part of the SWPPP. This should be reviewed by Planning Counsel. The applicant should note that a Schedule A for the agreement, along with a bond, must be provided. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. The applicant will need to develop a quantity

take off for bonding purposes. The applicant has previously noted this requirement. The applicant should note that a Performance Bond and associated Engineering fee is minimally required for the stormwater management practices, erosion and sediment control drainage features, landscaping etc. installed on the site. Please see §156-61 J and K of the Town Code for additional information.

Mr. Cleary stated when this was first presented there is an existing driveway and they are building a new driveway and the question was do you need both driveways. They have indicated they will not use the second driveway and are willing to block it off. If you want to make that a condition of approval you could do that. The 3 large maple trees located on the south side of the driveway, which the applicant initially agreed to preserve, must now be removed to accommodate the dry pond stormwater practice. Additional maple trees have been added to the proposed landscaping plan to compensate for the tree removal.

Ms. Ramya Ramanathan of Atzl, Nasher and Ziegler, representing the applicant addressed the board and stated we took into account to preserve the 3 maple trees, but when we updated the drainage mitigation, it turned out we needed that space. To compensate for that, we're providing 3 new maple trees as part of the landscaping plan.

Mr. Cleary stated at their last appearance, the applicant submitted samples of the "hemlock green", "cool harvest" and "Tribeca tan" colors that would be used on the building, which the Board found to be acceptable.

At which time, Ms. Ramanathan displayed material samples of the concrete foundation. The board requested us to paint it to match the façade color, if the board is still open to that we could do it, if not this will be the natural color of the block.

Mr. Cote asked for clarification of the landscaping plan, since the building is so close to the road.

Ms. Ramanathan stated on the landscaping plan we noted the different trees we are proposing. We would gladly move the building back, but we're being restricted by wetlands and other site factors and that's why we're placing the building where it is right now. We have provided all evergreen trees to screen the existing spring house.

Mr. Cote asked what is the proposed height of the trees you're proposing?

Ms. Ramanathan replied 6 to 8 feet.

Mr. Cote stated I think we need to do a little bit more to try and mitigate the impact of this enormous building right on the road.

Ms. Ramanathan stated we considered this comment and discussed it with the applicant on planting taller trees, but the applicant stated planting taller trees doesn't necessarily mean that they are going to grow faster, because they are more mature then younger trees, they will grow at a slower rate.

Mr. John Kirkpatrick, applicant's attorney addressed the board and stated we don't mean to be resistant in this case. There is a little bit of a trade off about the size of the tree you plant. The bigger the tree, the longer it takes to get going. The smaller tree grows quickly.

Vice Chairman Giannico asked do you know the rate of the growth on those trees each year?

Ms. Ramanathan replied I don't know.

Mrs. Causa asked about the photos showing 8 foot trees and 20 foot trees.

Mr. Kirkpatrick said that's showing what they will look like once they really grow.

Mr. Frenkel asked how long will it take to get there?

Mr. Steven Garabed, representing Suez replied the green giants can grow about 3 feet per year.

At which time, the board members and applicant continued to discuss the larger vs. smaller trees.

Ms. Ramanathan asked Mr. Franzetti since the drainage has changed from what we previously presented to the ECB, do you think we have to go back to ECB?

Mr. Franzetti stated I don't think it's that big of an issue. That's part of my review of the SWPPP and I'll advise the ECB accordingly.

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

SUEZ WATER OF NEW INC – GEYMER WELLS – 70 GEYMER DRIVE - TM – 75.13-1-6 – SITE PLAN

Mr. Carnazza read his memo which stated said the applicants propose to add a PFAS Treatment Building to the water treatment facility off Geymer Dr. in Mahopac. Remove total side yard required 50 ft. from the zoning table. The Town of Carmel does not have the 50 ft. requirement. Referral to the ECB, Fire Department and Putnam County Dept. of Health are required by code. Lot area variance was granted by the ZBA 120,000 s.f. req'd, 26,030 provided, 93,970 s.f. variance.

Mr. Franzetti read his memo which stated this application involves the installation of a 33'x22' building to house a granulated activated carbon treatment to treat water from this public water supply. Additionally, the applicant proposes to the upgrade wells, access road and water system piping. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

General Comments

The following referrals are required:

- New York State Department of Environmental Conservation (NYSDEC)
- Putnam County Department of Health (PCDOH)
- The Town of Carmel Environmental Conservation Board (ECB).
- Mahopac Falls Fire Department

The applicant has previously noted these referrals.

The following permits are required:

- NYSDEC - for stormwater and wetlands;
- PCDOH for well and treatment system
- ECB for wetlands

The applicant has previously noted these permit requirements

The area of disturbance for the work as provided is ~6,672 sf. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and the development of Stormwater Pollution Prevention Plan (SWPPP) that has erosion and sediment controls.

The applicant has provided a SWPPP which is currently under review.

The full environmental assessment form identified the following that the project is located in 100-year flood plain. A Town of Carmel Flood Plain permit is required.

The applicant has indicated this has been submitted. A copy should be provided as par the Planning Board submittal.

The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).

The applicant has provided an agreement as part of the SWPPP. This should be reviewed by Planning Counsel. The applicant should note that a Schedule A for the agreement, along with a bond, must be provided.

Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. The applicant will need to develop a quantity take off for bonding purposes.

The applicant has noted this requirement. The applicant should note that a Performance Bond and associated Engineering fee is minimally required for the stormwater management practices, erosion and sediment control drainage features, landscaping etc. installed on the site. Please see §156-61 J and K of the Town Code for additional information.

Detailed Comments:

1. A landscaping plan should be provided to show the location and extent of all plantings.

Applicant has requested landscape waiver for this site.

2. It is unclear if additional electrical utilities are being installed.

Applicant has indicated that the electrical service upgrade will be buried.

Mr. Cleary stated this is one of the trickier sites. It's in the floodplain. The applicant has come back to us and said this is where the building must be, because that is where the well and infrastructure is. They are acknowledging that it will flood and will address it accordingly. The first-floor elevation of the new building will be located 2' above the base flood elevation, which conforms to the floodplain requirements. During their last appearance before the Board, the Board agreed that due to the distance from the facility to the nearest neighbor (145') and the presence of intervening existing vegetation, additional landscaping is unnecessary.

Chairman Paeprer stated he was okay with waiving the landscape plan since the building is deep in the woods.

Mr. Cote moved to schedule a public hearing. The motion was seconded by Mrs. Causa with all in favor.

SUEZ WATER OF NEW INC – CHATEAU WELLS – 59 MCNAIR DRIVE - TM – 75.20-1-16 – SITE PLAN

Mr. Carnazza asked if there is a way to add some buffer along the driveway to the neighbor to the east? It appears that there will be a gravel driveway close to the property line.

Ms. Ramanathan stated if you look at the landscape plan we provided the thinnest and tallest trees along the property line. We really don't have any more space to work with on the trees.

Mr. Carnazza continued and stated the lot depth is not provided. It appears to comply; however, it must be shown on the plat and on the zoning table. Remove total side yard required 50 ft. from the zoning table. The Town of Carmel does not have the 50 ft. requirement.

Variances are required for the following-

Lot area 120,000 s.f. req'd, 47,745 provided, 72,255 s.f. variance.

Lot width 200 ft required, 117 provided, 83 ft. variance

Lot Depth- ????????????????????

Frontage 50 ft. 46.4 ft, 3.6 ft variance

Side Yard 25 ft, 18 ft, 7 ft. variance

Rich's memo said this application involves the installation of a 38'x24' building to house a granulated activated carbon treatment to treat water from this public water supply. Additionally, the applicant proposes to the upgrade wells, access road and water system piping. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments

General Comments

The following referrals are required:

New York State Department of Environmental Conservation (NYSDEC)

Putnam County Department of Health (PCDOH)

The Town of Carmel Environmental Conservation Board (ECB).

Mahopac Fire Department

The applicant has noted these referrals

The following permits are required:

NYSDEC - for stormwater and wetlands;

PCDOH for well and treatment system

ECB for wetlands

The applicant has noted these permit requirements.

The area of disturbance for the work as provided is ~13,600 sf. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and the development of Stormwater Pollution Prevention Plan (SWPPP) that has erosion and sediment controls.

The applicant has provided a SWPPP which is currently under review.

The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).

The applicant has provided an agreement as part of the SWPPP. This should be reviewed by Planning Counsel. The applicant should note that a Schedule A for the agreement, along with a bond, must be provided. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. The applicant will need to develop a quantity take off for bonding purposes. The applicant has noted this requirement. The applicant should note that a Performance Bond and associated Engineering fee is minimally required for the stormwater management practices, erosion and sediment control drainage features, landscaping etc. installed on the site. Please see §156-61 J and K of the Town Code for additional information.

Mr. Cleary had no further planning issues with this application.

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

DE ALMEIDA, HERNANE – 26 GLENVUE DRIVE – TM – 55.5-1-18 – REGRADING APPLICATION

Mr. Carnazza read his memo which stated the applicant proposes to re-grade the property at 26 Glenvue Dr., Carmel. The property is adjacent to Lake Gleneida. The applicant wishes to re-grade his property to add a pool and garage.

§ 156-43 Landfills, grading and excavation.

A. General regulations. No excavation, regrading, filling, removal, stripping or disturbance of topsoil, earth, sand, gravel, rock or other substance from the ground, subsequently herein referred to as an "operation" or "operations," shall be commenced or carried on in the Town of Carmel unless, except as otherwise provided herein, a permit therefor has been duly issued in accordance with the procedure set forth elsewhere in this section.

(1) No operation authorized under this subsection shall be permitted on Sunday or before 8:00 a.m. or after 5:00 p.m. on other days.

(2) No operation shall be commenced or carried on which is primarily for the purpose of the sale or exchange of excavated topsoil, earth, sand, gravel, rock or other substance from the ground.

(3) All landfill shall be clean soil, rocks or sand and shall be non-burnable and shall contain no garbage, refuse, waste or material deemed to be deleterious according to the standards of the applicable health codes.

The re-grading will be immediately adjacent to the adjoining properties, however, most of it will be behind the houses. The applicant proposes 4 ft. tall retaining walls spaced 5 ft. apart. No variance required provided they maintain the 5ft. separation.

Mr. Franzetti read his memo which stated the application involves the regrading and leveling of the backyard located at 26 Glenvue Road in order to place a pool and garage. The overall disturbance for the project as submitted is 41,392 sq-ft (0.95 acres). The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001)

and the development of Stormwater Pollution Prevention Plan (SWPPP) that has erosion and sediment controls.

The applicant has provided a SWPPP which is currently under review.

Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

- The applicant intends to bring in 1,854 cubic yards of fill and has noted that the soil will be certified clean prior delivery. All manifest should be provided.

Mr. Cleary had no planning comments.

Chairman Paepre asked Mr. De Almeida to describe the project.

Mr. De Almeida, owner of the property addressed the board and stated the project slopes from the front to the rear property line (points to map) and went on to discuss the property in the rear. He stated he may have to remove a couple of trees. The regrading is to provide for a pool, garage, driveway and regraded to three flat areas. He said the application proposes to have all the water route to a water quality grass swale and then into a mitigation pond (points to map). He stated he has spoken to his neighbors and they are in support of the project.

Vice Chairman Giannico asked if there was a requirement to test the fill once it's put in.

Mr. De Almeida stated I'm will be eating the food that comes out of this soil. I plan on planting a vegetable garden and fruit trees. He said I can't identify a site right now of where I will be getting it from, because when you find the soil and test it, it has to be moved right away or else they will find someone else that wants it. This process could take a couple of months. I will get the soil tested and make sure it's approved by the Engineering Department.

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

Vice Chairman Giannico moved to adjourn the meeting at 8:10 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta