

APPROVED

CRAIG PAEPER
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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Town Planner

PLANNING BOARD MINUTES **JULY 14, 2022**

PRESENT: CHAIRMAN CRAIG PAEPER, VICE-CHAIRMAN ANTHONY GIANNICO, RAY COTE,
ROBERT FRENKEL, VICTORIA CAUSA, JOHN NUCULOVIC

ABSENT: KIM KUGLER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Random Ridge Subdivision	76.10-1-23	Public Hearing	1-6	Public Hearing Left Open.
Regan, John	55.6-1-24	P/H & Reso.	6	Public Hearing Closed & Resolution Adopted.
PGI, LLC Endoscopy Center	66.15-1-3	A. Site Plan	6-7	Public Hearing Scheduled & Planner To Prepare Resolution.
Dynamite Properties Corp	44.14-1-39	Res. Site Plan	7	Denied to ZBA & Planner to prepare Neg Dec Resolution.
Liberty New York Water	54.20-1-42	Site Plan	8-10	No Board Action.
Yankee Land Development	76.15-1-12	Sketch Plan	10-11	Board Declared Lead Agency.
Minutes – 05/25/22			12	Held Over.
06/09/22 & 06/22/22			12	Approved.

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Rose Trombetta

RANDOM RIDGE SUBDIVISION – KENNICUT HILL ROAD – TM – 76.10-1-23 – PUBLIC HEARING

The consultants had no comments.

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

Mr. Maximillian Mahalek, attorney from Cuddy and Feder representing the applicant addressed the board and stated we are here to ask the board to re-forward the recommendation that was made in 2018. The bond reduction in 2018 was for a reduction to \$393,400.00 and was made following an inspection of the improvements made to that point. We want to discuss this reduction with the Town Board, but pursuant to the town code we first need the Planning Board to make its recommendation before we could move forward. We understand that an inspection of the premises may be requested by the board. It is our position it's not necessary. He said since then more work has been done, which may actually justify a lower reduction, but respecting the town's policy regarding how much a bond can be reduced, we are simply asking that the board forward its recommendation from 2018. There were a number of public comments received. These comments highlighted purported disputes between the applicant and H.O.A. He said these agreements, restrictions, etc, are all private and have nothing to do with the bond reduction. New York Law and Federal Law are consistent on this point. Private arrangements and compliance thereof, do not fall in within the sphere of the Planning Board's review or any municipal bodies review. He said this is highlighted in the letter that was sent to the office, following receipt of the public comments.

Chairman Paeprer stated none of us had an opportunity to review the letter.

Mr. Charbonneau said to that point, I received a letter at 6:00 today, essentially addressing some of the written concerns that have already been submitted to the Planning Office. He said that letter from Cuddy & Feder is not part of the record and if it's going to be part of the record it should be circulated and given to the board. He said I assume the board will want me to read and review the letter.

Chairman Paeprer stated we will need time to read and we're not going to do that right now.

Mr. Mahalek stated he would like to summarize what is in the letter.

Vice Chairman Giannico asked Mr. Charbonneau if this is not part of the record, should we accept it at this point?

Mr. Charbonneau replied the board could accept it. You haven't read it, so a summary of it may assist you, but it's up to you whether or not you wish to consider it beyond tonight.

Chairman Paeprer stated to Mr. Mahalek you will have plenty of time to summarize it at another time.

Mr. Mahalek reiterated what was said earlier regarding the town code, New York and Federal Law.

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

Ms. Rubia Valente, a resident of Random Ridge Subdivision addressed the board and stated a letter was submitted to the board on Monday with signatures from 40 residents. Every single household in Random Ridge signed the letter with many questions and concerns. She

said that Mr. Mahalek stated that many improvements have been made. We want to know exactly what was done to justify a reduction of the bond that they are asking for. There are still many things left that need to be done. For example, top coating of the roads. There are concerns regarding drainage. She said being that the prices have increased so much, will there be enough money to cover the things that are left to do. I have been living there since 2018, and it's unclear to us what has been done since then that would justify such a reduction. We are trying to do a transition study and we have been asking the developer to allow us to do it to determine if things were done properly and to the town's specifications. The developer has been ignoring and denying our request and has not allowed us to do this transition study. She stated there are more than 20 residents here tonight and we are very concerned and need your help. We are asking you to consider this point as well.

Ms. Emily Sabatella, an educator in Westchester, a lifelong resident of Putnam County and resident of Random Ridge addressed the board and stated Mr. Mahalek said what has changed since 2018. There has been a global change, the pandemic and with that prices have been inflated. Materials have not been available. There have been ongoing difficulties in completing aspects of this development, because of financial and availability of materials. She said to prepare for this meeting, I spent a long time looking through a lot of the documentation and was impressed by the policies outlined by the board, such as the weight of the machinery that offers the top coating of pavement and how the curbs have to be. There is intensive consideration to the wetlands. She said all of this is illustrated and outlined on the drawings, but none of it has happened yet. She said in a time when the project is almost concluding, it's concerning to see a pull back on the bond when there is such large price tag to some of these big issues that need to be rectified. She asked when will the town come out to see that all of these policies that you have articulated and outlined are honored and would it be prudent to do so prior to granting the reduction of a bond. She said how will there be accountability when there is some history of the developer changing names of the company and pulling out of projects and leaving communities unavailable. We are your community and you are our representatives and we need you.

Mr. John Thompson a resident of Random Ridge addressed the board and stated the biggest thing we are asking for today is transparency. We have had a lack of transparency. We don't know how these plans are going to be put in place. We don't know what sort of quotes have been obtained. He said we are in the dark with a lot of this. Our letter indicated an issue with the septic system. The developer claims to have fixed it and we asked a number of times for proof and we have yet to receive it. We inherit these systems once the project is done and we are on the hook financially for all of that. So, what we are asking for is time and information. The transition study hasn't happened because the developer owns two of the three board seats. She approves the funds to be released for these studies. She has refused to release those funds. We are not asking her to pay for the study, we are taking it out of HOA funds and she said no. These are funds we have contributed. He said there are certain environmental regulations required for our drainage areas. We don't know what the cost is. He said if anything is not done to code and an environmental agency comes in a year we are on the hook for fixing those deficiencies. We are only asking for information and we haven't gotten any of it as of yet.

Ms. Denise Milley a resident of Random Ridge addressed the board and stated there is a contrast between how the neighbors keep their properties compared to what the common area looks like. There is an issue with the property that is in the middle of development which is causing flooding on the roads. She said this is a wonderful community and there a lot of working young families which is what this town needs and asked for the board's help.

Mr. Mahalek addressed the board and said as stated in the town code, bond reductions focus on what improvements have been approved, what has been built and what is left to be built. When it comes to these items between a developer and HOA, for example, a transition study or business plan none of that is relevant to the bond reduction. We are asking for the board to take a look at the improvements made and look at what plans were approved and see what is left to be done and based on that come to a value that is sufficient for the bond reduction. He stated our letter addressed a lot of the comments that were brought up tonight and out of respect to the board to not summarize the letter for you, I will not go into each of those, but there were questions about a transition study and septic repairs which were completed sufficiently. All of those are part of private conversations between the developer and the HOA. These are not related to improvements. It's our position that everything was sufficiently completed and we are more than happy to be transparent on that fact. There is something to speak to our transparency, by we are trying to respond to the comments that came, even though, a lot of the comments are not relevant to the bond reduction matter.

Vice Chairman Giannico asked Mr. Mahalek if he received the letter from the residents.

Mr. Mahalek replied yes. The letter that was provided to the board this evening is in response to the letter from the residents.

Vice Chairman Giannico is there a contractor currently on site finishing up and progressing forward?

The audience replied no.

Mr. Mahalek stated Chris Munch was not a general contractor, he was an employee of the developer and he is no longer with the organization, but the applicant's representatives are fully prepared to complete the project as approved to ensure all improvements are completed.

Vice Chairman Giannico asked and who is that?

Mr. Mahalek replied Robin Winters and she is the main representative of the Blitman Mahopac LLC.

Mr. Cote asked how long ago was Mr. Munch separated from the company?

Mr. Mahalek replied he believes it was sometime in June.

Mrs. Causa asked if the present contractor licensed to do this type of work?

Mr. Mahalek stated I don't know who the specific contractor is, but we could provide that information.

Mr. Mark Kessman a resident of Random Ridge addressed the board and stated our biggest concern is if the bond is reduced when we have about 40,000 square feet of blacktop that has to be done, a planting design that has to be done per the town and we also have wetlands. He said inflation has gone up dramatically, especially for blacktop. He said Robin Winters is the only one on the premises and the company, as a Limited Liability company in New York, has started a dissolution process already. They have changed their address and laid off almost everybody in the company. Right now, it's just Robin Winters who is overseeing the project and has zero experience with communities. Also, there are several federal law suits in other territories in the state of New York for doing the same thing she is

doing now. He said if you reduce the bond there will not be enough money to cover the blacktop and planting designs. We are asking for the board to inspect the property, reserve your decision for a later time and the evidence be presented by counsel and our side before you make a decision.

Ms. Sabatella approached the podium and stated none of this is personal and all of this is based on information that we have that is factual. I believe that the bond is to protect the project in the event that the developer doesn't follow through. She said there are people that have been hired by the developer to inspect the site that have cited things and decided not to follow through on. When we inquired about them, we were told it's your problem.

Mr. Romaine Wilson a resident of Random Ridge addressed the board and stated I echo everything my neighbors have said. He said counsel for the developer came before you and referenced improvements from 2018, that was four years ago. He also disagreed with inflation which is absolutely absurd. The letter that was submitted to you today came in at 6:00 pm in utter disregard to the board and it surmises the type of relationship that the developer has presented to us and now to the board. I respectfully ask the board to consider holding off on any reductions until you've had an opportunity to review our letter and counsel's letter.

Mr. Mahalek stated there was a comment regarding Robin Winters and potential lawsuits she may have been involved. Happily, we live in a country where being involved in a lawsuit isn't going to mark one's character. He said that has no relevance to the bond reduction request being made this evening. Looking at all the improvements that were made since 2018, we are still pushing for the recommendation of \$393,000, even though, all those improvements were made in 2018 which we believe will be significant buffer to complete the final items that have to be completed.

Vice Chairman Giannico asked does your client have a completion plan for this project?

Mr. Mahalek stated I cannot speak to a specific completion date and there is still work to be done.

Vice Chairman Giannico stated we need to know what's left to be done. He said for us to make an informed decision we need to be literally on the same page and we need a completion plan.

Chairman Paeprer stated there should some kind of schedule and cost when you are running a project like this.

Mr. Mahalek stated he will bring the request back to his client and look into preparing something.

Chairman Paeprer stated the first place to start is to reach an agreement with what the issues are.

Mr. Mahalek stated when it comes to completing final work and how that relates to a bond reduction, we respectfully request that any requirements placed by the Planning Board be specifically related to the improvements that were shown on the approved plans and don't necessarily incorporate any separate agreements that are private between the developer and HOA.

Chairman Paeprer stated I think we have to go back and look at it since it was from 2018. We need to work with our engineers and our consultants, but I'm not ready to lower the bond right now.

Mr. Cleary stated we have a menu of items that have or have not been done that needs to be verified.

Vice Chairman Giannico stated you need to confirm who the developer is with all contact information and a list of every sub-contractor who will be performing those tasks on that completion schedule.

Mr. Frenkel stated I don't think we are ready to make a decision tonight. In addition to the list of items that hasn't been performed, I would like to see itemized values and see what the disparity is between what the two sides are saying.

Mr. Cote asked who does Robin Winters work for?

Mr. Mahalek replied Blitman Mahopac LLC. She is the lead on the development of the project and she has been our contact throughout this.

Mrs. Causa stated we need to make sure everyone is in agreement on what has to happen and laying out the plan as we said along with the prices. Inflation does play a big part in this.

Mr. Mahalek stated I will bring these requests back to our client and figure out what's feasible and make our best effort to provide the information requested. We are looking forward to being as transparent as possible and working with the board.

Mr. Charbonneau stated the board should take time to look at the letter that was provided by Cuddy & Feder, especially in light of the public opinion. The board is aware of what private and public improvements are and what improvements are bonded.

Mr. Franzetti recommended to the board and stated we need the list and we figure out what you need to do to complete this based on what the plans are and what is listed as part of what is required by the performance bond. We could do a site visit with the applicant's engineer and the Chairman and we could make this happen in a relatively short order.

Chairman Paeprer stated to Mr. Mahalek you need to come back with what hasn't and has been done so far. What's the plan and schedule?

Mr. Thompson returned to the podium and stated I'm sure what is required, but it would make the process go much smoother as they complete the project, if there could be some inclusion of the residents. He said if there is transparency this would go a lot smoother.

Mr. Franzetti stated based on prior experiences with similar issues, I recommend one person to represent the homeowners to make it a lot smoother.

Chairman Paeprer stated we are going to leave the public hearing open tonight.

Mr. Mahalek asked if and when we provide the schedule of what has to be done and estimated of cost, does that roll into possibly a joint site inspection with a member of the HOA will also come in?

Mr. Franzetti stated give us the information, give us a chance to review it. We may do a site visit without anybody there.

Chairman Paeprer said there will be transparency and we will keep this hearing open.

Mr. Mahalek stated for the record it is a little unusual to have a member of the HOA at a meeting, but it does sound like it has been done in the past as a practice with the town.

Mrs. Causa stated for the record you said if and when you bring the plans, it's not if and when, it's when. We need to see everything we've asked for.

Mr. Mahalek stated I will pass the message along to the applicant.

Ms. Valente approached the podium and stated I'm an HOA board member who is here tonight, along with 30 to 40 residents. I've been trying to get transparency since I'm on the board for the past 2 years. Since the last HOA meeting that was held, we have been asking for a transition study and Ms. Winters responds saying I'm not aware of that. There hasn't been any transparency and she has kept us in the dark. She stated as far as the water issues are concerned on lots 4 & 5 which impacted the whole development, Ms. Winters said it was a HOA issue and the HOA is responsible for payment.

Chairman Paeprer stated we are keeping the public hearing open.

JOHN REGAN - 1751 ROUTE 6, CARMEL - TM - 55.6-1-24 - PUBLIC HEARING & RESOLUTION

The consultants had no comments.

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

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 Mrs. Causa with all in favor.

Vice Chairman Giannico moved to adopt Resolution #22-14, dated July 14, 2022; Tax Map #55.6-1-24 entitled Regan Amended Site Plan Approval. The motion was seconded by Mr. Cote with all in favor.

PGI, LLC ENDOSCOPY CENTER - 667 STONELEIGH AVE - TM - 66.15-1-3 - AMENDED SITE PLAN

Mr. Carnazza read his memo which stated they provided an expanded view of the oval shape depicting the area of the work to be performed. Provide a detail of the accessible path to the buildings from the accessible parking spaces (curb ramps, ramps, sidewalks, etc.). It appears that all accessible traffic goes to one accessible drop curb. There is going to be a 3-4 ft. space between the building and the stairs. Is there a reason for this space? Will it be vegetated? It needs to be maintained so combustible debris does not build up in the space. What is the fire rating for the door, wall, etc.? Will sprinklers be installed in the new stairs? The parking calculation now includes the pharmacy (retail space).

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the door at the bottom will be a fire rated door. We recalculated the parking to now include the pharmacy.

Chairman Paeprer asked what led them to do this?

Mr. Greenberg stated this practice is run by an agency from Albany. They changed their rules and regulations and now they are required to have two separate means of egress for any facility above the 1st floor.

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

Mr. Greenberg asked if a resolution could also be drafted for the next meeting.

Chairman Paeprer replied yes, we could have a resolution ready for the next meeting.

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

Mr. Carnazza read his memo which stated floor plans of each floor in the front building are now submitted and labeled. Does the applicant propose to use the “Attic” as part of the apartment(s) living space? Sprinklers may need to be added to the building depending on the building type and use of the building. The shed is now labelled “to be removed”. The trash bin must be in an enclosure. Thirteen variances are required from the ZBA.

Mr. Franzetti read his memo which stated the application involves converting the second floor of an existing commercial property into two (2) single bedroom apartments. As 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 this application is using the adjacent parking lot for their required parking. The applicant has submitted a couple letters from the owner of the parking lot and the agreement is in place.

Chairman Paeprer asked about the attic. Will they be using it for living space?

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated the applicant hasn’t decided on whether or not they want to make it into habitable space. That’s why I left it as attic storage.

Mr. Cleary asked that’s not for an additional unit, correct?

Mr. Lynch replied that’s correct. It’s part of one of the units.

Chairman Paeprer stated I think it’s a good idea, we just want to make sure it’s done safely and properly.

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

Vice Chairman Giannico moved to prepare a negative declaration to forward to the ZBA. The motion was seconded by Mrs. Causa with all in favor.

LIBERTY NEW YORK WATER – 23 MACARTHUR DRIVE – TM – 54.20-1-42 - SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add a PFAS Treatment Building to the water treatment facility off General MacArthur Dr., in Carmel. 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 a zoning table to show compliance with the zoning requirements. If there are any non-conformities, variances will be required from the ZBA.

Mr. Franzetti read his memo which stated this application involves the installation of a 20'x14.7' x 17' building to house a granulated activated carbon treatment 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

1. The following referrals are required:
 - a. Putnam County Department of Health (PCDOH)
 - b. Carmel Fire Department
2. The following permits are required:
 - a. PCDOH for well and treatment system
3. The area of disturbance for the work as provided is ~3,900 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 not 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.

4. All re-grading required to accomplish the intended development has been provided. It is unclear from the drawings provide the extent of cut and fill proposed for the site.
5. Traffic and Vehicle Movement Plans should be provided which provide the following:
 - a. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles on the site.
 - b. All turning radii for the site should be graphically provided. This includes the turning radii into the site entrance.
 - c. Slopes at the entrance way need to be defined. It is suggested that slopes of less than 6% be used for the first 20 feet of entry and that slopes of no greater than 8% be used entering the site. Please refer to AASHTO guidelines for commercial properties.
6. 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.

Detailed Comments:

1. A landscaping plan has been provided. The applicant should add a note the following

- a. All planting should be verified by the Town of Carmel Wetlands Inspector. Note should be added to drawing.
 - b. All plantings shall be installed per §142 of the Town of Carmel Town Code. Note should be added to drawing.
2. All water service connections must be K-copper.
3. It is unclear if additional electrical utilities are being installed.
4. The area of disturbance must be shown on the drawing and delineated by orange construction fencing.

Mr. Cleary stated the proposed action involves the construction of a new 300 square foot building to house a granular activated carbon treatment system for polyfluoroalkyl substance (PFAS) removal for the West Branch Acres Water System. The 2.11-acre site currently supports a 10,000-gallon potable water storage tank, disinfection building and three potable water wells. Two of the existing wells have been closed due to PFAS exceedances. The new GAC building is proposed to the east of the existing building, across the existing driveway. A zoning compliance table, and the building envelope should be indicated on the site plan. It appears that the proposed building meets all dimensional setback requirements. The site is 94,944 square feet in area, and does not meet the minimum lot area requirement of 120,000 square feet. Clarify the number of trees to be removed. A lighting plan has been provided which confirms that lighting levels will not exceed 0 foot-candles along all property lines. Clarify the distance of the proposed building to the closest residential neighbor. Clarify if the well pumps will generate noise. Noise generation must comply with the sound level standards for residential districts established in Chapter 105 of the Town Code. Clarify if any special chemical storage provisions are required. The applicant has noted that the site be accessed daily by maintenance or operational personnel? Clarify where maintenance vehicles park. Is an emergency generator proposed?

Mr. Matthew Mohlin of H2M Architects & Engineers, representing the applicant addressed the board and stated we are proposing approximately a 300 square foot accessory building adjacent to an existing treatment building. We are proposing about 15 green giant arbovitae for screening. We are adding 15 green giant arbovitae to the proximity of the adjacent residential properties. The only traffic generation that this site produces is a single vehicle once a day for maintenance. Approximately, every two years the carbon needs to be replaced, so a truck needs to go in.

Chairman Paepre asked if there will be a generator on site.

Ms. Jessica Alves of H2M replied there is an existing generator on site that was installed several years back. We do not need to increase the size of the generator, so there will not be any change there. She said the generator is a level 2 sound attenuated generator. If the neighbors haven't complained so far, I don't think they will complain because there won't be any changes.

Mr. Cleary asked is it a permanent generator?

Ms. Alves replied yes.

Vice Chairman Giannico asked if the building is pre-fab?

Mr. Mohlin replied no. The construction will be similar to the buildings on site.

Mr. Cote asked if they had a rendering of the building.

Ms. Alves replied yes and proceeded to display the rendering to the board members.

Mr. Frenkel asked what are the dimensions of the building? What is the height?

Mr. Mohlin stated it is about 15 feet in height.

Mr. Frenkel asked what are the sizes of the tanks inside?

Ms. Alves replied they are about 10 feet tall and they don't generate any noise either.

Mr. Frenkel how many homes does this service?

Ms. Alves replied about 80 homes.

Vice Chairman Giannico asked if the finish is brick?

Ms. Alves stated the finish is going to be split face block. At which time, Ms. Alves displayed a rendering showing the finish. She said there will be fencing around the site.

Mr. Cote asked will there be lighting on the new building?

Ms. Alves replied yes. The lights will be very similar to the lights on the existing building. They will be motion-sensored.

Chairman Paeprer stated you have a few more comments that need to be addressed from the consultants.

Ms. Alves stated they took 2 of the 3 wells out of service, because they were in violation of the New York State MCL. Currently, they have only one well serving the system and a portable water truck on site.

YANKEE LAND DEVELOPMENT – BAYBERRY HILL ROAD & OWEN DRIVE – TM – 76.15-1-12 – SKETCH PLAN

Mr. Carnazza read his memo which stated the applicant now proposes to divide the original lot (109.905 acres) into two lots. The two lots will then be re-subdivided into the lots that make up the previous Yankee Land Development. The reason for this process is to allow flexibility in the development. If they make two lots now and only subdivide one of the lots now and one later, they can do the development in two parts since the Planning Board frowns on "Phasing". During our Comprehensive Plan discussions, the neighbor to the south was discussing Native American artifacts on his property. When he had an expert come out to his property, they could see additional Native American artifacts on the property of "Yankee Development". This needs to be addressed or clarified. On the EAF, nothing is mentioned about Native American artifacts.

Mr. Franzetti read his memo which stated this application encompasses a proposal to subdivide a 109.9 acre parcel at the ends of Pigott and Bayberry Hills road into 2 lots. Lot 1 will be 53.895 acres and Lot 2 will be 56.01 acres. This Board should note that this request is to modify a previously approved 14 lot subdivision. This Department has no objection to subdivision being presented. As the subdivision plans are refined, all missing elements mandated by §131-13 should be incorporated into the project's design plans. Based upon our review of this submittal, the Engineering Department offers the following comments regarding the future development of lot 2:

I. General Comments

The following referrals would appear to be warranted:

- a. New York State Department of Environmental Conservation (NYSDEC)
- b. New York City Department of Environmental Protection (NYCDEP).
- c. Putnam County Department of Planning GML 239M
- d. Putnam County Department of Health (PCDOH).
- e. Town of Carmel Highway Department
- f. Mahopac Fire Department

Permits from the following would appear necessary:

- g. NYSDEC - for stormwater and wetlands.
- h. NYCDEP for stormwater and sub-surface treatment system (SSTS).
- i. PCDOH for well and SSTS.
- j. ECB for wetlands permit.

The plan should specify the total area to be disturbed in order to determine Stormwater Permitting requirements for both the NYSDEC GP-0-20-001 and NYCDEP.

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 is advised that a stormwater bond and maintenance guarantee, pursuant to §156.87 of the Town Code, may be required.

Mr. Cleary stated this application for a 14-lot subdivision has been before the Planning Board for many years. The applicant now proposes to abandon the 14-lot plan, and split the property into two separate lots of 53.9 acres and 56.0 acres. Once the property has been subdivided, the applicant will return sometime in the future to advance a 7-lot subdivision on one of the newly created lots.

- The proposed subdivision configuration essentially splits the property in two, and preserves the ability to reestablish the 14-lot subdivision as previously proposed.
- The proposed two lot subdivision fully complies with the applicable R – Residence zoning requirements.
- Each lot depicts the potential improvement of a single-family residence, including the provision of an access driveway, septic system and well, to demonstrate each is developable.

Mr. Ed Delaney of Bibbo Associates, representing the applicant addressed the board and stated we have preliminary approval for a 14 lot subdivision. He said this gives the owner of the property, Mr. Luppino a little more versatility in our market. For now, we are asking for 56 acre lot and a 53 acre lot. The house sites on the plan is identical to what the Health Department approved on the 14 lot subdivision.

Chairman Paeprer asked if this needs to start over again with SEQR review.

Mr. Cleary replied yes it does, because we did SEQR for the 14 lot subdivision. It's cleaner just to redo SEQR for the 2 lot subdivision. Tonight, you should re-designate lead agency and after the public hearing you could adopt a Negative Declaration for the 2 lot subdivision.

Mr. Cote asked about the Native American Artifacts.

Mr. Delaney stated it has been cleared with SHIPO already.

Mr. Cote moved to designate the Planning Board as lead agency for SEQR review. The motion was seconded by Mr. Frenkel with all in favor.

MINUTES – 05/25/22, 06/09/22 & 06/22/22

Mr. Frenkel moved to approved the minutes of June 9, 2022 and June 22, 2022 as corrected. The motion was seconded by Mr. Cote with all in favor.

The May 25, 2022 minutes were held over.

Vice Chairman Giannico moved to adjourn the meeting at 8:18 p.m. The motion was seconded by Mrs. Causa with all in favor.

Respectfully submitted,

Rose Trombetta