

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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*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 **JULY 27, 2022**

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

ABSENT: VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
PGI, LLC Endoscopy Center	66.15-1-3	A. Site Plan	1	Public Hearing Closed & Resolution Adopted.
NYCDEP West Branch Auxiliary Dam	65.-1-5	Site Plan	1-5	No Board Action.
Suez Water New York Inc – Chateau Wells	75.20-1-16	Site Plan	5-8	Public Hearing Scheduled.
Minutes – 05/25/22			9	Approved.

The meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Rose Trombetta

PGI, LLC ENDOSCOPY CENTER – 667 STONELEIGH AVE – TM - 66.15-1-3 – PUBLIC HEARING & RESOLUTION

The consultants had no comments.

Mr. Cleary stated you have a draft resolution to be voted on this evening.

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

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

Mr. Cote moved to adopt Resolution #22-15, dated July 27, 2022; Tax Map #66.15-1-3 entitled PGI, LLC Endoscopy Center Amended Site Plan Approval. The motion was seconded by Mr. Frenkel with all in favor.

NYCDEP WEST BRANCH AUXILIARY DAM – 34 DREWVILLE ROAD – TM – 65.-1-5 – SITE PLAN

Mr. Carnazza stated this is all site work, so, I don't have any building comments.

Mr. Franzetti read his memo which stated the applicant proposes to make Slope Improvements to the existing West Branch Auxiliary Dam which includes: improving the stability of the downstream slope, increasing the downstream slope stability factor of safety to meet or exceed the minimum required factors of safety as outlined in the NYSDEC dam regulations, installing subsurface drainage to eliminate ponding conditions at the toe of slope; reconstructing U.S. Route 6 along the crest of the dam; and improving the management of roadway drainage. The intent of the project is to bring the dam into conformance with current NYSDEC Dam Safety Guidelines and the reconstructed U.S. Route 6 that passes over the Auxiliary Dam crest will better meet current NYSDOT standards. Per the applicant work will take place over two (2) construction seasons, 2023 and 2024. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

General Comments

1. The following referrals are required:

- a. US Army Corps of Engineers (USACOE)
- b. New York State Department of Environmental Conservation (NYSDEC)
- c. New York State Department of Transportation (NYSDOT)
- d. New York City Department of Environmental Protection (NYCDEP)
- e. Putnam County Department of Planning – GML 239(m)
- f. Putnam County Bureau of Emergency Services
- g. Putnam County Department of Highway and Facilities (PCDHF)
- h. Town of Carmel Highway Department
- i. Town of Carmel Environmental Conservation Board (ECB).
- j. Carmel and Mahopac central school districts
- k. Mahopac/Carmel Fire Departments

2. The following permits are required:

- a. USACOE – nationwide permit
- b. NYSDEC - for stormwater, protection of water and wetlands;
- c. NYSDOT - stormwater

- d. NYCDEP - stormwater
- e. ECB for wetlands

3. The area of disturbance for the work as provided is ~3.6 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 permanent controls.

However, there are two (2) jurisdictions that oversee the MS4 stormwater regulations. The first is the NYSDOT for Route 6 and the second is the Town of Carmel. The applicant has noted this and will work with both agencies regarding these regulations.

Approval from both agencies will be required. Town specific areas should be provided as stand-alone documents.

The applicant has also submitted a stormwater pollution prevention plan (SWPPP) which is currently under review.

4. The applicant has provided traffic control details. These should be reviewed by the NYSDOT, PCDHF, PCBOE, Town of Carmel Highway.
5. The applicant will be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).
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.

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. Documents submitted indicate different areas of disturbance for the project (EIS/narrative 3.6 acres, SWPPP §1 shows 4.5 acres). These should be corrected.
2. All planting should be verified by the Town of Carmel Wetlands Inspector. Note should be added to drawing.
3. All plantings shall be installed per §142 of the Town of Carmel Town Code. Note should be added to drawing
4. All fill brought to the site must be certified per NYSDEC regulations and manifests/certification of the fill material being delivered should be provided.
5. Work along existing access road must have a stabilized construction entrance.

Mr. Cleary stated we do not have any site plan comments related to this application. No one knows how to build and maintain dams better than the DEP. The issues we're concerned about are construction related comments. Route 6 will be closed. Fill will be brought into the site, there will be construction worker parking, staging and all those things related to how the work is done and should be monitored by us. There should be a construction management plan and we should be a party of that. The closure of Route 6 is a concern. It's

DOT's road, but we need to be assured that there will always be free passage on Route 6 during the work. The proposal calls for installing new "native low maintenance vegetation" to replace the 78 trees to be removed, and to also install "limited tree and shrub planting" at the entrance driveway. A landscaping plan, specifying proposed species and plant sizes, should be provided. He said typically NYCDEP does their own SEQR analysis. The Town has not received any documentation indicating that a Coordinated Review has commenced (such a notice of Lead Agency designation). If a Coordinated review is not occurring, the Planning Board must undertake its own SEQR review for those actions the Town is responsible for.

Chairman Paeprer asked will you be closing Route 6 during the day or will it be just lane shifting?

Mr. Paul Costa of NYCDEP addressed the board and stated with regards to the first construction season in 2024 will only pertain to the dam. There will not be any work on the roadway on Route 6, but there will improvements to the entrance off of Drewville Road to the site.

Chairman Paeprer asked when are you starting the project?

Mr. Costa stated the actual physical work, such as the tree clearing will be in late 2023 and the first construction season will commence 2024 and second is 2025. The first construction season is all work on the dam. There will be no work on roadways and there will be no closures. He said there is no major dam safety issues, but what we saw on the top end of the slope to the northeast side is erosion and it's unstable. Between the run-off and instability in that area, we will have to regrade the entire dam.

Mr. Cleary stated for the record there is no inherit public safety issue associated with the dam, correct?

Mr. Costa replied that's correct. He continued and discussed the second construction season in 2025 pertaining to the roadway. He said because of the potential impacts we will be doing the work at night, 8 p.m. to 4 a.m. and only one lane will be closed. During the day two lanes will be open.

Chairman Paeprer asked if the fire department reviewed the application yet?

Mr. Franzetti stated I don't think they have been notified as of yet. They have to notify numerous different agencies as specified in my memo.

Chairman Paeprer asked where will you be staging your equipment?

Mr. Costa stated on the northwest side entrance. It will all be contained within the site.

Mr. Cleary asked how will you be disbursing the fill?

Mr. Costa stated there will be some stockpile.

Mr. Erik LeClair of CDM Smith Engineering addressed the board and stated with regards to the stockpiling it will be fairly localized in short term. They will need to bring in the fill and place it immediately as they bring it in.

Mr. Cleary asked will the truck traffic be heavy or more spread out?

Mr. LeClair replied it will be more a smooth flow of trucks throughout the duration of the construction period rather than all at once.

Chairman Paeprer stated any fill you bring in needs to be certified clean fill.

Mr. Costa replied okay.

Mr. Frenkel asked if there was any concern about the impact of the work on the spillway water going downstream and how do you deal with that?

Mr. LeClair stated there is an existing low level outlet tunnel at the base of the dam which allows it to go through the gatehouse and out to the lower level of the tunnel. That tunnel is currently blocked off. There is no water flow going through that tunnel. Part of the ancillary construction that we're doing is re-establishing access to that tunnel, because it's currently closed on both ends.

Chairman Paeprer stated you are cutting a lot of trees. How many?

Mr. Costa said we're cutting about 78 trees.

Chairman Paeprer stated when you plant the new trees after everything is done, it should look nicer than what it looks like today.

Mr. Costa was in agreement with the Chairman.

Mr. Cleary asked can you plant on the slope of the dam or is that prohibited?

Mr. Costa said on the dam itself there are no plantings. There will be a lot of plantings on the side entrance to the site.

The board members and Mr. Costa continued to discuss plantings and goose resistant grass seed.

Mr. Cleary asked about the SEQR process.

Mr. Costa stated NYCDEP and the Bureau of Engineering and assessment are definitely doing a lead agency SEQR assessment. They are waiting on a final permit from the state to sign off on the SEQR.

Mr. Cleary stated as of today we did not get a notice, he asked Mr. Costa to double check to make sure we were notified.

Mr. Costa replied will do.

Mr. Cote asked when you rebuild the roadway, will you be putting drainage at the edge to divert the water away or are you going to allow it to go over the side?

Mr. LeClair stated on the downstream side of the dam there will be a curb alongside the roadway with catch basins. It will catch that drainage from the roadway and carry it to the south end near the Drewville intersection and then it will flow down the slope through a stabilized stone channel and into a bio retention facility.

Mr. Franzetti asked what is the size of the drainage pipe that is under the road?

Mr. LeClair replied about 15 inches.

Mrs. Kugler asked if the access road leads to the bio retention area.

Mr. LeClair replied yes. The site access road comes off of Drewville Road and goes to the base of the dam. The bio retention area is near where the road meets the base of the dam.

Mrs. Kugler asked if the area will be gated after the construction?

Mr. LeClair replied it is currently gated and it will remain gated in the final condition.

Chairman Paeprer said to continue to work with the consultants and respond to the 3 pages of comments and come back when you're ready.

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

Mr. Carnazza stated the necessary variances were granted by the ZBA and are noted on the plat.

Mr. Franzetti read his memo which stated 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 has these 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. The Town of Carmel Environmental Conservation Board (ECB).
- d. Mahopac Fire Department

The applicant has noted these referrals

The following permits are required:

- e. NYSDEC - for stormwater and wetlands;
- f. PCDOH for well and treatment system
- g. 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 comments.

Mr. John Kirkpatrick, applicant's attorney stated when they were at the ZBA (public hearing), some of the neighbors did come out and had concerns with the appearance of the building. We've made some new designs and Ms. Ramanathan will take over and update you.

Ms. Ramanathan said as mentioned, we had residents come in with concerns regarding the visual impact because we are right in the vicinity of a few homes there. We tried to do our best with adding some windows to the façade. The materials are still the same. The motive was to blend with the landscape. Additions would be the aesthetic window panels that you see there just to give it a little more residential look; people had shown us some pictures.

Mr. Carnazza said that's along the driveway?

Ms. Ramanathan said no; this is in the compound boundary between us and the neighboring property.

Mr. Carnazza said but that's your driveway.

Ms. Ramanathan said yes.

Chairman Paeprer said the windows do look better.

Ms. Ramanathan said that's the only change we've done to the submission. Otherwise, everything else should be as was.

Mr. Kirkpatrick said so we are hoping that you'd be willing to set a public hearing date.

Chairman Paeprer said the size of the building again?

Ms. Ramanathan said 38' x 24' and 24' high.

Mr. Frenkel said I asked the question about the 24' high because for a previous hearing – different applicant obviously, they have the same issues that you do and they're coming in with a 17' high roof line.

Ms. Ramanathan said they're installing water treatment facility?

Mr. Frenkel said yes; 15' tanks.

Ms. Ramanathan said it depends on the size of the tank size needed for the property. That's already pre-determined. Then we need some more height on top of it for clearance and maintenance which is why we came to this height. We would lower it if we could but it's just technical dimensions we need to stick to.

Chairman Paeprer said is the size of the filtration system correspond with the amount of residents this serves?

Ms. Ramanathan said the size of the set-up itself does vary. If you remember Mahopac Wells – that's one of the largest facilities that we're proposing in Carmel. That serves a lot more residents. This site serves about 180 customers compared to Mahopac Wells at 300 customers.

Mr. Kirkpatrick said the size of the vessel varies with the number of customers.

Ms. Maria Stepanova (Suez) said yes; the systems are sized to the current residents that the system serves. We're not increasing the volume – just the water treatment to the well.

Chairman Paeprer said so the more residents, the larger the filtration, the larger the building, the larger the.....

Ms. Stepanova said correct.

Chairman Paeprer said I think the other applicant is 120 units.

Mr. Frenkel said but they had 15' tanks.

Mr. Cleary said does the building have a gantry along the roof to maneuver heavy equipment inside the building?

Ms. Stepanova said we're not maneuvering equipment. There is a breakout panel if we needed to remove, it would be through the wall but it's blended and doesn't stand out.

Mr. Kirkpatrick said there is no overhead door.

Ms. Stepanova said correct.

Mr. Cleary said I know in some treatment facilities, getting the equipment in or out requires a boom above it to maneuver.

Ms. Stepanova said correct; here we just needed the minimal clearance to be able to reach the top. There are some vents that need to be serviced.

Chairman Paeprer said any other comments from the Board?

Vice Chairman Giannico said I think those changes with the windows are positive changes. I think we've got this as far as we can get it.

Chairman Paeprer said you should probably consider the windows for your other applications as well.

Mr. Cleary said (to Mr. Kirkpatrick) did you hear back from the neighbors once they saw this design? Were they satisfied?

Ms. Ramanathan said they haven't seen the updated design because after the ZBA, this is the first time we're coming back with it. I'm sure for the public hearing, they'll be here.

Mr. Carnazza said is there anyway that you could lower the slab height; thereby lowering the roof height?

Ms. Stepanova said the same question came up at the other facilities. Here, even though we are not in floodplain, but the water table is pretty low so it's levelled with existing facility and we propose a landscape in order for us not to go down. Plus it's servicing the vessels and everything else will be more difficult if we had to bring equipment or anything else.

Mr. Kirkpatrick said then we might need a crane.

Ms. Stepanova said we might need other mechanical means to move things in and out.

Mr. Carnazza said when they build houses, they grade properties so they can have a driveway at grade and a front door above. Is there anyway that you can switch or do something so that you can sink it? You have that tank in front of the building where the well is.

Ms. Stepanova said yes; there's the underground tank and the building is level with the existing building. We're not building on top. It's going to be level with the ground as much as possible.

Mr. Carnazza said that would just give you the height. If you go backwards, you don't have to go as high.

Ms. Stepanova said I can look at the elevations versus the grade level but our design is level with the ground and then build up from there.

Mr. Frenkel asked are we squared away on the generator?

Mr. Kirkpatrick said yes.

Ms. Ramanathan said we did submit a letter to the Board regarding the generator. As far as I recollect, we tried to keep the generators on site as they were.

Mr. Kirkpatrick said we have to keep them on site but we did agree to paint it.

Mr. Franzetti said the Health Department chimed in on that.

Ms. Stepanova said right. The Health Department's requirement that the water facilities upgrade, even with a power failure in the neighborhood, that's why we have the portable generators on site.

Mr. Kirkpatrick said we think the neighbors like that part.

Ms. Kugler said will the generator on this site match the building?

Ms. Ramanathan said yes; the green of the building.

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

MINUTES – 05/25/22

Mr. Frenkel moved to approve the minutes of May 25th as amended; seconded by Vice Chairman Giannico with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:39 p.m. The motion was seconded by Mrs. Kugler with all in favor.

Respectfully submitted,

Rose Trombetta