

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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MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES **OCTOBER 13, 2022**

PRESENT: CHAIRMAN CRAIG PAEPER, VICE-CHAIRMAN ANTHONY GIANNICO,
KIM KUGLER, RAYMOND 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>
Executive Session – Pending Litigation – 6:30 p.m.				
Liberty New York Water	54.20-1-42	Public Hearing	1-4	Public Hearing Left Opened & Planner to Prepare Resolution.
P & R Estate Corp	44.13-2-68	R. Site Plan	4-5	No Board Action.
Jedlicka, Regina	64.13-1-16	Sketch Plan	5	Denied to the ZBA.
70 Old Route 6, LLC	55.11-1-15	Extension	5-6	Extension Granted for 1 Year.
Minutes – 09/08/22			6	Approved.
Town of Carmel Comprehensive Master Plan & Zoning Code			6	Discussion.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Rose Trombetta

Chairman Paeprer addressed the audience and stated they just came out of Executive Session regarding a potential litigation.

Chairman Paeprer stated if anyone is here for the Comprehensive Plan it is not a public hearing. You could stay and listen to the comments from the board at the end. The Town Board will have public hearings on this.

LIBERTY NEW YORK WATER – 23 MACARTHUR DRIVE – TM – 54.20-1-42 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary had no additional comments.

Ms. Jessica Alves of H2M Architects and Engineers, representing the applicant addressed the board and stated the purpose of this project is for removal of perfluorinated compounds from the water. Only one well is currently in service due to it having lower perfluorinated levels than the other two wells. She said there is a water storage tank on site in order to help prevent water to the system. We are proposing to build a new 300 square foot treatment building (points to map). We revised the plans to show additional screening around the building.

Chairman Paeprer asked if anyone from the public wished to be heard on this application.

Mr. Anthony Lombardi of 21 General MacArthur Drive asked if the proposed shrubs being planted will be screened in with a fence.

Ms. Alves replied we have some screening going around. We have met all the setbacks for the property line and we moved the building up a little further north from this house (points to map) and provided additional screening. We are not proposing any fencing at this time. She said this is a very large site.

Mr. Lombardi stated we are not referring to the whole site, just where the proposed building will be with the bushes around it. He said a lot of deer go through there and after a year there won't be anything left.

Mr. Carnazza stated if they eat all the trees, they would have to replant if it is a condition of the site plan.

Mr. Lombardi stated they haven't maintained the property in the last six months. He stated there is a very big dead tree and nothing has been done about it.

Mr. Christopher Peters of Liberty New York Water stated that dead tree will be removed November 15th. The other removed trees were by the electric utility and we had nothing to do with that.

Mr. Lombardi stated the electric company removed the dead trees from our property free of charge, who will be watching this property?

Chairman Paeprer stated if the trees are eaten by the deer, they will have to replace them. Maybe the applicant should think about a fence to save on landscaping.

Mr. Peters stated we will look at the proposed plants and take recommendations from the board and go back to engineering. I'll discuss the fence as well.

Mr. Lombardi asked does the proposed building need to be so close to my neighbor's house?

Ms. Alves replied this is the most level part of this property and it is right across from where the existing treatment is. Because of piping and constructability of this building, this is the most feasible location, otherwise, we would be cutting into the hill.

Mr. Charles Calhoun of 25 General MacArthur Drive asked what is the footprint of the building?

Mr. Peters replied about 15' x 20'. He said it will be slightly bigger and taller than the existing building.

Mr. Calhoun asked about the noise level.

Ms. Alves stated this doesn't create any noise and it should reduce it to non-detect. Currently, the levels were roughly over 10 parts per trillion. This will reduce it to 2 parts per trillion which is considered non-detect according to NYS Health Department and EPA.

Vice Chairman Giannico asked if the height of the building was due to the filter meter and being able to replace it, correct?

Ms. Alves replied that's correct.

Chairman Paeprer stated you will get a better quality of water. The problem with getting better water is you need more sophisticated and larger filter systems. This board is looking at the architectural design of the building, the screening and where it could be located.

Chairman Paeprer asked if anyone else in the audience wished to be heard.

Ms. Sandra Kron of 39 Colonel Glenn Drive, addressed the board and stated she listened to the videotape of the Zoning Board of Appeals meeting and was very impressed that they will be doing this project. They indicated that there will be intensive screening around the building and the 19 plants will grow to about 30 to 50 feet high. At which time, she gave the board members pictures of a 25 to 30 foot high water tank that is behind their property. The tank is a shiny green color with a silver top. She said you get sun glare off of this tank and it is very close to the property line. She said we had no notification of them installing this tank in February of 2020. She said these pictures were taken in August when it was the height of the foliage. These are deciduous trees, so come fall the leaves will be gone and this tank will be glaring light into my kitchen and deck. She said I would like to have evergreen trees planted around this structure.

Ms. Alves stated the water tank was installed under a previous project. It was designed in 2018 and constructed in 2020. At that time, we were not required to provide any plantings. She said no one told us that there was an issue with the water tank there. That tank replaced an existing water storage tank which was beyond repair.

Ms. Kron stated whatever buffer will be done for the proposed building, I would like the same for the water tank.

Mr. Peters stated I'm the project manager on this project, so I can't speak to the communications and process beforehand. We want to be good neighbors and I don't see a reason why we can't appease and provide some sort of screening as part of this project. He stated his main concern is this project doesn't get held up by this. It's an unrelated project, but we are willing to screen it.

Ms. Alves stated at the time of construction of that tank it was considered replacement in kind, so we didn't need planning board approval for that.

Mr. Douglas Daly of 4 White Pine Court, addressed the board and stated he overlooks the shiny green and silver tank. He said if it was an in-kind replacement, they should have painted the tank a matte black like the old tank. He said he didn't receive any notification whatsoever on the construction and endured months of pounding as they drove the pilings in. It was very disruptive and the tank is very ugly. He said the other tanks were partially buried. He asked what could be done to remediate the tank.

Chairman Paeprer stated they will look into the Aqua Star (tank manufacturer) to possibly paint it a different color. They will also look into landscaping both the new building and tank.

Ms. Alves stated we contacted the tank manufacturer to see if there was anything we could do about the glare from roof of the tank. We could contact them about the paint on the side of it, but it is a glass fused to steel tank, so there will be some glare because of the nature of the product.

Mr. Daly asked what is the height of trees?

Ms. Alves stated we have proposed 6 to 7 feet high evergreens. At a mature state they could reach 30 to 50 feet tall.

The board members and Ms. Alves continued to discuss the plantings for both the building and water tank.

Mr. Carnazza asked is there a drape that you can hang over it?

Ms. Alves replied I'm not sure.

Chairman Paeprer asked Ms. Alves and Mr. Peters to work with the consultants to make sure the community is heard and we do the best we could.

Mr. Cleary stated we could condition the project on them making their best effort to address these issues and move ahead with the PFAS project and have a level of control over what's done with respect to the tank.

Ms. Alves stated we will take everyone's comments into consideration and address as necessary and as best as we can.

Chairman Paeprer stated the record will show that if the trees die, they need to be replaced. You should maybe consider a fence and we would like you to look at the water tank.

Ms. Alves replied okay.

Ms. Jackie Calhoun of 25 General MacArthur Drive asked how long will the project go on for?

Ms. Alves stated they are looking to start early winter and the construction will be probably last for 200 to 240 days.

Ms. Calhoun asked if the building could be pushed back away from their house.

Ms. Alves stated this is really the best location. We will try to salvage the existing trees that are there, as well as planting additional trees that won't get eaten by the deer. We have provided extensive screening.

Chairman Paeprer stated we will keep the public hearing opened and we will prepare a resolution for the next meeting. In the meantime, work with the consultants.

Mr. Cleary stated you will update plans for the improvements around the building. The work around the tank would not be reflected on these plans, but it will be reflected in a separate agreement. He said your goal would be to satisfy the neighbors concerns.

P & R ESTATE CORP – 122 GLENEIDA AVE – TM – 44.13-2-68 – RESIDENTIAL SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to legalize a four family dwelling that is listed in my records as a two-family dwelling. Use variance required from the ZBA. They are changing a mixed-use building to a multi-family building. Area Variances required from the ZBA. Six area variances are required from the Zoning Board.

Mr. Franzetti read his memo dated October 7, 2022.

Mr. Cleary stated the primary physical improvement other then the change of the use is the construction of a new parking lot on the side of the building. This was in front of the board in February. The back of the parking lot encroached into a wetland buffer. The ECB granted their approval of a wetland permit. They need a use variance and area variances at this point. The use variance is subject to SEQR. As the lead agency you have to adopt a negative declaration before the Zoning Board could act on the variance. If you're satisfied with the plan tonight, you could direct the preparation of a negative declaration to adopt at the next meeting. Once you adopt the negative declaration, you could then make your referral to the Zoning Board of Appeals.

Mr. Robert Sherwood, applicant's architect addressed the board and stated we are trying to legalize a 4 family house. He said currently there is parking in the front that backs out onto the street and there is also driveway that comes down and there is some gravel parking in the back. The compromise was to move that parking off the street and re-landscaping the front yard. At the last meeting we discussed putting 8 parking spaces and a small turn around back up area to get out of the property. The curb cut will be made wider. We are proposing a walkway to come into the house. We provided a lighting plan. We're proposing two light poles to give us enough downward lighting for safety. The ECB pushed for the applicant to do permeable asphalt for the area that is in the wetland buffer. We have a replanting plan and mitigation plantings. We are planting the sides of the property as well. There are some retaining walls on site that are 4 feet in height.

Mr. Cleary stated I didn't think the driveway curb cut was changing. If it is, DOT is required. He asked if they have been in touch with DOT.

Mr. Sherwood replied no. He said it's in the same spot, we just making it wider.

Mr. Cleary stated you will need to get some initial feedback from them, prior to the board adopting the negative declaration. He said there is an easement for the other driveway. He asked did you provide Mr. Charbonneau a copy of the easement yet?

Mr. Sherwood replied no, not yet.

Chairman Paepre stated we're close, but we need feedback from DOT and the review of the easement from counsel.

The board members were in agreement with the Chairman.

JEDLICKA, REGINA – 334 AUSTIN ROAD – TM – 64.13-1-16 – SKETCH PLAN

Mr. Carnazza read his memo which stated applicant is proposing a two-lot subdivision off Austin Rd. in Mahopac. "Open Development" approval is required from the Town Board for Proposed Lot 2. There is no frontage on a Town, County, or State Highway or Road. The note is now on the plan. Referral to Town Board for Open Development is needed at the Preliminary Approval. A variance is required from the ZBA. Lot 1, depth line exits and re-enters the lot. Referral to ZBA for the necessary variance is needed before Sketch Approval.

Mr. Franzetti read his memo dated October 7, 2022.

Mr. Cleary stated this is open development and we need the variance first.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and asked at what point can we go to the Town Board for open development.

Mr. Cleary stated the Town Board will not hear the open development unless all the variances are addressed.

Mr. Carnazza stated that you're supposed to be ready for preliminary approval, but because you're doing two lots you could ask to go to final approval. Your first submission for final approval, gets referred for the open development.

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

70 OLD ROUTE 6, LLC – 70 OLD ROUTE 6 – TM – 55.11-1-15 – EXTENSION OF FINAL SITE PLAN APPROVAL

Mr. Carnazza had no comments.

Mr. Franzetti had no objection to the extension. The file **does not** contain documentation regarding the following items identified in the May 8, 2013 Planning Board Resolution (#13-10). A posted performance bond and engineering inspection fee (Items 5 and 6); As the bond amount and engineering fees were determined in 2013 and will need to be renewed/updated to reflect 2022 pricing. This is ~23% increase and the bond should be updated from \$734,000.00 to \$902,942.00 and the Engineering fee raised from \$36,700 to 45,000.00. A filed and executed "Stormwater Control Facility Maintenance Agreement" with the Putnam County Clerk as specified in §156-85 (Item 7). Easement information (Items 15

and 16). The applicant had previously provided easement language which will need to be reviewed by Planning Board counsel.

Mr. Cleary had no comments.

Mr. Carnazza asked if there will be any changes to the project or will it be as proposed.

Mr. Eugene Kempey, applicant's engineer stated there will be a slight movement of the building, but everything else is the same.

Chairman Paeprer asked for an overview of the project.

Mr. Kempey stated this is a site plan to construct the Tompkins Recycling facility which is a 20,800 square foot pre-engineered building on a 2 plus acre site. There were some issues with the ownership of the property. One of the partners died and there were issues with the estate. He finally transacted an asset sale in February 2022, but the property is still owned by 70 Old Route 6 LLC. I was retained to prepare the construction documents which we have done. It is currently out for bid and we are waiting on additional information on soil conditions and we hope to submit building permits by mid November.

Vice Chairman Giannico asked what is the intended use of this building.

Mr. Kempey stated it is a construction and demolition debris recycling facility.

Mr. Cote moved to grant extension of amended site plan approval for 1 year. The motion was seconded by Mr. Nuculovic.

MINUTES - 09/08/22

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

TOWN OF CARMEL COMPREHENSIVE MASTER PLAN AND ZONING CODE DRAFT - DISCUSSION

Mr. Cleary and the board members continued to review the Goals and Objectives chapter of the draft Comprehensive Plan, focusing on the following goals:

- *Promote diverse housing opportunities* and associated 7 objectives.
- *Natural Resources* and associated 6 objectives.
- *Waterfront and Recreational Opportunities* and associated 5 objectives.

Vice Chairman Giannico moved to adjourn the meeting at 8:45 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta