

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

## **BOARD MEMBERS**

**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.,BCEE**  
*Town Engineer*

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

## **PLANNING BOARD MINUTES** **MAY 11, 2023**

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

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>TYPE</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
NYCDEP West Branch Auxiliary Dam	65.-1-5	Public Hearing	1-2	Public Hearing Closed & Planner To Prepare Resolution.
Platinum Propane	65.10-2-11	Resolution	2	Resolutions Adopted.
Willow Wood Country Club	87.7-1-6,7&11	A. Site Plan	2-5	Site Plan Approved & Planner to Prepare a Resolution.
Chang, John	76.30-1-26	A. Site Plan	5-6	No Board Action.
728 Route 6, LLC	76.22-1-54	A. Site Plan	6-8	Denied to the ZBA.
ANB Holdings GCCM LLC - (Scoca)	76.17-1-17	Final Subdivision	8-10	Public Hearing Scheduled & Planner to Prepare a Resolution.
Minutes – 01/25/23, 02/22/23 & 03/22/23			10	Approved.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Rose Trombetta

**NYCDEP WEST BRANCH AUXILIARY DAM – 34 DREWVILLE ROAD – TM 65.-1-5 –  
PUBLIC HEARING**

The consultants had no comments.

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

➤ Mr. James Evans a resident of Carmel approached the podium.

Mr. Evans addressed the board and stated he lives adjacent to the property and doesn't know anything about the project. How will it affect my ground and well water?

Chairman Paeprer asked the applicant to give an overview of the project.

Mr. Paul Costa of NYCDEP addressed the board and stated we have been planning this project for a number of years. He said what we are trying to address is a local stabilization issue at the top of the dam adjacent to where the roadway abuts it. You could see it as you drive on the roadway. The pavement is cracking and it is sloughing off. It's not a broad dam issue, but it is a localized issue. We have to decrease the slope so it becomes stabilized. In order to do that, we have to do the entire roadway up top. The first stage of the work is to bring in soil to flatten the slope and then redo the entire roadway up top. We will be improving the drainage on the roadway, the drainage off the dam that will be collected into swales. The traffic will be issue, because you will have trucks coming in and out. In regards to groundwater, we are not impacting local aquifers. There are no impacts to well water, property water or runoff off the site.

Mrs. Causa asked what is the estimated time to complete the project?

Mr. Costa replied we're hoping to bid this job later this year. Next year we will be doing most of the work will be on the dam. Once we establish that new grade (1 year construction period), the second year construction will be on the roadway. One lane at night will be closed and reopened in the morning. He said it should be completed in about 2 years.

Mr. Evans stated NYSEG leases the property from NYCDEP in perpetuity and they are not in compliance with town law. They constantly make noise in a residential neighborhood above decibels of 65.

Mr. Carnazza stated he wasn't aware of it, but will look into it.

Mr. Franzetti stated he wasn't aware of it either.

Chairman Paeprer stated I like the way you're handling this project. It's nice to see a pro-active infrastructure project.

Vice Chairman Giannico asked what is the plan for the utility poles?

Mr. Costa stated NYSEG does have utility poles running across the site, so we have coordinated with them and some of the poles will be replaced with new poles because some of them are leaning and some of them will be re-established.

Mr. Erik LeClair of CDM Smith, representing the applicant addressed the board and stated the utility work that's going to occur, the poles that are alongside Route 6 and at the intersection with Drewville Road and also a couple of poles at the site entrance will be re-set. The poles that are there now are leaning. He said when we place the fill up the slope of the

dam, the poles that are there now will be moved slightly away from the road to allow the widening of the road and new poles will be set in that location.

Vice Chairman Giannico asked was there any thought with the power company to put it underground in that section?

Mr. LeClair replied there was some discussion about that very early on in the project, but there were concerns about that infrastructure being buried within the dam itself.

At which time, Chairman Paepre asked if anyone in the audience wished to be heard on this application.

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

The Chairman asked Mr. Cleary to prepare a resolution.

### **PLATINUM PROPANE – 1035 ROUTE 6 – TM – 65.10-2-11 – RESOLUTION**

Mr. Carnazza had no comments.

Mr. Franzetti had some minor comments, but the applicant will provide some additional information.

Mr. Cleary stated you have two resolutions to be voted on this evening.

Mr. Cote asked is the approval conditioned upon the comments from Mr. Franzetti?

Mr. Franzetti replied yes it will be.

Mr. Cleary stated all of the safety issues that were discussed with the applicant and the board at the last meeting are incorporated as conditions of approval as well.

*Mr. Cote moved to adopt Resolution #23-09, dated May 11, 2023; Tax Map #65.10-2-11 entitled Platinum Propane SEQR Determination of Significance Negative Declaration. The motion was seconded by Mr. Frenkel with all in favor.*

*Vice Chairman Giannico moved to adopt Resolution #23-10, dated May 11, 2023; Tax Map #65.10-2-11 entitled Platinum Propane Final Site Plan Approval. The motion was seconded by Mr. Frenkel with all in favor.*

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

Mr. George Calcagnini, representing Willow Wood addressed the board and stated we had our public hearing on this matter and I believe we are fully compliant all the issues and codes and all the comments have been addressed. He said the Town Engineer did ask us to add to the site plan a line for wetlands that goes in front of the trap fields and 5 stand. The DEC was out there on April 27<sup>th</sup>. The wetlands that impacts the sporting clays course was done and is on the site plan, but Mr. Franzetti asked us to extend it all the way through. A number of the comments that were made by the opposition complained about current noise levels. We are in full compliance and there has been no shooting on the area that is the

sporting clays course since April of 2019. The complaints about the noise have existed at this club since 1955 when the club was established. There have been comments about increasing the intensity, we're not. We're just including another sport which is in a different area. The membership levels are going to remain roughly the same.

Chairman Paerprer asked approximately how many people?

Mr. Calcagnini replied when we commenced this proceeding we had 202 members. Our membership floats up and down. COVID decreased our membership a little. Our variance is based on 250 members. We don't intend to go that high. We're going to self-cap at 225.

Chairman Paerprer stated some of the comments focused around the lead. You said the new station will not have a lead issue with the wetlands.

Mr. Calcagnini stated no. The sporting clays course is completely dry. There are no wetlands up there whatsoever, but we are adopting the environmental stewardship plan that Dr. Peddicord developed for us. He is the leading expert on that. He said after we build the sporting clays course we intend to go back to the ECB and apply for a wetland permit to reclaim the lead on the old course.

Chairman Paerprer asked are you treating it with lime?

Mr. Calcagnini replied yes. Lead is completely inert as long as you maintain the proper PH. We treat with lime to maintain the neutral PH range and that's part of our environmental stewardship plan. We also intend to remediate or reclaim the lead in stages so the trap fields don't get shut down at one time. We may do half at one time and half at another time. We are waiting until the sporting clays course is open, so we're not terribly impacting the operations of that. The lead issues pertain to the existing club, not the sporting clays course.

Vice Chairman Giannico asked once you reclaim the lead at the old 5 stand, is there a possibility of going to non-toxic steel.

Mr. Calcagnini said that's not a feasible alternative, but what we are considering a product or device called a shot curtain. A shot curtain is basically a Kevlar material that is put on telephone poles. When you put in a ballistic fence, the lead pellets do not ricochet off. They hit and drop straight down into this swale and you sweep it up monthly and put into a container and then it's recycled. Lead is actually a valuable commodity, there are a lot of uses for lead, a lot of manufacturing applications use lead. There is a very viable market for the reclaimed lead. These are all things we will be addressing with the ECB when we apply for the wetland permit.

Mr. Franzetti stated Mr. Calcagnini explained the wetland limits on the drawing. They are waiting for the DEC to provide the additional lines for the remainder.

Mr. Cleary stated the last submission was a very thorough synopsis of all the questions that have been addressed. You have indicated that a range officer will go out to the shooting clays course weekly to make sure it's set up correctly and to address safety issues and to adjust the station locations. Does that mean the stations would somehow move?

Mr. Calcagnini replied if I indicated that, I was mistaken. The machines get changed, the stations will not change. The stations will be as they are designated there. The machines get moved around each week.

Mr. Cleary stated the noise analyses that were done by the applicant and our own consultant were based on the station locations, so as long as those remain fixed those noise analyses are valid.

Mr. Frenkel asked Mr. Calcagnini to submit the environmental stewardship plan.

Mr. Calcagnini replied yes.

Mrs. Causa asked what is the arrange age of the membership?

Mr. Calcagnini replied maybe 40 to 50 range, but we have teenagers and we have people much older.

Chairman Paeprer asked if approved you're going to sound proof a couple of the stations closest to the residents?

Mr. Calcagnini on stations 13, 14, 12 and 4 there will be additional sound barrier work. On 13 & 14 there will be sides that come out and a roof over it and the interior will be lined with soundproofing material that was presented at one of the meetings. Station 12 will be an L-shaped, so that one branch of the L will be parallel with Union Valley Road and the other part of the L will be behind the shooting station. Station 4 is a single wall with the soundproofing material in it. He said there will be a berm down at the end where the trail is coming down the hill behind the residents' that are closest there. It's going to be a 3 foot tall berm with pine trees on top that. That is mostly for visual screening, but it also has some sound mitigation properties.

Mr. Cote moved to approve the plan as presented and directing a preparation of a resolution at the next meeting. The motion was seconded by Mr. Nuculovic.

**A roll call vote was taken on the motion as follows:**

Mrs. Causa	For the motion
Vice Chairman Giannico	For the motion
Mr. Cote	For the motion
Mr. Frenkel	For the motion
Mr. Nuculovic	For the motion
Chairman Paeprer	For the motion

Mr. Cleary said he will have the resolution for the next meeting.

At which time, an audience member spoke out and asked if there will be a negative declaration.

Mr. Cleary replied there will be two resolutions.

Chairman Paeprer asked the audience member to approach the podium. He stated this is not a public hearing, but as a courtesy we will let you speak.

Ms. Judy Gallo of Heritage Hills addressed the board and stated given that lead was found on Somers Land Trust property and the remains of broken clay found on Heritage Hills property, environmental studies should be done to determine the extent of lead contamination. It does not seem appropriate to make a decision without this information or a negative declaration can be made without these studies. There is lead in the soil at Willow Wood and Somers Trust that would potentially contaminate the rivers and reservoirs and I don't understand why the appropriate studies weren't done.

Chairman Paeprer replied we are very well aware of your submissions.

Mr. Cleary stated your board will have a draft negative declaration that will address environmental issues and that will be a public document.

Ms. Gallo stated when Mr. Calcagnini stated that the comments were reflecting the current format of the club. That is incorrect. We are concerned about the change in location, because it's going affect us in a very big way.

### **CHANG, JOHN – 716 ROUTE 6 – TM – 76.30-1-26 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes a change of use for the second floor of the deli on this site from an office to a chapel and altar area and an office. Provide a floor layout for each floor including all seating areas, dimensions, etc. (THE DELI IS NOT JUST A BOX, THERE IS A COUNTER, KITCHEN AND SEATING). Provide north point, scale, and graphic scale. (NORTH POINT AND GRAPHIC SCALE NOT PROVIDED). The Architect provided that sprinklers and a second means of egress are not needed but did not provide the code section. Show the outdoor patio area.

Mr. Franzetti stated the applicant has addressed most of my comments. My only comment is the applicant's representative provided a water/wastewater report. The report indicates that water use will remain constant with current rate. The NYCDEP will need to be notified and approve the wastewater flows.

Mr. Cleary stated the applicant clarified that the church holds services on Wednesday, Friday and Saturday from 7 PM - 9 PM and on Sunday from 4 PM - 6 PM. The deli's hours are 6 AM - 6 PM Monday - Friday and 7 AM - 3 PM on Saturday and Sunday. The operating hours of the two uses do not overlap. The church provides seating for 32 parishioners. The Building Code occupancy for the second floor is 49 people or less. He said we may want to include that as a condition of approval.

Chairman Paeprer stated the church may hold weddings or affairs, so I think that's a good idea to make that a condition.

Mr. Cleary said at least it's enforceable if we have a number.

Mr. Carnazza stated a wedding will probably occur at night and not during the day when the deli is open.

Mr. Cote agreed and said that should be a condition of approval to make sure they never overlap.

Chairman Paeprer asked if there are two exits?

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated he provided Mr. Carnazza with the code requirements. If the occupancy is 49 or less a second means egress is not required in a space like this. The section of the NYS Building Code indicates that the way is laid out, a second means of egress and a sprinkler system is not required. The pastor has given us a letter indicating the maximum number of people will be 25 even though they could accommodate 32, but he has assured us the maximum number of people will be 25. He said we now show the specific seating arrangements and altar for the entire upstairs. As far as the deli is concerned, we show the kitchen.

Mr. Carnazza said to show better details of the deli, such as the counters.

Chairman Paeprer asked whether there is one stairwell going up and down.

Mr. Greenberg replied yes (points to map to show the staircase). He said you don't have to go through the deli to go in and out of the building.

Chairman Paeprer asked does this require fire department review?

Mr. Franzetti said they should be at least referred to.

Mr. Greenberg stated he hasn't heard anything yet from the fire department.

Chairman Paeprer stated at a minimum they should have the fire department go out there.

Mr. Cleary stated it has been sent to the fire department, let's have Mr. Greenberg follow up with the fire department.

Mr. Greenberg stated he will follow up. He said there is a fire alarm system in the building.

Mrs. Causa asked if there will be candles during the services.

Mr. Greenberg replied no.

Mr. Franzetti asked is there reason why you wouldn't put sprinklers in other then financial?

Mr. Greenberg stated it is very costly to put a sprinkler system in.

Mrs. Causa asked how many days a week will there be services.

Mr. Greenberg replied on Wednesday and Sunday evenings. The hours are 4 pm – 6 pm.

Vice Chairman Giannico asked will the deli be open during those times?

Mr. Greenberg replied no.

Chairman Paeprer stated we will like to see a written report from the fire department.

### **728 ROUTE 6, LLC – 728 ROUTE 6 – TM – 76.22-1-54 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which state the applicant now has three food establishments at the former Lantern Pub. The applicant wishes to add 125 sq. ft. to the front of the left side of the building that will not encroach any further into the setback than what is already approved by variance in 1991 (provide the date(s) on the plat), however, the addition must also get the necessary front and side yard variances. Provide lot depth and width lines on the plat. Provide aisle width at the location of the 125 sq. ft. addition. A bollard and a fence may be needed to keep vehicles from hitting the building and for people to not dart out into the parking lot without being seen by drivers approaching Rt. 6. There is a variance granted on this site for parking. By dividing the space into now 4 separate spaces, there is no need for the parking variance. Parking complies with code.

Rich's memo said this application encompasses a proposal to add 125 sq ft of additional retail space to an existing store. Per the applicant the existing parking and utilities will remain unchanged. Based upon review of this submittal, the Engineering Department offers the following preliminary comments:

### **General Comments**

1. The following referrals would appear to be warranted:
  - a. Mahopac Fire Department
  - b. New York City Department of Environment Protection (NYCDEP)
  - c. Putnam County Department of Planning (GML 239 n)
2. Permits from the following would appear necessary:
  - a. NYCDEP – wastewater flows.
3. Vehicle Movement Plans should be provided which provide the following:
  - a. All turning radii for the site should be graphically provided. This includes the turning radii into the site ingress and egress.
  - b. It is unclear as to the type of vehicular traffic which will be entering the site and there is no definition regarding the delivery of goods to the site.
4. The applicant will need to show if any work is being performed in the NYSDOT Right of Way (R.O.W.). If so approval is required from the NYSDOT.
5. The applicant has provided a separate water and wastewater use report. As the wastewater discharge enters into the NYCDEP wastewater treatment facility, the applicant will need to have the flows reviewed/approved by the NYCDEP.
6. A legend should be provided on the drawings.
7. 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.
8. 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.
9. Details for the location, height and type of exterior lighting, lights, along with a spill plan denoting illumination levels must be provided.
10. The proposed floor plans do not show the building in relation to Route 6 and the parking lot. This should be clarified.
11. The proposed floor plans provide for 11 ingress/egress to the buildings. Additional information should be provided regarding pedestrian safety in accessing these doors. This information should be provided on the site plan

Mr. Cleary stated this is a very tiny addition that squares off the corner of the building. The only issue is it's being built for a takeout/pick up place. Is a pick-up window proposed outside? Or is the customer entering the establishment to pick up their order?

Mr. Willie Besharat of Rayex Designs, representing the applicant addressed the board and stated the proposed addition is 125 sq. ft. to make the operation safer and more aesthetically pleasing to the building. The building itself has shrunk by 140 square feet, by moving the front away and decreasing the non-conformity with the setback. We are altering a pre-existing non-conformity, so therefore we will need variances. The increase in the building itself, is still a decrease in the square footage from originally approved. The building as it is, already exists. He said it will be strictly take-out business and it will be from the inside (points to map). We are increasing the front of the building to align with the existing building.

Mr. Cleary asked if there will be a window on the side of the building.



Mr. Besharat replied no window. The people will only access from the front from the existing sidewalk which will be extended and will have a small cover over it.

Chairman Paeprer asked this is another separate business from the three businesses there today?

Mr. Besharat replied that's correct. It's going to be a dumpling store, strictly take-out with no tables.

Mr. Frenkel asked if the food preparation will be in the back of the facility.

Mr. Besharat replied yes. There will be a kitchen in the back. He said this addition will not impact the traffic or any of the operations and circulation of the site plan as it exists. When the renovations took place for this building, it was to be put back to the originally approved site plan and that's what we did. As far as putting circulation signs and aisles, we would be more than happy to address that, but from Mr. Franzetti's comments it's like a whole new site plan that we have to go through and I would ask the board to waive certain items. I will meet with Mr. Franzetti to discuss it further.

Mr. Franzetti stated to show the widths, the sizes of the parking spaces and make sure that they are code compliant. None of that is on the drawing. Now you're telling us pedestrians will be walking in front of that building, where are they parking, how are they getting in the front of the building and not get hit by a car. You need signage or something to provide safety for the people walking into the dumpling place. I'm not asking for a whole new site plan, I'm asking you to make sure that what's on the site plan is clarified for the safety of the public.

Mr. Besharat replied no problem. I will meet with Mr. Franzetti.

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

**ANB HOLDINGS GCCM LLC (MICHAEL SCOCA) – 93 TEAKETTLE SPOUT ROAD – TM  
76.17-1-17 – FINAL SUBDIVISION**

Mr. Carnazza read his memo which stated the applicant is legalizing a subdivision that happened several years ago without his knowledge. The original parcel 76.17-1-18 was illegally divided into 76.17-1-18.1 and 18.2 by deed. The previous owner attempted to build on lot 76.17-1-17 but was told to get more land by the ZBA. He divided 76.17-1-18 into 76.17-1-18.1 and 18.2 and tried to merge 76.17-1-18.1 with 76.17-1-17 to build on the property. The ZBA told the previous owner to go back and divide the parcel legally through the Planning Board process (attachment 2), which he never did. Fast forward to recent, the taxes were not paid on 76.17-1-17 and 76.17-1-18.1 and both parcels were on the county tax sale. The county merged the two properties and sold them together to another developer. He then sold the property to ANB Holdings, the current applicant. The current owner applied for building permit and I noticed a change in the lot layout from the original tax map book and directed the current owner to go through this process to legalize parcel 18.1 so it can be merged to parcel 76.17-1-17 to make the current parcel 76.17-1-17 (combined 76.17-1-17 and 18.1) which is .98 acres (attachment 3-Map). I have no objection to this sub-division as it is clearing up an illegal subdivision that happened many years ago and the current owner bought what he believed to be a "Building Lot". The necessary variance was granted by the ZBA. All zoning comments have been addressed.

Mr. Franzetti stated the applicant has noted the referrals and the permits that are needed. They have provided the SWPPP which is currently under review. They have acknowledged the need for a maintenance agreement if needed. 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 needs to clarify if there are easements related to the site. They also need to clarify the 10% of space to be set aside for open space. I don't think this is something we do for this a small piece of property.

Mr. Carnazza said the space would alleviate the need for a recreation fee and he can't do that. He doesn't have the land to give up.

Mr. Franzetti continued and stated there are some typographical edits needed on the drainage notes/grading notes. The wetland area as identified on this drawing (and subsequent drawings) in the south east portion of the site should be shown on the legend. PCDOH approvals for the lots will need to be submitted, for the Board's records. A landscaping plan for the property was provided on April 28, 2023. The following comments by this office were sent to LEAP architecture on April 28, 2023. Drawing identifies recently arborvitae plantings along the south edge and north east entry of property. Work should be performed at this site until Planning Board approval is granted. Provide the sight distance cellulation. Provide a driveway profile - note that slopes should be as follows - first 15' < 6% (already shown); mid < 15% and last 30' < 7%. All utilities must be buried. Drawing shows a pole.

Mr. Michael Scoca, applicant stated the power was put in by NYSE&G underground.

Mr. Franzetti stated that needs to be clarified on the drawing.

Mr. Cleary stated this is a correction of a confusing condition that's being rectified through this process.

Chairman Paeprer asked what are the plans for this property?

Mr. Scoca replied I'm building a single-family home.

Mr. Cote asked the County merged the lots, what are we going to do to fix this?

Mr. Carnazza stated the one line across the back 18.1 (which no longer exists), but never done legally, it was done by deed, he's putting that line in to make the entire 17 & 18.1 become 17.

Mr. Cote asked Mr. Cleary as a board do we have the authority to correct this?

Mr. Cleary replied yes. The board is the only one that can fix this.

Mr. Alvaro Larrain, applicant's engineer addressed the board and stated this site plan is for a single-family residence. The footprint is in line with the character of the neighborhood and the adjoining properties. We're not seeking any variances. We went through a comprehensive stormwater management plan and we acknowledge we have a few approvals ahead of us. We're hoping that tonight we could secure a resolution with some conditions and move forward.

Chairman Paeprer stated we could schedule a public board and in parallel we could ask Mr. Cleary to prepare a resolution for the next meeting.

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

Chairman Paerprer asked the Planner to prepare a resolution.

**MINUTES – 01/25/23, 02/22/23 & 03/22/23**

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

Vice Chairman Giannico moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta