

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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AICP, CEP, PP, LEED AP
Town Planner

PLANNING BOARD MINUTES
OCTOBER 12, 2023

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Success Realty LLC (Weiss)	54.19-1-11	P/H & Resolution	1-3	Public Hearing Closed & Resolution Adopted.
Diamond Point Develop.	86.10-1-2 & 3	Public Hearing	3-4	Public Hearing Closed.
Western Bluff Subdivision	66.14-1-20	Resolution	5	Resolution Adopted.
Evans Septic Tank Service	55.11-1-18	Site Plan	5-7	Declared Lead Agency.
Chang, John	76.30-1-26	A. Site Plan	7	Public Hearing Scheduled.
14 Nicole Way LLC	65.6-1-22	Bond Return	7	Adjourned.
70 Old Route 6 LLC	55.11-1-15	Re-Approval	7-8	1 Year Re-Approval Granted.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Rose Trombetta

SUCCESS REALTY LLC – (WEISS) – 11 SUNSET BLVD – TM – 54.19-1-11 – PUBLIC HEARING & RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti stated all engineering comments have been addressed.

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

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

Ms. Elisa Alaimo addressed the board and stated her property abuts 11 Sunset Boulevard. She stated the applicant filled in the wetlands. She stated she was worried about the septic situation because it's so close to the wetlands.

Mr. Michael Calise, applicant's engineer addressed the board and stated I'm not aware of any filling of the wetlands. I was never informed that by either the applicant. As far as the septic it was a pre-existing septic that existed when the house was built. I've looked at the septic because there were some concerns with some pipes. I have pictures, everything is connected from the house to the septic tank where the leech field or seepage pit is. I don't see any subsidence or anything that would make me believe as an engineer that there was a problem with the septic.

Chairman Paeprer said as a neighbor you're concerned with the regrading that the applicant has done that it is going to affect your septic at a later date.

Ms. Alaimo replied no. Their septic is going to go into the wetlands. The wetlands are part of the national wetlands registry and the septic borders right on the wetlands which is my property. The drywell where I guess the washing machine water came out, that pipe was disconnected. It's going to go flowing right into the wetlands.

Mr. Franzetti stated this is a pre-existing septic field septic tank and the county would be responsible for it. He said I understand the concerns. Ms. Alaimo has been in contact with the Engineering Department and have been to the site a few times. There were some pipes that were kind of hooky over there but according to the engineer they're all okay. You can always ask the Putnam County Health Department if they want to go out and inspect it but again it is a pre-existing septic that is part of that house that was there.

Ms. Alaimo stated the septic is okay, but the pipe itself was disconnected. It was underneath the deck.

Mr. Franzetti stated I don't think the drywell is there anymore. I think they took that all away, but I that's up to the engineer. When I was there it was disconnected and when they redid the grading it was still not there, we just need to confirm that.

At which time, Mr. Calise displayed pictures of the piping to the board.

Mr. Cote stated are you saying these pipes were disconnected?

Mr. Calise stated this is how they existed when I saw them. I saw a bunch of pipes which you could see in the first photo. The furthest pipe in the photo is heat traced. He said since the house was in disrepair for such an extended period of time, the roof leader drains look like they washed out.

Chairman Paeprer stated this looks like a several disconnected pipes.

Mr. Calise replied no. The first photo shows you all the pipes and they're all connected.

Mr. Frenkel said there seems to be some question about the drywell not the septic tank.

Mr. Calise stated that's why I showed you pictures of where the septic field existed according to the Putnam County Health Department with the grass and I don't see any subsidences. I don't see any sink holes, or anything of any nature that would lead me to believe that there was a problem with the field.

Mr. Frenkel said putting aside the septic field and the piping to the septic field and the tank, is there a separate drywell and are there pipes going into this that drywell? Are there pipes going into that drywell from the house.

Mr. Calise stated the pipes go from the house to the septic tank.

Mr. Frenkel stated so there are no pipes going from the house to the drywell.

Mr. Calise replied I did not see them. I would imagine that they've been there as long as the septic system has been installed. I don't see any reason why they wouldn't still be there. I didn't dig to find them. They cleaned up this area from the run off. I took these pictures to show that everything was hooked up and that the septic to the septic tank should be functioning.

Mr. Franzetti stated just so the board is aware the applicant is here for a regrading, but there was a notice violation issued for the property because work was done next to a wetlands that that needed to be permitted for. It ended up being a regrading here for the Planning Board and the applicant has also been in front of the Environmental Conservation board. The concern was what Ms. Alaimo mentioned earlier, is that they filled in a Wetland. They did encroach right on that National Wetland Inventory Pond and that pond feeds into a stream that goes to the West Branch behind the closed landfill. The reason why there was a notice of violation was because they did the work and they shouldn't have been doing the work. He added that he does not inspect for septic and that's something the County would do, but the house is there it has an existing septic. I don't know about the drywell that's being referred to. I didn't witness that I saw the same pipes underneath this deck that everyone else is seeing in the pictures. The house is near the pond and there should be concerns about it but it's pre-existing, so there's not much we can do about it, because it can't go anywhere else. It can't go to the front because then you have the separations between wells and other septic tanks that are in that area. He said if you want to pursue it further as a board you can ask the County to weigh in on it see what their thought is, but I don't think you're going to get much from them other than what I've told you. They have an existing map, there's a house, septic and well.

Vice Chairman Giannico asked if the heat trace piping is leading into the septic tank, correct?

Mr. Calise replied yes.

Chairman Paeprer stated I agree with Mr. Franzetti that this is a Putnam County Health Department concern, we're here for regrading. He said I think your concerns if there are any, are with the Putnam County Health Department and the drywell.

Mr. Cleary stated to the board you can grant a conditional approval subject to Health Department approval or hold everything and have the applicant talk to the Health Department and find out if there is a problem with what's going into that septic system.

Mr. Frenkel asked does the Health Department have jurisdiction over a drywell that is not connected?

Mr. Cleary replied no. He said the septic system is sized for the number of bedrooms in a home. If it's two bedrooms and whatever other stuff is coming out of the house that wasn't accounted for a typical two-bedroom home, such as having 15 washing machines, they wash their cars commercially in the driveway that added to the septic system can make it fail. That would be a violation of the County's Health Department.

Mr. Frenkel said but the driveway itself is not part of the septic system.

Mr. Cleary said what I'm hearing is there is no separate drywell, they're using the septic system as the drywell.

The board members and Mr. Calise continued to discuss the drywell and septic system.

Chairman Paeprer stated the regrading next to a drywell is not our issue.

Mr. Cleary said I think it is a County question.

Chairman Paeprer stated we could also approve the regrading tonight.

Mr. Cleary suggested a condition of the regrading permit could be to confirm with the County that everything is working.

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

Vice Chairman Giannico moved to grant a conditional approval resolution based on Putnam County acceptance of the existing septic or non-action. The motion was seconded by Mr. Nuculovic with all in favor.

DIAMOND POINT DEVELOPMENT – 4 BALDWIN PLACE ROAD – TM – 86.10-1-2 & 3 – PUBLIC HEARING

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

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

Mr. Franzetti read his memo dated October 2, 2023.

Mr. Cleary stated there are some administrative steps you can take now that you've closed the public hearing. This needs to go to the ECB and the next approval step would be adopting a negative declaration. If you choose, you could direct the preparation of that document for the next meeting.

Mr. Cote thanked the applicants for incorporating almost everything we suggested including the roof to make it more of a barn and the sides and I just want to say thank you. You really did a great job.

Mr. Frenkel asked will this project be done in phases?

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated that a concept would be agreed to, and that we would set a sunset on the phase two building and that would be about five years from the C.O. on the phase one buildings. In which time the applicant would be able to build out phase two. When five years elapses phase two would be sunsetted out of the approval.

At which time, Mr. Thyberg displayed drawings of phase one which includes the office building that's down near the route six frontage and the three-story building that's been the subject of most of our discussion of the architecture and so on. The phase two building would be the building up top. Initially, there were two buildings shown there, and at one point in the in the process that's been paired back and reduced to the one building.

Mr. Frenkel asked are we being asked to approve the architecture of the phase 2 building?

Mr. Cleary stated you're approving the entire project.

Mr. Thyberg proceeded to display the phase two drawings and elevations. He stated there is an existing vegetated buffer, tree line that runs along Baldwin Place Road. This is pretty far back up the hill and toward the back end of the site. The discussion around the architecture has been focused around this building (points to map) because of its prominence near both Route 6 and Baldwin Place Road. The other building has not been revised because we've had our discussions centered around this building. Being the other building is further up the hill, we have been of the understanding that the board was generally satisfied with that building given its location.

Mr. Cleary stated because we discussed this mechanism to bring phase two to fruition within the five years, perhaps we can approve the footprint of the second building, where it is, it's setback, it's grading and so forth. The physical appearance is brought back to you when they file a building permit for phase two and that way we'll know if the front building will be screened or not, we'll have some sense of the vegetation that's grown in. To me it makes sense to get a bite at that five years from now rather than now and we don't slow them down.

Mr. Thyberg stated we did go through the process with the architectural consultant on this building as well as the other buildings. He said I don't want to leave it with we don't care what it looks like because it's up the hill. We went through a thorough process with the architectural consultant. To Mr. Cleary's point the applicant would be happy to look at revising the architecture and addressing that at the time of the build out.

Mr. Frenkel said to clarify what we're talking about is a condition of approval that will be in the resolution that will specifically require them to come back to us for approval of the phase two building.

Mr. Cleary suggested to wait for negative declaration until we get our traffic consultant signing off, before going to final approval on this.

Mr. Thyberg stated we have met with DOT and County on either driveway entrances, we've gotten positive responses. That permitting is in process.

WESTERN BLUFF SUBDIVISION – 350 WEST SHORE DRIVE – TM – 66.14-1-20 – RESOLUTION

Mr. Carnazza and Mr. Franzetti had no comments.

Mr. Cleary stated you have a final approval resolution before you. This is a project that's been before you for a number of years and they're finally at the end of the road.

Mr. Nuculovic moved to adopt Resolution #23-22, dated October 12, 2023; Tax Map #66.14-1-20 entitled Western Bluff Final Subdivision Approval. The motion was seconded by Mr. Cote with all in favor.

EVANS SEPTIC TANK SERVICE – 53 OLD ROUTE 6 – TM – 55.11-1-18 – SITE PLAN

Mr. Cleary read Mr. Carnazza's memo which stated applicant proposes to build a 6,300-commercial building on a lot on the Merrieweather Estates Subdivision. The property is in the C-Commercial zoning district. A variance is needed for lot width, 200 ft. required, 125 ft. provided, 75 ft. variance needed. How many employees will be employed at this property? Will this be used for Evans Septic Service exclusively? Will there be outside storage? Provide floor plans and elevations. The Board has been working to improve the area. Some improvements to the front façade are recommended.

Mr. Franzetti read his memo dated October 2, 2023.

Mr. Cleary stated the primary issue with this is it's a light industrial building in the middle of the property, is there an office in there how's it how is it being used - is for a septic tank company? Are they storing septic tanks in the parking lot until they go out to job sites? Are they working on their vehicles inside the garage? Is there maintenance going on? Everything that is going on inside that building needs to be specified. An issue that's unique to this use is it's a septic tank company and when a truck comes back at the end of the day and it's full of the day's material does it sit in the parking lot, how do they deal with that? He said we need a fairly significant explanation about how the site's being used. The lot does meet the lot width requirement, because that's a pre-existing condition, so they have to go to the Zoning Board. They meet the dimensional setback requirements in every other way. Parking is something we need to pay attention to. They need to add dimensions to the plan, parking spaces and aisle widths. He said if those parking spaces are parking septic trucks, the 12 foot aisle is insufficient. The back part of the parking lots is not paved it's millings, typically for a use that is supporting heavy vehicles we'd want it to be paved. With the driveway access we have to get sight distance with respect to this. We need some details on the lighting plan. The County Trailways behind, so landscaping has the public view from the front, but it also has a public view from the rear. Biggest issue aside from its use is the architecture, so what the applicant is proposing is a steel prefabricated building They've selected a bright red color.

Mr. Adam Thyberg of Insite Engineering, representing the applicant stated the applicant may go with a beige color.

Mr. Cleary stated as we did with Diamond Point, there's a front of this building, instead of just the prefabricated steel front, perhaps you can deal with something for at least the front of the building. The property rises up to the Trailway. It could be that it's significantly screened, we don't have to worry about that. The front of the building again this is an industrial area however, regardless of that in every application you've been dealing with your

role as an architectural board, we've been trying to elevate the design and the architecture of these buildings, even prefabricated industrial buildings. I don't think it would be a great expense to improve the front of that building.

At which time, a discussion ensued regarding the architectural design of the building.

Mr. Thyberg stated it's not going to be red, I mean there's the two sides of the argument, This is a utilitarian light industrial use. The applicant is not looking to turn it into the Taj Mahal and I'm sure we can work with their prefab company to create some details that would be amendable to the board for the front view. He said in terms of the front view from the street, we have set it up so that the overhead doors are oriented to the side and other doors to the rear. You're not going to have a bunch of overhead doors sticking out to the front. We have a pretty good landscape bed in the front so it should be fairly well screened. We do have some slopes to deal with. The front part of the site as it's designed now, accommodating the slope of the driveway which as byproduct creates a pretty big plant bed area so I think the building can also be nicely screened with some landscaping in that area. The intention by the applicant is to house their septic business. There will be anywhere from zero to eight employees on site. That'll be intermittently. It's a place where they're going to have their vehicles and storage space. Employees might be there once or twice a day and then they're out doing their service. There isn't going to be a full staff of people there.

Mr. Cleary asked will there an office in the building?

Mr. Thyberg replied no. It's a warehouse.

Mr. Frenkel asked will the vehicles be stored inside or outside?

Mr. Thyberg replied some vehicles may be stored outside occasionally, but generally they're looking to store vehicles in the building.

Chairman Paeprer asked if there will be a restroom.

Mr. Thyberg replied we are showing sewer service and water connection. Yes, there will be a restroom.

Vice Chairman Giannico asked if portable toilets will be stored there.

Mr. Thyberg replied not to his knowledge. Any outdoor storage that would happen would be to the rear of the building internal to the building but I'll get back to you on the portable toilets

Mr. Frenkel asked when the vehicles are being stored are they empty or are they full?

Mr. Thyberg said I will get back to you on that. I believe they're empty, but I'll get a response.

Mr. Frenkel asked if the recent excavation will be stabilized.

Mr. Thyberg replied if it's straight up and down with dirt then yes it should be stabilized and we can let the owner know of that condition. He stated this site was a seven lot subdivision that was approved in coordination with a regrading permit. It's been an ongoing mining operation on the site that's been going on since 2008. They have worked through the mining on the lots. This isn't the first site plan approval within this subdivision that

you've seen. Greenpoint was here with one of the other lots. The mining operation is winding down, it's essentially done and they're moving to the lots further to the west and north. What you saw on site was a leftover stockpile of the mining operation, which is in the process of being taken away.

Mr. Frenkel asked do the plans need to show the nature of the stabilization.

Mr. Cleary stated we may be requiring them to stabilize. This is an issue for Mr. Carnazza and Mr. Franzetti. If the site needs to be stabilized, it should be stabilized now.

Mr. Thyberg stated I am here representing the applicant, the owner is still operating on the site and if something needs to be stabilized then they should be made aware of.

Chairman Paeprer stated the consultants have four pages of comments. At this time, we should declare ourselves as lead agency.

Vice Chairman Giannico moved to declare the Planning Board as lead agency. The motion was seconded by Mr. Frenkel with all in favor.

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

Mr. Cleary read Mr. Carnazza's memo dated October 11, 2023.

Mr. Franzetti had no comments.

Mr. Cleary had no comments.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated he will put the not to exceed 25 parishioners at any time on the drawing.

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

15 NICOLE WAY, LLC – (ZAKON) – 15 NICOLE WAY – TM – 65.6-1-22 – BOND RETURN

The applicant asked for an adjournment.

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

Mr. Franzetti read his memo dated October 2, 2023.

Mr. Cleary stated there are a lot of other agencies involved in the use and operation of this property. In doing the work for those other agencies, their geotechnical work revealed that they some structural issues to deal. They will have to modify the plan to address those soil conditions so the request is reasonable.

Mr. Eugene Kempey, applicant's engineer addressed the board and stated the geotechnical work has finally been done. We had to go about it twice, because we got recommendations from a geotechnical firm and they proposed to either put the building on piles or a soil amendment process, that looked like it would be a million dollars to pursue, because the

one of the unsurety's of it was putting gravel and stone columns down, but we would have to have equipment on site in case you hit a boulder. You would need an excavator standing by every day for three months. We reanalyzed it and came up with a process to do controlled fill, but that took another four or five months. He said the owner is about ready to issue contracts for the construction. We filed a set of plans with Mr. Carnazza last week for him to start the process for the permit.

Mr. Nuculovic moved to grant re-approval of site plan for 1 year. The motion was seconded by Mr. Frenkel with all in favor.

Mr. Frenkel moved to adjourn the meeting at 7:55 p.m. The motion was seconded by Mr. Nuculovic with all in favor.

Respectfully submitted,

Rose Trombetta