

HAROLD GARY
Chairman

TOWN OF CARMEL
PLANNING BOARD

MICHAEL CARNAZZA
Director of Code
Enforcement

BOARD MEMBERS
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
ANTHONY GIANNICO
CRAIG PAEPRER



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext.190
www.carmelny.org

RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD AGENDA
AUGUST 13, 2014 – 7:00 P.M.

MEETING ROOM #2

TAX MAP # PUB. HEARING MAP DATE COMMENTS

PUBLIC HEARING

- | | | | | |
|---|------------|---------|--------|-------------------|
| 1. CVS/Pharmacy – 1879-1905 Route 6, Carmel | 55.10-1-12 | 8/13/14 | 7/1/14 | Amended Site Plan |
| 2. Lutz, Wayne – 230 East Lake Blvd | 65.17-1-14 | 8/13/14 | | Bond Return |

SITE PLAN

- | | | | | |
|--|-----------|--|--------|-----------|
| 3. Lakeview Realty 168, LLC – East Lake Blvd | 76.22-1-4 | | 8/1/14 | Site Plan |
|--|-----------|--|--------|-----------|

SUBDIVISION

- | | | | | |
|--|------------|--|--------|-------------------------|
| 4. Hosch & Torres Subdivision – 490 Long Pond Rd | 53.15-1-40 | | 8/1/14 | 2 Lot Final Subdivision |
|--|------------|--|--------|-------------------------|

MISC.

- | | | | | |
|---|------------------------------|--|----------|---|
| 5. Yankee Development – Piggott Road | 76.15-1-12 | | | Extension of Preliminary
Subdivision Approval |
| 6. LaPorte, Andrew & James – Peekskill Hollow Rd | 53.-1-14&15 | | 12/31/13 | 1 st Extension of Subdivision
Approval (Lot Line) |
| 7. Gateway Summit Senior Housing – Lot 6
Gateway Drive | 55.-2-24.6-1
55.-2-24.6-2 | | | Re-Approval of Amended
Site Plan |
| 8. The Fairways Senior Housing – Lot 7
Gateway Drive | 55.-2-24.8-1
55.-2-24.8-2 | | | Re-Approval of Amended
Site Plan |
| 9. Campanelli, Michael – 424 Baldwin Place Rd. | 75.11-2-25 | | 6/3/14 | Waiver of Site Plan
Application |
| 10. Minutes – 6/11/2014 & 7/9/2014 | | | | |



8/1/14

Mr. Harold Gary, Chairman and Members of the Planning Board
Town of Carmel
Town Hall
60 Mcalpin Ave
Mahopac, NY 10541

Re: Lakeview Realty 168 LLC
East Lake Blvd.
TM# 76.22-1-4

Dear Mr. Gary and Members of the Board,

The following is my response to Mr. Cleary's memo of June 9, 2014:

1. This parcel will be used privately.
2. There is no connection between this parcel and the parcel to the north.
3. A variance of 9 parking spaces was granted by the Zoning Board on July 24, 2014.
4. Arborvitae is shown along East Lake Blvd. to screen the parking.
5. Arborvitae will be planted along the southerly property line inside the proposed retaining wall.
6. The site is virtually flat. Therefore no re-grading will be required.
7. No utility connections are proposed.
8. The site plan was reviewed by the ECB on Thursday July 31, 2014. I will forward their acceptance letter as soon as I receive it.

The following is my response to Mr. Franzetti's memo dated July 2, 2014:

1. The location and the detail of the retaining wall is shown on the site plan
2. There is no chain link fence on this site.
3. Pervious pavers are proposed for the parking area. Details are shown on the site plan.
4. The site plan was reviewed by the ECB on Thursday July 31, 2014. I will forward their acceptance letter as soon as I receive it.

Two Muscoot Road North
Mahopac, New York 10541
P: (845) 628-6613 F: (845) 628-2807
Email: joel.greenberg@arch-visions.com





August 1, 2014

Town of Carmel Planning Board
60 McAlpin Avenue
Mahopac, New York 10541

RE: Hosch & Torres Subdivision
490 Long Pond Road
Tax Map No. 53.15-1-40

Dear Chairman Gary and Members of the Board:

Please find enclosed 5 copies (unless otherwise noted) of the following plans and documents in support of the application for a two lot residential subdivision for the above referenced project:

- "Final Subdivision Plat", dated August 1, 2014;
- Drawing CD-1 "Construction Drawing & Erosion & Sediment Control Plan", last revised August 1, 2014;
- Drawing D-1 "Details & Notes", last revised August 1, 2014;
- Check for \$2,500.00 for final subdivision application fee (1 copy).
- Letter from New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), dated April 7, 2014;
- Letter from Putnam County Department of Highways & Facilities, dated December 10, 2013;
- Letter from Putnam County Department of Health for Complete Application Determination, dated April 9, 2014;
- New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetland Permit, dated June 10, 2014;

At their October 23, 2013 meeting, the Board deemed the project a minor subdivision and granted sketch plan approval. Since that time, we have accomplished the following:

1. On November 7, 2013, we met with the Town of Carmel Environmental Conservation Board (ECB) for preliminary discussion of the project.
2. On November 7, 2013, we met with Alexis Hawley of the Putnam County Department of Highways & Facilities regarding driveway access from the county road and sight distance.
3. On April 7, 2014, NYSOPRHP completed its review of the project and made a determination that the project will have no impact upon significant cultural resources.
4. On April 9, 2014, the Putnam County Department of Health (PCDOH) issued a complete application determination. PCDOH review of the project plans is currently ongoing.
5. On June 10, 2014, the NYSDEC completed its review and issued a freshwater wetland permit for the project.

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

In response to comments from the Board at the October 23, 2013 meeting, the rear/side property line between the two proposed parcels has been straighten/adjusted.

In response to the review memorandum from Ronald Gainer, the Town Engineer, dated October 22, 2013, we offer the following:

1. It is understood that a Putnam County Highway Department work permit will be required for the proposed driveway. Refer to enclosed letter from the PCDOH&F for additional information.
2. It is understood that a Town of Carmel wetland permit will be required for the project. A NYSDEC wetland permit has been issued for the project. A copy of this permit is included as part of this submission.
3. The current submission if for a Final Plat and elements from sections 131-13 and 131-14 of the Town's code have been incorporated into the plans.
4. It is understood that a GML 239n referral to the Putnam County Department of Planning is warranted due to the proximity of the project to the County Road. It is requested that this referral be made as soon as possible.
5. It is understood that a driveway permit will be required from the PCDOH&F. Permits from the PCDOH for the onsite well and SSDS are currently under review.
6. A SWPPP for the project has been prepared as part of the site plans submitted, including all erosion control measures and construction details. Limit of disturbance lines have been provided on the site plan.
7. A driveway profile for the new driveway has been provided on Drawing D-1. The existing drainage pipe under Long Pond Road is HDPE and is in good condition. The label has been updated on the plan. Post and rail fence has been added along the top of the retaining wall on the uphill side of the new driveway. Guiderail has been added to the site plan on the downhill side of the driveway along the driveway curve. Available sight distance has been to the site plan on Drawing CD-1. This distance has been reviewed in the field by the PCDOH&F and has been determined to be adequate – refer to enclosed letter from PCDOH&F.
8. Rain gardens have been provided on the site plan (Drawing CD-1) to capture roof runoff from the proposed residence. Runoff from the driveway discharges to the existing grass swale along the front of the property. In addition, new plantings of native plant material are proposed downslope of the limits of disturbance on the north side of the driveway.
9. There are no public improvements proposed as part of the project, therefore a performance bond and associated engineering fee will not be required.

In response to the review memorandum from Cleary Consulting, dated October 23, 2013, we offer the following:

1. The current layout was derived based on the presence of two key site constraints: the three (3) wetland areas (on-site to the east and to the west and off-site to the north) and the presence of shallow bedrock on the property limiting the potential locations for siting the septic systems.
2. The lot line separating the two lots has been revised based on discussion with the Planning Board.
3. It is acknowledged that both proposed lots conform to the applicable R zoning district requirements.
4. Available sight distance has been added to the site plan on Drawing CD-1. This distance has been reviewed in the field by the PCDOH&F and has been determined to be adequate – refer to enclosed letter from PCDOH&F.

5. The grading has been adjusted to reduce the retaining wall behind the garage to 4' high.
6. New plantings of evergreen trees have been added to Drawing CD-1 to provide buffering between the existing and proposed residences.
7. The current subdivision is limited by the physical conditions and current land use regulations. The applicant does not wish to place a deed restriction on the property at this time.

In response to the review memorandum from Michael G. Carranza, Director of Code Enforcement, dated October 22, 2013, we offer the following:

1. The current application is for Final Subdivision approval. The Plat has been labelled as "Final Subdivision Plat".
2. The proposal is for a two-lot subdivision off Long Pond Road.
3. It is acknowledged that both proposed lots conform to the applicable R zoning district requirements.

In response comments from the Town of Carmel ECB at their November 7, 2013 meeting for preliminary discussion of the project, we offer the following:

1. Wetland notification signage has been added to Drawing CD-1.
2. Post and rail fencing along portions of the wetland buffer has been added to Drawing CD-1.
3. As previously noted above, rain gardens have been provided on the site plan (Drawing CD-1) to capture roof runoff from the proposed residence. Runoff from the driveway discharges to the existing grass swale along the front of the property. In addition, new plantings of native plant material are proposed downslope of the limits of disturbance on the north side of the driveway.
4. It is our understanding that the project will need a Town of Carmel wetland permit for proposed disturbance within the 100' adjacent area.

Please place the subject project on the Planning Board's August 13, 2014 meeting agenda to schedule the public hearing.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:



Jeffrey J. Contelmo, P.E.
Senior Principal Engineer

JJC/dlm

Enclosures

cc: Kristina Hosch

Insite File No. 13106.100



New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

April 07, 2014

Dawn Lewis McKenzie
INSITE Engineering
3 Garrett Place
Carmel, New York 10512

Re: DEC
Hosch - Torres Subdivision
490 Long Pond Rd
CARMEL, Putnam County
14PR01074

Dear Ms. McKenzie:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation

Fred Pena
COMMISSIONER



John Tully
DEPUTY COMMISSIONER

DEPARTMENT OF
HIGHWAYS & FACILITIES

December 10, 2013

Dawn Lewis McKenzie, R.L.A., Project Landscape Architect
Insite Engineering, Surveying, and Landscape Architecture, P.C.
3 Garrett Place
Carmel, New York 10512

RE: 490 Long Pond Road
Town of Carmel

Dear Ms. McKenzie:

Based on our site meeting at 490 Long Pond Road on November 7, 2013, this office provides conceptual approval for the proposed driveway location for the planned subdivided parcel.

In order to accommodate this driveway location, the property owner will need to provide a driveway pipe to prevent any impediment to the existing drainage swale along the frontage of this property.

Please note that no work is to begin within the right-of-way until a permit is applied for and an approved permit is issued by this Department for the work.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,

Alexis M. Hawley
Assistant Supervisor of Planning & Design

cc: Fred Pena, P.E., Commissioner
Mark Rosa, P.E., Supervisor of Planning & Design

842 FAIR STREET - CARMEL, NEW YORK 10512
Tel. No.: 845-878-6331 Fax No.: 845-878-3260

ALLEN BEALS, M.D., J.D.
Commissioner of Health



MARYELLEN ODELL
County Executive

ROBERT MORRIS, P.E., MPH
Director of Environmental Health

DEPARTMENT OF HEALTH

1 Geneva Road, Brewster, New York 10509
Phone # (845) 808-1390 Fax # (845) 278-7921

April 9, 2014

Insite Engineering
Zac Pearson, P.E.
3 Garrett Place
Carmel, NY 10512

Re: Complete Application Determination
for Hosch & Torres Subdivision
490 Long Pond Road
(T) Carmel, TM 53.15-1-40
Amawalk Reservoir Basin

Dear Mr. Pearson:

The Putnam County Department of Health (Department) has determined that the above referenced application, including fee, and revisions received by this Department on March 12, 2014 is complete. The Department will notify you by May 23, 2014 of its determination.

If the Department fails to notify you within the above referenced time frame, you may notify the Department of its failure by certified mail, return receipt requested. The notice should be sent to my attention at the above address. This notice must include your name, the location of the project, the office with which you filed the application originally, and a statement that a decision is sought in accordance with section 18-23 (d) (6) of the NYC Dept. of Environmental Protection Watershed Rules and Regulations. If the Department fails to notify you within 10 days of the receipt of the notice, your application will be deemed approved, subject to standard terms and conditions as set forth in the regulations.

Please be advised that projects within the NYC Watershed may also require Department of Environmental Protection review and approval of other aspects of a project, such as stormwater plans or the creation of impervious surfaces, and the project applicant should contact the Department of Environmental Protection regarding such activities to see if Department of Environmental Protection review and approval is required.

If you have any questions regarding this matter, please call me at (845) 808-1390 ext. 43157.

Respectfully,

A handwritten signature in black ink, appearing to read "Joseph S. Paravati Jr.", is written over a printed name and title.

Joseph S. Paravati Jr., P.E.
Assistant Public Health Engineer

JSP:cml



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

KRISTINA HOSCH
C/O KRISLEN MANAGEMENT CORP
1500 WHITE PLAINS RD
BRONX, NY 10462
(718) 892-8888

Facility:

HOSCH/TORRES PROPERTY
490 LONG POND RD
CARMEL, NY 10512

EDDIE TORRES

C/O KRISTEN MANAGEMENT CORP
1500 WHITE PLAINS RD
BRONX, NY 10462
(718) 892-8888

Facility Location: in CARMEL in PUTNAM COUNTY

Facility Principal Reference Point: NYTM-E: 604.334 NYTM-N: 4584.621
Latitude: 41°24'22.9" Longitude: 73°45'06.3"

Authorized Activity: 2,700 square foot disturbance within the protected adjacent area of NYS Freshwater Wetland OL-18 to construct a portion of driveway to a new, single-family residence.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 3-3720-00429/00001

New Permit

Effective Date: 6/10/2014

Expiration Date: 12/31/2017

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: JAMES J ELDRED, Deputy Regional Permit Administrator

Address: NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561 -1620

Authorized Signature: _____

Date 6/10/2014



Distribution List

Dawn McKenzie, Insite Engineering
Doug Gaugler, NYSDEC Region 3 Bureau of Habitat
Maria Tupper-Goebel, NYCDEP

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: FRESHWATER WETLANDS**

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Insite Engineering, Surveying & Landscape Architecture PC, dated 06/03/2014.
2. **Conditions Prevail Over Plans** If any condition of this permit conflicts with the approved plans, the permit condition shall prevail over the plans.
3. **Notify DEC 48 Hrs Prior to Work** The permittee or a representative must contact by telephone Doug Gaugler at 845-256-3057 at least 48 hours prior to the commencement of the project authorized herein.
4. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
5. **Install Controls as Shown on Plans** Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked straw bales as shown on the plans or drawings referenced in this permit.
6. **Maintain Erosion Controls** All erosion control devices shall be maintained in good and functional condition until the project has been completed and the area has been stabilized.
7. **No Disturbance to Wetland OL-18** No disturbance to Freshwater Wetland OL-18 is authorized by this permit.



8. **Limit Disturbance to Wetland Adjacent Area** No clearing of vegetation, grading, or placement of fill shall take place in the freshwater wetland adjacent area beyond the limit of disturbance as shown on Sheet CD-1 of the plans referenced in this permit.
9. **Clean Fill Only** All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.
10. **Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated freshwater wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area.
11. **Seed, Mulch Disturbed Areas** All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first.
12. **Maintain Mulch** Mulch shall be maintained until a suitable vegetative cover is established.
13. **Temporary Mulch, Final Seeding** If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.
14. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
15. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
16. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



17. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY12561 -1620

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.



Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Unlisted Action, No Lead Agency, No Significant Impact Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action and the Department of Environmental Conservation has determined that it will not have a significant effect on the environment. Other involved agencies may reach an independent determination of environmental significance for this project.

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: KRISTINA KOSCH Permit No. 3-3720-00YZ9/00001

Effective Date: JUNE 10, 2014 Expiration date: DECEMBER 31, 2017

Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is NOT a permit.



IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

- Applicable only if checked.** Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

Jean McCreary
Division of Environmental Permits, Region 3
Telephone (845) 256-3162

- Applicable only if checked** for **STORMWATER SPDES INFORMATION**: We have determined that your project qualifies for coverage under the General Stormwater SPDES Permit. You must now file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>

Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505

In addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.

Andrew LaPorte & James LaPorte

940 Peekskill Hollow Rd.

Putnam Valley, NY 10579

July 29, 2014

Harold Gary, Chairman

Town of Carmel Planning Board

60 McAlpin Avenue

Mahopac, NY 10541

Dear Mr. Gary,

I would like to request a six month extension of the "Final Subdivision Approval, Resolution of the Planning Board of the Town of Carmel, #14-03, March 12, 2014". The reason for this request is due to the fact that both the Town of Carmel and the Town of Putnam Valley have to sign off on the subdivision and the Town of Putnam Valley will not complete their approval process until after the current expiration in the Town of Carmel.

If you have any concerns or questions please feel free to contact me at

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew A. LaPorte", written in a cursive style.

Andrew LaPorte



August 1, 2014

Town of Carmel Planning Board
60 McAlpin Avenue
Mahopac, New York 10541

RE: Gateway Summit Senior Housing Lot 6
Gateway Drive
Tax Map No. 55.-2-24.6-1 & 55.-2-24.6-2

Dear Chairman Gary and Members of the Board:

As the Board is aware, the subject project received Amended Final Site Plan approval effective February 9, 2013. A twelve (12) month extension was granted effective February 9, 2014 which will expire on February 8, 2015. Since that time, there has been no substantial change in the condition of the site and/or its environs. The applicant requests a re-grant of the Amended Final Site Plan approval. Please place this item on the Board's upcoming August 13th agenda for consideration of regrant of approval.

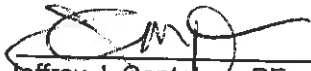
A check is enclosed for the \$1,500.00 fee.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:


Jeffrey J. Contelmo, PE
Senior Principal Engineer

JJC/dlm

Enclosure

cc: Fred Koelsch, CRI

Insite File No. 04232.106



August 1, 2014

Town of Carmel Planning Board
60 McAlpin Avenue
Mahopac, New York 10541

RE: Fairways Senior Housing Lot 7
Gateway Drive
Tax Map No. 55.-2-24.8-1 & 55.-2-24.8-2

Dear Chairman Gary and Members of the Board:

As the Board is aware, the subject project received Amended Final Site Plan approval effective February 9, 2013. A twelve (12) month extension was granted effective February 9, 2014 which will expire on February 8, 2015. Since that time, there has been no substantial change in the condition of the site and/or its environs. The applicant requests a re-grant of the Amended Final Site Plan approval. Please place this item on the Board's upcoming August 13th agenda for consideration of regrant of approval.

A check is enclosed for the \$1,500.00 fee.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:


Jeffrey J. Contelmo, PE
Senior Principal Engineer

JJC/dlm

Enclosure

cc: Fred Koelsch, CRI

Insite File No. 05140.100

William A. Shilling, Jr., P.C.

Attorney at Law

122 Old Route 6

Carmel, New York 10512

E-Mail was.law@comcast.net

Michael V. Caruso

**Also admitted in CT*

Phone (845) 225-7500

Fax (845) 225-5692

June 30, 2014

BY HAND DELIVERY

Planning Board of the Town of Carmel

60 McAlpin Avenue

Mahopac, New York 10541

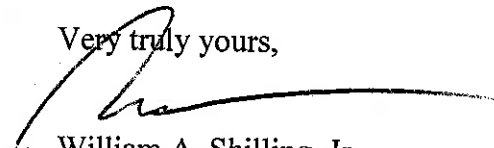
Re: Application for waiver of site plan approval for real property known as
424 Baldwin Place Road, Mahopac, New York 10541 (the "Premises")

Dear Chairman Gary and Members of the Planning Board:

This office represents the applicant, Michael Campanelli, with respect to the Premises. Attached please find ten (10) copies of a survey, first floor plan of the six-family residential dwelling, and Building Department memorandum in support of my client's application for waiver of site plan approval.

The remaining two structures on the Premises are single-family dwellings and stand as preexisting nonconforming uses. I will submit a floor plan for the second floor of the existing six-family dwelling and a memorandum of law in support of this application before it is calendared for the Planning Board's next available meeting. Please do not hesitate to contact me with any questions.

Very truly yours,



William A. Shilling, Jr.

cc: Town of Carmel Zoning Board of Appeals
Michael Campanelli



PLANNING BOARD
Town of Carmel - Town Hall
Mahopac, NY 10541
(845) 628-1500

WAIVER OF SITE PLAN APPLICATION

To: Town of Carmel Planning Board

I would like to request a waiver of the site plan requirements in connection with a change of use on the property located at:

424 Baldwin Place Rd, Mahopac, NY 10541

Tax Map # 75.11-2-25 in the R Zone.

Converting 4 family units & Store into 6 family units. Property has 2 additional single family homes bringing site to 8 family units.

For the following reasons:

I do not plan to make any exterior changes to the building.

My proposed use of the site is 8 Residential Family Units

The present use of the site is 8 Residential Family Units

I will employ 0 people (number).

There is (is not) a loading dock to receive my supplies.

Signs will conform to the code.

Special Comments The zoning board approved the change from Commercial to residential in the 1980's.

In support of my request, I have attached the following:

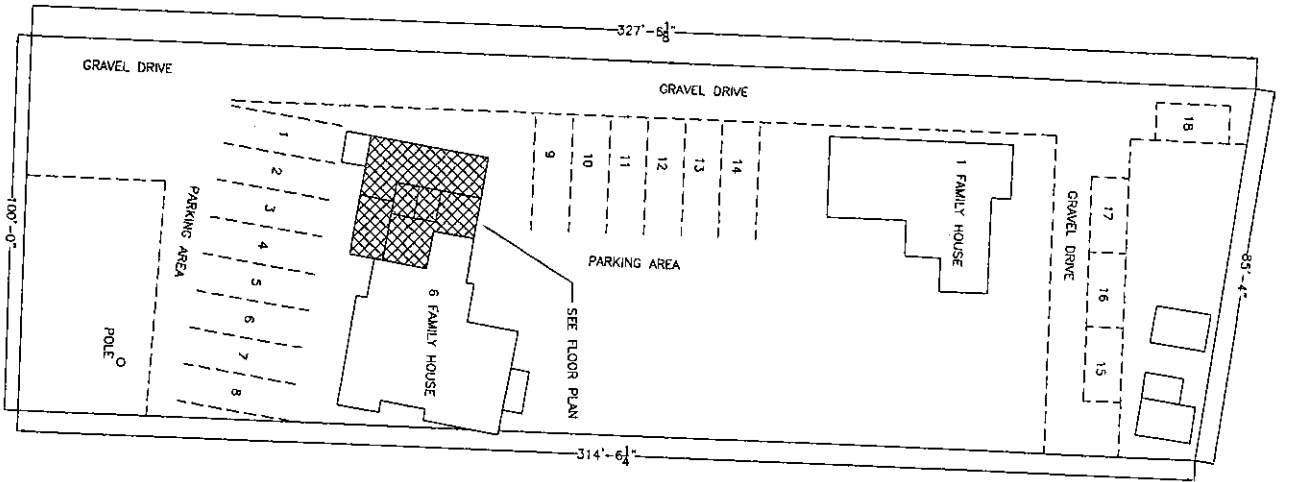
- Requirements:
- 5 copies of this waiver request.
 - 5 copies of a floor layout drawn to scale.
 - 5 copies of a parking layout drawn to scale on your survey.
 - 5 copies of a location map.

Michael Campanelli 10 Park Lane, Mahopac, NY 10541 914-263-9956

Print Applicant's Name, Address & Telephone Number

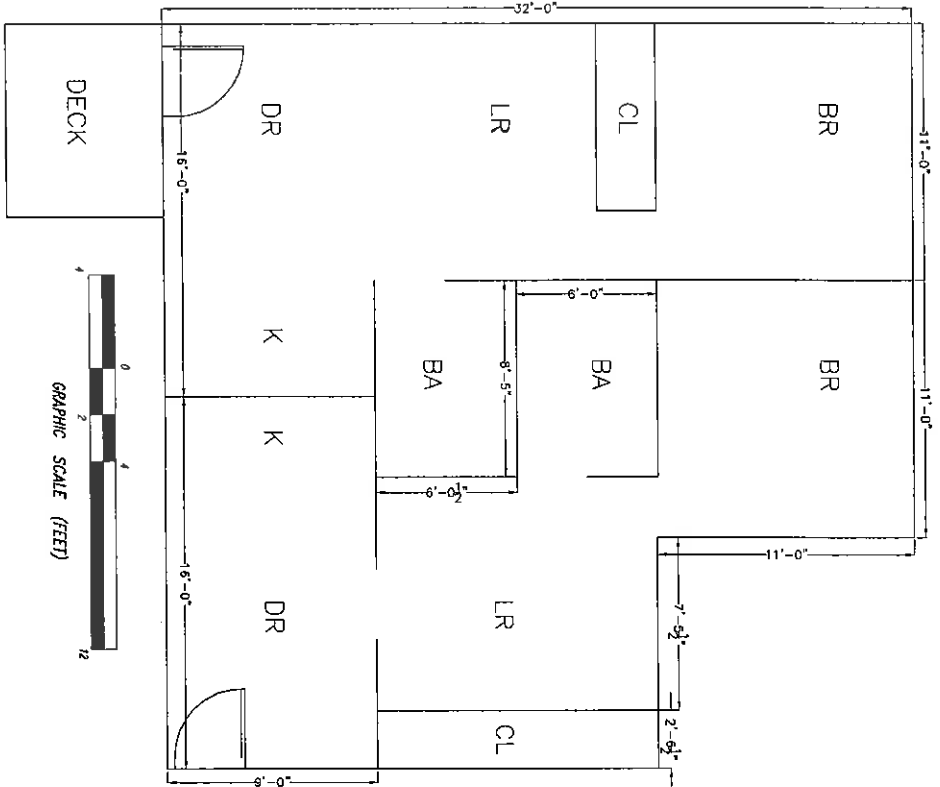
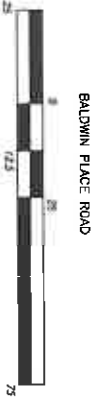
Michael Campanelli 4-8-14

Applicant's Signature & Date



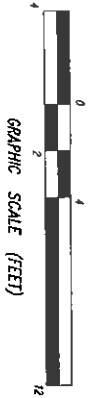
SITE PLAN

SCALE: 1"=25'-0"



FLOOR PLAN

SCALE: 1/4"=1'-0"



- NOTES:**
- 1) TWO (2) NEW APT. UNITS (FORMERLY STORE)
 - 2) BUILDING ORIGINALLY FOUR (4) FAMILY UNITS & STORE CONVERTED STORE INTO TWO (2) ADDITIONAL APT. UNITS MARKING 8 (SIX) FAMILY UNITS IN TOTAL.

FLOOR PLAN
 MICHAEL & ROCCO CAMPANELLI
 424 BALDWIN PLACE RD. MAHOPAC, N.Y.
 MAY 12, 1986

MICHAEL & ROCCO CAMPANELLI	
424 BALDWIN PLACE RD. MAHOPAC, N.Y.	
SCALE	AS NOTED
DATE	04-08-2014
DRAWN BY	EJM
REVISION	

DRAWING NUMBER
 MRC-1

Michael G. Carnazza
Director of Code Enforcement



Kenneth Schmitt
Supervisor

60 McAlpin Avenue
Mahopac, New York 10541

MEMORANDUM

TO: Chairman Harold Gary and Members of the Town of Carmel Planning Board.

FROM: Michael G. Carnazza, Director of Code Enforcement

DATE: April 30, 2014

RE: Waiver of Site Plan for Campanelli
Tm# 75.11-2-25

- I have no objection to the waiver of site plan approval.
- The owner obtained an interpretation that the change of use from Dwelling Units and an Electricians Business to all Dwelling Units is more conforming to code and therefore, allowed by right.
- The ZBA conditioned the approval that the applicant must go to the Planning Board.
- The applicant applied to the Planning Board and was denied a waiver.
- The applicant now returns to the Board to request a waiver for the second time as there have been no changes to the site and no variances are required.

William A. Shilling, Jr., P.C.

Attorney at Law

122 Old Route 6

Carmel, New York 10512

E-Mail was.law@comcast.net

Michael V. Caruso

**Also admitted in CT*

Phone (845) 225-7500

Fax (845) 225-5692

August 6, 2014

BY HAND DELIVERY

Planning Board of the Town of Carmel

60 McAlpin Avenue

Mahopac, New York 10541

Re: Application for waiver of site plan approval for real property known as
424 Baldwin Place Road, Mahopac, New York 10541 (the "Premises")

Dear Chairman Gary and Members of the Planning Board:

This office represents the applicant, Michael Campanelli, as record owner of the Premises. In addition to the surveys previously furnished to the Planning Board, attached are ten (10) copies of floor plans for the three (3) residential dwellings on the Premises and a memorandum of law providing a brief background on this application for waiver of site plan approval. In total, the three dwellings on the Premises account for eight (8) bedrooms.

Also enclosed are ten (10) copies of the Zoning Board's decision, dated January 23, 1986. The Zoning Board granted interpretive relief permitting the conversion of a commercial space (1,000 sf) within the largest, most westerly building on the Premises into two (2) one-bedroom apartments. Please do not hesitate to contact me with any questions.

Very truly yours,



Michael V. Caruso

cc: Town of Carmel Zoning Board of Appeals
Michael Campanelli

PLANNING BOARD
TOWN OF CARMEL

In the Application of

MICHAEL CAMPANELLI

Petitioner,

For Waiver of Site Development Plan Approval
Pursuant to Section 156-61(L) of the Code of the
Town of Carmel.

MEMORANDUM OF LAW

POINT I

PETITIONER'S APPLICATION IS
CONSISTENT WITH THE REQUIREMENTS
FOR WAIVER OF SITE PLAN APPROVAL

Section 156-61(L) of the Code of the Town of Carmel entitled "[s]ite plan approval" provides as follows:

"[s]ite development plan approval as required in this chapter may be waived, in whole or in part, when the site development is for a conforming use or occupancy *that will not enlarge an existing building* and where said conforming use or occupancy would also *conform to all other requirements of this chapter.*" (emphasis added).

By a decision of the Town of Carmel Zoning Board of Appeals (the "Zoning Board"), dated January 23, 1986, a copy of which is annexed, petitioner's predecessor-in-title, Norman E. Hill, was granted an interpretation to permit the conversion of a commercial space of one-thousand (1,000) square feet within a dwelling on the Premises (424 Baldwin Place Road, Mahopac, New York 10541; TM No. 101-4-32) into two (2) one-bedroom apartments.

The prior commercial use of this space was both non-conforming and proved increasingly arduous to maintain as a commercially viable space. Thus, the Zoning Board eliminated the mixed use building on the Premises in favor of a more restrictive use, that being

strictly residential. All three (3) existing building on the Premises have and continue to be utilized as residential dwellings.

It is clear that none of the existing dwellings on the Premises are or have been enlarged since Petitioner has been in record ownership thereof. The Town of Carmel Building Inspector has confirmed by a memorandum, dated April 30, 2014, that no relief is required before the Town of Carmel Zoning Board of Appeals. Thus, Petitioner's application for waiver of site plan approval to continue utilizing the Premises as having eight (8) residential dwelling units is appropriate.

POINT II

WAIVER OF SITE PLAN APPROVAL IS AUTHORIZED DESPITE ANY NONCONFORMITIES ON THE PREMISES

Section 156-47(A) of the Code of the Town of Carmel entitled "[c]ontinuation" provides, in pertinent part, as follows:

"[a]ny type of nonconforming use of buildings or land may be continued indefinitely, but shall not be:

(1) *Enlarged or structurally altered, extended or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter or of any applicable amendment thereof, nor shall any external evidence of such use be increased by any means whatsoever, except whereby, through such alteration, it is changed to a conforming use;*

(2) *Changed to another nonconforming use without approval from the Board of Appeals and then only to a use which, in the opinion of said Board, is of a more restricted nature."* (emphasis added).

The Code of the Town of Carmel contemplates that any type of nonconforming use of buildings or land may be continued indefinitely.

One of the clear purposes of Sections 156-47 is to accommodate for nonconforming land and uses of land that are not developed over time. Here, *but for* the change of use within the

one-thousand (1,000) square feet of commercial space of the largest building on the Premises, Petitioner has neither developed nor does he intend to develop the Premises beyond the nonconformities that were previously recognized as lawful by the Town of Carmel Zoning Board of Appeals in 1986. In creating two (2) additional dwelling units on the Premises, the Zoning Board acknowledged this use as being “more restrictive and in conformity within the residential area in which it is located.” Petitioner’s application and use of the Premises is in keeping with these policies.

Notwithstanding the above, Town Law Section 274-a(5) entitled “[w]aiver of requirements”, authorizes a Planning Board to:

“when reasonable, waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in the ordinance or local law adopted pursuant to this section, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.”

Consistent with Town Law Section 274-a(5), the Code of the Town of Carmel contemplates scenarios in which nonconforming uses of real property should be allowed to continue provided the intensity and scope of their use remains consistent. Petitioner’s use of the Premises as housing eight (8) residential units has been continuous and uninterrupted since 1986. Additionally, Petitioner has received approval from the Putnam County Board of Health for the eight (8) bedroom count reflected on the surveys annexed to this application.

Any nonconformities arising by virtue of amendments to the Code of the Town of Carmel to date are mitigated by both the Zoning Board’s interpretive decision and Petitioner’s reasonable and consistent use of the Premises for residential purposes. Thus, any nonconforming

dimensions and/or uses of the Premises may be lawfully continued and do not affect Petitioner's entitlement to waiver of site plan approval.

CONCLUSION

Based on the above, Petitioner respectfully requests the grant of waiver of site plan approval pursuant to 156-61(L) of the Code of the Town of Carmel with respect to the Premises.

Dated: Carmel, New York
August 6, 2014

WILLIAM A. SHILLING, JR., P.C.

By: 

Michael V. Caruso

122 Old Route 6
Carmel, New York 10512
(845) 225-7500

Attorneys for Petitioner

March 13, 1986

Mr. Martin King
Professional Building
Baldwin Place, New York 10505

Re: Norman Hill - TM 101-4-32
499 Baldwin Place Road, Mahopac

Dear Mr. King:

As you are aware, the Zoning Board of Appeals of the Town of Carmel, on January 23, 1986, rendered an interpretation as to the use of the above captioned property.

The Board found that the proposed use of the 1000 sq. ft. commercial space can be converted to two one bedroom apartments and will thus be in conformity with the residential area in which it is located. In addition to the two new apartments, there are four pre-existing apartments making a total of six apartments and two cottages for a total of eight dwelling units.

The Board's finding is contingent upon the applicant obtaining site plan approval from the Town of Carmel Planning Board and a cessation of all commercial activity on the site.

Very truly yours,

Peggy Moore, Secretary
to the Zoning Board of Appeals

INTERPRETATION OF SECTION 63-12 (B)APPLICANT - NORMAN E. HILLFINDINGS OF FACT

Application concerns property located at 499 Baldwin Place Road, tax map #101-4-32 in an R-40/30 zone, Mahopac, New York.

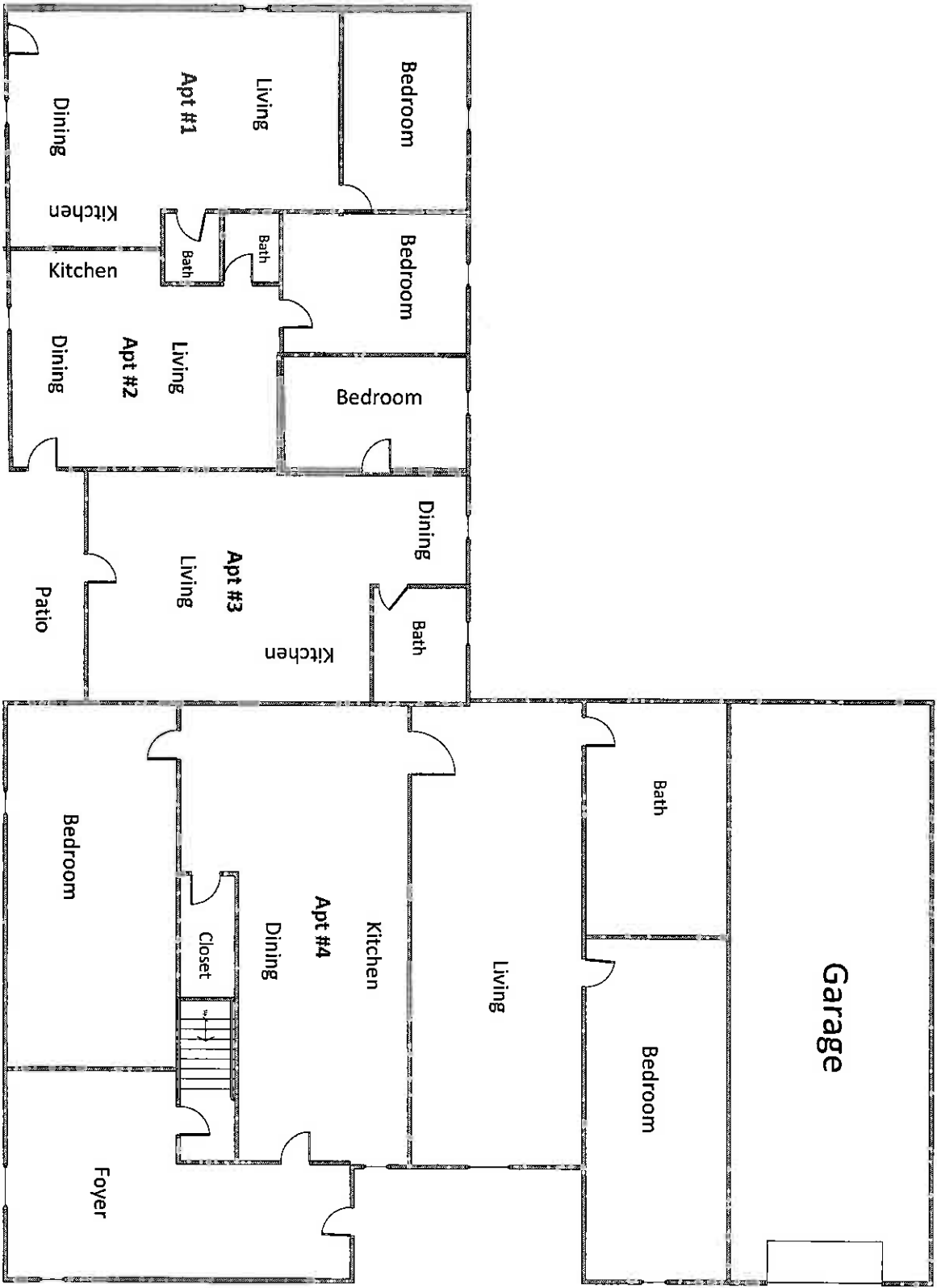
William Shilling, Esquire, representing the applicant, appeared before the Board and stated that his client wished an interpretation of Section 63-12 (B) which states that non-conforming uses shall not be changed to another non-conforming use without approval from the Board of Appeals and then only to a use which, in the opinion of the Board, is of a more restricted nature. He said the subject structure has four residential units and 1000 sq. ft. of space previously used for commercial purposes. The applicant wishes to discontinue the commercial use and establish two one bedroom apartments. His client bought the subject property in 1978 and part of the structure had been used as an appliance store until 1983 when the applicant was unsuccessful in continuing the commercial rental. The applicant warehoused appliances on the site as well as doing repairs and holding garage sales. The applicant wants to discontinue the non-conforming use and create two one bedroom apartments in the 1000 sq. ft. commercial area. He thought that was more restrictive and in conformity with the residential zone in which the building is located. Mr. Shilling stated that he thought under the code, a commercial use is less restrictive than a residential use and that as a matter of law, a residential use is more restricted than a commercial one.

INTERPRETATION

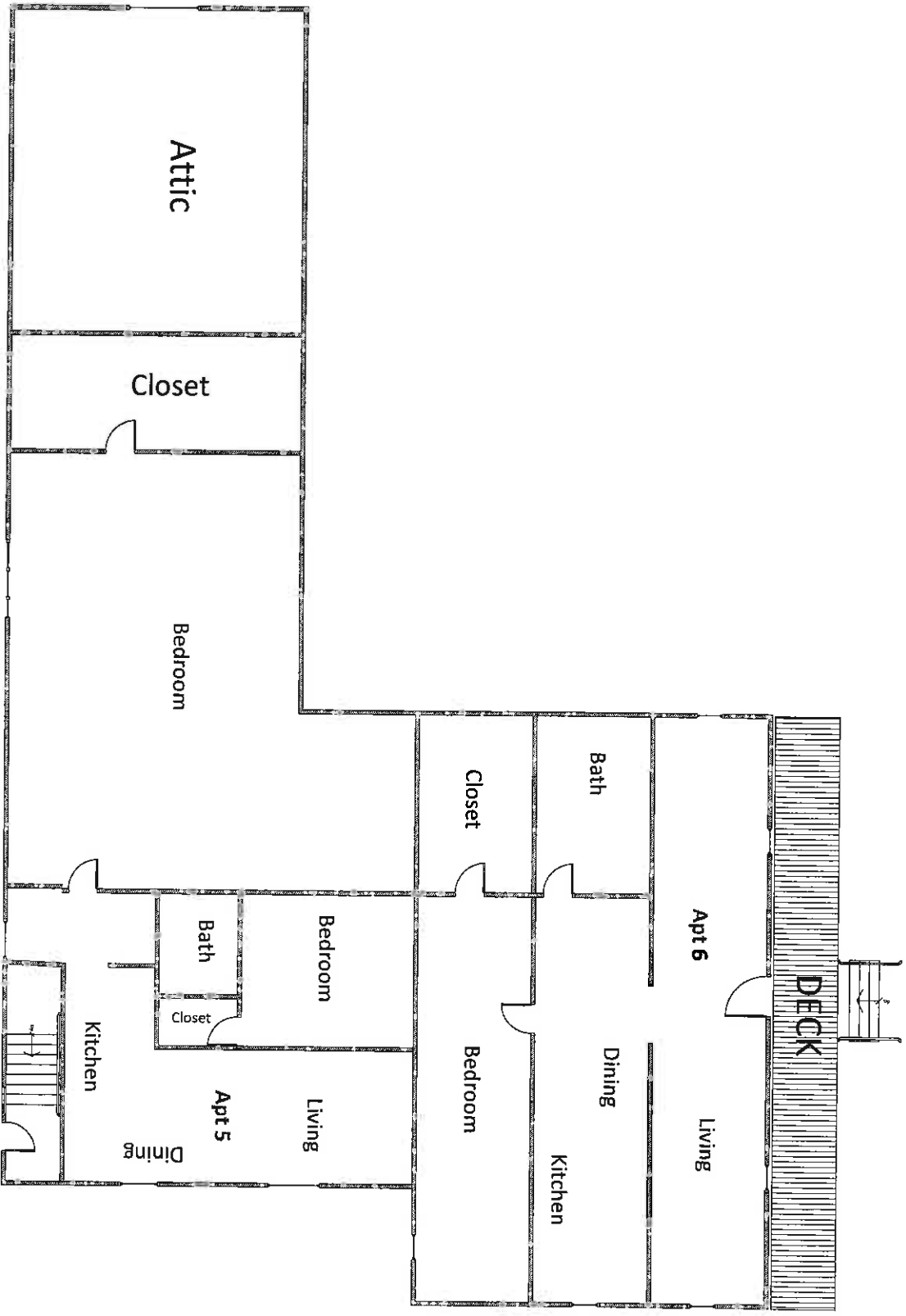
After due deliberation, the Board found the applicant's request, in light of Section 63-12(B), to be that the proposed use of the 1000 sq. ft. of commercial space to wit: the creation of two one bedroom apartments, is more

restrictive and in conformity with the residential area in which it is located. This finding is contingent upon the applicant obtaining site plan approval from the Town of Carmel Planning Board and a cessation of all commercial activity on the site. This approval is conditioned upon the issuance by the Planning Board of a site plan approval upon such terms as the Planning Board deems necessary to the extent the applicant can comply with the requirements for the RMF zone. The filed site plan shall state that the use was approved by the ZBA.

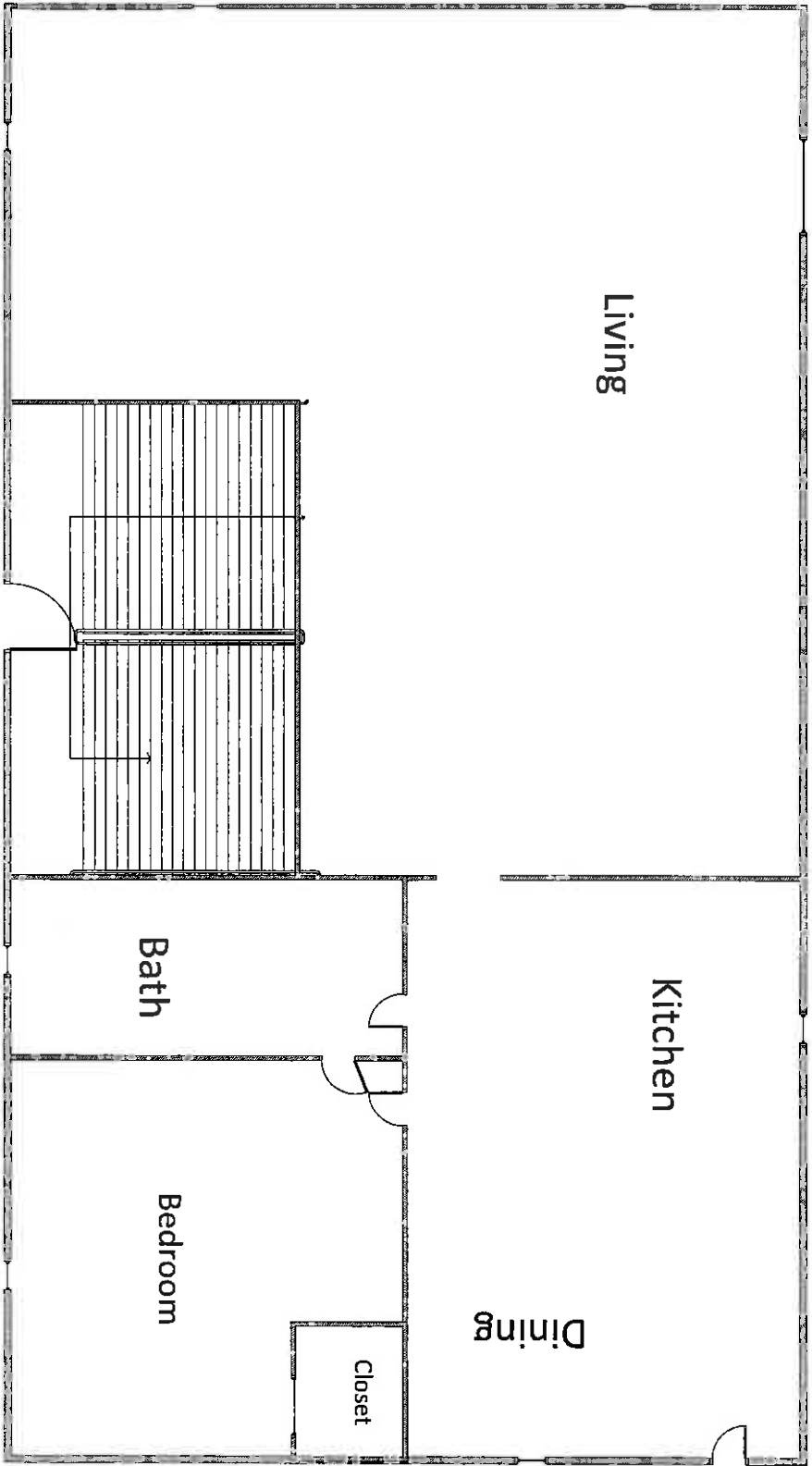
Joseph Girven, Chairman



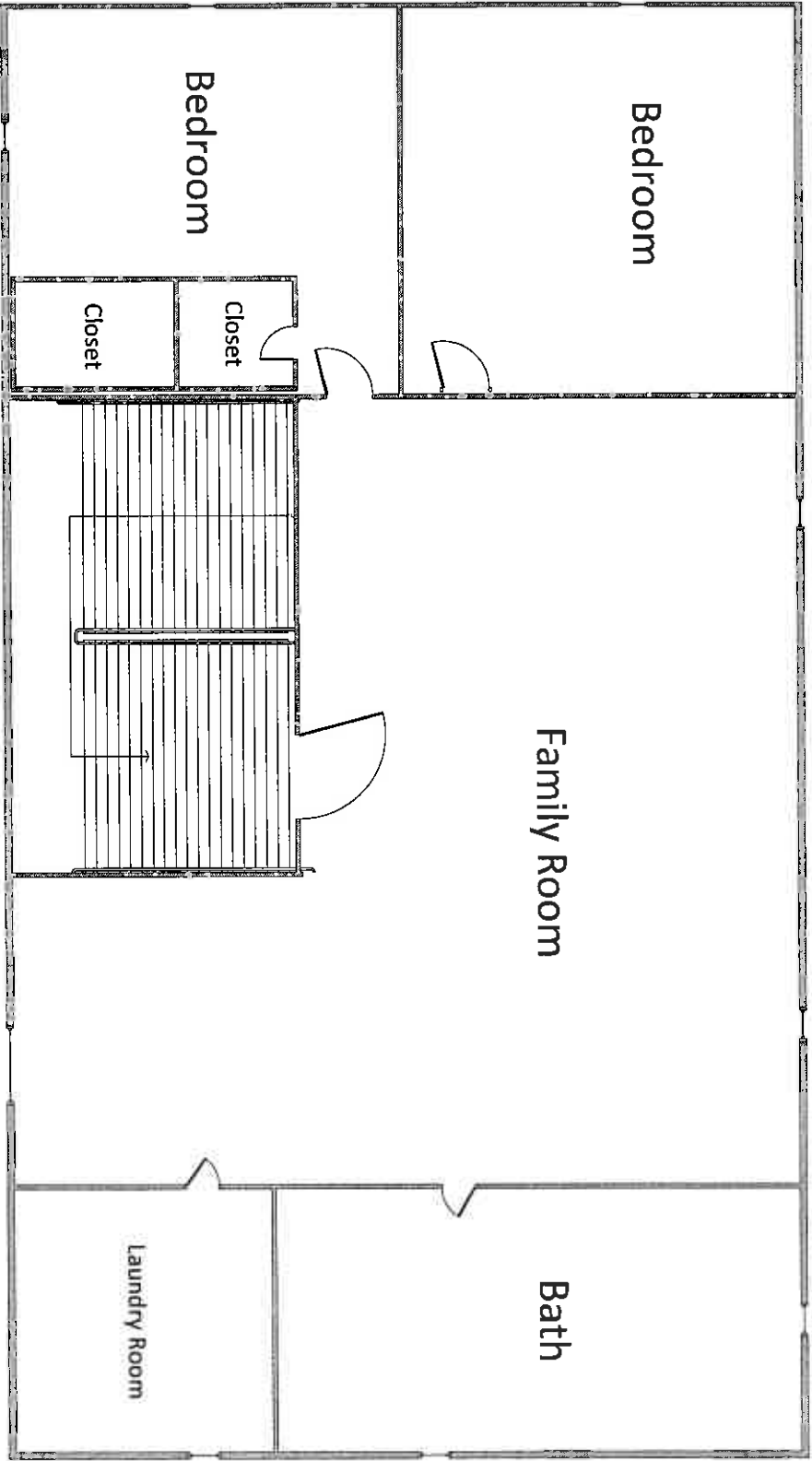
Lower Floor Layout



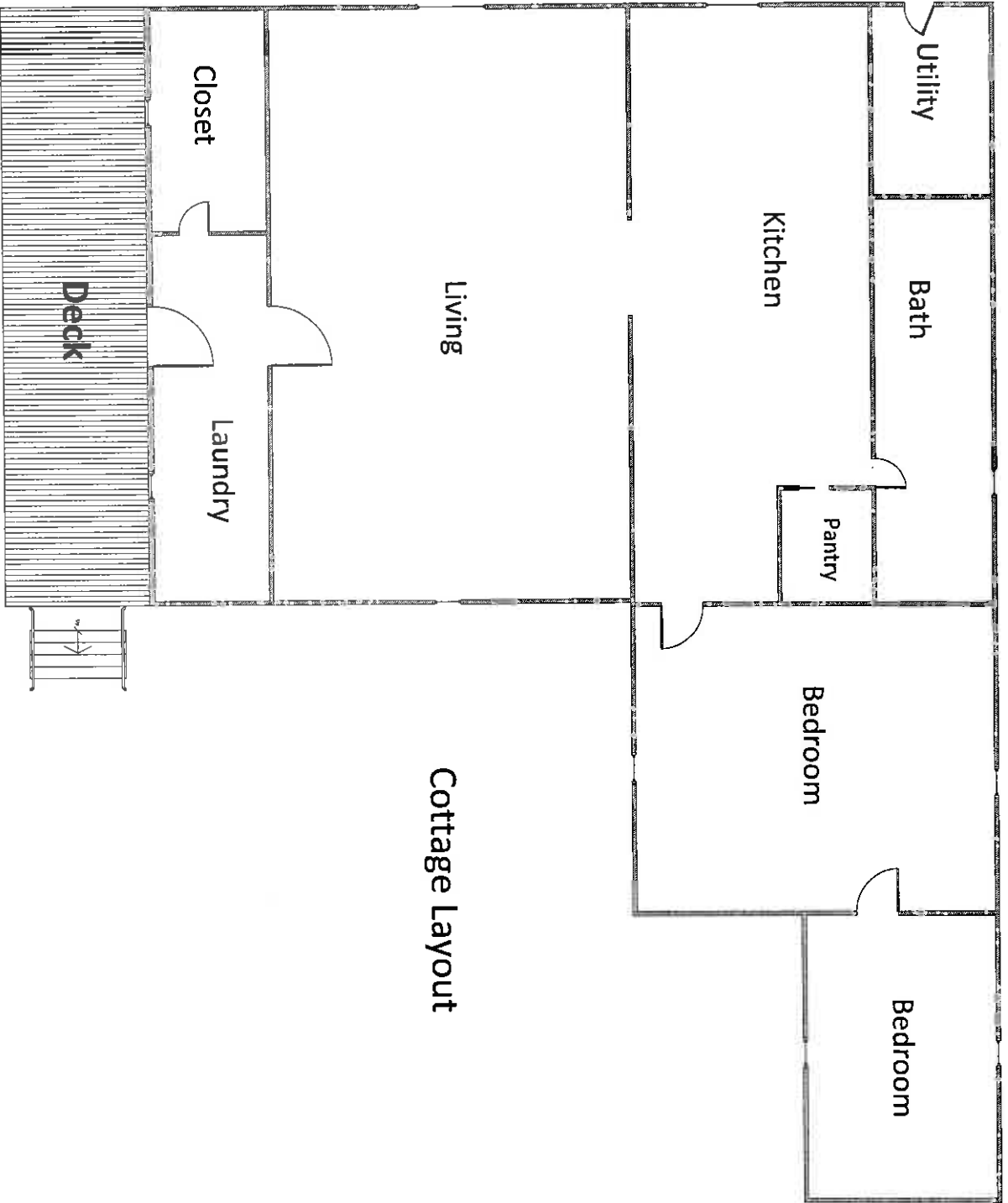
Second Floor Layout



High Ranch House Upper Layout



High Ranch House Lower Layout



Cottage Layout