

APPROVED

**HAROLD GARY**  
*Chairman*

**CRAIG PAEPRER**  
*Vice-Chair*

**BOARD MEMBERS**  
**ANTHONY GIANNICO**  
**DAVE FURFARO**  
**CARL STONE**  
**KIM KUGLER**  
**RAYMOND COTE**

**TOWN OF CARMEL**  
**PLANNING BOARD**



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 – Ext.190  
[www.ci.carmelny.ny.us](http://www.ci.carmelny.ny.us)

**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

**VINCENT FRANZE**  
*Architectural Consultant*

**PLANNING BOARD MINUTES**  
**MAY 18, 2016**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, ANTHONY GIANNICO,  
CARL STONE, RAYMOND COTE

**ABSENT:** KIM KUGLER, DAVE FURFARO

<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>TYPE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
CVS Pharmacy	55.10-1-12	1-2	P.H.	Public Hearing Closed & Bond Return Recommended to Town Board.
Dewn Holding	53.-2-28	2	Resolution	Resolution Adopted.
Rooney, Sean	86.11-1-18	2-3	Site Plan	Public Hearing Scheduled.
Loewenberg, Ralph	64.16-1-30	3-7	Site Plan	Referred to ZBA & ECB.
Lake Plaza Shopping Center (Proposed Stop & Shop)	65.10-1-45&46	7-14	Amended Site Plan	Planner to Prepare Resolution.
Infantino, Thomas & Lori	64.12-1-56	14-15	Bond Return	Public Hearing Scheduled.
Minutes- 3/16/2016 & 4/27/16		15		Approved

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Rose Trombetta

**CVS PHARMACY – 1879-1905 ROUTE 6, CARMEL – TM – 55.10-1-12 – PUBLIC  
HEARING ON BOND RETURN**

Mr. Carnazza said this is on for a bond return and all of my comments have been addressed.

Mr. Franzetti said this is a bond return as directed by the Planning Board on April 27, the engineering department met with representatives from Pulte Homes, the adjacent property owner and the NYS DOT on Thursday May 5<sup>th</sup>. The reason for the meeting was to discuss drainage in the rear of the property and flooding at the front of the property respectively. The results from the meeting are as follows; all site improvements as required by the site plan approval have been completed based on the site meeting held on May 5<sup>th</sup> with regards to drainage in the rear of the property representatives from Pulte Homes indicated that they will research this issue and try to fix the drainage in the back. Representatives from the New York State DOT stated that there have not been any flooding complaints in recent years regarding the ponding of water at this site; they recall that this issue was addressed by the prior Town Engineer in 2011 or 2012. The Planning Board should also note that CVS leases this property and does not own it therefore based on these investigations it is recommended that the original bond posted in the amount of 180,000 dollars be returned in full.

Mr. Cleary said I have no comments on the bond return.

Mr. Morando said I am the attorney for CVS and we agree with the recommendation.

Mr. Giannico asked if the property owner was present at the meetings and site visits.

Mr. Franzetti said no he has not been.

Mr. Giannico asked if he has been contacted.

Mr. Franzetti said he is impossible to contact.

Mr. Paepre said so then we have nothing left to do with Pulte Homes other than they say that they are going to follow up on it.

Mr. Franzetti said Pulte Homes is an open project right now that still has Planning Board bonds in place for lots 4, 3 and 5. This project happens to be adjacent to lot 4; there are bonds in place right now that they are requesting to be returned based on site inspections by the Towns Engineering Department and Building Department.

Mr. Charbonneau said that this Board will have the opportunity to address this problem when they come for their bond returns.

Chairman Gary asked if anybody else had any questions. I also agree that the bond should be returned but I do have a concern about Route 6 and the reasons why this was held up. The Town Engineer said that the DOT has no concern there, that's what needs to be put on record. I don't think we should have any other issues with the bond because there used to

be 2 feet of water that would build up in the front of CVS where you couldn't even get through. If that's not the case anymore then there is no reason for us to hold it up, we got what we needed from the DOT so I have no objection to the bond being returned.

Chairman Gary then opened the public hearing and asked if anyone in the audience wished to be heard on this application.

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

Mr. Stone moved to recommend bond return to the Town Board. The motion was seconded by Mr. Paerprer with all in favor.

**DEWN HOLDING – MEXICO LANE – TM – 53.-2-28 – RE-APPROVAL OF FINAL SUBDIVISION APPROVAL**

Mr. Carnazza said this is on for a resolution and all of my comments have been addressed.

Mr. Franzetti said all of my comments have been addressed.

Mr. Cleary said to the Chairman that he has the resolution in front of him and this is a re-approval of the 2014 approval that you granted, no changes have been made to the plans so it is simply a re-approval because of the expiration of the prior approval.

Mr. Giannico moved to adopt Resolution #16-14, dated May 18, 2016; Tax Map #53.-2-28 entitled Dawn Holding Subdivision for Final Subdivision Re-approval. The motion was seconded by Mr. Paerprer with all in favor.

**ROONEY, SEAN – 17 MILLER ROAD – TM – 86.11-1-18 – AMENDED SITE PLAN**

Mr. Carnazza said everything was completed on the site plan, I had some questions about the upstairs making sure that there will not be an apartment up there because that is not allowed. They answered that they will not do that but there is one thing missing from the map and that is a graphic scale which needs to be added.

Mr. Franzetti said the application encompasses the proposal to re-develop a .24 acre parcel located at 17 Miller Road in Mahopac NY which involves the installation of retaining walls and expansion on parking area to accommodate a change of use for a portion of the existing building. I have worked with the applicant to make sure all of my comments were addressed because the applicant wants to go to a public hearing but in order to do that I need the entire packet submitted which has been submitted to the Engineering Department. I recommend ultimately that this goes to a public hearing; the applicant acknowledges that they have to meet with the Mahopac Fire Department, they need Putnam County Department

of Health septic approvals, well approvals and storm water permits from the NYS DEC. All other comments that I have asked for have been addressed.

Mr. Cleary said if you recall at the last meeting the applicant clarified and answered all of the outstanding site plan comments and I have no further comments left on this application.

Mr. Karrell said I would like to schedule a public hearing.

Chairman Gary asked if we are all set to do that.

Mr. Cleary said yes we are, as you heard Mr. Franzetti is waiting on some information that has been submitted so we are good to go.

Chairman Gary said that there are no comments from the Board; the public hearing will now be scheduled.

### **LOEWENBERG, RALPH – 260 WEST LAKE BLVD. – TM – 64.16-1-30 – SITE PLAN**

Mr. Carnazza said he needs to provide a graphic scale on the plan, provide meets and bounds description of the rear property line and different variances are going to be required. For the height of the building 10 feet is allowed and 11.5 feet are provided so a variance of 1.5 feet is required and for the bathhouse in the rear yard 15 feet is required and they have 0 so a 15 foot variance is needed. The variance required for parking is 90 spaces required, 5 spaces are provided so an 85 parking space variance is needed, our code has a strange requirement for one parking spot for every 750 square feet of lot area, we don't want 90 parking spaces here but by code it is required.

Mr. Cleary said this is probably the largest lot we have seen that has applied for one of these but these are based on the size of the property.

Chairman Gary asked what the requirements are by code.

Mr. Carnazza said one parking space for every 750 square feet of lot area.

Chairman Gary asked how many parking spaces he feels should be required.

Mr. Carnazza said the applicant has 5 provided and it's for his family so I think that should be okay.

Mr. Franzetti said the application encompasses the proposal to renovate an existing boat house and add a second floor bathhouse on an existing footprint. The amenity will require the creation of parking on the site per section 156-7 of the Town Code. There is no site work proposed on this site, however I do offer the preliminary comments, the drawings should provide a legend which contains significant pieces of the drawing, referrals by the applicant should be warranted by the ECB and Putnam County Department of Health. The applicant

did provide a short EAF and identified that the project is located in an archeological sensitive area, site has threatened or endangered animals and the project is located in the 100 year flood plain. They just need to provide some additional information regarding these responses as part of the SEQR process and it is unclear if the bathhouse will be equipped with sanitary facilities, if so; the facilities then must be approved by Putnam County.

Mr. Cleary said Mr. Carnazza indicated the issues that relate to this, this is considered a private water related facility subject to those specific requirements. Given the unique circumstances of this property, they are non-compliant in a few different areas so referral to the Zoning Board is the major issue here. No physical improvements are being proposed to the balance of the site, the addition is on top of the existing boathouse which means there is no change to the footprint or shoreline. Mr. Franzetti made some points about SEQR issues but this is actually considered type 2 action so you don't have to do a Negative Declaration, those issues require responses for the record but it won't be for a Neg Dec it will be for your informational purposes. The only site plan comment that I have is it wasn't clear if there was site lighting being proposed on the boat house, lighting on the lake and on the edges of the lake tend to have a significant impact so we will need to know what is going on with the details of that.

Mr. Paepre asked what our role is architecturally since there isn't an Architectural Review Board anymore.

Mr. Cleary said you assume that role so you would have that responsibility.

Mr. Besharet said this is basically the existing foot print of the boathouse, the bathhouse is going to be proportioned with and in the back there will be a little seating area 6 foot by 8 foot. There will also be all glass around it; it is going to be a seasonal room that will only be used during the time that they are here in Mahopac.

Mr. Cleary said one other point is the clarification of what improvements are proposed to the bathhouse.

Mr. Willie Besharat of Rayex Design, representing the applicant stated what we have here is just an open space; there is no other room, no cabinets or anything like that. It is going to be almost 100% glass all around.

Chairman Gary said I suppose you would never have improvements in there.

Mr. Carnazza said they would technically be allowed too by code but they would need to get Health department approvals and septic hook-ups.

Mr. Giannico said so there are no provisions for a bathroom.

Mr. Besharat said no although we are allowed one, there is just no need for one.

Mr. Stone asked if sanitary facilities are allowed.

Mr. Carnazza said yes they are actually recommended.

Mr. Cleary said these provisions were put in place for those vacant lots where people are building just boat houses and not attaching a single family home. This is different because his house is on the property so it is less of a concern.

Mr. Stone said the lower portion of this is existing now so is there a flat roof.

Mr. Besharat said yes the roof is almost flat it's very shallow, this is all existing here and this is the section that we are looking at it is all in the same foot print.

Mr. Stone asked if that is infill.

Mr. Besharat said yes it is, the stonewall is existing and that door enters the boathouse on both sides.

Mr. Stone said okay so that area there is existing.

Mr. Besharat said yes.

Mr. Carnazza said the code states that the boathouse may be equipped with the appropriate sanitary facilities approved by the Putnam County Health Department and subject to any other standards from the ECB.

Mr. Stone said so as long as they have the appropriate approvals they can put a bathroom in.

Mr. Carnazza said yes but they are not proposing a bathroom on this application.

Mr. Stone said I understand.

Chairman Gary said when Mr. Carnazza said 80 parking spaces are required by code but that should not be necessary; my question is if the code requires something how does this board figure that out.

Mr. Charbonneau said that is the Zoning Board's job not yours.

Mr. Carnazza said they allow you to ignore it.

Chairman Gary asked if it is required that the Planning Board makes the first comment because we never said anything to the Zoning Board about this.

Mr. Charbonneau said you can make a comment stating that you want to pass this along to the Zoning Board.

Chairman Gary said okay but we can also decide that we don't want to send it there.

Mr. Charbonneau said no they still have a right to go to the Zoning Board.

Mr. Carnazza said yes they do.

Chairman Gary said that's been a questionable approach for years, has that been modified.

Mr. Cleary said 10 or 15 years ago the State Law was changed and an applicant can go directly to the Zoning Board without your recommendation.

Chairman Gary said I have been here for 30 years and I don't remember that changing.

Mr. Cleary said most applicants are happy to get your recommendation to the Zoning Board and would wait for it.

Chairman Gary said I'm just concerned about getting the Planning Board into a legal dispute.

Mr. Carnazza said you can suggest however many parking spaces you feel would be best for this applicant.

Chairman Gary said I think the recommendations from the consultants should be 8 or less parking spaces, this Board is not obligated to something they heard.

Mr. Carnazza said he doesn't even need that variance, I apologize he had wrote it on his application and I went along with it but the code says it is required for any lot not improved by at least 1 residential dwelling unit. He has a house on this lot so he will not need to get that variance.

Chairman Gary said okay I will accept that, that makes more sense.

A discussion ensued about the code changing.

Mr. Carnazza asked Mr. Besharat if the jagged line is the property line.

Mr. Besharat said according to the deed description the high water mark is that line, I spoke to the surveyor and he said he will give us a description of the high water mark at the time they did the survey.

Mr. Carnazza said but it is definitely zero though.

Mr. Besharat said yes the property line is.

Mr. Carnazza said I just don't want you to go for a variance that you don't need.

Chairman Gary said do you think we should send this application to the architect.

Mr. Cleary said we did that with the last application that was like this one and he had no comment.

Mr. Carnazza said it's a residential structure that is tucked away, if the Board feels like you have too then you can.

Chairman Gary said I have no problem with that.

Mr. Franzetti said just so the Board knows if you do recommend the architect to see the application then the applicant would be required to submit a permit fee for that which would have to be determined by Mr. Carnazza based on what this type of project is. Once the permit fee is submitted is when we can give the information to the architect which will now be the procedure, after that if the architect comes back and posts an escrow then it would come back to the Board for you to vote on.

Mr. Carnazza said but if your Board looks at it alone without sending it to the architect then you won't need to do any of that.

Chairman Gary said that is up to the Board to decide whether or not the architect should review an application.

Mr. Paepre said I think the burden is on the Zoning Board, there seems to be quite a few issues with them.

Mr. Cleary said he needs two variances one for height and the other for setback.

Chairman Gary asked if that is what Mr. Carnazza is recommending.

Mr. Carnazza said yes, I am eliminating the parking one.

Mr. Giannico moved to send the applicant to the Zoning Board and the ECB. The motion was seconded by Mr. Stone with all in favor.

**LAKE PLAZA SHOPPING CENTER (PROPOSED STOP & SHOP) – 983-1005 ROUTE 6 – TM – 65.10-1-45 & 46 – AMENDED SITE PLAN**

Ms. Geraldine Tortorella, John Canning and Mike Junghans and Pablo Medeiros were all present before the board.

Ms. Tortorella said when we were last here in March we had reminded the Board that it is the Lead Agency for the SEQR Review which means that the Board at some point needs to make a determination of significance. We have gone as far as we can with the DEP, DEC and



with the Putnam Count Department of Health reviews. They will not advance our reviews any further and formally process our application until we have a SEQR Determination because the SEQR Review is occurring as a coordinated Environmental Review. When I raised that with you in March we were advised that there are two outstanding items that the Board wanted us to address in order to put it in a position where it would be able to make a SEQR Determination. One was that we respond to the Town Engineers detailed review comments dating from January of this year and also to investigate and report back to the Board about the issue that has been raised about the Dunkin Donuts driveway. We are here this evening because we have made a submission and addressed those items in which we would like to discuss them with you and to ask the Board if we are in a position to hopefully make the SEQR Determination so that we can move on to the next step with the other outside agencies. I also want to report to you that we have continued to proceed with the ECB in which they accepted our application as complete after meeting about a week and a half ago. They are in the process and have published the notice that is required for the application and they are waiting the 30 day time period for comments to come in so we are in good shape with them in moving that along.

Chairman Gary said normally we have the consultant's state something on the application before we proceed.

Mr. Carnazza had no comments.

Mr. Franzetti said a lot of my comments are dealing with something that Mrs. Tortorella touched upon which is the fact that they are storm water and site plan related with regards to the SEQR. I am waiting to hear back comments from the regulatory agencies, a lot of my comments have to deal with that so my comments still stand and the applicant acknowledges that.

Mr. Cleary said we are at a point where we can consider a Negative Declaration we would prepare that and bring it back to you for the next meeting and you could consider that. The only issue that we have been working with the applicant is related to the Dunkin Donuts drive through issue. The applicant submitted a plan that proposed installing a curbed island across from that driveway location and the only comment that I have is I'm suggesting the applicant consider extending that curbed island and perhaps eliminating one of the looped isles so that right now you can make a slight adjustment and still cut through the parking lot by forcing that curbed island along another row of parking spaces. You would have to either make a full left turn or a full right turn so it would further prevent that maneuver with the cars so the applicant can consider extending those curbed islands.

Chairman Gary said there is a curb starting there which is great progress and I think that will work.

Mr. Cleary said yes I think we would like to hear if the applicant agrees with our suggestion to expand that isle and perhaps they can touch on some of Mr. Franzetti's engineering comments as well.

Chairman Gary said we have a new board member and hasn't seen this project yet but it shouldn't take too long for him to get caught up on this project because the project is perceived along certain lines.

Mr. Cleary said I failed to mention that Mr. Franze is still working with the applicant to refine the architecture of the building so that is a work in progress.

Chairman Gary asked what there is to discuss on the architecture right now.

Mr. Cleary said nothing really until Mr. Franze comes back to you.

Mrs. Tortorella said we met with him yesterday and we are working towards that and we will be back to the Board we are trying to make progress on that discussion.

Chairman Gary said well there is progress that line has started.

Mrs. Tortorella said we would be happy to discuss it but we do have some concerns about it.

Chairman Gary said so do I, I am concerned about putting that curb there but we really don't have any alternatives.

Mrs. Tortorella said I am going to turn this over to Mr. Canning who is the expert in this and will address your comments.

Mr. Canning said I would like to start this briefing by reminding you of all of the improvements that have already been proposed to the site and if you have any concerns about that. Specifically I would like to discuss the isle across the middle of the site to stop people from cutting through Kmart diagonally across to the exit driveway as well as islands along the bottom and top of the parking lot to control and direct the traffic in those locations. We understand that the Board has expressed concern about the traffic cutting through the Dunkin Donuts site and coming through the parking lot to get to one of the stores. As you are aware the existing Dunkin Donuts is here and when traffic cuts through from Route 6 they can just empty out and go anyway they want and we recognize that is not a good condition when there is other activity in the parking lot. You can see here this is the island transversing the parking lot to stop people from cutting through and there are islands across the top and the bottom opposite of the Dunkin Donuts driveway so now you have to slow down and stop and turn to proceed to Kmart or the other way. We believe that this addresses all of the Boards concerns at this location.

Chairman Gary said that shadow line, is that a driveway coming through.

Mr. Canning said that is the west drive isle of the parking lot. We also met with the Chairman and provided some recommendations that would discourage the use of the Dunkin Donuts driveway, but what happens is it takes a straight forward design and makes it convoluted and puts lanes to move the conflict point from here to other locations. We presented a couple options including a speed hump to the driveway but there was nothing

that was satisfactory so we made some other submissions as well. In the end I think it is difficult for us to come up with something that will solve the problem out in the street without creating a problem in the parking lot.

Mr. Cote asked if there is currently a traffic control device at the end of the driveway before you get in like a stop sign.

Mr. Canning said I don't know if there is or not.

Mr. Carnazza said there is one.

Mr. Paepre said there is supposed to be one.

Mr. Canning said if one is missing we would be happy to replace it. Mr. Cleary had said there was another suggestion that we haven't seen yet and I would be happy to hear what you have to say.

Mr. Cleary said it's the concept we discussed, you would lose 6 parking spaces by putting that island in.

Mr. Canning said so that island would stretch down over here.

Mr. Cleary said correct and you would accommodate the looping traffic by adding that island but you would be eliminating those parking spaces. This way it would really force the traffic to go either left or right.

Chairman Gary said I just want to discuss one thing with you. The whole discussion is we are trying to eliminate people coming off of Route 6, they aren't going to the light they are going through the Dunkin Donuts. If we go in there and allow them to go through Dunkin Donuts and go to the right then that will forever be the entrance into Kmart. We have defeated the purpose of all of this by doing that; we don't want the traffic to have options because it could be that half of the people going in the shopping center are going to Kmart. They will use the Dunkin Donuts entrance to get through there rather than going to the traffic light especially because the traffic will be heavier due to the new shopping center.

Mr. Canning said certainly coming North on Route 6 making the turn at Dunkin Donuts is quicker than going to the light and coming all the way back to Kmart. The suggestion goes to the islands here which will allow people to come in and go right or left.

Mr. Cleary said the other thought is that after having done it the first time they will realize it's easier to go to the light.

Mr. Canning said I don't see how that is any different.

Chairman Gary said yes it is different because if you stop them from turning right then you have done a good job.

Mr. Cleary said yes because it will create more of a delay, it won't solve the problem completely but it will slow them down.

Mr. Stone said you also are separating the traffic flow.

Mr. Cote said right there you can have an accident and it came be eliminated.

Mr. Carnazza said there is a stop sign there.

Mr. Cote said so instead of having 4 options you have 2 options.

Mr. Stone said are you suggesting that after you come in through Dunkin Donuts you want them to only be able to make a right turn.

Mr. Cleary said yes a right or a left.

Mr. Paepre said those arrows that go into the parking lot are an issue.

Chairman Gary said I want you to understand one thing about that. The Dunkin Donuts driveway was only meant to exit Dunkin Donuts there was never supposed to be an entrance into the shopping center. That is not only your concern; it has been a concern of the Planning Board and the Town for years. You possess the biggest part of that shopping center and we are trying to encourage you to help us try to come to a conclusion so that the driveway can be used for what it is intended to be used for.

Mr. Canning said understood.

Chairman Gary said I know you would never be able to alleviate it all together.

Mr. Canning said so the Board suggested an alternative with a slightly different parking layout.

Mrs. Tortorella said that is what we are concerned about; we would really like to come up with a solution that does not require us to go back to the Zoning Board.

Mr. Cleary said you could, in theory to make it a one way only where you would have to go into the shopping center in order to get to Dunkin Donuts.

Chairman Gary said we tried that too.

Mr. Carnazza said you want the people to use the light.

Mr. Cleary said the problem is that Dunkin Donuts is not before us and they can't control their property.

Chairman Gary said Dunkin Donuts is the best interest of that shopping center.

Mrs. Tortorella said I think there is a benefit of having Dunkin Donuts there but from a traffic engineering point of view it will take traffic off the road and move the cars through the centers. We would like to be able to maintain that existing condition, there is an easement in effect between those two sites so you can't do too much to interfere with that but I would really like to find a solution that does not require us to go back to the ZBA for another variance. We would like to achieve and maintain a certain standard so they don't feel we are really compromising the parking situation.

Mr. Cote asked if they are okay with the number of parking spots.

Mrs. Tortorella said we would have to figure out number of parking spaces and where or not we can preserve them.

Mr. Carnazza said you are going to lose some because you have another driving aisle.

Mr. Cleary said yeah but you are picking up the parking on the bottom side so they may be ok with this.

Mrs. Tortorella said I am being told that it is a high likelihood that we would lose spaces and need to go back to get a variance.

Mr. Cleary said just be careful because there are some areas that you could recover a space or two in the back of the building so if it is a matter of a space or two you would probably be able to find another space in certain areas of the property.

Mrs. Tortorella said we are going to look carefully at that, the ECB was very clear to us that if there are any changes to the site plans we would need to go back to the ECB and advise them of that.

Mr. Carnazza said I think you will have to go back to Zoning Board too if you change it because they approved a plan and if you change that plan you will have to show them anyway.

Chairman Gary said across the street where there is property for sale, there was great concern about the traffic light because the light would control that piece of property. We could not get the DOT to put two traffic lights there, we wanted one light at this entrance and one at that Dunkin Donuts entrance so all the traffic would be controlled. They wouldn't do it then but if we present this to them and show them the size of your building they might be more willing. It is better to have a promise that they are going to do it then to have something that is unsafe.

Mrs. Tortorella said I know and Mr. Canning has a lot more experience than I do but those linked lights have a very strict standard and count requirement that the DOT insists upon before they will approve it. They do not like those lights at all I think I have seen that

approved once in my entire career but because we aren't doing anything with the State Highway we don't permanently have any obligation with respect to DOT and we really can't take that on. I understand what you would like to see but there isn't enough of a change to this center that would justify a modification of their prior position.

Chairman Gary said the Planning Board hired a traffic engineer that was paid for by the applicant in order to come up with that, this isn't something that the Board just came up with. That intersection is something that raised a big concern in this Town. I think that you have made an honest effort to try to eliminate this problem and I think the roadway you have across the bottom is a fantastic idea only if it didn't have a right turn out of Dunkin Donuts. We want to make it more difficult for people to come in through that way, since we can't eliminate it completely we have to at least make it more difficult to make a right turn.

Mrs. Tortorella said don't you think that island in the middle does that already, I feel like that island because it is waved would have that same effect. This goes all the way down so that you can no longer go through and shoot right across so now you will go right and follow the travel lane instead.

Chairman Gary said that is a great improvement.

Mr. Canning said what we can do is take this island here and instead of having it curve around here to have a right turn, we can have it curve around the other way in order to make the right turn more difficult.

Mr. Carnazza asked if that is there property.

Mr. Canning said yes.

Mr. Cleary said what you would do across the way then.

Mr. Stone asked if they have suggested a possible alternate to what has already been suggested because what if you close those two openings with a straight curb and just leaving it that way.

Mr. Canning said we can do that but what that means 90% of the time is nothing because people want to go here so they park here. When we are really busy like around thanksgiving what that means is that some people may come down here and not find a spot to park.

Mr. Carnazza said but you solved it in that drawing by allowing people to come back up the next isle.

Mr. Canning said correct but the issue that we have is it will set us back a couple months because we have to go back to ECB and ZBA and who knows if they would be happy with it. But if we do this and slope it down towards the end forcing people to make a right turn.

Mrs. Tortorella said rather than designing on the fly, I think we generally understand where the Board is headed and what you want us to do. Can we look at these two different options that we have been talking about and come back to you for the next meeting to discuss them? Knowing that we will figure one or the other of them out and if they require us to go back to the other Boards then we will have to deal with that. In the meantime if you can go ahead with the SEQR Determination it would be a huge help for us because every day we can't push the DEC and DEP it turns into weeks of delay in the project for us.

Chairman Gary said okay my only request for when you sit down to discuss that is that you have the planner there.

Mrs. Tortorella said of course, we are going to look at it ourselves first and then we will either sit with Mr. Cleary or send you drawings and have a conference call whatever will work best.

Chairman Gary said okay I would like him to be there so somebody can bring up the concerns we have.

Mr. Cleary said I can say as long as the applicant is agreeing to one of these solutions it would not affect your determination of significance so you can authorize it.

Chairman Gary said I think we can go along with the resolution.

Mr. Charbonneau said yes you can.

Mr. Cleary said we will prepare it for the next meeting.

Mr. Cote said he was reading the architectural consultants reports, were revised materials submitted.

Mrs. Tortorella said yes we have and when we come back, we will bring them for you.

**INFANTINO, THOMAS & LORI – 453 NORTH LAKE BLVD – TM – 64.12-1-56 – BOND RETURN**

Mr. Carnazza said this is on for a bond return and I have no comments.

Mr. Franzetti said the engineering department performed a field inspection of the above referenced property on March 18<sup>th</sup>, 2016 to evaluate the status of the site construction to determine if the bond return was warranted. It should be noted that the original bond of \$56,952 was posted on May 19<sup>th</sup>, 2010 and was approved by the Planning Board on September 17<sup>th</sup>, 2014 to be reduced to \$11,400. Based on the inspection of the site, all site improvements required pursuant to the Boards site plan approval have now been completed. The Engineering Department recommends that the remainder of the bond, \$11,400 be released.

Mr. Cleary said I have no comments on the bond return. He said this can now be moved to a public hearing.

Chairman Gary said to schedule a public hearing.

**MINUTES – 3/16/2016 & 04/27/16**

Mr. Giannico moved to approve the minutes of March 16<sup>th</sup>, 2016 and April 27<sup>th</sup>, 2016. The motion was seconded by Mr. Paepre with all in favor.

Mr. Stone moved to adjourn the meeting at 8:03 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta