

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**



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AICP, CEP, PP, LEED AP
Town Planner

VINCENT FRANZE
Architectural Consultant

PLANNING BOARD MINUTES

DECEMBER 21, 2016

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

ABSENT: DAVE FURFARO, KIM KUGLER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
NY Fuel Distributors - (Coco Farms)	55.11-1-40	1	Resolution	Neg Dec Resolution Adopted.
Harman Holdings	44.14-1-31&32	1-2	A. Site Plan	Public Hearing Scheduled.
Infantino, Thomas & Lori	64.12-1-56	2-5	Sketch Plan	No Board Action.
Lakeview Realty 168, LLC	76.22-1-4	5-6	Bond Return	Bond Return Granted.
Hillcrest Commons – Lot E-2.2	44.10-2-4.2	6	Re-Approval	Re-Approval Granted.
The Hamlet at Carmel	66.-2-58	7	Extension	Extension Granted.
Baldwin Subdivision	86.11-1-1	7-8	Re-Approval	Re-Approval Granted.
Minutes – 10/26/16		8		Approved.

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

Respectfully submitted,

Rose Trombetta

**NY FUEL DISTRIBUTORS (COCO FARMS) – 1923 ROUTE 6 – TM – 55.11-1-40 – SEQR
NEG DEC RESOLUTION**

Mr. Cleary read Mr. Carnazza's memo which stated all necessary variances were granted by the ZBA. All zoning comments have been addressed.

Mr. Franzetti stated the applicant is here to obtain a SEQR NEG DEC, so they could continue their review with NYCDEP.

Mr. Cleary stated you have a draft SEQR NEG DEC resolution before you for consideration.

Mr. Giannico moved to adopt Resolution #16-33, dated December 21 2016; Tax Map #55.11-1-40 entitled NY Fuel Distributors LLC (Coco Farms) SEQR Determination of Significance Negative Declaration. The motion was seconded by Mr. Paepre with all in favor.

**HARMAN HOLDINGS – 3 GARRETT PLACE – TM – 44.A14-1-31&32 – AMENDED SITE
PLAN**

Mr. Cleary read Mr. Carnazza's memo which stated the applicant proposes to add office space to an existing Commercial Building in Carmel. Label the plat Amended Site Plan. The new addition matches the existing building. There is no reason for the applicant to submit to the Architectural Consultant unless the Board members find it necessary. The proposal meets the zoning requirements.

Mr. Franzetti read his memo which stated the following referral would appear to be warranted:

- Carmel Fire Department.

Detailed Comments:

1. All proposed utilities (e.g., lights) should be provided on the drawing.
2. The applicant does not address stormwater runoff from the proposed addition. All existing drainage should be provided.
3. Erosion and sediment control plan/details should be provided.
4. Details on all landscaping proposed (planting details, number of plants, and their height at planting) must be provided.
5. All plantings shall be installed per §142 of the Town of Carmel Town Code.

Mr. Cleary stated this is a very straight forward addition to Insite Engineering's office building. He said there are minor comments about landscaping that should be documented on the site plan.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated we are looking to add an addition of 500 square feet. He said we will probably disturb a little less than 1000 square feet. He said with respect to the planting beds we will clarify there. There will be no changes to the site lighting, parking and drainage.

Mr. Cote asked about the elevation drawings.

At which time, Mr. Contelmo pointed to the drawings showing the addition.

Chairman Gary asked Mr. Cleary what's next.

Mr. Cleary replied a public hearing.

Chairman Gary said to schedule a public hearing.

INFANTINO, THOMAS & LORI – 453 NORTH LAKE BLVD – TM – 64.12-1-56 – SKETCH PLAN

Mr. Cleary read Mr. Carnazza's memo which stated the applicant proposes a two lot subdivision off North Lake Blvd and Split Rock Rd in Mahopac. Provide a copy of the access easement for lot 2 off the driveway on Split Rock Rd. Is the cul-de-sac going to be constructed? 50 ft. of frontage are required if there is a true cul-de-sac. If it is not constructed, 100 ft. of frontage is required. Lot 1 depth line exits and re-enters the lot. Variance required. Lot 2 depth line exits and re-enters the lot. Variance required. Lot 1 width line starts outside the lot, variance required. Lot 1 frontage 100 ft. required, 51.92 ft. provided, 48.08 ft. variance required.

Mr. Franzetti read his memo which stated the project encompasses subdivision of a 15.85 acre parcel into two (2) lots. Lot 1, existing, is 12.45 acres in size and Lot 2, proposed, is 3.4 acres in size. The Engineering Department offers the following comments on the sketch subdivision plan provided:

The following referrals would appear to be warranted:

- a. Mahopac Fire Department
- b. Environmental Conservation Board – this depends on the proposed area
- c. Putnam County Department of Health – needed for water and SSTs
- d. Town of Carmel Highway permit - needed for the driveway.

The applicant has noted that these referrals will be completed

2. A Stormwater Pollution Prevention Plan (SWPPP), as detailed by the New York State Department of Environmental Conservation (NYSDEC) General Stormwater Permit for discharges from Construction Activities (GP-0-15-002) is required. It is unclear from the information provided the amount of disturbance for this project. Additional information must be provided.

3. The Board should be aware that the drawing DOES NOT contain information regarding areas proposed to be reserved for open space. The applicant has indicated that no areas are to be reserved
4. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must be established for the work. The applicant will need to develop a quantity take off for bonding purposes.
5. The applicant is advised that a stormwater bond and maintenance guarantee, pursuant to §156.87 of the Town Code, may be required.

The applicant has indicated that this will be provided

The applicant will minimally need to provide the following as part of the Preliminary Plat approval:

1. All re-grading required to accomplish the intended development of each lot must be shown.
2. Any existing PCDOH approvals for either lot should be submitted, for the Board's records.
3. Driveway profiles for each access drive are required. Further, a driveway cross-section should be added to the plan.
4. All utilities (e.g., electric) serving the lots should be shown.
5. The plan should specify the total area to be disturbed, as well as the extent of new impervious areas to be created, so that applicable SWPPP requirements can be defined. Further, an intended Construction Sequence should be added. Lastly, all appropriate erosion control measures and construction details should be added to the plans.
6. All required information as specified in Article III of the Town's Land Subdivision (§ 131-13) Regulations.

Mr. Cleary stated the lot is very usually configured. The applicant has indicated that it's necessary or desirable to configure the lot as it is proposed so that lot #2 has direct physical access to Wixon Pond Road. He said at the last meeting the board asked the applicant to explore opportunities to improve that and the applicant has indicated that's the best they could do. He said it was unclear if the improved roadway would be dedicated to the town and has been clarified and it will be dedicated to the town. He said the applicant has indicated that they will not be doing anything in the vicinity of the stream, but nevertheless we would want to have the boundary delineated on the plan. He said Split Rock Road is a town road. He said the applicant's driveway for the new home on lot #2 crosses over the neighboring property before it connects out to the new road. The board asked for the applicant to keep it on their own property. He said the reason why it's being done is the frontage of the property is a giant rock property and it would create an issue to go through the rock, so they have an agreement with the neighbor to skirt the rock and that's why it's proposed that way.

Chairman Gary asked if it makes it legal even though the neighbor gave them permission.

Mr. Cleary said it gives him the right to ask the board.

Mr. Giannico said the neighbor would have to grant an easement to the applicant, correct?

Mr. Cleary said that's correct.

Mr. Willie Besharat, applicant's architect replied a permanent easement will be granted.

Chairman Gary said we should see the easement before we go any further.

Mr. Besharat said we already have the driveway easement in place.

Mr. Cleary asked if it was submitted.

Mr. Besharat said it's drafted.

Mr. Cleary asked for a copy of the draft.

Mr. Besharat said we will do that, but unless we get the variances we have nothing. We are just trying to get to the zoning board and if we get the variances all the comments will be addressed.

Chairman Gary said we should see the easement before it goes anywhere.

At which time, a discussion ensued regarding the granting of the easement.

Mr. Charbonneau stated the configuration of the lot is going to be an issue with the zoning board also. He said why don't you answer this board first as to how you will address that, because it's important.

Mr. Besharat stated in order for us to provide access to Dixon Road that's the only way. The area where the activities for the construction will be on the top near the cul-de-sac. That area is only a walkway and path access. He said we can't improve anything because of the property on both sides and the septic system.

Mr. Stone asked if it could be achieved through an easement with the adjacent property owner and provide an access easement instead of physically dividing that lot.

Mr. Besharat replied it could be, but it's also necessary to bring the size of the lot above the 3 acres.

Mr. Cleary asked how big is lot #1.

Mr. Besharat replied 12.45 acres.

Mr. Paepre said with almost 15 acres total, there should be more flexibility.

Mr. Stone said just to clarify you are subdividing lots 1 and 2.

Mr. Besharat replied that's correct.

Mr. Stone asked if there is an existing home on lot 1 now.

Mr. Besharat replied yes.

Mr. Stone said so lots 1 and 2 are owned by the same person and also the adjacent lot is owned by the same person.

Mr. Besharat replied yes.

Chairman Gary said we need to figure out what is the best avenue to take here. He suggested to the applicant to meet with the consultants so we could get a clearer picture. He said the map is a little difficult to understand.

Mr. Cote asked if it would make sense for them to go to the zoning board to see if they could get the variances.

Mr. Cleary said if the board is not satisfied with the configuration of the lot the zoning board sometimes grants variances and then the applicant returns with the lot that you are not satisfied with. He said you should be satisfied with the lot before you send them to the zoning board.

Mr. Besharat said he was fine with that.

LAKEVIEW REALTY 168, LLC – 162 EAST LAKE BLVD – TM – 76.22-1-4 – BOND RETURN

Mr. Franzetti read his memo which stated in response to a request by the above applicant, a representative of the Engineering Department performed a field inspection of the referenced property in November of 2016 to evaluate the current status of the site construction, for the purpose of determining whether a bond return was warranted. The original bond amount of \$27,000.00 was posted on July 28, 2015. Based upon our inspection all the site improvements required pursuant to the Board's Site Plan approval have now been completed. On this basis, this Department recommends that the remainder of the bond, \$27,000.00, be released.

Mr. Cote read Mr. Carnazza's memo which stated upon inspection of the property there were no violations and had no objection to the bond return.

Mr. Cleary had no objection to the bond return.

Mr. Paepre moved to return the bond in the amount of \$27,000. The motion was seconded by Mr. Cote with all in favor.

HILLCREST COMMONS – LOT E-2.2 – ROUTE 52 – RE-APPROVAL OF FINAL AMENDED SITE PLAN

Mr. Cote read Mr. Carnazza's memo which stated he had no objection to the re-approval of amended site plan

Mr. Franzetti had no objection to the re-approval of the amended site plan as long as there are no changes being made to the site.

Mr. Cleary stated he had no objection to the request and there are no changes to the plan.

Mr. John Bainlardi of Wilder Balter Partners addressed the board and stated he was involved in the application process and site plan approval for this project and was also involved in the development of Phase #1 through its completion. He said all the site improvements for both phases have been completed. He said the lot 2 has been cleared and prepped. He said what has held us up is the lack of funding. We have applied every year for the past 3 years to the state for funding; unfortunately the funding has not been approved. He said we continue to re-apply for the funding and on a positive note the governor has announced 2 billion dollars of housing initiative funded subject to approval of how that money will be allocated by the state. Unfortunately, they have not come to an agreement yet. He said at the last meeting the board had requested additional information which included an updated memo from the traffic consultants.

Mr. Paepre asked there are 74 units to be built. How many are there now?

Mr. Bainlardi replied 76 units.

Mr. Paepre asked will that complete the whole master plan.

Mr. Bainlardi replied yes.

Mr. Cote asked if the original traffic study was done before the project was started.

Mr. Bainlardi replied yes.

Mr. Cote said so with the additional 76 units it won't change the traffic pattern at all.

Mr. Bainlardi said the traffic pattern will accommodate the additional units.

Mr. Cote moved to grant re-approval of amended site plan for Hillcrest Commons. The motion was seconded by Mr. Giannico with all in favor.

THE HAMLET AT CARMEL – STONELEIGH AVE – TM – 66.-2-58 – EXTENSION OF FINAL SITE PLAN

Mr. Cote read Mr. Carnazza's memo which stated he had no objection to the extension.

Mr. Franzetti had no objection to the extension for this project as long as there are no changes to the site being made.

Mr. Cleary said there are no changes to the site plan and he had no objection to the extension.

Mr. Paepre moved to grant extension of final site plan for 1 year. The motion was seconded by Mr. Cote with all in favor.

BALDWIN SUBDIVISION – 150 ROUTE 6 – TM – 86.11-1-1 – RE-APPROVAL OF FINAL SUBDIVISION APPROVAL

Mr. Frank Del Campo a resident of Mahopac approached the podium and asked the board members if they read the letter that was sent to them by email by the secretary.

Chairman Gary referred to the planning attorney Mr. Charbonneau to see if it could be discussed.

Mr. Charbonneau addressed the board and stated unless the board chooses to open this matter to a public hearing then it can be discussed, however based on our usual protocol with respect to a re-approval the board will probably vote without there being a public hearing. He said if that's the case you could allow Mr. Del Campo to come up to present the letter to the board and make it part of the record. He said if the individual board members want to take a minute to read the letter, that's fine. He said it has already been made part of the record because it was presented to the secretary and date stamped.

Mr. Del Campo stated I admit this is not a public hearing.

Chairman Gary asked Mr. Del Campo if he wanted to read the letter. He said it can't be discussed.

Mr. Del Campo said I don't want any discussion; I would just like to read it for the record. He asked if it was permissible.

Chairman Gary stated I just want you to read the letter with no comments. He asked the board members if they were okay with that.

The board members were in agreement.

At which time, Mr. Del Campo read his letter to the board regarding the re-approval of Baldwin Hills Realty. In summary, the letter stated that the Carmel and Mahopac residents were opposed to the current and future plans for the Baldwin Hills/Union Place project. He referred to the lot line adjustment which would significantly reduce the minimum size of the lot requirement for that zone. He spoke about the shortage of water supply and septic overflow, drainage issues from neighboring development in Somers.

Also, traffic problems have always been an issue where this development is being proposed, particularly now it has become more acute with many developments that have recently been completed and more are scheduled. The Baldwin Hills/Union Place project site has no municipal water or sewer which would only cause more serious environmental issues now and definitely in the near future.

Mr. Del Campo continued to read his letter and thanked the board members for their service to the community.

Chairman Gary stated normally it would be appropriate to request that the applicant's representative respond to this, but it's not a public hearing. Therefore, I will not have him respond to it. He said the letters should be sent to the applicant and at some point in time, he will have to respond to it.

The board members were in agreement.

Mr. Cote read Mr. Carnazza's memo which stated he had no objection to the re-approval of final subdivision as there were no changes to the previously approved plan.

Mr. Franzetti had no objection to the re-approval for this project as long as there are no changes to the site being made.

Mr. Cleary had no objection to the re-approval. He said there are no changes proposed.

Chairman Gary said there was a misunderstanding as to what this was about.

Mr. Cleary replied that's correct. He said this action has nothing to do with what's in front of the zoning board tomorrow night. He said this is for the originally approved subdivision for the fully conforming lots, not the lot line amendment or variances for the undersized lots.

Mr. Cote moved to grant re-approval of final subdivision approval for the Baldwin Subdivision. The motion was seconded by Mr. Giannico with all in favor.

MINUTES - 10/26/16

Mr. Giannico moved to accept the minutes of October 26, 2016. The motion was seconded by Mr. Cote with all in favor.

Mr. Paeprrer moved to adjourn the meeting. The motion was seconded by Mr. Cote with all in favor.

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

Respectfully submitted,

Rose Trombetta