

APPROVED

HAROLD GARY
Chairman
RAYMOND COTE
Vice-Chair

BOARD MEMBERS

EMMA KOUNINE
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
ANTHONY GIANNICO

TOWN OF CARMEL PLANNING BOARD



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*Director of Codes
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RONALD J. GAINER, P.E.
Town Engineer

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

PLANNING BOARD MINUTES **MARCH 13, 2013**

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE,
CARL GREENWOOD, JOHN MOLLOY, ANTHONY GIANNICO

ABSENT: JAMES MEYER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
D & L Realty	55.12-2-2	1	Bond Return	Public Hearing Closed & Full Return of Bond Recommended to Town Board.
Lakeview Development at Carmel	55.9-1-17	1-2	Amended Site Plan	Public Hearing Scheduled.
Fowler Ave Corp.	44.13-2-13	3	Amended Site Plan	Applicant Did Not Show Up.
NYCDEP – Drewville Road	66.-2-53	3-5	Site Plan	No Board Action.
Kiernan, Patrick	76.17-2-10	5	Sub/Merger	Applicant is off the Agenda.
ASA Petroleum Co.	44.17-1-45	5-6	Extension	Extension Granted to April 10, 2013.
Auto Zone	55.6-1-49	7	Bond Return	Public Hearing Scheduled.
Pulte Homes	55.14-1-11.2	7-8	Discussion	No Board Action.

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Rose Trombetta

D & L REALTY – 130 OLD ROUTE 6 – TM – 55.12-2-2 – PUBLIC HEARING

Mr. Carnazza stated all comments have addressed.

Mr. Gainer read his memo which the original bond amount posted, which is currently being held, is \$98,233.00. Based upon our inspection, all of the site improvements required pursuant to the board's site plan approval have now been completed and we recommend full return of the bond.

Mr. Cleary had no comments.

Mr. Gary addressed the audience and asked if anyone wished to be heard.

Hearing no comments from the audience, Mr. Greenwood moved to close the public hearing. The motion was seconded Ms. Kounine with all in favor.

Mr. Greenwood moved to recommend full return of the bond to the Town Board. The motion was seconded by Ms. Kounine with all in favor.

LAKEVIEW DEVELOPMENT AT CARMEL – ROUTE 6 – TM – 55.9-1-17 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated there is a crisscross at the entrance. It could cause a back-up onto Rt. 6. However, they did put a stop sign, which will alleviate it somewhat. He said ultimately it is up to the board.

At which time a discussion ensued regarding the entrance to the property, whether it should crisscross or make it a one way.

The board agreed the traffic flow of the cars entering the property should make the right and continue around the building, making it one way only.

Mr. Boniello stated he will confer with his traffic engineer to get his input.

Mr. Gary stated that's fine. If he says it's not a good idea have him write a letter to us.

Mr. Gainer read his memo which stated we understand that NYSDOT approval of the site access has been obtained. We merely wish to confirm that any other potentially interested agency has been given an opportunity to comment on the matter, and so have reached out to Mr. John Pilner, Transportation Planner for the PC Department of Planning, to confirm whether his office likewise finds the proposed site access and specified vehicle/pedestrian protection measures acceptable. Upon confirmation, we will notify the Planning Board.

The applicant has submitted two documents entitled "*SITE PLAN*". This creates confusion. It is suggested that the consultants work together so that these plans are given different titles, so that they can be distinguished.

Technical Comments:

1. Any easements which exist for the existing water service which enters the site from Willow Road should be shown. Information has been provided regarding a Town Drainage Easement.
2. At the time the Planning Board considers the project ready for final action, following Town guidelines the Applicant will be required to execute and file with the Putnam County Clerk a "*Stormwater Control Facility Maintenance Agreement*" as specified in §156-85 to assure long-term maintenance of these treatment devices.
3. Identify clearly that the existing 24" Drainage Pipe will be directly tied into DI#1, so as to eliminate the present rip-rapped channel.

Mr. Cleary read his memo which stated The NYSDOT permit for the Route 6 driveway has been supplied. No conditions were imposed that would require any additional revisions to the site plan, and no special mitigation measures were required. All required traffic management signage has been added to the site plan. The applicant has clarified that the 13 pervious paver parking spaces located on the south end of the site will be used for overflow parking. The final grade of the driveway leading to the upper parking lot has been reduced, and now is below 10%. Clarification has been provided regarding the extent of retaining walls required to support the driveway and rear parking lot. The walls will not be excessive, and vary between 1' – 5' in height. The applicant has supplied revised renderings depicting the architectural treatment of the proposed building. Details of exterior site lighting have been provided.

Mr. Gary asked Mr. Cleary about the plantings in front of the building.

Mr. Cleary stated in front of the building is the bike trail right of way. There are plantings there today and they are not modifying them. There isn't any room on the inside of the site to do any additional plantings and we wouldn't want plantings out in the right of way, because we will then get into site distance issues.

Mr. Greenberg stated in the front between the entrances, we did put some plantings.

Mr. Gary said to schedule a public hearing.

Mr. Greenwood asked Mr. Gainer if there will be fire hydrants on the property.

Mr. Gainer stated it is not proposed.

Mr. Greenwood suggested that fire hydrants should be on the site, because once you pass Church Street on Route 6, going towards Mahopac, there is no water main that runs passed that point.

Mr. Greenberg stated we will work with Mr. Gainer to make sure we have adequate water. If a fire hydrant is required, we will put one in.

Mr. Greenwood suggested whether it is required or not, to put one in anyway.

Mr. Greenberg said that's fine.

FOWLER AVE CORP – 89 GLENEIDA AVE – TM – 44.13-2-13 – AMENDED SITE PLAN

The applicant did not show up.

NYCDEP – DREWVILLE ROAD – TM – 66.-2-53 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add filtration/drainage adjacent to the Croton Falls Reservoir. Zoning requirements do not apply to this project. There are no uses or structures proposed in this application.

Mr. Gainer read his memo which stated the following outside agency permits and/or reviews will be required for the work:

- ☐ **NYSDEC** - A DEC wetlands permit is required for disturbances planned within the wetlands and adjacent buffer area.
- ☐ **Town ECB** - A Town of Carmel Wetlands permit is required for disturbances proposed with the Town-regulated Wetlands on the property.
- ☐ **Putnam County Department of Highways & Facilities** – A Highway work permit will be required for all work proposed within the Drewville Road R.O.W.
- ☐ **Putnam County Department of Planning** – If not yet done, a GML 239(m) referral is required. The final plans should clearly identify “limits of disturbance” lines on the Site Plan, Grading Plan and Erosion/Sediment Control Plans. The Full SWPPP document remains to be provided to the Town, for review.

Mr. Cleary read his memo which stated the applicant has submitted the revised site plan, rendered views of the drainage basin from several perspectives, during both winter and summer months, and cross-sections. The landscaping plan has also been revised.

Alternative #2 will require the removal of 180 trees to accommodate this project. The revised new landscaping plan includes the following plantings:

- 105 deciduous and evergreen trees are proposed ranging in size from 4-6 feet to the 12-14 feet.
- 160 shrubs are proposed.
- An undisclosed amount of ground cover plants.

The Landscape Plan drawing should be clarified and more fully documented. It currently only indicates generalized locations of tree clusters. The specific location of plantings, individual species, sizes, etc, must be indicated on the Landscaping Plan. Also, as previously requested, the applicant should identify the trees to be removed (ie. tree health, species and size) and document how the new landscaping not only screens and buffers the basin, but also restores the ecological values of the habitat being modified. It does not appear that the Landscape Plan, and the renderings correspond. The renderings seem to indicate plantings closer to Drewville Road than indicated on the Landscape Plan. Clarification is requested.

Mr. Todd West of NYCDEP addressed the board and stated when we were last in front of the board we presented three alternatives. We were promoting alternative #2 as our preferred alternative. The primary concern the last time was how it would appear from Drewville Road, ultimately we are looking to restore as many trees as we can. We can't replace all of the trees because of the footprint of the basin itself. We can't plant trees in that area.

At which time, Mr. Eric Lochner of Gannett Fleming displayed renderings of existing and post construction views of winter and summer views from Drewville Road and Stoneleigh Avenue.

Mr. Gary was concerned that the plantings might draw attention to the site because the existing conditions is just woods.

Mr. West stated we put evergreens in because they have four seasons screening. If that's not preferred, and more of a deciduous type tree is preferred I'm sure we could do that.

Ms. Kounine stated the renderings show a lot of trees but in reality when the 108 trees are planted they will not show the same.

Mr. Molloy asked if the 208 trees to be cut down are coming from the 2 ½ acres of parcel.

Mr. Lochner stated the trees will be removed from where they need to facilitate the grading only.

Mr. Molloy stated the 208 trees coming out will also require taking out 300 saplings. The trees you are putting in are equivalent of the saplings. Not only are they not 40 or 50 feet tall like the existing trees, but you are putting in 8 to 10 feet trees. He said we do not have three alternatives there are four alternatives. The fourth alternative being we deny this whole thing. My biggest concern is the fifth alternative which is this just the beginning of the New York City plan for our reservoirs. They intend to build these all around the reservoirs, which will take a lot of tress out of this County by the time they are finished.

Mr. Gary clarified the clearing of trees are for the roadway and basin. He said we need to be concerned with the screening. He said we are not telling you to put the trees back where you are taking them down, because that would defeat the purpose of what you are trying to do. When you put the spruces in (that look like Christmas trees) it will bring attention from the roadway and we don't want people to go in there. He said to make it look like a forest.

Mr. West we could remove the fir trees.

At which time, a discussion ensued regarding the screening and what could be done to not bring attention to the basin.

Mr. Gary stated we need to protect the area the best way we can, to make sure the screening is more realistic. We do not want to attract attention.

Mr. Cote stated he passes that area every day and even with the most rain and best condition in the summer, I have never seen it look as bushy as you show on your drawings.

Mr. Greenwood stated what they are doing to some extent will enhance it. He agreed with the Chairman that putting in evergreens will attract attention. He said maybe they could change the color of the fence to have it blend in with what's there and screen it to match the foliage that's there now.

Mr. Giannico also agreed that the fence color should blend in more naturally and replace the trees in strategic spots and fill it with brush like vegetation such as Mt. Laurel.

Mr. Cote stated right now there are a lot of fallen trees and to add deciduous trees into the thinned out area.

Mr. Cleary addressed the board and stated what we want to do is recreate what's there now, tall masses of trees. He said by removing them, the density of those poles is being diminished. If that density could be replaced by additional poles, effectively as you drive by it is not a change in the visual aspect. It would be replacing them with more sticks not evergreens.

Mr. West stated we will change the plans with more of what is there now and no evergreens. We will look into changing the color of the fence so it blends in more.

Mr. Cleary stated they should select the species of trees of what is living there now. He also suggested to replace the stonewall. He said we need to avoid drawing attention to this area.

Mr. Greenwood stated you need to come back with a landscape plan showing exactly where and what you are putting in.

**KIERNAN, PATRICK – 24 TEAKETTLE SPOUT ROAD – TM – 76.17-2-10 –
SUBDIVISION/MERGER**

Mr. Gary said the applicant is off the agenda.

**ASA PETROLEUM CO., - 1 FOWLER AVE – TM – 44.17-1-45 – EXTENSION OF SITE PLAN
APPROVAL**

Mr. Carnazza stated he met with owner at the site to discuss what needed to be cleaned up. He removed the television, reset the fence and put the mesh back on the fence for privacy. There are a few other things that need to be done and we're working on it. He had no objection to the extension.

Mr. Gainer had no objection to the extension.

Mr. Cleary had no objection to the extension.

Mr. Gary asked the applicant why it was taking so long to clean the site. He said you had 3 months to do it.

Mr. Ayaz Awan stated he had an issue with his health. He said he had pictures of what was done to the site to show the board and Mr. Carnazza has my phone number if any issues came up.

Mr. Gary stated we appreciate you cleaning it up, because it is an eyesore. He said the board could have pulled the application and denied it, but we didn't with the assumption that you would have cleaned it up immediately. How much more time do you need to get it to where the Building Inspector says it should be or when do you plan on starting construction.

Mr. Greenwood stated the real problem on the property is the building itself which has attracted other issues. He said if you did not have an approval from the Planning Board, I

guarantee you it would have been condemned by the Building Department. He said at this time the building must go.

Mr. Awan stated he didn't have a problem with that. He said I need the approval to demolish the building.

Mr. Carnazza said he could get it tomorrow.

Mr. Greenwood stated if he is willing to get a demolition permit, I think we should hold it to the next meeting and consider the re-approval at the next meeting.

Mr. Gary said to take the building down and by April 10th the property must be in accordance of what the Building Inspector says it should be.

Mr. Awan stated I am asking for a year extension. I did not ask for a month extension. The site plan approval was to take the building down. He said the condition the building is in today is in the same condition when I got the approval.

Mr. Cleary asked what is preventing you from filing a building permit.

Mr. Awan said the company doing the tanks has jobs set up for a while. They will not be available until the end of May.

Mr. Charbonneau asked if he has signed contracts with the company to show a specific date of the installation of the tanks.

Mr. Awan replied no I do not.

Mr. Giannico asked why can't you demolish that building next week.

Mr. Awan said I could get the demolition permit, but the problem is the contractors would have to do it and they would not be available next week.

Mr. Giannico stated to put the tank installation aside for now and get demolition contractors.

Mr. Awan asked for 30 days and once the building is demolished I would like a year extension after that. He said it was never indicated to me at the last meeting to demolish the building. It was just to clean up the site.

Mr. Greenwood said part of the original site plan was to take the building down and it never happened. A lot of concerns were raised in December, which is why we gave you a 3 month extension.

The Board continued to discuss the demolition of the building.

It was decided that the applicant would obtain a demolition permit and remove the building by April 10th and then the Board will consider giving him a retroactive extension.

Mr. Greenwood moved to grant an extension of site plan to April 10, 2013 with the conditions that he apply for a demolition permit and remove the building off the site prior to that date. The motion was seconded by Mr. Molloy with all in favor.

AUTO ZONE – 1831 ROUTE 6 – TM – 55.6-1-49 – BOND RETURN

Mr. Carnazza had no comments.

Mr. Gainer read his memo which stated the original bond amount posted, which is currently being held, is \$584,531.00. Based upon our inspection, all of the site improvements required pursuant to the Board's Site Plan approval have now been completed. On this basis, this Department recommends that the entire bond be released.

Mr. Cleary had no comments.

Mr. Gary said to schedule a public hearing.

PULTE HOMES – TERRACE DR – TM - 55.14-1.11.2 – DISCUSSION

Mr. Gary asked what have we asked Pulte to present to us.

Mr. Charbonneau stated we will meet with the consultants and the Chairman next week so we could define exactly what the Board wants. He said my understanding is the Board was looking for a much more comprehensive plan than what was actually submitted for all the lots. That's why they have not been put on the agenda yet. They have submitted a plan to the Town Engineer with respect to Lot #4 and that was not what the Board had requested. I have explained that to Mr. Shilling, but he has a different version, which is why he wants to meet with us for purposes of clarifying that so they could get on an agenda.

Mr. Gainer stated as the Board is aware Lot #4 had issues with landscaping. He said at prior meeting when they discussed Lots 3 & 5, they had proposed to do enhancements for the areas that were cleared on Lot 4 improperly based on the approved site plan. He said they have tried to segregate that saying it's not a planning board issue.

Mr. Charbonneau stated they have made representation at previous meetings that they would encompass all of the lots. They have not done that and that is why they have not been permitted back before the Board.

Mr. Cleary said in addition, they claim they are not in violation of their site plan approval. Their position is these are enhancements to the original site plan.

Mr. Gainer stated the issue with Lot #4 is the areas that have been identified in the conservation areas have been clear cut, in 8 to 12 areas, that were not intended to be disturbed.

Mr. Greenwood stated from what I got at one of the meetings was I thought they were coming back with a landscaping plan that put those conservation areas back in an acceptable condition from what was done for all three lot.

Mr. Charbonneau stated you could either have them back on an agenda, have them meet with the consultants and/or a portion of the board, or write them a letter rejecting the submittals as not an answer to the previous request. He said I would

like to meet with Mr. Shilling and would like Mr. Cleary, Mr. Gainer and Mr. Carnazza to be there for purposes of clarifying this and hearing what Mr. Shilling has to say and then we could report back to the board.

Mr. Greenwood moved to adjourn the meeting at 8:27 p.m. The motion was seconded by Ms. Kounine with all in favor.

Respectfully submitted,

Rose Trombetta