

APPROVED

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EMMA KOUNINE
Vice-Chair

TOWN OF CARMEL
PLANNING BOARD



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Town Planner

BOARD MEMBERS
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
RAYMOND COTE
ANTHONY GIANNICO

PLANNING BOARD MINUTES
APRIL 11, 2012

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Putnam Comm. Foundation & Putnam Hospital Center	66.-2-57 & 58	1-2	P.H.	Public Hearing Left Opened.
Shultz, Lee	55.11-1-18-21	2	Resolution	Resolution Accepted.
VIP Wash & Lube	55.12-2-5	2-4	Site Plan	Public Hearing Scheduled.
Hudson Valley Credit Union	55.11-1-42	4	Site Plan	Public Hearing Scheduled.
Enterprise Rent-A-Car	75.16-1-25	5	Amended Site Plan	No Board Action.
NYCDEP – Drewille Road	66.-2-53	5-7	Site Plan	No Board Action.
Albano Estates	55.14-1-26.31	7-8	Sketch Plan	Denied to the ZBA with a Negative Recommendation.
Minutes – 3/7/2012		9		Approved.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Rose Trombetta

PUTNAM COMMUNITY FOUNDATION & PUTNAM HOSPITAL CENTER – TM 66.-2-57 & 58 – OPEN PUBLIC HEARING

Mr. Gary stated at the last meeting we asked our attorney, Joseph Charbonneau to review documents.

Mr. Charbonneau addressed the board and stated if the board approves this subdivision application the existing approvals on that property will be relinquished. The easement agreement contains certain language that says the easement will be terminable as a right by the hospital in the event the proposed senior housing development plan should fall by the waste side. I reviewed the proposed language and was not comfortable with it. I received a message from their attorney late this afternoon which said the hospital has agreed to put together a document in a recordable form that will waive the right to terminate. He said as long as it is recorded it will alleviate the issue of that property potentially being landlocked or denies access to the easement.

Mr. Jeff Contelmo of Insite Engineering, represent the applicant stated the attorneys for the hospital and the foundation have put together a substantive solution to the concern that Mr. Charbonneau brought up. He said within the next two weeks they will work out the exact form with Mr. Charbonneau and put in into a recordable form.

Mr. Meyer asked procedurally do we keep the public hearing open to give you time to look at the easement?

Mr. Charbonneau answered yes, that easement is an issue of concern to ensure the 18 acres will not be landlocked.

Ms. Ann Fanizzi, a taxpayer, addressed the board and asked if the documents being discussed were made public yet.

Mr. Charbonneau responded no.

Ms. Fanizzi asked when do you think the documents will be made public, if ever.

Mr. Charbonneau stated they will ultimately be part of the resolution subject to my approval.

Ms. Fanizzi stated since the hospital is a party to this, it is unfortunate that they are not here, because they need to do some explaining.

Mr. Arthur Singer, an audience member asked for a description of the project.

At which time, Mr. Contelmo proceeded to describe the project.

Mr. Michael Barile stated he is a longtime resident and taxpayer of Mahopac. He said nothing should be done with this property until the New County Executive and the Putnam County Legislature do their work and find out where this property should really be. He said I believe this property was stolen off the tax rolls and is one of the most valuable pieces of property left in the Town of Carmel.

A discussion ensued regarding whether or not a representative from Putnam Hospital and the Putnam Community Foundation should be present.

Mr. Contelmo stated for the record the Putnam Community Foundation and Putnam Hospital are co-applicants and I am representing both of them.

Mr. Gary stated we will hold the public hearing open until our attorney is satisfied with the documents.

SHULTZ, LEE – OLD ROUTE 6 – TM – 55.11-1-18-21 – RESOLUTION

Mr. Cleary addressed the board and stated you have a resolution before you which has been reviewed by the planning board attorney. There are two revisions from the original document you received. The first revision has to do with the issuance of a building permit from the building inspector has been eliminated, it is not required for the regarding plan. The second revision relates to the bonding language.

A discussion ensued between the board members regarding the pros and cons and who was for and against the project.

Mr. Gary stated there is a lawsuit regarding this project and we should go into executive session so the planning board attorney could brief us.

Mr. Greenwood moved to go into Executive Session at 7:30 pm. The motion was seconded by Mr. Meyer with all in favor.

Mr. Greenwood moved to come out of Executive Session at 7:50 pm. The motion was seconded by Mr. Giannico with all in favor.

Mr. Molloy moved to accept Resolution #12-09, dated April 11, 2012, Tax Map # 55.7-1-3,4,5 & 55.11-1-18,19,20,21 entitled Shultz Regrading Plan with the revisions. The motion was seconded by Mr. Greenwood.

A roll call vote was taken as follows:

Mr. Giannico	For the motion
Mr. Cote	Against the motion
Mr. Molloy	For the motion
Mr. Greenwood	For the motion
Ms. Kounine	Against the motion
Mr. Meyer	For the motion
Mr. Gary	Against the motion

Motion carries.

VIP WASH & LUBE – 118 OLD ROUTE 6 – TM – 55.12-2-5 – SITE PLAN

Mr. Cleary read Mr. Carnazza's memo which stated variances were granted in August 2011 and are noted on the plan. Floor plans and elevations are now provided. All zoning comments have been addressed.

Mr. Gainer read his memo which stated the applicant has provided detailed responses to prior concerns raised by the Town, and made plan revisions concerning the car wash tunnel layout to address deficiencies noted on the original plans.

Technical Comments:

Non-conformities were noted between the Insite & DeFranco plans; these discrepancies should be corrected, so both plans conform in all respects.

The water and sewer laterals should conform to Town of Carmel material specifications.

Construction details remain to be added to the construction plans, including:

Retaining wall

Wooden post & rail fence

Lighting details

Project signage, if any changes are planned

An illumination plan should be provided, to illustrate lighting levels within the site and at the property line, to assure that no off-site glare will occur.

The applicant should consider elimination of the pervious pavers in the area of the Dumpster Enclosure.

A sewer cleanout should be set along the lateral, at the property line.

While the requisite ECB approval has been granted, a permit from NYSDEC remains to be obtained.

The SWPPP documents submitted with these latest plan materials appear to be satisfactory, and comply with DEC requirements.

Mr. Cleary read his memo which stated the following comments are offered:

- The parking layout of the spaces in front of the building differs on the Insite engineering plans and the Rocco Defranco architectural plans. The Insite plans indicate 5 angled spaces along the car wash exit, while the Defranco plans indicate 4, 90-degree spaces. Clarification is required.
- Can a curbed island be installed between the eastern (outbound) and western (inbound) parking spaces in front of the building? This physical separation will force vehicles to respect and utilize the looped circulation pattern designed into the site plan, and prevent vehicles cutting back and forth along the front of the site, which would be disruptive and potentially unsafe.
- Exit pavement striping and arrows are recommended at the exit driveway. It is apparent that conflicts may exist with vehicle drying operations, and vehicles making left and right turns onto Old Route 6. Clarifying these movements with pavement striping and arrows will help to reduce conflicts.
- The Site Lighting Plan indicates the provision of dual fixture light poles along the edges of the site. Excessive lighting of the site, extending beyond the property lines

should be avoided. Generally lighting along the property lines should be limited to a maximum of 1 footcandle. The lighting plan should address this concern.

- A NYSDEC Freshwater Wetland Permit is also required for this project.

Mr. Cleary stated the next procedural step is the public hearing.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant stated we have no problem to responding to the comments and would like the board to consider a public hearing at this time.

Mr. Gary said to schedule a public hearing.

HUDSON VALLEY CREDIT UNION – STONELEIGH AVE – TM 55.11-1-42 – SITE PLAN

Mr. Cleary read Mr. Carnazza's memo which stated all necessary variances were granted by the ZBA on 3/29/12 and are noted on the plat.

Mr. Gainer read his memo dated April 9, 2012.

Mr. Cleary read his memo which stated the applicant has provided a detailed response to the initial site planning comments.

The following comments are offered:

- Proposed use is permitted as "Retail Sales & Service Establishment.
- The applicant obtained the necessary variances from the ZBA on March 29, 2012.
- The site plan has been revised to clarify the width of the drive-through aisles, which are all in excess of 10'.
- The site plan notes the location of separate pedestrian and vehicular ATM machines.
- The site landscaping plan has been significantly revised to address the initial comments.

It is recommended that the public hearing on this application be scheduled.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant asked if the board would consider a public hearing at this time and will deal with the remaining details.

Mr. Gary said to schedule a public hearing.

ENTERPRISE RENT-A-CAR – 419 ROUTE 6 – TM 75.16-1-25 – AMENDED SITE PLAN

Mr. Cleary read Mr. Carnazza's memo which stated the applicant proposes to add a Geomat car wash to the existing building. This is a water recycling structure. Provide an elevation of the building with the adjacent Geomat structure installed. The zoning table must be incorrect. The floor area has to increase if a building is being added. Variances are required from the ZBA. Why is the area used for the parking calculation different from the area used for the floor area?

Mr. Gainer read his memo dated April 9, 2012.

Mr. Cleary read his memo dated April 11, 2012.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated there will not be an increase in staff. He said right now they are washing the cars with a hose and the water goes out to the road. This Geomat company is located in Florida has the contract to do all of the Enterprise Rent-A-Cars throughout the country. It is a system where the mat will be placed where the cars are washed. Instead of the water going out to the road, the water will be reclaimed and reused. The two tanks will be located in the existing garage. He said it is environmentally friendly and it would be an improvement to the situation. We are asking for variances and would like to go the Zoning Board to see if the variances will be granted. We will provide buffering and landscaping to the south of us.

Ms. Kounine asked Mr. Cleary if the plan was ready to go the ZBA.

Mr. Cleary stated there are questions that need to be resolved. I suggest another round of revisions before this ready to go to the ZBA.

Mr. Gary stated to Mr. Greenberg to answer the comments and come back to this board.

Mr. Cote asked to bring pictures of what the Geomat looks like.

Mr. Greenberg said no problem.

NYCDEP – DREWVILLE & STONELEIGH AVE – TM – 66.-2-53 – SITE PLAN

Mr. Cleary read Mr. Carnazza's memo which stated there are no buildings, uses, or structures on the lot. I have no zoning comments on this submission.

Mr. Gainer read his memo dated April 9, 2012.

Mr. Cleary read his memo which stated his application for the installation of a stormwater detention system located off Drewville Road, west of Stoneleigh Avenue was submitted to the Board last August. The basin is designed to minimize sediment and other pollutant loadings in the reservoir. A series of concerns regarding the siting of the basin, tree removal and aesthetic impacts were raised at that time.

Subsequent site visits conformed the appropriateness of the proposed gravel maintenance road, the access point and the basin location. The primary project impact is the removal of 208 existing trees.

In response to these concerns, the plans have been revised to include a substantial new landscaping plan. The landscaping includes replacing the 208 trees with a mix of new vegetation, including 191 shrubs, 570 vines, 1,759 herbaceous plants and 120 trees (including Maple, Oak, Birch, Ash, Elm, Tulip Poplar and White Pines).

The following comments are offered:

- The proposed facility is fundamentally a stormwater management system, and as such the primary reviewer will be the Town Engineer.
- It is recommended that the caliper size of the trees between the basin and Drewville Road be increased to facilitate the rapid reestablishment of a viable wooded buffer.
- The project requires permits or approvals from numerous agencies, including the US Corps of Engineers, NYSDEC, Putnam County as well as site plan approval from the Carmel Planning Board and a wetland permit from the Carmel ECB. It is recommended that a referral be made to the ECB at this stage.

Mr. Molloy asked Mr. Cleary if a detention pond is an accepted primary use.

Mr. Cleary said yes, it is considered a public utility for the water supply facility. This is actually a principle use for the DEP.

Mr. Lochner of HDR-Gannett JV, representing DEP described the project to the board. He stated there are several catch basins on Drewville Road that discharge across the street to the north side of DEP property. There is an existing swale that runs to an existing culvert and runs beneath the grass lined entrance to an existing swale on the north side of Drewville Road. He said there is a breach in the wall where the water currently flows onto the City's property. The culvert and swale that we are looking to enhance along Drewville Road is existing. The issue with it now is that it is somewhat overgrown and there is erosion in the swale. The swale is beginning to creep its way towards the stone wall which is the property boundary for the City. It is beginning to undermine in certain places, so we want to prevent that from happening.

At which time, Mr. Lochner displayed renderings of the proposed site plan. He said we are proposing to remove the small amount of rip-rap that is there and regrade it to make it a more defined channel. He said all the garbage tends to wash onto the property. The overall purpose of this project is a water quality project to remove debris, sediment and pollutants. He said the area where the grading will be done; trees will have to be removed. The plan calls for the removal of 208 trees. We have very detailed landscaping plan, replacing 120 trees, approximately 135 bushes and a multitude of vines. The reason we can't replace every single tree we remove is because the basins themselves can't have trees in them. It is currently a wooded area and the basins will not function with large trees growing through them.

Mr. Molloy questioned the size of the trees being cut down. He asked how big are the replacement trees.

Mr. Lochner said when they are first put in they will be 12 to 14 feet tall and 2½ to 3 inches in diameter.

Mr. Molloy voiced his opposition with regards to cutting down mature trees.

Ms. Kounine agreed with Mr. Molloy and asked that the applicant put in larger and more mature trees that will take.

Mr. Lochner stated we will have to go back and look at it. I can't speak for DEP.

At which time a discussion ensued regarding the removal of the 208 trees.

Mr. Cleary stated when these concerns of aesthetics impacts are brought to the DEP, they are often responsive, but they are not willing to give you that until you ask for it.

Ms. Kounine stated the trees need to be re-addressed.

Mr. Lochner stated the landscape architect's prepared landscaping plan is not about the numbers, it's about achieving a goal, which is screening and re-vegetating a site where all the vegetation is being eliminated.

Mr. Gary agreed with Mr. Cleary. He said to work with the Town Engineer.

ALBANO ESTATES – 18 MECHANIC ST. – TM 55.14-1-26.31 – SKETCH PLAN

Mr. Cleary read Mr. Carnazza's memo which stated the applicant proposes to subdivide a lot on Mechanic St. in Carmel. Variances are required from the ZBA.

Mr. Gainer read his memo which stated The project involves subdivision of an existing 2.0 acre parcel located along Mechanic Street into two one-acre lots. Proposed lot 2 contains an existing residence, while proposed lot 1 is vacant. Variances will be required in order to allow the Planning Board to process the application. An existing sanitary sewer easement traverses the property. Based upon our review of the submitted materials, we offer the following initial comments: This area of Mechanic Street is served by Carmel Water & Sewer Districts # 2. The municipal water and sewer mains serving the site are of sufficient size to serve the proposed premises.

Mr. Cleary read his memo dated April 11, 2012.

Mr. Gary asked if these lots were established some years ago from a subdivision and if these are pre-existing lots that were calculated into subdivision.

Mr. Cleary replied yes, that's correct. We now have a situation where it's three acre zoning and these are one acre lots.

Mr. Greenwood stated since the Town Board enacted 120,000 square foot lot size we have had a few applications come before us requesting an undersized subdivision. This lot on its own at the current zoning would not meet the criteria for a lot size. He said I am not denying the fact that you have a right to go to the ZBA. If this board sends you there, I am going to make a motion with a negative recommendation, because it does not meet the criteria.

Mr. Carl Albano stated when we were in the process of doing this; there was talk of a new zoning. He said the lots in the area are basically ½ acre lots so it is not usual to have two 1 acre lots. At the time this subdivision came through, anticipating zoning changes in the positive direction as far as being in a sewer and water district, we gave the town a sewer easement through the property to save a lot of money, so they didn't have to go through Mechanic Street. We also gave the town an area to put a pump station. He said there is a sewer and water tap on this property.

Mr. Cleary stated the lot now is non-conforming.

At which time, a discussion ensued with regards to sending the applicant to the ZBA whether he is ready or not.

Ms. Kounine stated we should take a vote on sending him to the ZBA.

Ms. Kounine moved to send the application to the ZBA.

Mr. Greenwood asked Mr. Cleary if they have the option to send this applicant to the ZBA with a positive or negative recommendation.

Mr. Cleary said that's correct.

Ms. Kounine moved to send this application to the ZBA with a positive recommendation. The motion was seconded by Mr. Molloy.

Ms. Kounine rescinded all of her motions. Mr. Molloy rescinded his second.

Mr. Gary asked Mr. Charbonneau if we have to send this application to the ZBA.

Mr. Charbonneau replied no.

Mr. Gary said let the applicant decide what he wants to do. I don't agree with it like it is, but he has the right to go to the ZBA. Let him go to the ZBA and see what they say.

Mr. Greenwood moved to deny the applicant to the ZBA with a negative recommendation. The motion was seconded by Mr. Molloy.

A roll call vote was taken as follows:

Mr. Giannico	For the motion
Mr. Cote	For the motion
Mr. Molloy	For the motion
Mr. Greenwood	For the motion
Ms. Kounine	For the motion
Mr. Meyer	Against the motion
Mr. Gary	For the motion

Ms. Kounine asked the secretary to make a note regarding the audience member from the public hearing for Putnam Community Foundation and Putnam Hospital that his name is Art Singer and he is a resident of the Town of Kent not Carmel.

MINUTES - 3/7/2012

Mr. Molloy offered the minutes of March 7, 2012. The motion was seconded by Mr. Meyer with all in favor.

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

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Rose Trombetta