

# 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**



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

MICHAEL CARNAZZA  
*Director of Codes  
Enforcement*

RONALD J. GAINER, P.E.  
*Town Engineer*

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

**PLANNING BOARD MINUTES**  
**AUGUST 8, 2012**

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

ABSENT: RAYMOND COTE, ANTHONY GIANNICO

<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>
D & L Realty, LLC.	66.12-2-2	1	Amended Site Plan	Resolutions Accepted.
New York SMSA Limited Partnership d/b/a Verizon Wireless	65.-1-11	1	Site Plan	Resolutions Accepted.
Countryside Kitchen – Beachak Brothers, Inc.	75.16-1-14	1-2	Site Plan	Public Hearing Scheduled.
Carmel Centre Senior Housing (Pulte Homes) Lots 3 & 5	55.14-1-11.1 & 2-5 55.14-1-11.3		Amended Site Plan	No Board Action.
Sosa Subdivision	86.12-1-34	6-8	Sketch Plan	No Board Action.
Serino, Americo & Brian	86.5-1-11,12	8	Sketch Plan	Public Hearing Scheduled.
Yankee Development	76.15-1-12	8	Subdivision	6 month Extension Granted.
Mt. Carmel Baptist Church	44.14-1-36	9	Waiver	Site Plan Approval Waiver Granted.
Minutes – 5/23/12, 6/13/12 & 6/27/12		9		Approved.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Rose Trombetta

**D & L REALTY, LLC. – 130 OLD ROUTE 6 – TM – 55.12-2-2 – RESOLUTIONS**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated there are two resolutions before you, SEQR and final site plan approval.

Mr. Molloy moved to accept Resolution #12-20, dated August 8, 2012, Tax Map #55.12-2-2 entitled D & L Realty, LLC. SEQR Negative Declaration. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Greenwood moved to accept Resolution #12-21, dated August 8, 2012, Tax Map #55.12-2-2 entitled D & L Realty, LLC. Final Site Plan Approval. The motion was seconded by Ms. Kounine with all in favor.

**NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 675 ROUTE 6 – TM 65.-1-11 – RESOLUTION**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated you have one resolution before you for final site plan approval.

Mr. Jordan Fry of Snyder & Snyder, representing the applicant asked if the removal bond could be waived.

Mr. Cleary stated the removal bond is in place when antennas become obsolete and carriers refuse to remove them from the towers. We typically do not waive the removal bonds.

Mr. Gary stated the bond will stay in place.

Mr. Greenwood moved to accept Resolution #12-22, dated August 8, 2012, Tax Map #65.-1-11 entitled New York SMSA Limited Partnership d/b/a Verizon Wireless Final Site Plan Approval. The motion was seconded by Ms. Kounine with all in favor.

**COUNTRYSIDE KITCHEN – BEACHAK BROTHERS, INC. – 493 ROUTE 6 – TM – 75.16-1-14 – SITE PLAN**

Mr. Carnazza stated all variances were granted by the ZBA and are noted on the plat.

Mr. Gainer read his memo which stated a dumpster enclosure should be provided, in accordance with the Carmel Town Code. The applicant has shown the location of the dumpster enclosure on the current plan. Handicap access (ramps) should be provided to the proposed deck and existing restaurant. The applicant should consider appropriate ingress/egress signage. Parking spot number 1 encroaches on the property to the southwest. Evidence of the private easement agreement with the property owner, permitting this parking, should be provided. Provide details of any changes proposed to exterior site lighting. Similarly, the plans make multiple references to a “lease agreement” with NYSDOT concerning various site amenities. A copy of this agreement should be provided, for the

Board's records. Delineate handicap parking spot and ramp. Provide ground Logo and placard conforming to ADA requirements. Because of the steep slope adjacent to the parking area, the applicant should consider placing guiderail along with the proposed stockade fence.

Mr. Cleary stated all planning issues have been addressed.

Mr. Gary said to schedule a public hearing.

**CARMEL CENTRE SENIOR HOUSING (PULTE HOMES) – LOTS 3 & 5 – TERRACE DR. – TM 55.14-1-11.1 & 11.3 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes an amended site plan to change the layout and construction type of the units. The Unit count is being reduced from 147 to 81. The applicant now added "Cottage Units". They are in clusters of 3 or more units so they meet the "Multi Family" definition in the code. The "Tree Preservation Areas" must be located on the plat. Since there were several complaints about trees, the ECB should review the list of trees to assure that the types of trees are appropriate for the locations they are being installed. Provide a Tree Planting Detail. I recommend a meeting with the Engineer to discuss this project.

Mr. Gainer read his memo which stated through this site plan amendment, the applicant now proposes to reduce the density of this phase down to 81 units. This reduction has resulted from the elimination of 4 of the 3 story multi-family buildings. Further, the applicant is also now proposing 42 cottages, which were not contemplated in the prior approval. The number of previously approved manor homes (12) remains unchanged. Lastly, various site amenities are proposed to either be rearranged or eliminated.

To better allow the Board to fully evaluate the changes being proposed under this latest application, it is recommended that at least the following major technical issues be evaluated in a format which clearly illustrates the site changes anticipated between the former approval and these current plans:

- Total impervious surface coverage
- Area of site disturbance, and quantities of cuts and fills required by the grading now proposed
- Modifications planned to stormwater management structures and facilities (with the revised areas of site disturbance, revised design documents may be required)

It is recommended that the Planning Board fully understand the specific impacts of this latest development proposal early in the Board's review process, to assure that any disturbances or other impacts are fully evaluated for compliance with your prior SEQRA declaration for this phase of the project. At the same time, the Board should determine whether any new environmental issues are presented which may require a re-opening of the SEQRA process.

Further, and as the Board is well aware, significant problems exist within the Lot 4 phase which is still under construction. This includes major concerns over compliance with the quantity and longevity of the landscaping provided, as well as the recreational facilities in place, vs. what was originally approved. Further, major areas of the overall project which were originally designated as "conservation" areas have since been disturbed, if not totally

eliminated, and so warrant the Board's review/evaluation to establish what corrective measures should now be employed to attempt to achieve the Board's original intent. Lastly, since this portion of the Pulte project will utilize Terrace Drive, which is proposed to become a Town roadway, any improvements required to upgrade this roadway to address construction deficiencies should be addressed as part of the Board's review of this proposal.

Mr. Cleary stated Mr. Gainer and Mr. Carnazza's summary addressed the issues but the applicant should also provide a graphic and tabular comparison between the originally approved 2008 site plan and the current proposed amended site plan. The following areas should be specifically addressed:

- Number of dwelling units
- Building type
- Number of off-street and on-street parking spaces
- Length (and width) of roadways
- Amount of total building coverage
- Amount of total impervious surface coverage
- Area of site disturbance
- Amount of cut/fill
- Length (height) of retaining walls
- Recreational amenity compliance
- Modification to stormwater management structures and facilities
- Modification to landscaping plan.

If any of the proposed revisions to the site plan result in physical disturbances or impacts that are greater than those originally established in 2008, then those should be clearly identified, and their impacts individually assessed and evaluated.

Mr. Gary asked the board members if they had any comments.

Mr. Meyer commented on Mr. Gainer's memo which said the conservation areas have since been disturbed if not totally eliminated. He asked Mr. Gainer if he could expand on that.

Mr. Gainer stated in the original approval there were a variety of conservations areas that were supposed to remain intact throughout the entirety of the project. Some of those areas have been either totally removed or significantly adversely impacted. We have previously, referred the matter to David Klotzle to provide guidance to the board. He said I continue to seek his guidance as to what recommendations he would make at this point given the disturbance that has occurred over time.

Mr. Molloy stated he will be listening to how this change will impact the people that are living there now.

Mr. Jim Mullen of Pulte Homes addressed the board and stated the changes are strictly for lots 3 & 5. He said due to the economy it has been a struggle to sell the homes. He said we did market studies and have built this product, which are town houses in other communities and it has been well received and we think it will be well received in Carmel. There will be a significant reduction in the number of homes (313 homes to 214 homes). We are committed to completing this project and moving forward. Many of the recreational facilities that are already built (clubhouse, pool) will remain. He said that would probably be a positive impact on the residents since they will have less people using the facilities.

Mr. Paul Lynch of Putnam Engineering, representing the applicant displayed a comprehensive drawing that showed the 2005 original approval, the 2008 amended site plan and the current plan that is in front of the board. He said the original approval, which went through the SEQRA process had the most disturbance involved, 22.4 acres and a lot of that work has been done because the entire infrastructure for the detention ponds had to be built as well as some of the sewer services. The impervious area of the original approval was about 6.3 acres (asphalt and sidewalks). The 2008 plan the amount of impervious was cut down to 5.1 acres and the current plan in front of you was bumped up to 5.5 acres of impervious, but we are still under the original threshold of 6.3 acres that was established back in 2005. He said the number of units is being reduced from the original 147 in 2008 down to 81. The road network remains the same, actually the lower road is already in and the upper road is presently being installed.

Mr. Gary asked from what has been presented so far what happens to the area that is not disturbed now.

Mr. Cleary stated we don't know yet what the precise changes are. He said the comparisons illustrated on the drawing in front of you needs to be submitted in a manner that we could verify and document for you.

Mr. Gary asked if this application should be in front of us tonight to make a decision.

Mr. Cleary stated you can't make a decision. He said what you have in front of you is the basic site plan for the 2012 proposal. I think the applicant wants to tell you what they want to do and it is up to us to let you (the board) know what type of impact will be associated with it.

Mr. Gary stated before we could move forward on this we need to see more.

Mr. Lynch stated we will meet with the consultants.

Mr. Greenwood asked what the difference was between manor homes and cottages.

Mr. Lynch stated the difference is with the cottages you have a party wall between the units and the manor homes you have a storage shed connector and behind the shed is an open space area. The square footage is about the same.

Mr. Meyer asked if any progress has been made with regards to the dead shrubs and plantings on Lot 4.

Mr. Mullen replied there has been an effort to make the landscaping in accordance to the approved plan and beyond. He said we have presented an enhance plan to the homeowners and had a meeting with them on June 26<sup>th</sup>. The homeowners had comments and we submitted another plan and we just received more comments in the last few days. He said we have a dialog and we are trying to work out an enhanced plan beyond what was originally approved.

Mr. Molloy stated this development made a tremendous impact in town and would like to see more information. He said you want to eliminate condo buildings and built cottages, I would like to see the elevations.

Mr. Lynch displayed drawings of lot 5 which is much smaller lot. The drawing showed the 2005 approval, the 2008 amended site plan approval and the proposed plan. He said the original plan had 56 units; they were four of the large multi-family building. The proposed 2012 plan are cottages and manor homes and are reduced from 56 units to 23 units. The impervious areas for 2006 were 2.3 acres, for 2008 it was 1.8 acres and the current plan is also 1.8 acres. He said we will tabulate everything for the consultants so it becomes much more apparent and show how it's calculated. He said for the next meeting we will bring a mylar overlay to show how the plans changed.

Ms. Kounine asked if this should be a new application since there are a lot changes, such as the roadways, drainage, etc.

Mr. Cleary stated procedurally we consider it a new application. What we are talking about now is an amended site plan because you have seen it before. From a procedural prospective we consider this a new application. They would need to go through a review, public hearing and so on.

At which time a discussion ensued regarding the further burden of homeowners association dues to the existing homeowners of lot 4 since fewer units are being proposed.

Mr. Mullen stated an analysis was done and the dues would be very similar.

Mr. Dave Grifffers, Architect for Pulte homes addressed the board and stated the units are single level living. Each unit has a 2 car garage and additional guest facilities on the 2<sup>nd</sup> floor.

At which time, Mr. Grifffers displayed plans to the board members.

The first plan was 2,150 square feet consisting of 2 bedrooms, 2 baths, study, plus eat in kitchen and formal dining. Mr. Grifffers stated the second floor is the 2<sup>nd</sup> bedroom and bath.

Mr. Grifffers stated the second plan shows a single level unit with 2 bedrooms, 2 baths, main living area on first floor with 2 car garage. He said these units are residential in scale compared to the existing multi-family building that we are replacing. The existing multi-family building is 79 ft. x 156 ft., 3 stories high. The proposed units are 1 story. He said the 2<sup>nd</sup> floor is built within the roof system. You either have dormers on the back or windows on the side.

At which time, Mr. Grifffers displayed renderings of units that have already been built elsewhere. He said the sizes of the units are smaller than the current manor homes which range from 2100 square feet to 2700 square feet, but they are larger than the condos which are 1200 square feet to 1600 square feet.

Mr. Gary stated we need to know how this will affect the present subdivision. We need more information before we could move forward.

Mr. Lynch stated we will meet with the consultants.

## **SOSA SUBDIVISION – GLENACOM ROAD – TM – 86.12-1-34 – SKETCH PLAN**

Mr. Carnazza read his memo which stated the applicant proposes a three lot subdivision (2 additional lots) off Glenacom Rd. in Mahopac. The engineer states that lot 3 is on a cul-de-sac. The Town map does not provide for a cul-de-sac at the end of Glenacom Rd., however, it does not apply as the road is not a Town Rd. anyway. Provide Lot Depth and Lot Width lines on the Sketch Plan. Provide owners within 500 ft. The Site Location Map does not include any adjacent Zoning District Boundaries and is not of the correct scale. I recommend a meeting with the Engineer to discuss this project.

Mr. Gainer read his memo which stated this application encompasses a proposal to subdivision an existing, developed 10.67 acre parcel along Glenacom Road into 3 lots, ranging in size from 3.03 to 4.48 acres. Based upon our review of this initial submittal, we wish to offer the following preliminary comments:

1. Most of the tract appears to be encumbered by NYSDEC Wetlands F-26, and its associated buffer area. Further, the Lake Glenacom outlet stream which traverses portions of the property has a “C(TS)” (trout spawning) designation. Both the proposed lot 3 house location and SSTS abut the wetlands buffer line. Realistically, this will cause lot construction/re-grading to extend some distance into the regulated buffer area, which should be avoided. It is strongly suggested that the applicant reconsider the density proposed, to avoid such disturbances.
2. Initially, the plans should identify all proposed grading with contours, to better illustrate whether any wetlands or buffer impacts will result.
3. Thereafter, the extent of detailed required to develop a SWPPP for the development proposal can be established, which will have to comply with all NYS DEC requirements. A SWPPP will be required, conforming to all DEC requirements. Further, all required erosion control measures with details should be incorporated into the plans.
4. A chart of disturbed areas and proposed impervious areas should be provided, including a “limits of disturbance” line to more clearly illustrate these impacts.
5. Driveway profiles and construction details should be provided.
6. A Town of Carmel Highway Department work permit will be required for any new driveways proposed. Various drainage improvements may be required at the frontage of the property as part of any such permit issued. Further, the on-site facilities must not impede any existing roadway run-off which may enter the tract.
7. As the subdivision plans are refined, all missing elements mandated by §131-13 (“Preliminary Plat”) of the Town’s Subdivision Ordinance should be incorporated into the drawings.
8. The following referrals would appear to be warranted:
  - Putnam County Department of Planning (GML 239 referral; proximity to County boundary)
  - NYSDEC (should any proposed disturbances extend into the wetlands or buffer area of F-26)
  - Town ECB
  - Town Highway Department (driveway access)

Mr. Cleary read his memo which stated this application was initially presented to the Planning Board in 2006, at which time the Board expressed serious concerns about the suitability of the subdivision. This concern was based on the severe site environmental constraints, the poorly configured lots and the site’s lack of frontage on an improved Town road.

Since that time, Glenacom Road has become a Town road. No other changes to the original subdivision sketch plan have been made.

The following comments are offered:

- In 2006, the Board noted that the sketch plan was confusing and difficult to understand. The sketch plan has not been revised to correct this condition, and it remains confusing and difficult to understand.
- It appears that open development would no longer be required if Glenacom Road has been taken over by the Town.
- The boundary of Glenacom Road is vaguely established on the Sketch Plan, and the metes and bounds of the right-of-way are not presented. It therefore, cannot be verified if Lot 3 has frontage on the Town road.
- Lot 3 does not have the required 100' of street frontage (§156-10G). A variance is required.
- Additionally documentation is required to determine if all 3 lots meet the mean lot width and depth requirements.
- The on-site wetlands were delineated 7 years ago. The accuracy of these delineations should be verified, and updated, as necessary.
- The wetland setback boundaries should be indicated on the sketch plan.
- The lots are extremely constrained environmentally with the presence of wetlands, wetland buffers, streams and steep slopes. This results in extremely constrained building envelopes.
- All three proposed lots are very irregular in shape and configuration. The contrived "tail" on Lot 1, which is established to meet the required lot area, but is entirely environmentally constrained and unusable, is one example. Lot 3 surrounding an existing neighboring residence is another example.
- As previously suggested by the Planning Board during the initial review of this subdivision, a two lot alternative should be explored that meets the applicable zoning criteria, minimizes site disturbances and presents a more orderly and appropriate subdivision layout.

Mr. Gary asked Mr. Carnazza about the cul-de-sac on lot 3.

Mr. Carnazza stated on my map a cul-de-sac is not shown for the right of way. Even if there is a turn around, it has to be a complying cul-de-sac to go to the 50 feet required frontage.

Mr. Cleary stated one of the problems with the original map and the map you have before you is it's confusing, so the boundaries of the right of way is vague and hard to make out.



Mr. Chris Caralyus of American Design Consultants, representing the applicant state the main reason we are here tonight is for the third lot. Back in 2006, we need open land development because it wasn't a town road and since then it has now become a town road. We know there many issues and hurdles we have to overcome, but we would like to get the boards input on whether we are moving forward with a 2 lot subdivision or 3 lot subdivision.

Mr. Gary stated you have to show the cul-de-sac first. He said there are a lot of concerns by the consultants. I suggest you sit with the consultants and then come back once the cul-de-sac issue has been cleared up.

Ms. Kounine reiterated what Mr. Gary said and also stated to come back with a clear rendering.

Mr. Caralyus stated we will meet with the consultants.

#### **SERINO, AMERICO & BRIAN – 253 & 259 ROUTE 6N – TM – 86.5-1-11,12 – SKETCH PLAN**

Mr. Carnazza stated all zoning comments have been addressed for sketch plan.

Mr. Gainer read his memo which stated a Driveway Maintenance Agreement should be provided for review. A NYSDOT highway work permit is required. Stormwater management should be provided for run-off directed towards U.S. Route 6N. It appears as though a common well is proposed. This should be clarified. If so, an agreement should be provided for review.

Mr. Cleary stated this application for a lot line adjustment was presented to the Board last year. After several appearances before the Board, the project was referred to the ZBA for consideration of several variances, which were granted on January 17<sup>th</sup> of this year.

The applicant has submitted the revised subdivision plan, SWPPP, septic test results, and comment from the NYSDOT. A public hearing can be scheduled.

Mr. Gary said to schedule a public hearing.

#### **YANKEE DEVELOPMENT – PIGOTT ROAD – TM – 76.15-1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

The consultants had no objection to the extension.

Mr. Greenwood asked what the reason was.

Mr. Ed Delaney of Bibbo Associates, representing the applicant stated we are still dealing with DEP.

Mr. Greenwood moved to grant a six month extension. The motion was seconded by Mr. Molloy with all in favor.

**MT. CARMEL BAPTIST CHURCH – 76 GLENEIDA AVE – TM – 44.14-1-35 – WAIVER OF SITE PLAN**

Mr. Carnazza read his memo which stated the church proposes to add a shed (for lawnmower, garden tools, and small gas can). There is no use associated with the storage shed, therefore, I have no objection to the waiver of site plan approval.

Mr. Gainer stated he had no objection to the waiver.

Mr. Cleary stated he had no objection to the waiver also.

Mr. Greenwood asked Mr. Carnazza if the waiver is limited to the size of the shed they are proposing.

Mr. Carnazza stated yes. They will need to get a permit for this size shed.

Mr. Greenwood moved to waive site plan approval. The motion was seconded by Ms. Kounine with all in favor.

**MINUTES – 5/23/2012, 6/13/2012 & 6/27/2012**

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

Mr. Greenwood moved to adjourn the meeting at 8:25 p.m. The motion was seconded by Mr. Molloy with all in favor.

Respectfully submitted,

Rose Trombetta