

## **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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**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** **FEBRUARY 27, 2013**

**PRESENT:** CHAIRMAN, HAROLD GARY, CARL GREENWOOD, JOHN MOLLOY, JAMES MEYER, ANTHONY GIANNICO

**ABSENT:** VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE

<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>
Steiber & Coviello	43.-1-49,50.1	1	Subdivision	Resolution Accepted.
Lakeview Development at Carmel	55.9-1-17	1-4	Amended Site Plan	No Board Action.
NYCDEP – Carmel Field Headquarters	54.-1-30	4-5	Site Plan	Denied to the ZBA.
NYCDEP – Mahopac Inspector's Office	65.17-1-41	5	Site Plan	Denied to the ZBA & Referred to the ECB.
Tompkins Recycling	55.11-1-15	5-6	Amended Site Plan	Referred to the ECB.
Parkash Estates, LLC.	65.13-1-54	6	Re-Approval	Re-Approval of Site Plan Granted.
Yankee Development	76.15-1-12	6	Extension	Prel. Sub. Approval Extension Granted.
MK Realty	55.6-1-44&45	7	Re-Approval	Re-Approval of Site Plan Granted.
D & L Realty	55.12-2-2	7	Bond Return	Public Hearing Scheduled.
Minutes – 12/19/2012 1/9/2013 & 1/23/2013		7		Approved.
Executive Session		7		7:53 pm to 8:15 pm.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Rose Trombetta

**STEIBER & COVIELLO – 5 & 9 CAUSEWAY PARK – TM – 43.-1-49,50.1,50.2 – RESOLUTION**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated you have a subdivision approval resolution before you.

Mr. Molloy moved to adopt Resolution #13-03, dated February 27, 2013, Tax Map # 43.-1-49,50.1,50.2 entitled Steiber & Coviello Subdivision Lot Line Adjustment Approval. The motion was seconded by Mr. Greenwood 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 a wetland permit may be required from the ECB. This project should be referred to the ECB for comments. There is a crisscross at the entrance. It could cause a back-up onto Rt. 6. Provide location and a detail of the trash enclosure for the site. It needs to meet town specifications. Provide Floor plans for review. The building area appears to be much larger than 6,328 s.f. If this is the case, the parking calculation is incorrect.

Mr. Gainer stated his general comments are:

- Provide profiles of all driveways and parking lots.
- Given the proximity of residential properties, a lighting spill plan.
- The application involves an at- grade crossing of the bike path. While other at - grade crossings of roadways and businesses exist, our research indicated that all of these crossings involved a Business that existed prior to construction of the bike path. This application therefor presents a new set of facts. The bike path in this area receives significant pedestrian and bicycle traffic. Given the fact that the proposed ingress/egress crosses the path to access US Route 6, the measures being proposed to deal with these potential conflicts warrant close scrutiny.

Technical comments:

- Show any easements for the existing water service coming off of Willow Road.
- On the egress road from the upper parking lot, the applicant should consider a softer radius of the bullnose of the island. This will help facilitate traffic movements.
- Provide details for taper down and reinstall of guide rail.
- On the west side of the Building, the pervious paver loading area is sited across the lane of traffic from what appears to be a storage area adjacent to the building. The applicant might consider a reconfiguration of the egress and place the loading area directly next to the storage area.
- 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.

- Identify clearly that the existing 24” Drainage Pipe will be tied into DI#1.
- We propose to work directly with the design engineer to resolve concerns on the construction details, to assure they meet accepted standards.

Mr. Cleary read his memo which stated one of the concerns with the previously approved site plan involved ingress and egress on Willow Spur. The elimination of that driveway represents an improvement to the design of the site. The single driveway located at the north end of the site must now be adequate to accommodate all traffic generated by the site. The applicant has indicated that they have secured approval from the NYSDOT for this driveway. Documentation to this effect must be supplied. It is noted that sight distances in both the north and southbound directions exceed 500’ at the driveway. Did the NYSDOT impose any conditions, or require any mitigation measures for this curb cut? Another impediment to the previous approval involved the presence of a narrow piece of land owned by the NYCDEP located in between the site and Route 6. The applicant has indicated that the DEP has transferred this property to the applicant. Documentation attesting to this transfer of land must be supplied. The proposed building complies with the applicable C- Commercial zoning district area, bulk and dimensional regulations. The new building requires the provision of 58 off-street parking spaces. 66 spaces are proposed. 13 spaces are designed with pervious pavers. Utilizing pervious pavers is a beneficial practice to minimize the site’s impervious surfaces; however, pervious pavers are less durable than traditional pavement. The applicant should document that these spaces will not be heavily utilized. The details of the pervious pavement require the review and approval of the Town Engineer. What is the grade of the driveways serving the upper parking lot? A painted and stripped pedestrian crosswalk should be provided across the end of the driveway coming down from the upper parking lot, to accommodate pedestrians accessing the western parking area. The site plan indicates that the building will accommodate retail tenants (and the parking requirement is based on this use). If the building is used for different commercial tenants, such a change of use may require amended site plan approval. It appears that no landscaping is proposed along the site’s frontage. The physical appearance of the site’s frontage is particularly important given its presence along Route 6 and alongside the County Bikeway. It is recommended that the applicant consider methods to enhance the aesthetic appearance of the front of the site. Development of this site will require pushing back into the hill and grading and leveling the upper (rear) portion of the site. The physical impact and appearance of this represents a concern (and has resulting in serious negative impacts on other similar sites in Town). Issues such as the method of stabilizing slopes (and their ultimate appearance), size and appearance of retaining walls, construction techniques, landscaping, etc. should be addressed at this time. An exterior site light plan is required.

Mr. Joel Greenberg of Architectural Visions and Gus Boniello, applicant appeared before the board.

Mr. Greenberg addressed the board and stated the applicant received site plan approval about three years ago, but took three years to transfer the property from NYCDEP to applicant, because the DEP claimed they owned from an early 1900’s deed. He stated with regards to the curb cut we have eliminated the access onto Willow Spur, which was a bone of contention three years ago when the original site plan was approved. The entrance is now at the other end of the property. We have a copy of the DOT permit. He said as far as the wetlands on the property, this project was reviewed carefully three years ago and there are no

wetlands. There is just a drainage swale on the property. He said the maintenance agreement for the drainage swale will be reviewed by Mr. Charbonneau. He stated the parking requirements are 58 spaces, we have 66 total parking spaces. The maximum size of the retaining walls will not be higher than 4 feet.

Mr. Gary asked Mr. Greenberg if he had elevation pictures for the property.

At which time, Mr. Greenberg displayed the elevation drawings. He said the drawings show the elevations from Route 6. He stated the design of the building was changed to a more colonial design to match the adjoining properties. He said architecturally, we have made a tremendous improvement from 3 years ago.

Mr. Greenwood stated since this is the last property in the area to be developed, especially being across from the lake we should take a look at it with more effort and what it will impact. We should make sure it fits and looks presentable from the other side of the lake.

Mr. Greenberg stated that is why we changed the whole design of the building.

Mr. Boniello approached the board and stated he wanted to clarify some issues. He stated one issue was dealing with DEP because they claimed half the property was theirs. It took over three years to settle it and the property is ours. It was a lot of wasted time and money. He said the building did have prior approval the last time and basically, we are here for a re-grant of the same building. All the issues were resolved the last time. The only issue that was on the table at that time was DEP. That issue has been resolved.

Mr. Greenwood stated he understood what he was saying, but honestly the only reason I voted for the approval previously was because you couldn't meet the conditions and that DECP owned the property. Now it is resolved. I think it's good that it is resolved. It is a piece of property that stands out, its visual impact on the hamlet and I think we should take the time to review it and make sure we get it right.

Mr. Boniello stated we are not changing anything.

Mr. Greenwood asked if this was a new application.

Mr. Cleary stated yes, the previous approval has expired.

Mr. Gary clarified that once the application loses its approval, it starts all over again. He said it may be hard for you to accept that because of the legal hassle you have been through. We will try and help you anyway we can.

Mr. Greenberg stated we understand that, but the two main issues have been resolved. The deed from the DEP and the problem with the entrance on Willow Spur.

Mr. Gary asked Mr. Boniello if he understood that there will be another public hearing.

Mr. Boniello replied yes.

Mr. Molloy said this is a crucial piece of property and will stand out being that it is across from the lake. What we are trying to say is we are committed to help you to build the most

beautiful building. He said together with your commitment and our commitment, I think it's going to be gorgeous.

Mr. Greenwood stated I am glad that something will actually happen, because it is an eyesore and I'm glad you got the property from the DEP, but I have seen too many projects we've have approved and go back and look at them afterwards and there are things we could have done a lot better. He said there's a clause in our code that allows us to refer you to the ARB before we approve it and get their input.

Mr. Gary agreed with Mr. Greenwood, but stated he didn't think it was ready to go there yet.

Mr. Greenberg stated we will update everything and have the consultants look at it.

Mr. Boniello stated we do not have a problem with that. He said we are open to any suggestions the ARB may have.

Mr. Gary said to answer the consultant's memos and come back to this board for us to look at.

**NYCDEP – CARMEL FIELD HEADQUARTERS – 4 BELDEN ROAD – TM – 54.-1-30 – SITE PLAN**

Mr. Carnazza read his memo which stated some of my comments from April 25, 2012 have been addressed. Provide a parking calculation. Offices are different than Industrial uses and the parking calculation should reflect this. Provide traffic circulation. Variances are required for Front Yard (Office Bars), and minimum Floor Area. Provide location and a detail of the trash enclosure. It needs to meet town specifications.

Mr. Gainer read his memo which stated driveway No. 2, to the construction storage area, will contain grades of up to 20%. While it is understood that this driveway will not provide routine vehicle access, an un-paved surface at these extreme grades will be susceptible to erosion in routine rainfall events. This, then, would result in the wash-out of materials onto Belden Road. The applicant should seek an alternative surface to avoid this concern. Property boundary information must be accurately represented on plan. If this doesn't currently exist, it will have to be obtained and represented on plan. 3. Based upon information provided by the applicant's engineer, we have calculated the amount of the performance bond at \$141,000, and an associated Engineering Fee of \$7,050.00.

Mr. Cleary stated the applicant has satisfactorily addressed the site planning issues.

Mr. Ed O'Connor of URS Corporation, representing the applicant stated the driveway has been graveled for the last 60 years and haven't heard of any issues.

Mr. Gainer stated our concern was to understand grades along the driveway and only in the last submission did we obtain that information. I haven't checked with the Highway Department to understand if there has been continuing problems with maintenance along the town right of way for any washouts.

Mr. O'Connor stated the 20% does not extend to the public road. It is much flatter closer to the road and then it gets steeper.

Mr. Gainer stated the majority of the slope is representative of the 20%. It does flatten at the edge of the road and it flattens where they are proposing the construction parking area.

Mr. Molloy asked why there was opposition to paving it.

Mr. O'Connor stated he didn't think the board wanted it to be paved. We will pave it.

Mr. Gainer stated it would be preferred over the concern of long time maintenance with the town right of way, which the Highway Superintendent would prefer.

Mr. Gary asked if they will pave it.

Mr. O'Connor stated he will confirm with the DEP, but doesn't think it will be a problem.

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

#### **NYCDEP – MAHOPAC INSPECTOR'S OFFICE – 35 MUD POND RD – TM – 65.17-1-41 – SITE PLAN**

Mr. Carnazza read his memo which stated a wetland permit may be required from the ECB. This project should be referred to the ECB for comments. Provide traffic circulation. This appears to be a 12 ft. wide, two-way driveway. Variance required. Provide location and a detail of the trash enclosure for the site. It needs to meet town specifications.

Mr. Gainer read his memo which stated because construction activities are proposed within the buffer of NYSDEC wetlands LC-32, permits from NYS DEC-Region 3 and the ECB must be obtained. Based upon information provided by the applicant's engineer, we have calculated the amount of the performance bond at \$331,000, and an associated Engineering Fee of \$16,550.00.

Mr. Cleary read his memo which stated the applicant has satisfactorily addressed the site planning comments. The proposed parking lot improvements are located within a wetland buffer. The NYSDEC Wetland Permit has been issued. The project can now be referred to the ECB.

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

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

#### **TOMPKINS RECYCLING – 60 OLD ROUTE – TM – 55.11-1-15 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to construct a recycling yard on Old Rt. 6 in Carmel. Floor Plans and Elevations have been provided. All variances granted and interpretations are noted on the plat. This project must be referred to the ECB for comments.

Mr. Gainer read his memo which stated a drainage easement is required over the pipe on the north side of the property.

Regulatory Agency permitting:  
NYSDEC Freshwater Wetland permit  
Town of Carmel Water and Sewer Permits  
Town of Carmel Highway access permit  
Town ECB

In response to our prior concerns over pedestrian considerations, the applicant has now agreed to provide a 4 foot wide paved shoulder along the property frontage, which we support. However, given the existing pedestrian and proposed traffic volumes along this section of roadway, we merely recommend that the construction detail for this feature also specify a reflective "fog line". 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 Town Code §156-85 to assure long-term maintenance of all stormwater treatment devices proposed for the site. The applicant is aware of this requirement, and will resolve the matter prior to approval. A formal easement or letter of permission will be required for the disturbances planned on the adjacent property of Carmel Sewer District No. 2, to permit construction of the new wetlands area to be created. We are awaiting Town Counsel guidance as to what legal instruments are necessary to accomplish this. The applicant's engineer should provide a construction cost estimate for the work proposed, so that bonding and engineering fees can be established.

Mr. Gary asked Mr. Gainer if the applicant agreed to pave the town road.

Mr. Gainer stated not the entire road, just the portion that needs to be widened. He said the applicant has readily agreed to widen the pavement.

Mr. Greenwood moved to refer to the ECB. The motion was seconded by Mr. Meyer with all in favor.

**PARKASH ESTATES, LLC – 870 ROUTE 6 – TM – 65.13-1-54 – RE-APPROVAL OF SITE PLAN APPROVAL**

The consultants had no objections.

Mr. Greenwood moved to grant re-approval of site plan approval. The motion was seconded by Mr. Molloy with all in favor.

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

The consultants had no objections.

Mr. Greenwood moved to grant extension of preliminary subdivision approval. The motion was seconded by Mr. Molloy with all in favor.

**MK REALTY – ROUTE 6 & OLD ROUTE 6 – TM – 55.6-1-44 & 45 – RE-APPROVAL OF SITE PLAN APPROVAL**

The consultants had no objections.

Mr. Greenwood moved to grant re-approval of site plan approval for 1 one year. The motion was seconded by Mr. Molloy with all in favor.

**D & L REALTY – 130 OLD ROUTE 6 – TM – 55.12-2-2 – BOND RETURN**

Mr. Carnazza had no objection to the bond return.

Mr. Gainer read his memo which stated 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. The separate matter of tree plantings required by the ECB and bonded separately (for \$500.00) is not addressed by this memo.

Mr. Cleary had no comments.

Mr. Gary said to schedule a public hearing.

**MINUTES – 12/19/2012, 1/9/2013 & 1/23/2013**

Mr. Molloy moved to adopt the December 19, 2012 and January 9, 2013 minutes. The motion was seconded by Mr. Greenwood with all in favor except Mr. Giannico who was absent.

Mr. Molloy moved to adopt the January 23, 2013 minutes. The motion was seconded by Mr. Greenwood with all in favor.

**EXECUTIVE SESSION – DISCUSS MATTERS OF PENDING OR FUTURE LITIGATIONS**

Mr. Greenwood moved to go into Executive Session at 7:53 p.m. to discuss possible pending legal matters. The motion was seconded by Mr. Meyer with all in favor.

Mr. Greenwood moved to come out of Executive Session at 8:15 p.m. The motion was seconded by Mr. Molloy with all in favor.

Mr. Giannico moved to adjourn the meeting at 8:15 p.m. The motion was seconded by Mr. Meyer with all in favor.

Respectfully submitted,

Rose Trombetta