

# **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** **OCTOBER 23, 2013**

**PRESENT:** CHAIRMAN, HAROLD GARY, EMMA KOUNINE, CARL GREENWOOD,  
JOHN MOLLOY, JAMES MEYER

**ABSENT:** VICE-CHAIR, 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>
Zephyr Farm	76.10-1-5	1	Public Hearing	Public Hearing Closed & Planner to Prepare Resolution.
Ronin Property Group	74.11-1-20	1	Public Hearing	Public Hearing Closed & Planner to Prepare Resolution.
Lakeview Development	55.9-1-17	1-2	P/H & Resolution	Public Hearing Closed & Resolution Adopted.
Hinckley Holding, LLC./ Paladin Group	55.10-1-1,3	2	Resolutions	Resolutions Adopted.
Timber Trail Homes	75.10-1-10	2-5	Sketch Plan	No Board Action.
Hosch & Torres Subdivision	53.15-1-40	5-7	Sketch Plan	Sketch Plan Approval Granted & Minor Subdivision Declared.
Minutes – 9/25/2013 & 10/9/2013		8		Approved.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Rose Trombetta

**ZEPHR FARM – 219 WATERMELON HILL ROAD – TM – 76.10-1-5 – PUBLIC HEARING**

The consultants had no comments.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone in the audience wished to be heard.

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

Mr. Gary asked the Planner to prepare a resolution.

**RONIN PROPERTY GROUP – SECOR ROAD – TM – 74.11-1-20 – PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Gainer stated since the last meeting we have been working with the applicant's engineer to resolve technical issues that are still in progress and engineering fees and a bond needs to be established.

Mr. Cleary had no comments.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone in the audience wished to be heard.

Ms. Mary Mills a resident of Lake Secor addressed the board and stated developing that piece of land would be a huge mistake. There already is too much commercial for such a small community and the traffic in the morning is unbearable. This will also impact the day care center next to it.

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

Mr. Gary asked the Planner to prepare the resolution.

**LAKEVIEW DEVELOPMENT AT CARMEL – 1611 ROUTE 6 – TM – 55.9-1-17 – PUBLIC HEARING & RESOLUTION**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated you have a draft resolution before you.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone in the audience wished to be heard.

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

Ms. Kounine moved to adopt Resolution #13-24, dated October 23, 2013; Tax Map #55.9-1-17 entitled Lakeview Development at Carmel Amended Final Site Approval. The motion was seconded by Mr. Greenwood with all in favor.

**HINCKLEY HOLDINGS, LLC/PALADIN GROUP – 39 SEMINARY HILL ROAD – TM  
– 55.10-1-1,3 – RESOLUTIONS**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated you have two resolutions before you.

Ms. Kounine moved to adopt Resolution #13-22, dated October 23, 2013; Tax Map #55.10-1-1,3 entitled Hinckley Holdings, LLC/Paladin Group – SEQR Negative Declaration. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Molloy moved to adopt Resolution #13-23, dated October 23, 2013; Tax Map #55.10-1-1,3 entitled Hinckley Holdings, LLC/Paladin Group Amended Final Site Plan Approval. The motion was seconded by Ms. Kounine with all in favor.

**TIMBER TRAIL HOMES – 135 MYRTLE AVE – TM – 75.10-1-10 – SKETCH PLAN**

Mr. Carnazza read his memo which stated is this a Sketch Plat? Please label as such. The applicant proposes a two-lot subdivision off Myrtle Ave., Carmine Dr., and Potter Road in Mahopac. The remains of the old foundation and old stone building on lot 1 need to be removed and labeled as such. The setbacks on lot 2 easterly property line need to be changed to 40 ft. rear yard as this is opposite Potter Rd.

Mr. Gainer read his memo which stated 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, including:

- names of all landowners within 500 feet of any property line;
- Location and identification of all zoning district boundaries within the area map

The following referrals would appear to be warranted:

- Putnam County Department of Planning (GML 239n referral; proximity to County highway)

Permits from the following would appear necessary:

- Putnam County Department of Health (on-site well and SSDS)
- Putnam County Department of Highways & Facilities (driveway access)

A SWPPP, including all erosion control measures and construction details must be provided, conforming to all applicable requirements pursuant to the NYS SPDES General Permit (Part III.B). Given the topography of lot 1, a slope analysis should be provided, denoting slopes between 15% - 25%, and over 25%.

The following additional technical information should be added to the plans:

- A "limits of disturbance" line should be denoted for lot 2.
- The overall areas of site disturbance and imperious areas to be created should be specified.
- Available sight distance at the Lot 2 driveway entrance at Myrtle Avenue should be indicated
- Because of the vertical and horizontal challenges of the Driveway. A turn around area should be provided to minimize the necessity to back down the driveway.

Percolation test data for the proposed stormwater infiltration systems should be provided, and an overall stormwater management plan. Further any required stormwater controls for lot 2 that may have been specified as part of the IPP approval should be identified and incorporated into the plans. At a minimum, consideration should be given to determining if the roof area of the dwelling recently completed on Lot 2 could be infiltrated. Drainage improvements should be considered along the lot 1 driveway section, which proposes grades of up to 15%, to minimize adverse impacts to the County Road. A manufacturer for the erosion control matting proposed should be identified on the detail, and installation/anchoring details specified. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work.

Mr. Cleary read his memo which stated this proposal calls for the subdivision of a 10.2 acre parcel of land that has frontage on Myrtle Avenue, Potter Road and Carmine Drive and currently supports an existing one-story frame residence. Two new lots of 4.1 acres (Lot 1) and 6.1 acres (Lot 2 supporting the existing residence) are proposed. A new single-family residence is proposed on Lot 1 that would be supported by a new subsurface septic sewage disposal system and potable domestic water well and would be accessed via a new driveway from Myrtle Avenue.

1. Site Environmental Constraints:

Lot 1, where the new residence is proposed, exhibits very steep topography around its perimeter. It is recommended that a steep slope map be prepared to provide a better understanding of the site's topography and development constraints. Additionally, soil types and development characteristics should be provided to allow for an assessment of potential erosion hazards. A tree plan should also be provided documenting the extent of tree removal required on lot 1.

2. Site Grading:

Accessing the relatively level plateau at the south central portion of the site requires traversing the sites steep slopes. The proposed driveway will reach a 15%

grade for a significant run. Additionally, setting the new home into the side of the hill will also require significant site grading. Details of retaining walls, slope stabilization, soil conditions, etc are required. Coordination with the Engineering Department is required to determine if plan revisions or specific mitigation measures are necessary.

3. Stormwater Management:

Details of proposed stormwater management facilities for Lot #1 should be indicated on the sketch plan. Review of this is required by the Town Engineer.

Mr. Gary stated the driveway will not exceed 15%.

Mr. Gainer stated that's correct. He has to identify it as a maximum of 15%, but that does extend over significant run of that driveway.

Mr. Gary stated that is a very steep driveway.

Mr. Greenwood said there are a lot of tight lines on the map. He asked how long the driveway was.

Mr. Willie Besharat of Rayex Designs, representing the applicant addressed the board and stated about 150 feet to 200 feet.

Mr. Gary stated if you could get that driveway up that hill at 15%, "you're a magician". He asked what the limit was with the town.

Mr. Gainer replied 15% is permitted. He said you have to start from the road which is a maximum of 6% for a run then you could break to a maximum of 15%. That's exactly what he is showing and it requires a cut to get to that 15%. He said the driveway appears to be about 300 feet.

Mr. Greenwood stated we went from 150 feet to 300 feet, that's a big difference.

Mr. Gary stated for the record we have had many concerns about driveway being too steep in the town. This is definitely one of them, and I don't think he could get up there at 15%.

Mr. Besharat stated we will re-visit the location of the house and try to reduce the length of the driveway and with that try to reduce the steep also. We will see if it's possible.

Mr. Gary stated I think the applicant should stake out the road, put the cuts on the stakes and get it reviewed.

Mr. Gainer stated we want to see the slope analysis that I discussed, so that we could understand exactly how significant the slopes are and where we are disturbing them. Then we could determine if there is an easier way to get in at a more modest grade.

Mr. Greenwood agreed with Mr. Gainer.

Mr. Gary stated we need to make sure that they could get up there and then we will go from there.

Mr. Besharat said I will discuss it with the applicant.

No board action.

**HOSCH & TORRES SUBDIVISION – 490 LONG POND ROAD – TM – 53.15-1-40 – SKETCH PLAN**

Mr. Carnazza read his memo which stated is this a Sketch Plat? Please label as such. The applicant proposes a two-lot subdivision off Wixon Pond Rd. in Mahopac. All zoning criteria have been addressed. I have no further comments.

Mr. Gainer read his memo which stated a Putnam County Highway Department work permit will be required for the proposed driveways. Both Town of Carmel and NYSDEC wetland permits will be required. 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 drawing. The following referrals would appear to be warranted:

- Putnam County Department of Planning (GML239 referral; proximity to County highway)
- Permits from the following – Putnam County Department of Health (on-site well and SSDS)
- Putnam County Department of Highways & Facilities (driveway access)
- A SWPPP, including all erosion control measures and construction details must be provided, conforming to all applicable requirements pursuant to the NYS SPDES General Permit (Part 111.B). Further, a “limits of disturbance” line should be denoted, and overall areas of site disturbance and imperious areas to be created specified.
- Driveway profiles.
- The condition of the 18” CMP under Long Pond Road should be evaluated. Replacement should be considered.
- Fall protection should be considered at the top of the retaining wall.
- A guide rail should be considered on the driveway curve.
- Available site distance at the driveway entrances should be provided.

Stormwater infiltration practices should be implemented wherever practicable. Percolation test data for the proposed stormwater infiltration systems should be provided, and an overall stormwater management plan included. Should any public improvements be deemed necessary as part of the development of the tract, a performance bond and associated engineering fee must eventually be established for the work.

Mr. Cleary read his memo which stated in 2011, the Planning Board granted subdivision approval for a three-lot subdivision of this property. The applicant is now proposing to amend that approval to reflect a two-lot subdivision. The applicant has indicated that this reduction in the number of lots is being done due to “the presence of additional site constraints not previously noted.”

### **SUBDIVISION SKETCH PLAN REVIEW COMMENTS:**

- The applicant is requested to document the “additional site constraints” noted above. How have these constraints impacted the layout and configuration of the subdivision?
- The subdivision configuration remains irregular, due primarily to the location of the existing residence on Lot 1, and the extensive wetlands on Lot 2. Now that additional land area is available for the two lots, can the lot line separating the two lots be more regularly defined? It should be noted that this plan reflects a superior configuration than the previously approved three-lot plan.
- Both new lots conform to the applicable R zoning district requirements.
- The driveway curb cut for Lot 2 has been shifted approximately 100’ to the east on Long Pond Road. Sight distance details are required to adequately assess this revised driveway location.
- It is recommended that the applicant consider staggering the proposed 6’ tall retaining wall behind the garage area, to two separate 3’ walls.
- It is recommended that landscape buffering be provided between the existing and proposed residences (the distance between the two dwellings is only about 80’).
- Given the history of this property (i.e. the previously approved three lot subdivision), and the extensive presence of on-site wetlands, it is recommended that a deed restriction be imposed on Lot 2 preventing its further subdivision.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated this application was a 3 lot subdivision that was handled by another professional and received an approval from this board in April of 2011. There were some outstanding issues with outside agencies, particularly with NYSDEC, NYCDEP and the Health Department that could not be overcome. At which time, the owner retained our firm to help assess and solve those problems to come up with a solution that is approvable by the town code, DEC, DEP and the Health Department. He said there were two big issues that drove this layout to where it is now. The first issue was a DEC wetland was not previously identified across the street from Long Pond Road. He said the jurisdiction of the DEC wetland onsite created impervious setback restrictions relative to DEP for the common driveway. The 2<sup>nd</sup> issue was the presence of available soil for septic systems was limited and couldn’t support three lots. He said we have done an exhaustive amount of review of the previous work, we re-flagged the wetlands, re-dug test holes and we are convinced that this current layout is approvable by all agencies. We are here for a sketch plan and would like to request that the board deem it a minor subdivision, which would allow us to go to final approval and start our work with the outside agencies.

Mr. Gary asked Mr. Cleary what was different from the 3 lots to 2 lots.

Mr. Cleary said the 3<sup>rd</sup> lot was primarily the wetland portion of the property.

Mr. Carnazza asked if it was open development.

Mr. Contelmo replied yes. He said the access will be through the existing common driveway which services three properties. Our proposal is to leave it as is and putting in the new driveway off of the County Road.

Mr. Molloy asked what else does the existing driveway that services the existing house service?

Mr. Contelmo replied two other lots. He said easements were developed and it was reviewed by your board, also open development and there was a lot of discussion amongst the neighbors.

Mr. Gary asked Mr. Contelmo if he felt the outside agencies would approve this plan.

Mr. Contelmo said based on our assessment and review of the record and our discussions with the Health Department, we believe that what we now have is approvable across the board.

Ms. Kounine stated when someone reduces the impact they are putting on a property that has certain restrictions, in my opinion it's an improvement and better for the area. I am in favor because of the reduction.

Mr. Gary stated my only concern is the applicant coming back seven years from now to try and put in a third lot.

Mr. Contelmo said we don't have an objection to what Mr. Cleary suggested in his memo.

Ms. Kounine said it could also be one of the conditions of final approval.

Ms. Kounine moved to grant sketch plan approval and declared the application a minor subdivision. The motion was seconded by Mr. Molloy.

Mr. Gary asked Mr. Contelmo if the line separating lot 1 and 2 could be straightened.

Mr. Contelmo explained that their usable area for development in terms of septic, well, house, driveway is in that area and is very important to the lot, that's how we came up with the line.

Mr. Gary stated I disagree. He asked you can't straighten that line and still maintain the proper amount of space for septic work?

Mr. Contelmo said yes it could be straightened.

Mr. Gary said this board tries to straighten lines as much as we can. He said we have a motion on the floor subject to line revision. The board members were all in favor of the motion granted by Ms. Kounine and seconded by Mr. Molloy with the line revision.



**MINUTES – 9/25/2013 & 10/9/2013**

Mr. Molloy moved to adopt the September 25, 2013 and October 9, 2013 minutes. The motion was seconded by Mr. Greenwood with all in favor.

Ms. Kounine moved to adjourn the meeting at 7:35 p.m. The motion was seconded by Mr. Greenwood with all in favor.

Respectfully submitted,

Rose Trombetta