

# **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  
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MICHAEL CARNAZZA  
*Director of Codes  
Enforcement*

RICHARD FRANZETTI, P.E.  
*Town Engineer*

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

## **PLANNING BOARD MINUTES DECEMBER 4, 2013**

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

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

<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	Resolution	Resolution Adopted.
Ronin Property Group	74.11-1-20	1	Resolutions	Resolutions Adopted.
Teakettle Heights Realty	76.17-1-19	1-3	Sketch Plan	Referred to the ECB.
Timber Trail Homes	75.10-1-10	3	Sketch Plan	No Board Action.
Swan Cove	76.5-1-49	3	Extension	1 Year Extension Granted.
Wixon Pond Estates	53.20-1-19	4	Extension	Preliminary Extension Granted.
Old Forge Estates	75.15-1-19to40	4	Extension	Extension Granted.
Dominger & Lockwood	44.10-1-1	4	Extension	6 Months Extension Granted.
Hillcrest Commons	44.10-2-4.2	4	Extension	1 Year Extension Granted.
Minutes – 10/23/2013		4		Approved.

The meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Rose Trombetta

### **ZEPHR FARM – 219 WATERMELON HILL ROAD – TM – 76.10-1-5 – RESOLUTION**

Mr. Carnazza stated all his comments have been addressed.

Mr. Franzetti had no comments.

Mr. Cleary stated you have a draft resolution for site plan approval before you. This is a Type II action, so no SEQR is required for this approval

Ms. Kounine moved to adopt Resolution #13-25, dated December 4, 2013; Tax Map # 76.10-1-5 entitled Zephyr Farm Paddock Enclosure Final Site Plan Approval. The motion was seconded by Mr. Greenwood with all in favor.

### **RONIN PROPERTY GROUP, LLC. – SECOR ROAD – TM – 74.11-1-20 – RESOLUTIONS**

Mr. Carnazza stated all his comments have been addressed.

Mr. Franzetti had no comments.

Mr. Cleary stated you have two resolutions before you. A SEGR negative declaration and final site plan approval.

Mr. Greenwood moved to adopt Resolution #13-26, dated December 4, 2013; Tax Map # 74.11-1-20 entitled Ronin Property Group, LLC. – SEQR Negative Declaration. The motion was seconded by Ms. Kounine with all in favor.

Ms. Kounine moved to adopt Resolution #13-27, dated December 4, 2013; Tax Map # 74.11-1-20 entitled Ronin Property Group, LLC. Final Site Plan Approval. The motion was seconded by Mr. Greenwood with all in favor.

### **TEAKETTLE HEIGHTS REALTY – 103 TEAKETTLE SPOUT RD – TM – 76.17-1-19 – SKETCH PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to subdivide an 18.14 acre parcel on Teakettle Spout Rd. in Mahopac. This lot was previously before the board as “Kroell Subdivision”. This project must be referred to the ECB for comments. The Lot depth lines exit and re-enter the two lots. Variance granted and noted on the plat. Variance granted for lot frontage for the two lots and it is so noted on the plat.

Mr. Franzetti stated this department has no objection to sketch plan approval.

Mr. Cleary stated this application requires a referral to the ECB. The applicant indicated that the comment about the potential screening between the proposed dwelling and the adjacent buildings, they would consider it in the preliminary approval stage and the tree

survey would be submitted at that point which may obviate the need for that. He said we would like to hear a commitment to provide that screening.

Mr. John Karell, applicant's engineer addressed the board and stated we will address what kind of screening would be appropriate.

Mr. Cleary said that's fine.

Mr. Karell commented that he feels the ECB referral should be done during the preliminary approval process, because the grading and driveways need to be done and it may impact the disturbance near the wetland buffer.

Mr. Cleary stated the applicant has clarified that the "jog" in the proposed property line is a result of the location of the already approved septic area on Lot 1, the presence of the wetland buffer setback, as well as areas of steep slopes over 15%. He said the applicant has indicated that they would be willing to forgo any future subdivision the two new lots. The applicant has indicated that a note will be placed on the Final Subdivision Plat. It is recommended that a deed restriction also be filed. He said the question becomes the referral to the ECB, if it should be done as early as possible in the process, which is typically our procedure or as Mr. Karell has indicated further on in the process. The board should address that this evening.

Mr. Gary clarified that the applicant has said there would be an agreement of no more development on the property other than the two houses.

Mr. Cleary said yes, the applicant has agreed to that.

Mr. Gary commented that we have lost to agreements like this before when it was stipulated. How do we know it won't happen with this one?

Mr. Karell stated once this project is developed with those two lots, there won't be any further access to that property to ever further subdivide.

Mr. Charbonneau stated I would still require a deed restriction.

Mr. Karell stated we do not have a problem with a deed restriction.

Mr. Molloy asked if the deed gets done with the present owner.

Mr. Cleary said the deed restriction should be recorded simultaneously with the filing of the plat, so there's not ambiguity with owners.

A question came up about a merger clause.

Mr. Carnazza said there are non-conformities with the lots and if you merge the two lots together you could make them conform, but we do not have a merger clause at this time.

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

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

Mr. Carnazza read his memo which stated 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.

This is a very difficult driveway. The applicant needs to demonstrate how the 15% slope will be achieved.

Mr. Franzetti read his memo dated December 4, 2013.

Mr. Cleary read his memo which stated when this application for a 2-lot subdivision of a 10.2-acre parcel off Myrtle Avenue was presented to the Board in October; the Board expressed serious concern over the viability of constructing a safe driveway to serve the proposed new dwelling on lot 1. The Board directed the applicant to investigate alternative methods of accessing the site. The applicant has submitted a revised sketch plan. Instead of placing the new residence at the top of the hill in the center of the site, the new residence is now proposed “behind” the hill, in the northwest corner of the lot. This location would still meet the applicable yard setback provisions and would eliminate the need to construct the driveway all the way to the top of the hill. Instead, the driveway is proposed to skirt around, and be built into the side of the hill. This alternative reduces steep slope impacts. However, the proposed engineering of this driveway requires careful engineering review. The applicant must document subsurface soil and geotechnical conditions, soil erosion and sedimentation mitigation measures, and construction management issues. Given the proximity to the northern property line, screening and buffering may be necessary. Engineering Department comment is necessary to further determine the adequacy of this alternative.

Mr. Gary advised Mr. Besharat to meet with the Town Engineer to address his comments.

**SWAN COVE – 628 ROUTE 6 – TM 76.5-1-49 – 1<sup>ST</sup> EXTENSION OF FINAL SITE PLAN APPROVAL**

The consultants had no objection to an extension.

Ms. Kounine moved to grant a 1 year extension of approval. The motion was seconded by Mr. Molloy with all in favor.

**WIXON POND ESTATES – WIXON POND ROAD – 53.20-1-19 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

The consultants had no objection to an extension.

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

**OLD FORGE ESTATES – BALDWIN PLACE ROAD – TM – 75.15-1-19 TO 40 – EXTENSION OF FINAL SUBDIVISION APPROVAL**

The consultants had no objection to an extension.

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

**DOMINGER & LOCKWOOD SUBDIVISION – GLENNA DR. – TM – 44.10-1-1 – 2<sup>ND</sup> EXTENSION OF FINAL SUBDIVISION APPROVAL**

The consultants had no objection to an extension.

Mr. Molloy moved to grant 6 months extension of final subdivision approval. The motion was seconded by Mr. Giannico with all in favor.

**HILLCREST COMMONS – LOT E-2.2 – ROUTE 52 – TM – 44.10-2-4.2 – 1<sup>ST</sup> EXTENSION OF AMENDED SITE PLAN APPROVAL**

The consultants had no objection to an extension.

Mr. Greenwood moved to grant a 1 year extension of approval. The motion was seconded by Mr. Meyer with all in favor.

**MINUTES – 10/23/2013**

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

Mr. Greenwood moved to adjourn the meeting at 7:26 p.m. The motion was seconded by Ms. Kounine with all in favor.

Respectfully submitted,

Rose Trombetta