



PLANNING BOARD
Town of Carmel - Town Hall
Mahopac, NY 10541
(845) 628-1500

PLANNING BOARD MINUTES

FEBRUARY 23, 2011

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

ABSENT: CARL GREENWOOD

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Lupi Car Wash	75.19-1-1	1	Bond Reduction	Public hearing closed. Recommended to Town Board
Parkash Estates, LLC.	65.13-1-54	1	Resolution	Heldover.
Meadowland of Carmel	55.11-1-8-10	1	Resolution	Approval Resolution accepted.
NAC Industries	55.6-1-47	2	Resolution	Approval Resolution accepted.
Rosner, Saran	75.7-3-30	2	Site Plan	Denial to ZBA.
Tompkins Recycling	55.11-1-15	2-3	Amended Site Plan	No Board Action.
Pulte Homes – Lot 4	55.14-1-11.2	3-4	Amended Site Plan	Referred to ECB.
Albrecht, George	53.12-1-27	4	2 Lot Subdivision	No Board Action.
Quis, Michael	55.6-1-42	4-6	Ext. of Approval	No Board Action.
MK Realty	55.6-1-44,45	6	Regrant of Approval	Granted (1year).

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Rose Trombetta

LUPI CAR WASH – 373 ROUTE 6 – TM – 75.19-1-10 – PUBLIC HEARING

Mr. Carnazza said he had no comments.

Mr. Karell said he recommends reducing the bond amount from \$148,240.00 to \$80,690.00 based on the work completed to date.

Mr. Cleary said he had no comments.

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

Mr. Meyer moved to recommend bond reduction to the Town Board. The motion was seconded by Ms. Kounine with all in favor.

PARKASH ESTATES, LLC – 870 ROUTE 6 – TM – 65.13-1-54 - RESOLUTION

Mr. Carnazza said the landscaping plans are not shown on the north side of the property.

Mr. Karell said all my previous engineering comments have been addressed. The bond amount is \$230,299.00 and the engineering inspection fee is \$15,515.00.

Mr. Cleary said the landscaping is not on the plan. You have resolutions of approval in front of you, but the plan that accompanies this resolution does not indicate the landscaping. The applicant needs to submit that plan with the drawing.

Mr. Joel Greenberg, Architect, representing the applicant said ok.

The application was heldover.

MEADOWLAND OF CARMEL – ROUTE 6 – TM - 55.11-1-8-10 - RESOLUTION

Mr. Carnazza said he had no comments.

Mr. Karell said the bond amount is \$1,000.00 and the engineering inspection fee is \$250.00.

Mr. Cleary said you have a resolution in front of you. This is a type 2 action under SEQR so you are acting only on site plan resolution.

Ms. Kounine moved to accept resolution #11-07 dated February 23, 2011, Tax Map # 55.11-1-8-10 entitled Meadowland of Carmel Final Site Plan. The motion was seconded by Mr. Meyer with all in favor.

NAC INDUSTRIES – DAY ROAD – TM – 55.6-1-47 – RESOLUTION

Mr. Carnazza said he had no comments.

Mr. Karell said all his engineering comments have been addressed. No additional bond is required since there already is a bond for the property.

Mr. Cleary said you have a resolution in front of you. This is a type 2 action under SEQR so you are acting only on site plan resolution.

Mr. Cote moved to accept resolution #11-08 dated February 23, 2011, Tax Map # 55.6-1-47 entitled NAC Industries Final Site Plan. The motion was seconded by Mr. Meyer with all in favor.

ROSNER, SARAN – 62 W. LAKE BLVD – TM – 75.7-3-30 – CONSTRUCT BATHHOUSE

Mr. Carnazza said he needs variances from the ZBA.

Mr. Karell said all previous engineering comments have been satisfactorily addressed. Bond is not required.

Mr. Cleary said at the last meeting, there was criticism of the size of the applicant's drawing. The applicant has re-submitted full size plans. All planning issues have been addressed and he is now ready to go to the ZBA.

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

TOMPKINS RECYCLING – OLD ROUTE 6 – TM – 55.11-1-15 – AMENDED SITE PLAN

Mr. Carnazza said all necessary variances and interpretations were noted on the plat and they have been to the ECB.

Mr. Karell said the revised plans have been reviewed and meet the engineering requirements of the code.

Mr. Cleary said the planning issues have been resolved, but there is an issue that may still be open. The DEC has a permitting role in this application and the applicant prior to this meeting submitted a package of information that provided a historical record of what has been going on between the DEC and the applicant. The first letter DEC denied the application. The applicant then submitted documentation addressing DEC's issues. We have yet to receive a final letter saying everything is ready to go. We should have something from DEC saying they are satisfied and will issue the permit.

Mr. Paul Lynch of Putnam Engineering, representing the applicant said he received a letter from DEC recently that had eight additional comments to be addressed.

Mr. Cleary asked do any of them affect the site plan.

Mr. Lynch said no.

Mr. Cleary told the board I suggest we wait to see the letter first.

Mr. Lynch asked if a public hearing could be scheduled in the meantime.

Mr. Gary said no. We will wait to see the letter.

Mr. Lynch said he will provide that.

Mr. Gary said at the next meeting, if the letter is satisfactory we will schedule the public hearing.

PULTE HOMES – LOT 4 – TERRACE DR. – TM – 55.14-1-11.2 – AMENDED SITE PLAN (FITNESS TRAIL)

Mr. Carnazza read his memo which stated; provide the calculation for all recreation on this lot. Upon review the putting green and bocci court do not appear to include the same square footage as was originally proposed. Provide a detail of the horseshoe court. Will the plan be ADA compliant? Provide a detail of the buffer trees by nit 1403. The plan says evergreens. What size? How many? Provide details of all fitness stations. Will there be any lighting? What is the slope of the trail? Provide the calculations to verify that the square footage requirement is met.

Mr. Karell said the plans have been reviewed and found to comply with engineering requirements in the town code. A revised bond amount is not required.

Mr. Cleary read his memo which stated the type of private recreational amenities provided on the site is a matter between the developer and the new project residents. Whether the fitness trail is “better” than the pitch and putt is not a planning board issue. The Board’s focus relates to code compliance with the required recreation land area provision, as well as the physical impact of the proposed fitness trail improvement. The fitness trail is composed of a 4 ft. wide crushed stone path, 17,800 linear feet in length. How will this semi-impervious surface affect stormwater runoff, particularly given the proximity of the trail to the adjacent wetland? Will this area be illuminated for evening use? Details of the gazebo are required. What type of foundation will support this structure? Is grading required? Will it be served by utilities? Clarification is required regarding the parking spaces at the end of the cul-de-sac. The approved site plan indicates that 5 parking spaces are provided in this area. The revised plan indicates that a “No Parking” sign is to be posted in this area. Given the topography of the site, and the remote location of the fitness trail, it is likely that residents will drive to this area. Eliminating approved parking spaces does not appear to be prudent. The applicant should verify that all other elements of the original site plan approval remain unchanged and in full force and effect.

Mr. Gary said what you are saying is that it is not our purview to say whether to have a pitch and putt or fitness trail.

Mr. Carnazza said we only require a certain amount of square feet per unit for recreation. We just have to approve it.

Mr. Paul Lynch of Putnam Engineering, representing the applicant said we need an ECB referral tonight to obtain a wetland permit.

Ms. Kounine asked if the change to the recreation was based on what the residents wanted.

Mr. Jim Mullen of Pulte Homes said yes. We have about 70 homeowners and the HOA president came to us and said they would prefer a fitness trail instead of the pitch and putt.

Mr. William Shilling, ESQ., also representing the applicant said a change like this would also require the approval of the Attorney General's office.

Mr. Lynch described the fitness stations in detail to the Board.

Mr. Molloy asked how will the gravel stay in place.

Mr. Lynch said they are using grass pea gravel, basically it becomes porous, it's glued together. It's not loose.

Mr. Molloy asked how will that affect run-off.

Mr. Lynch said it is permeable the infiltration will go through it and the balance will have run-off. It is not a solid surface.

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

**ALBRECHT, GEORGE – 50 ALAN DRIVE – TM – 53.12-1-27 – 2 LOT
SUBDIVISION**

Mr. Carnazza said all the necessary variances were granted. All zoning criteria have been met.

Mr. Karell said the revised plans comply with engineering requirements for sketch. Preliminary plans should contain the proposed area of disturbance and impervious surfaces, driveway profile and stormwater.

Mr. Cleary said once Mr. Karell's comments have been addressed, the board could move towards subdivision approval.

Mr. Joel Greenberg of Architectural Visions, representing the applicant said he will take care of that.

QUIS, MICHAEL – ROUTE 6 – 55.6-1-42 – EXTENSION OF APPROVAL

Mr. Carnazza said variances are required from the ZBA prior to extension of approval. This was discussed at the ZBA but never rectified.

Mr. Cleary said the issue regarding this application is that the zoning controls governing this property has changed since the original 22 units plan was approved. Now the density would be cut in half to 11 units if the existing rules and regulations were to apply. He said Mr. William Shilling has submitted a great deal of legal documents and our Counsel has reviewed the information.

Mr. Joseph Charbonneau, ESQ. said the applicant has gotten a regrant twice before the zoning changed about 4 years ago. The question the Board has to address is the impact of the new zoning density requirement, does that significantly impact the Board's decision on granting another regrant.

Mr. William Shilling, ESQ., representing the applicant the site plan approval was granted in July of 2006 and in September of 2006 there was a density change which effectively permitted 11 units instead of 22 units. The applicant received DEP approval in 2009 and he received an easement from a neighbor (who was reluctant to sign) in 2010. Each time we came in front of the board for more time we explained the problems we were having. Under 274 of the Town Law this board has the right to extend an approved site plan and waive certain conditions if they find the conditions exist. He said I provided Mr. Charbonneau the 276 Town Law which states the board can extend an approval indefinitely as long as it finds particular circumstances which would justify the extension.

Mr. Gary asked when an application comes up for a regrant has it already expired?

Mr. Cleary said if it's still valid it would be an extension and if it's expired it's a regrant.

Mr. Gary asked has this expired?

Mr. Shilling said no. There is nothing in your code about regrants. There is nothing that defines regrant. There's no distinction in your code between regrants and extensions.

Mr. Charbonneau said the last one year extension has expired.

Mr. Greenberg said we requested the regrant before it expired.

Mr. Shilling said this board sent us to the ZBA.

Mr. Meyer asked when was the request made.

Mr. Greenberg said it would have expired in June of 2010 and in May of 2010 we came in front of this board and you sent us to the ZBA.

Mr. Gary said this has no approval at this time. When they still had approval, they came in front of us and requested a regrant. Is that a true statement!

Mr. Charbonneau said yes.

Mr. Meyer said the request was made in May and as far as I could tell we have not acted on it.

Mr. Gary said do we consider this from the date they asked for a regrant or do we consider it from today.

Mr. Meyer said I think we need to go back because we never answered the request in the first place.

Mr. Cleary said the request was made in a timely matter.

Mr. Gary said we have to get on the same page as the Zoning Officer. He asked Mr. Carnazza if he understood.

Mr. Carnazza said he understands about the dates, my problem is the laws have changed in the meantime.

Mr. Gary said I think Mr. Cleary, Mr. Carnazza, Mr. Charbonneau and Mr. Shilling need to have a meeting and come back to this board with something that would satisfy the obligation to the town and law.

MK REALTY – ROUTE 6 & OLD ROUTE 6 – TM – 55.6-1-44,45 – REGRANT OF APPROVAL

The three consultants had no objection to the regrant of approval.

Mr. Meyer moved to grant regrant of approval for one year. The motion was seconded by Mr. Molloy with all in favor.

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

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Rose Trombetta

