



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

PLANNING BOARD MINUTES

FEBRUARY 9, 2011

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Lutz, Wayne	65.17-1-14	1	Public Hearing	Public Hearing Closed and Approval Resolution accepted.
Parkash Estates, LLC.	65.13-1-54	1-2	Public Hearing	Planner to prepare resolution.
Meadowland of Carmel	55.11-1-8-10	2	Public Hearing	Planner to prepare resolution.
Lupi Car Wash	75.19-1-10	2	Amended Site Plan	Approval Resolution accepted.
Gateway Summit – Lot 6	55.2-24.6	3	Amended Site Plan	Approval Resolution accepted.
The Fairways – Lot 7	55.2-24.8	3	Amended Site Plan	Approval Resolution accepted.
Rosner, Saran	75.7-3-30	3	Site Plan	Denial to ZBA.
NAC Industries	55.6-1-47	3-4	Site Plan	Public Hearing waived. Planner to Prepare resolution.
Lupi Car Wash	75.19-1-10	4	Bond Reduction	Public Hearing scheduled.
Shultz, Lee	55.7-1-3-5 & 55.11-1-18-21	4-6	Regrading	No Board Action.
Minutes		6		11/17/2010 Approved.

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Rose Trombetta

**LUTZ, WAYNE – 230 E. LAKE BLVD – TM – 65.17-1-14 – PUBLIC HEARING
AND RESOLUTION**

Mr. Meyer recused himself and left the podium.

Mr. Carnazza said all his comments have been addressed.

Mr. Karell said all his comments have been addressed.

Mr. Cleary said all his comments have been addressed and you have a resolution in front of you.

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

Mr. Greenwood moved to accept resolution #11-03 dated February 9, 2011, Tax Map # 65.17-1-14 entitled Lutz Bathhouse final site plan. The motion was seconded by Mr. Molloy with all in favor.

Mr. Meyer returned to the podium.

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

Mr. Carnazza said all his comments have been addressed.

Mr. Karell said all his comments have been addressed and a bond estimate is necessary for the resolution.

Mr. Cleary said all his comments have been addressed. Mr. Cleary read a letter from a neighbor, Mr. Howard Stockfield requesting the public hearing remain open because he and his partner will be out of town and unable to attend the public hearing. One of the main concerns pertains to the northerly property line (which abuts their property) being devoid of any buffer; one of their trees was knocked down following a snow storm and their subsequent snow plowing.

Mr. Gary asked if there were any trees lying around.

Mr. Joel Greenberg, Architect, representing the applicant said not that I know of. He said the landscaping plan shows landscaping from the front to the back of the property and a buffer between the two properties.

Mr. Cleary said he is looking at the landscaping plan and it doesn't show landscaping on the property line. It shows it next to the building.

Mr. Karell said there is no buffer there now.

Mr. Greenberg said Mr. Karell is right. There is no buffer there right now and we are willing to put it in.

Mr. Carnazza said to show it on the final plat in detail.

Mr. Greenwood asked if the site plan has been available. Has it changed since you were last in front of the board?

Mr. Greenberg said no. He said for the record this board referred us to the ZBA. All the neighbors were notified and no one showed up to the meeting. We went to the ZBA in December.

Mr. Greenwood said with that map.

Mr. Greenberg said yes.

Mr. Greenwood said the neighbor had sufficient opportunity and time to review it. Those are my comments.

Ms. Kounine moved to close the public hearing. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Gary asked Mr. Cleary to prepare resolution.

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

Mr. Carnazza said all his comments have been addressed.

Mr. Karell said all his comments have been addressed.

Mr. Cleary said all his comments have been addressed.

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 Mr. Cleary to prepare resolution.

LUPI CAR WASH – 373 ROUTE 6 – TM – 75.19-1-10 – AMENDED SITE PLAN - RESOLUTION

Mr. Carnazza said all his comments have been addressed.

Mr. Karell said all his comments have been addressed and no additional bond is required for this project since there is one already in place.

Mr. Cleary said there is a resolution in front of you.

Mr. Greenwood moved to accept resolution #11-06 dated February 9, 2011, Tax Map # 75.19-1-10 entitled Lupi Car Wash Amended Final Site Plan. The motion was seconded by Mr. Molloy with all in favor.

GATEWAY SUMMIT – LOT 6 – TM – 55.2-24.6 – AMENDED SITE PLAN – RESOLUTION

Mr. Carnazza said he had no comments.

Mr. Karell said all his comments have been addressed and no additional bond is necessary.

Mr. Cleary said the applicant has made minor revisions to the recreational facilities on the property. You have a resolution in front of you.

Ms. Kounine moved to accept resolution #11-04 dated February 9, 2011, Tax Map # 55.-2-24.6 entitled Gateway Summit, Lot 6 - Amended Final Site Plan. The motion was seconded by Mr. Greenwood with all in favor.

THE FAIRWAYS – LOT 7 – TM – 55.2-24.8 – AMENDED SITE PLAN – RESOLUTION

Mr. Gary asked the consultants if the comments were the same as Lot 6.

The consultants responded yes.

Ms. Kounine moved to accept resolution #11-05 dated February 9, 2011, Tax Map # 55.-2-24.8 entitled The Fairways, Lot 7 - Amended 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 the Putnam County Department of Health must approve this plat prior to signing as per section D. of the “Water Related Facilities” section of the code. Variance is required for building height. The exact height is not shown but the height to the collar ties is 10’-8 5/8” and the building is shown to be taller than that. This project must be referred to the ECB for comments.

Mr. Karell said floor plans for the bathhouse must be provided. Will the bathhouse be served by water and sewer facilities?

Mr. Cleary read his memo dated February 8, 2011.

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

NAC INDUSTRIES – DAY ROAD – TM – 55.6-1-47 – PROPOSED GYMNASTICS STUDIO

Mr. Carnazza read his memo dated February 8, 2011.

Mr. Karell said the revised plan reflects the new parking layout. The parking layout is satisfactory.

Mr. Cleary said the applicant meets the parking standard requirements with the new layout. He said the plan does indicate landscaping along the entire perimeter of the property lines.

Mr. Gary asked Mr. Cleary about waiving the public hearing.

Mr. Cleary said with the original site plan approval, there were no public comments on it. The development footprint remains the same. I have no objection in considering waiving the public hearing.

Mr. Carnazza said the building is already up, they only changed the use of it.

Ms. Kounine moved to waive the public hearing. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Gary asked Mr. Cleary to prepare resolution.

LUPI CAR WASH – 373 ROUTE 6 – TM – 75.19-1-10 – BOND REDUCTION

Mr. Gary asked if it was standard procedure for an applicant to have an amended site plan and bond reduction in the same night.

Mr. Cleary said I don't think this has ever been done.

Mr. Karell said they are two different actions. The applicant has done the work on the original site plan.

Mr. Greenwood said basically what you are saying is the changes on the amended site plan will not have any effect on the bond amount.

Mr. Karell said that's correct.

Mr. Gary said I would like to recommend for the future that an applicant not take up two spots on the agenda. The amended site plan and bond reduction should be put under one heading not separate.

The board agreed.

Ms. Kounine asked Mr. Karell if he inspected the work and if it was satisfactory.

Mr. Karell said yes. Most of the work was the storm drainage and lower courses of pavement.

Mr. Gary said he would schedule a public hearing.

SHULTZ – OLD ROUTE 6 – TM – 55.7-1-3,4,5 & 55.11-1-18-21 – REGRADING

Mr. Carnazza said a variance is now required from the ZBA since the plat is now labeled "Mining and Reclamation Plan". Mining is not a permitted use in the Town of Carmel.

Mr. Karell read his memo which stated plans are not signed and sealed by a P.E. or R.A. nor do they contain the address of the design professional. Copies of the NYSEC mining permit, approved plans and all comment letters, responses and reports relative to the NYSEDEC permit application should be provided to the town for review. This application consists of two sheets the "Mining and Reclamation Plan" and "Cross-Sections". The detail and other sheets that were part of the previous approval by the town are not provided.

Mr. Rob Cameron of Putnam Engineering, representing the applicant said the town granted previous approval back in 2003, that has since expired. The issue was the applicant needed to go to DEC to get a mining permit. Putnam Engineering was involved in certain aspects of the mining permit, but the engineer on record was Roy Budnik who received the permit. We did submit copies of the mining permit and cover letter by the DEC to the board.

Mr. Karell said yes we got that.

Mr. Cameron said we are before the board tonight for approval of a grading permit in conjunction with DEC's approval. He said in response to Mr. Carnazza's comment, we did go in front of the ZBA and they made determination on this back in 2007. They indicated nothing there is nothing specific in the code for mining and this could be considered as part of the regrading.

Mr. Carnazza said I agreed with that until you wrote mining on your plan.

Mr. Cleary said the issue here is what's the disposition of this property. Are they using the property as a mine operation? They are proposing to remove 165,000 cubic yards of soil and rock from the facility, then we are dealing with a different type of operation. The materials the applicant has submitted, is indicating that it's being regarded for future commercial development. So it is either one or the other. If the applicant is preparing the site for future site plan in which case this grading plan should be done in conjunction with the site plan, so we know what he is modifying the site for. Or he is operating a mine, in which case we have less control over that. It really is DEC's permit. That's the primary governing factor of this development application. He said first and foremost the applicant needs to tell the board what he is trying to do. Is it a mine or is he modifying a site to build something else.

Mr. Gary said this applicant has been in front of this board since the 90's and we have not yet decided whether it's grading or mining. This board has never come to a conclusion except for Ms. Kounine.

Mr. Molloy asked is there something in the statute where regrading to a certain scale is defined as mining.

Mr. Cleary said unfortunately no.

Mr. Greenwood said based on what has been said so far we do not have a complete application. This should be kicked back to the applicant and they should determine what they are coming in front of us for.

Mr. Cleary said we elected to bring him before the board with this application for the record so the applicant would state whether it's a mine or site plan.

Ms. Kounine said that was originally approved nine years ago. When an applicant comes back and wants a regrant after it has expired, it has to come back as a new site plan.

Mr. Cleary said they have. The fees and new plans have been submitted.

Ms. Kounine said for the board members that were not here for the original approval, I have a tremendous problem with this. They basically wanted to take down a mountain in a three year period of time. Removing 165,000 cubic yards is a lot of material and a lot of trucks. Two trucks an hour for three years. I don't think we should expose the public to that.

Mr. Gary said you have no approval, it expired. You have to come back to the board and present it so everyone will understand it. I can't tell them from back in 2003. How am I going to explain it to the new board members, that's the applicant's job. The consultants need to sit with the applicant so he understands what has to be done. You will then present it to this board and we will decide what steps you are going to take next.

MINUTES – 11/17/2010

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

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

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Rose Trombetta

