

# **APPROVED**

**HAROLD GARY**  
*Chairman*

**CRAIG PAEPRER**  
*Vice-Chair*

**BOARD MEMBERS**  
**ANTHONY GIANNICO**  
**DAVE FURFARO**  
**CARL STONE**  
**KIM KUGLER**  
**RAYMOND COTE**

## **TOWN OF CARMEL** **PLANNING BOARD**



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**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

### **PLANNING BOARD MINUTES** **APRIL 27, 2016**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, ANTHONY GIANNICO,  
KIM KUGLER

**ABSENT:** DAVE FURFARO, CARL STONE, 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>
Frenkel, Robert	75.8-2-20	1	P.H.	Resolution Adopted.
CVS Pharmacy	55.10-1-12	1-5	P.H.	No Board Action.
Albano Estates V	55.14-1-26.312	6	Resolution	Resolution Adopted.
Meadowland Extension	55.15-1-20	6-11	Site Plan	Referred to ZBA.
Rooney, Sean	86.11-1-18	11-14	Site Plan	No Board Action.
Infantino, Thomas & Lori	64.12-1-56	15-17	Sketch Plan	No Board Action.
Yankee Development	76.15-1-12	17-18	Extension	Preliminary Extension Granted.
Dewn Holding	53.-2-28	18-19	Re-Approval	Re-Approval Granted. Planner to Prepare Resolution.
Minutes- 3/16/2016		20		Heldover.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Rose Trombetta

**FRENKEL, ROBERT – 43 TAMARACK ROAD – TM – 75.8-2-20 – BOATHOUSE  
RENOVATIONS – PUBLIC HEARING & RESOLUTION**

Mr. Carnazza said this is on for a public hearing; all of my comments have been addressed.

Mr. Franzetti said all engineering comments have been addressed.

Mr. Cleary said all of the planning issues have been addressed and there is a resolution for approval before you this evening.

Chairman Gary said this is on for a public hearing for Robert Frenkel, he then asked if anyone in the audience wishes to be heard on this application.

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

Mrs. Kugler moved to adopt resolution #16-12, dated April 27<sup>th</sup>, 2016; Tax Map # 75.8-2-20 entitled Frenkel boathouse and dock final site plan approval. The motion was seconded by Mr. Paepre with all in favor.

**CVS PHARMACY – 1879-1905 ROUTE 6, CARMEL – TM – 55.10-1-12 – BOND  
REDUCTION – PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Franzetti said this was discussed a couple of meetings ago, the applicant requested for their bond to be reduced, the engineering department evaluated the status of the site construction and most of the site improvements that were required have been completed. There is a catch basin in the rear of the store that is not functioning properly, after discussions with the applicant lawyer we had worked out the fact that we will lower the bond from 180,000 to 12,500. At the last meeting we determined that there is additional work that needed to be looked at so the Chairman lowered the bond to 25,000 in order to look at the catch basin which is clogged with silt and to provide additional information with regards to the runoff in the front of the store.

Mr. Cleary had no comments.

Ms. Lucia Chiocchio of Cuddy & Feder, representing the applicant addressed the board and stated I would like to take this opportunity on behalf of CVS to request the full release of the bond given that all of the site improvements showed on the approved plans have been done by CVS. With respect to the catch basin at the rear of the premises, CVS agreed to make improvements to the catch basin which they have. The issues with that catch basin are caused by upstream conditions from a different piece of property and the solution is not within CVS's control to remedy, therefore they ask for the full bond to be released. They are willing to work with the Town and the adjacent property owner on crafting a solution but at

this point to hold the \$25,000 in the bond is unfair to CVS given that they can't make the improvements that are needed.

Chairman Gary said to every water issue, there is a solution. If it falls on a business that you operate, whoever gets into that spot is held responsible. The only one that you may have some lead way with is the one that we requested a long time ago with the entrance coming in. The only reason at the last meeting that I requested to hold more money is because no one got any answers from the state.

Ms. Chiocchio asked if he is referring to the ponding on Route 6.

Chairman Gary said yes.

Ms. Chiocchio said CVS has videotaped the stormwater system there as part of their project, they cleaned out the silt in that area and in the negative declaration resolution there is a finding by this Board that those conditions are pre-existing conditions and would not be impacted by this project. There is nothing that CVS can do to change that existing condition.

Chairman Gary said I understand where you are coming from but your entrance is at that intersection, I don't know if anyone has looked into asking the State about any concerns for it. It could be a problem that has already been solved, nobody has answered but at one time there was water that was standing there which was two feet deep and that is not something that you can leave there. The only person that is obligated to the Board to get that fixed is the applicant that uses that entrance, you're not the only one using it but you are the only application that is before the Board.

Ms. Chiocchio said I understand but what I am trying to convey is that if CVS could have done any improvements to change that pre-existing condition then they would have made it part of the plan. They have made the improvements to the catch basin in the rear, they inspected the existing stormwater facilities on the site and they have done everything they can. CVS leases the property; they are not the property owner.

Chairman Gary said the only thing that CVS has not done is try to find some information, it may not be CVS's fault but CVS is held responsible for it.

Ms. Chiocchio said it is upstream conditions so it is from the adjacent property.

Chairman Gary said you are talking about the one in the rear but I am talking about the one in the front by the entrance.

Ms. Chiocchio stated like I said the Board indicated in its own findings that it is an ongoing condition that would not be impacted by this project. CVS can certainly reach out to the DOT and reach out to the state but that shouldn't be something that holds up there performance bond.

Chairman Gary said it will hold it up until you can get a letter from the DOT in some reference to that entrance. We need to get clarification from the DOT, it is possible that they could have already fixed it but we need you to get a letter from them.

Ms. Chiocchio said I don't understand why you can't get a response from the DOT.

Chairman Gary said that is not the Planning Board's job that is the job of the applicant.

Ms. Chiocchio asked if there was an inquiry made by the Town.

Chairman Gary said we can satisfy this Board's needs by getting that information I'm requesting from you by hiring an engineering firm and we will charge CVS the amount that the engineering firm charges us to clear everything up. It is better if you clear it up to get someone to look at it.

Ms. Chiocchio said but this is not under CVS's control.

Chairman Gary said we can get it cleared up by hiring the firm but anyone who is connected with this would have to put money into a fund in order to allow us to clear up what is going on.

Ms. Chiocchio said as I said earlier CVS has no control over the remedy to the Route 6 ponding problem.

Mr. Giannico said we really haven't seen any of CVS's efforts of the findings.

Mr. Franzetti said they did do the videotaping and they did clear out that system in the front which had seemed to have done the job because there has not been an issue since then.

Chairman Gary asked if he has a letter stating that.

Mr. Franzetti said I have the videos that they did.

Chairman Gary asked if he had showed them to the Board.

Mr. Franzetti said no I have not, this was discussed a while back but I can provide that information to the Board.

Chairman Gary said the Board needs to read that this issue has been addressed, the water in the back is separate but what is happening with that.

Mr. Franzetti said that issue is an ongoing issue on this site forever it is pre-existing and we have asked CVS to take a look at it. They went in and cleared out the area, they put a catch basin in that area but the water is coming from the adjacent property just north of it but it is all clogged up again with sediment. It was agreed that we would get CVS and the owners of the adjacent property to talk and try to figure out a better way but maybe the solution is

something just needs to be put on the adjacent property. CVS can't go there and do something without the adjacent property owner's permission or the property owner can do something instead. We need to come up with that solution which is why the bond originally was going to be lowered down to 12,000.

Chairman Gary asked if he could get some information on that.

Mr. Franzetti said I will provide the information that we have in the records.

Chairman Gary said the Board will need to look that over to see if it is sufficient.

Mr. Franzetti said yes I will do that.

Chairman Gary asked if the water is coming down from up around by Dunkin Donuts.

Mr. Franzetti said no, the property immediately uphill is Pulte Homes where they put a couple stormwater basins and this would be an outlet. I think this is something that CVS and Pulte Homes would have to work out together because it is impacting the CVS site. I have contacted Pulte and they are willing to talk but it is just the matter of setting up the meeting and doing that.

Chairman Gary said it seems to me that there is no other chance to clear up either one of those problems once the bond is released. The only chance we can get to clear up something now is if we hold the bond to put pressure on the applicant to get it fixed.

Mr. Franzetti said I have called Pulte Homes and they are willing to talk and meet so I will try to get them to set something up.

Ms. Chiocchio said you can coordinate a meeting through our office.

Chairman Gary said until we can get the verifications on the record we will hold this over.

Mr. Charbonneau said we can hold this over until we get additional information from Mr. Franzetti. He then asked if they want the reduction or we can hold it over and if you are still requesting a full remittance then we can wait.

Ms. Chiocchio said I think CVS would feel better if they could get an approval on the reduction because it is holding up the close out on the project and the payment of sub-contractors.

Mr. Charbonneau said we would need a motion to reduce the bond.

Mr. Paepre moved to reduce the CVS bond reduction from \$180,000 to \$25,000. The motion was seconded by Mrs. Kugler with all in favor except for Mr. Giannico who said no. It is a 3 to 1 vote so the motion does not carry.

Mr. Giannico said the reason I voted no is because in the event that there is a major problem, \$25,000 will not cover anything so until we know what course of action that we have I don't feel comfortable with not having enough protection for the Town.

Chairman Gary said that was the whole point of what I was trying to say before.

Mr. Giannico said yes I heard you and I agree with you.

Chairman Gary said so the motion doesn't carry.

Mr. Charbonneau said correct the motion does not carry; we will put it on for the next Planning Board meeting if Mr. Franzetti can get the information prior to the next meeting we can put it on for a full reduction.

Mr. Cleary asked Ms. Chiocchio if she can reach out to DOT.

Ms. Chiocchio said yes we can.

Mr. Cleary said just give us copies of the letters that you get back from them.

Ms. Chiocchio said okay I am not sure if I will get anything back from them before the next Planning Board meeting.

Mr. Cleary said at least show us that there is a letter in.

Chairman Gary said for the front entrance it would be most adventitious to CVS if Mr. Franzetti would reach out and have everybody meet there.

Mr. Franzetti said I will work it out with Ms. Chiocchio and we will figure out what we will need to do.

Chairman Gary said the DOT would be more prompt to meet with you then to meet with CVS.

Mr. Franzetti said no problem.

**ALBANO ESTATES V – 24 MECHANIC STREET, CARMEL – TM – 55.14-1-26.312 – RESOLUTION**

Mr. Carnazza said all of my comments have been addressed, everything is now shown on the map and they made the changes that were required so we can move forward.

Mr. Franzetti said I have no additional comments from the engineering department.

Mr. Cleary said there are no planning issues and you have a resolution before you this evening.

Mr. Giannico moved to adopt resolution #16-11, dated April 27<sup>th</sup>, 2016; tax map # 55.14-1-26.312, entitled Albano Estates Subdivision Amended Final Subdivision Approval. The motion was seconded by Mr. Paepre with all in favor.

**MEADOWLAND EXTENSION – 1979 ROUTE 6, CARMEL – TM – 55.15-1-20 -SITE PLAN**

Mr. Carnazza said the applicant proposes a lot for the storage of vehicles on Route 6 in Carmel, the project needs to be referred to the ECB for comments. Variances will be required for parking lot being constructed without principal use on the lot and the variances are required for not having a 5,000 square foot minimum building on the lot.

Mr. Franzetti said the engineering department reviewed this and we recommend that the applicant ultimately meets with the engineering department to discuss these preliminary comments further. We recommend the referral to be made to the Carmel Fire Department and the Environmental Conservation Board regulatory permits are needed from the NYS DEC for freshwater wetlands and storm water, NYCDEP for storm water, NYSDOT for road entrance permit and Town of Carmel sewer and water permit. All regrading is required to accomplish the intended developments to be provided and any public improvements deemed necessary as part of the development the applicant should know that a conformance bond and associated engineering fee will need to be established. There are more detailed comments so I recommend the applicant to meet with the engineering department to further discuss these issues.

Mr. Cleary said you may remember this application, they submitted to you once before and they proposed a service building on this property, we had some concerns on that service building and the applicant has revised the plan and eliminated that building. Now it is purely 370 off street parking spaces inventory for the dealership across the street and there will be no customer access to the property and no mechanic access. They will shuttle people back and forth to get their vehicles. There is no repair work on the site it is simply just the storage of vehicles. We had some concerns about landscaping, screening and lighting. They have submitted new plans documenting all of that which are acceptable and there are no unusual security measures, security fencing, no razor ribbon and no high intensity lights to secure the vehicles. It is simply a parking lot on the other side of the street, it is a simply modified plan then you have seen before and most of the issues have been addressed.

Chairman Gary said in ten years this could become a junk yard.

Mr. Cleary said that's why they are not just stuffing the vehicles in there, it will be a striped parking lot and they are meeting our parking lot standards. It is designed to be used as a parking lot but we do want to pay attention to them not stuffing or discarding vehicles on the property.

Chairman Gary said there is no control on it, they can park anywhere.

Mr. Cleary said it is a 300 foot driveway before you get into the parking lot so we will never see what's going on back there unless you are on the County property up above where you can see down on it. Mr. Carnazza will have a hard time enforcing what is going on in that site.

Mr. Carnazza said they just don't want to have cars scattered, because they wouldn't be able to get to the cars so it would be to their own benefit to keep them in an orderly fashion.

Chairman Gary said it never happens that way.

Ms. Dawn McKenzie of Insite Engineering, representing the applicant addressed the board and stated in addition to the Town requesting that they stripe the parking spaces, the applicant wanted to stripe the parking spaces, he finds that if they aren't striped his people will stuff the cars everywhere and that's why he wants the spaces to be defined so you can get in and out without a lot of effort. You keep referring to it as a parking lot but we don't have a conforming parking space on the site, they are all of a lesser size because it is considered outdoor storage and we haven't striped it with conforming spaces, they are 9 foot wide and there are some locations that are 18 feet long. They are dimensioned on the site plan and the sizes are noted in the narrative in which we provided for the project.

Mr. Carnazza asked if they have a raised bumper.

Ms. McKenzie said the spots that are 18 feet long are at the edges and the ones that are double parked are 20 feet long and that is predominately how it works, but they are 9 feet wide. She then asked what the parking requirement is for this particular use.

Mr. Cleary said it is not a parking requirement issue so there are hundreds of vehicles above the parking requirement so that's not the question. The question is the zoning regulations for conforming parking spaces.

Mr. Carnazza said you will have to go to the zoning board either way.

Ms. McKenzie said yes, we haven't done it yet but if we do have to re-stripe and end up with less spots then that would be ok.

Mr. Carnazza said they give the variances for shopping malls so I don't see why they wouldn't give the variance where there is no requirement.

Mr. Cleary said I agree and it is not a publically accessible lot so a foot skinnier parking space is probably not an issue because only your employees will be accessing these spots.

Ms. McKenzie said staff will be the only ones in the parking lot.



Mr. Giannico asked if the lighting levels are in compliance.

Mr. Cleary said yes they are, they are below one foot candle at all of the property lines.

Mr. Giannico said security cameras have not been determined yet and there is no fencing, this is the same facility where they needed additional lighting across the street because of theft so it really isn't making sense.

Mr. Cleary said just to give you some background, when we met with the applicant, the owner said it is not a concern to us because they are insured.

Mr. Paepre said I have the same notes as Mr. Giannico, security fences are not proposed and security cameras are not determined. He said you are looking at the potential for vandalism.

Mr. Cleary said generally these facilities are very securely designed with a lot of fencing with razor ribbon and it looks offensive but the owner does not seem to have a concern.

Chairman Gary asked if anyone on the Board remembers when they wanted to expand their parking lot.

Mr. Carnazza said would you be willing to put a note on the plat that no vehicles will be stored closer than whatever the length of the road is, so nothing is out in the front.

Ms. McKenzie said absolutely.

Mr. Carnazza asked the Chairman if that is what he was talking about.

Chairman Gary said yes.

Mr. Cleary said we restricted balloons and banners so it does take Mr. Carnazza's vigilance to make sure they are not violating their approval.

Ms. McKenzie said as far as this site goes, all of the storage space is set back from the road and they are not encouraging people to come there, they have a sign that says no access. Putting banners and balloons to entice people to come and look at the cars is not the purpose of this site.

Mr. Cleary asked if they are showing parking along the driveway.

Ms. McKenzie said yes up to a point.

Mr. Cleary asked how far back that is.

Ms. McKenzie said I would have to use a scale but I believe we put in a response memo that it is about 115 feet set back. This is the property line and the DOT right of way has expanded there for the fill sections for them to construct Route 6 and we can certainly add a notation on the plan that there will be no cars.

Mrs. Kugler asked if there is a gate proposed.

Mr. Carnazza said if they decide in the future that they want to put a gate up they would be able to without site plan approval.

Mrs. Kugler said the reason I am asking about a gate is because it is my understanding that this is just for storage and parking, it is not a showroom but in Mr. Cleary's notes it says that there is a vehicle to move staff to and from the site with pick up and drop off vehicles.

Mr. Cleary said well if you want a car in a certain color and it's not in the showroom but they have it in storage they can bring the customer to the other lot to see the car.

Ms. McKenzie said right or we could have a member of the staff go to the other lot to get the car and drive it back over.

Mr. Cleary said it would be better from our prospective if customers were prohibited from that parking lot but the applicant's letter said that customers may be going on that property. If you are willing to prohibit that then it would be better for us.

Ms. McKenzie said I can certainly ask the applicant.

Mrs. Kugler said I think it would be best to not have anyone over there that doesn't need to be over there.

Ms. McKenzie said did you mean prohibiting customers there after hours or all the time.

Mrs. Kugler said I would say all the time.

Chairman Gary said I don't know what we can do to take this place so that it will always be on the line (conformance) because it has the potential of becoming a disaster. This has happened before with the place that already exists, it was a disaster and it took quite a while to get them back on track.

Ms. McKenzie said I don't know in what way you think it was a mess but you talk about it being a circus and putting up balloons and I don't know the details but what we are proposing now you will not even see from the road. Most of the storage is going to be completely screened behind these uphill properties; visually there is very little frontage that will be exposed with woods.

Chairman Gary said I'm glad you mentioned the woods because this property had woods on it and what was said was that they were not going to disturb any of it and they ended up

ripping it all down. There are parking areas in Putnam County that the car dealerships have cars but I just want to divert from the disaster that was at the other property.

Mr. Cleary said at the other property there were a lot of conditions prohibiting all of that activity, Mr. Carnazza has the ability to enforce but the problem is it is done very frequently. It is a business operation, they would be doing it in violation of your approval but they continue to do it.

Chairman Gary said what we can do about that.

Mr. Cleary said Mr. Carnazza has the violation book so I guess he would keep issuing violations and at some point in time a judge would get involved.

Chairman Gary said can we make it more specific.

Mr. Cleary said we can provide you copies of the previous resolution, it was very specific.

Ms. McKenzie said have you looked at the site grading for this, unless they put them in the driveway, they will not be able to put them on the road. It is a very different site and the opportunities to do something like that are not present here.

Chairman Gary said I understand what you are saying but they can make conditions anyway they want to make them but it is a business they end up getting ignored and get carried away.

Ms. McKenzie said they will not be able to get the cars outside of the paved areas because the grading will not allow it so they will be restricted by the physical nature of the site.

Mr. Carnazza said they will need variances from the zoning board.

Ms. McKenzie said so what we are looking for tonight is get a referral to the zoning board in order to get the variances that we need, if a County referral is necessary we are hoping to get that as well. I know there has been a comment about getting the plans looked at by the County because we are grading right up to the property line owned by the County and the other thing we would hope for is the planning board would declare its intent to become lead agency.

Mr. Cleary said you need a DEC Wetland permit for this also.

Ms. McKenzie said we have applied to DEC for a wetland permit, a copy of the application package was submitted to the planning board several weeks ago. You should have a copy of that in the file and we have had discussions with the DOT and we are preparing our application for them, we will meet with them out at the site hopefully next week. We are in the process of setting up testing for DEP storm water as well so we can submit our SWPPP to them for review. With our last submission on April 1<sup>st</sup> we delivered a copy to the fire

department as well and we are still waiting to hear back from them to see if they have any comments.

Chairman Gary said as we go along we will be a little more careful with this to make sure we cover all the basis that we need too.

Mr. Cleary said they have a number of hurtles.

Chairman Gary said so we need to refer them to the ZBA.

Mr. Carnazza said yes once the ZBA makes the conditions and you feel like you need to make additional ones you can put them on the plan afterwards too.

Mr. Giannico moved to refer Meadowland Extension to the ZBA. The motion was seconded by Mr. Paepre with all in favor.

Chairman Gary asked if that is the map they are going to use.

Ms. McKenzie said yes.

Chairman Gary said we need to stamp it.

Mr. Cleary said now that the plan has been amended we can designate lead agency on this tonight.

Mr. Carnazza said you will need to do that before the zoning board makes a decision.

Mr. Paepre moved for the planning board to be the lead agency for Meadowland Extension 1979 Route 6 Carmel NY tax map # 55.15-1-20. The motion was seconded by Mr. Giannico with all in favor.

#### **ROONEY, SEAN – 17 MILLER ROAD – TM – 86.11-1-18 – AMENDED SITE PLAN**

Mr. Carnazza said the applicant proposes an addition to the existing orthodontist office on Miller Road in Mahopac, this was formally Dr. Trot the approvals went through a few years ago. He then asked what the plans are for the second floor of the building because the last time I was there, they had an apartment up there that they had to remove, I just want you to know that an apartment cannot go in there so we will have to put that on the plat. All necessary variances were granted by the zoning board in 1987, 1988 and 2008.

Mr. Franzetti said the application encompasses a proposal to redevelop .4 acre parcel located at 17 Miller Road, it involves the installation of retaining walls and expansion of a parking area to accommodate a change of use for a portion of the existing building. Based on our preliminary review the engineering department offers the following comments, referrals to Carmel Fire Department should be made, permits from Putnam County Department of Health for septic approval for change of tank, building, size and use. Also, all

regrading required to accomplish the attending development should be provided; the applicant needs to provide the total area disturbed as well as the extent of the new impervious areas so the applicable storm water requirements can be defined. Any spill plan needs to be provided, asphalt pavement details need to be changed and if there are any public improvements that are deemed necessary a performance bond and associated engineering fee may be established for this work. There are additional detailed comments, the applicant's representative has contacted the engineering department and we are going to set up a meeting to discuss them further so that they are here for the next submission.

Chairman Gary asked the applicant if they are aware that there cannot be an apartment above this building.

Mr. Karell said I am aware of that and the apartment will not be there.

Mr. Cleary said in addition to the comments that you have already heard the traffic isle getting to the back of the property is about 19 feet in width, typically we prefer to see 24 feet so if you can look into widening that because it is particularly an issue at the corner adjacent to parking space number 8 where it goes around the building it is only 15 feet wide there. There is a note in the drawing on the upper right hand corner that shows it has hatched a different pattern and it says proposed additional parking so it's not clear that it is to be improved at a later date or if it is part of this proposal. I am a little bit uncertain about how the building additions are being added to the existing building, there are peaked roofs and so forth so how it all fits together needs to be clarified. There is a retaining wall to the rear that is nearest to the trail way so I need to know the appearance of that retaining wall and if you can see it from the trail way. The biggest issue related to the off street parking requirement for the use and the requirement for this use is based on the number of employees in the building, the applicant has indicated that there is one dentist and 4 employees. The floor plan shows 7 treatment rooms, three reception rooms, finance room an office manager and the waiting room accommodated 41 seats. It appears as though there is more than one dentist, I'm not sure if that was a generic floor plan or what but it doesn't seem to mesh with the zoning parking tabulation so that needs to be clarified. I need to know if there is going to be lighting in the back parking lot and also if there is going to be a trash enclosure in the back, will that cause you to remove a parking space so that also needs to be clarified.

Mr. Karell said as a result of the cancellation of the last meeting I had sent memos of clarifications for certain items Mr. Cleary and Mr. Franzetti had questions on. The 19 foot width was approved by the zoning board previously with Dr. Trot and we do not want to increase the width of that any further because of the units of the property lines. He then asked if the Board got the letters of clarification.

Mr. Cleary said I want the Board to hear you response.

Mr. Karell said one of Mr. Franzetti's comments was for an existing condition plan and the existing conditions plan is lighter on this plan and the darker space is the proposed condition. That parking space number 8 is an existing parking space and we are providing

the first parking space further back so there is a 24 foot isle in that area passed that one parking space. All of these will be corrected with the next submission, as far as the Health Department goes, we have discussed with them and the design of a dentist office is based on the number of dentists, Dr. Trot is one dentist, Dr. Rooney is another dentist and we are removing the apartment. The rest of the comments were minor in nature, we will address them and I would like to set up a meeting for Monday.

Mr. Paepre asked if there is only going to be one dentist working there at any given time.

Mr. Karell said in my letter of clarification, Dr. Trot provided a letter explaining the seating arrangements and the waiting room arrangements and it explains why there are so many seats in the waiting room and why he has seats for employees. The number of employees that I showed is 4 but I believe he has updated that to 6 but we still require 10 parking spaces based on the numbers you saw and we are providing 13, presently there are 8. We are pushing the parking lot back a little bit towards the bike way and Dr. Rooney wanted to maximize the amount of parking spaces on the site so that is why we are providing 13. We also have to move the well and the septic tank.

Mr. Carnazza said this is one of the places in our code book where it is semi-antiquated; they generalize all dentist and doctors as 4 spots per doctor and one per employee regardless. Orthodontists meet more than 4 people at a time so that is why they are looking for the additional parking spots.

Chairman Gary asked why he can't get the driveway to 24 feet.

Mr. Carnazza said they already got a variance from the zoning board.

Mr. Karell said the zoning board issued a variance for Dr. Trot back in the day.

Mr. Cleary said they would have had to remove trees along the property line in order to widen it so the question is would there be a way to find room on the other side.

Mr. Karell said there are a couple trees there.

Mr. Cleary said well we don't want you to remove the trees.

Mr. Karell said this is not a high traffic commercial area and the 19 foot wide driveway has served this building satisfactorily over the years.

Chairman Gary asked if Mr. Franzetti agrees with that.

Mr. Franzetti said I have not had a chance to review that but I would have to go out there to see it before I can tell you if I agree or disagree.

Mr. Cleary said he is expanding the parking lot and when we do that we try to achieve it to our standards.

Mr. Karell said a common driveway in a subdivision is usually 15-18 feet wide.

Mr. Carnazza said this isn't just an existing situation this is a legal existing situation because they already got the variance for it. They have variances granted from 1987, 1988 and 2008.

Chairman Gary said so what are you looking for from this applicant.

Mr. Cleary said so every applicant comes to us when there is something that is not code compliant so we can try to push, weather he has a right to the smaller driveway which he does, we want to see if we can push it a little bit in order to make it a little bit wider to meet our standards. If there is a reason why he can't do that because of the trees then that is a pretty good reason not to expand but we always try to push to bring the applicant towards compliance.

Chairman Gary said there are trees everywhere.

Mr. Cleary said there are three large trees along the right property line, I would rather him keep those trees then widen the driveway.

Chairman Gary asked if there are any questions from around the Board.

Mr. Franzetti said we still need to meet with the applicant to go through a whole bunch of details on this.

Mr. Cleary said lets meet with the applicant before we schedule a public hearing on this.

Mr. Franzetti said this way we have already talked about the variances but I can take a look at the trees to confirm where they are.

**INFANTINO, THOMAS & LORI – 453 NORTH LAKE BLVD – TM – 64.12-1-56 – SKETCH PLAN**

Mr. Carnazza said they are proposing a two lot subdivision off North Lake Blvd and Split Road Road in Mahopac. They need to provide a copy of the access easement for lot 2 off the driveway on Split Rock Road, is the cul-de-sac going to be constructed and will it be 50 feet of frontage as required if it is built. If it is not going to be constructed then 100 feet of frontage will be required, you are going to need to show us if it will be a full col-de-sac. Lot one depth line exits and renters lot so a variance will be required, Lot 1 width line starts outside of the lot so another variance is required and Lot 1 frontage 100 feet required 51.92 feet is provided so a 48.08 variance would be required.

Mr. Franzetti said the project encompasses the subdivision of 15.8 acre parcel into two lots; Lot 1 existing is about 12.45 acres in size and Lot 2 which is proposed is 3.4 acres in size. The engineering department offers the following comments on the sketch subdivision plan

which has been provided; referrals will need to be made to the Mahopac Fire Department, ECB, Putnam County Department of Health is needed for water and septic, Town of Carmel Highway permit is needed for the driveway and a SWPPP will be needed for the work that is being done. The Board should be aware that the drawing does not contain information containing areas proposed to be reserved for open space so in general the engineering department does not have an issue with the sketch plan subdivision except for the short form EAF, it is suggested that the applicant use the electronic form of that document from the NYS DEC website and it provides the backup support information for various pieces of that Short form. The NYS environmental tracker for the site does indicate that there is either a rare plant or animal on the site so additional information needs to be provided before we go forward, the applicant is advised of the storm water bond maintenance guarantee may be required and that a performance bond and associated engineering fee may be required.

Mr. Cleary said this is a fairly large parcel and the configuration of the right hand lot is very unusual it is kind of an S shape and it moves around the parcel and sticks into the lot which is a very highly unusual configuration. There is a note on the drawing about dedicating the frontage to the Town of Carmel on Split Rock Road, that needs to be clarified because I am not sure about what is going on with respect to that but we do need to know more about that. To pick up on Mr. Franzetti's comments about the EAF, the wetland delineation on the property that shows a stream and there is no note that there is a wetland surrounding that stream, most of the time when there is a water course like that there is a wetland that surrounds it as well, it seems unusual that there is no wetland around it. Split Rock is a Town Road, the offered dedication is about 5000 square feet; we need to know what improvements are in that area and we need to know more about that. The access to the property is another issue that is a little curious, the driveway to Lot 2 doesn't go to Split Rock it goes through the neighboring property to get to split rock and doesn't hit the cul-de-sac which seems a little odd as well. It is a very heavily wooded area to begin with, it goes through the neighbor's property but doesn't go to the cul-de-sac so it is very unclear why it is doing that. The area of disturbance should be identified and so does the extent of the tree removal.

Mr. Willie Besharat, applicant's architect said the first item is the odd shape of the lot was made to provide access to Wixon Pond, it is additional property and it goes all the way down, it has to stay that shape to avoid encroachment on the existing septic systems on each side. The driveway coming off of the neighbor's property was because from the cul-de-sac there is heavy rock ledge and a very steep slope so if you bring it through an easement that way it will make it easy to regrade and make it more comfortable of a driveway. The other comments will all be addressed but that will be more towards the final approval, at this stage we are just looking to go to the zoning board to see where we will end up from there. We are basically at the sketch plan stage and we would like to see if we can get the variances from the zoning board from the lot width and lot frontage.

Mr. Carnazza said you need to be ready to go to the zoning board; you can't just throw a map together to see what you get.

Chairman Gary asked if Split Rock is off of North Lake.



Mr. Carnazza said yes.

Mr. Besharat said North Lake is down here and you go down Split Rock and end up at the property here.

Chairman Gary said over the years we have done a lot of work in that area.

Mr. Carnazza said they did the other half of this too.

Mr. Besharat said yes that is for this house here.

Mr. Carnazza said this is the one where we questioned whether this was a full cul-de-sac because when you approved it they were trying to find a place to push the snow.

Chairman Gary said I am going to suggest that the Board goes out to look at this area before we make any kind of decisions here because this area has been full of water for years.

Mr. Giannico said I looked at this area on google maps and it is full with trees, you couldn't even see through the trees. He then asked if they can point out the driveway coming into Lot 2.

Mr. Cleary said use the other map it will be easier on there.

Mr. Besharat said through the cul-de-sac there is a driveway that comes down that serves this house.

Mr. Cleary asked if they will share that driveway.

Mr. Giannico asked if there is an easement on the driveway allowing that.

Mr. Besharat said there will be an easement in place to allow that because it is owned by the same people.

Mr. Carnazza asked if that is a true cul-de-sac.

Mr. Besharat said as far as I know it is but I really can't answer that question.

Chairman Gary asked if they are talking about the cul-de-sac that is up there and exists now.

Mr. Besharat said yes there is a cul-de-sac but I can't say if it meets the requirements of the Town or not.

Mr. Carnazza said it just has to be a true cul-de-sac otherwise you need 100 feet of frontage.

Chairman Gary said I don't think it meets requirements and I don't think he has enough space.

Mr. Giannico said doesn't that appear to be a very tight radius coming from Lot 2 into the shared driveway before you get into the cul-de-sac.

Mr. Carnazza said it is a right angle.

Chairman Gary asked if they are off the driveway onto the cul-de-sac.

Mr. Besharat said yes.

Mr. Giannico asked where the electrical utilities are now.

Mr. Besharat asked if he means for the existing house.

Mr. Giannico said no for Lot 2.

Mr. Besharat said they are proposed here right now.

Chairman Gary said the Board really needs to take a look at this first then we can decide from there.

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

Mr. Carnazza said I have no objection to the extension, zoning has not changed.

Mr. Franzetti said the engineering department has no objection to granting the 180 day extension however, the project has received preliminary planning approval in February of 2012 and it is unclear if the applicant addressed the comments contained in the January 2012 memorandum by the Town of Carmel Engineer at that time. It is suggested that the applicant meet to prove that those comments have been addressed and there are permit that are still required from the NYS DEP storm water, NYC storm water, Putnam County water and septic permits, Town of Carmel wetlands permits and any bonds need to be brought up. From reviewing the file that we have there is information that is missing but again the 180 day extension is for the preliminary subdivision approval is fine so in order to get final approval you need to get this stuff done.

Mr. Angelo Lupino, applicant asked if the list that was just stated is what needs to be addressed.

Mr. Cleary said the preliminary approval resolution has those items so many of those items would be addressed when they submit for final approval.

Mr. Cleary said I have no objections.

Chairman Gary said we can grant the extension of approval though, correct.

Mr. Cleary said yes it is an extension of preliminary approval.

Mr. Paepre moved to grant extension of preliminary subdivision approval for Yankee Development tax map #76.15-1-12. The motion was seconded by Mr. Giannico with all in favor.

**DEWN HOLDING – MEXICO LANE – TM – 53.-2-28 – RE-APPROVAL OF FINAL SUBDIVISION APPROVAL**

Mr. Carnazza said the open development approval was granted at the last Town Board meeting, all of my comments have been addressed.

Mr. Franzetti said the engineering department does not have an objection to the granting of the re-approval of final subdivision extension as long as there are no changes to the site. The Board should be aware of the NYC DEP SWPPP expires in July of 2017, they have not received coverage from the State so they need a permit for that, the wetlands permit from the State expires at the end of 2017, they need a Town of Carmel ECB permit and they will also be required to have a storm water maintenance agreement to ensure long term maintenance of all storm water treatment devices proposed at the site.

Mr. Cleary said this is a re-approval so the applicant has submitted a new application with a cover letter that addresses all of the outstanding issues and how they are being addressed. This is the private road that serves the 5 lots, there are no changes proposed to this application so I have no problem with the re approval of the final subdivision.

Chairman Gary asked why this is held up for so long and why it hasn't been built.

Mr. Adler said the cost of the construction is somewhat high even though I planned to do it myself, the economy just didn't bear my speculating, I have acquired financing and we are ready to go now.

Chairman Gary asked if this is the first time for re-approval.

Mr. Cleary said yes this is the first time for re-approval but the applicant has been before you for a very long time.

Mr. Giannico asked if everything on here is up to code from 2012.

Mr. Cleary said yes it is the same plan that was approved, nothing has changed.

Mr. Giannico asked if the re-approval was for 5 years.

Mr. Cleary said no this is for final approval so once you re-approve it he is ready to build within one year.

Mr. Giannico asked what would happen if he didn't build within a year.

Mr. Cleary said same situation, he is now entitled to extensions but if he runs out of extension he would have to be re-approved. The only thing that might change is we might have to update the performance bond from the prior bond number which would be up to Mr. Franzetti to do so.

Mr. Franzetti said that would be included in the resolution as we go forward.

Mr. Cleary said so if you want to go forward we would update the bond and make sure all of the conditions have remained the same.

Mr. Giannico asked where Barrett Hill is in relation to Mexico Lane.

Mr. Karell said this is at the bottom of the hill where Mexico goes off to Hitchcock hill to the left.

Mr. Carnazza asked if it is on the pond side or on the other side.

Mr. Karell said it is past the pond up the hill, there is a location map that has been submitted.

Mr. Giannico moved for the Planner to prepare the resolution for re-approval of final subdivision approval for Dawn Holding at Mexico Lane tax map #53-2-28. The motion was seconded by Mr. Paepre with all in favor.

### **MINUTES – 3/16/2016**

Heldover.

Mr. Giannico moved to adjourn the meeting at 8:20 p.m. The motion was seconded by Mr. Paepre with all in favor.

Respectfully submitted,

Rose Trombetta