



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

**PLANNING BOARD MINUTES**

**MAY 11, 2011**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, EMMA KOUNINE, JOHN MOLLOY, RAYMOND COTÈ, CARL GREENWOOD, ANTHONY GIANNICO  
JAMES MEYER

<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>
Pulte Homes – Lot 4	55.14-1-11.2	1-2	Site Plan	Public Hearing Left Opened.
St. John the Evangelist	65.17-1-48&49	2-3	Site Plan	No Board Action.
Old Forge Estates	75.15-1-19-40	3	Subdivision	Approval Subdivision Resolution Accepted.
Rosner, Saran	75.7-3-30	3-4	Site Plan	Public Hearing Scheduled.
BP Gas Station	44.18-1-21	4	Site Plan	Denied to ZBA.
Mahopac Golf Club	65.13-1-14	5	Waiver	Waiver of Site Plan Approval Granted.
Lupi Car Wash	75.19-1-10	5-6	Amended Site Plan	No Board Action.
Serino	86.5-1-11 & 12	7-8	Subdivision	No Board Action.
Michaels Glen	44.14-1-56, 57	8	Bond Return	Tabled.
1831 Corporation	55.6-1-49	8	Extension	1 Year Extension Granted.
Manzo, John	42.-1-21.1	8-9	Regrading	Referred to ECB.
Kuck a/k/a Day Road, LLC	55.6-1-41	9	Bond Red.	Public Hearing Scheduled.
Blue Chip Homes	86.9-1-64.3	9	Regrant	Regrant of Approval Granted With New Fees.
Jordano	63.-1-16	9	Bond Return	No Board Action.
Mahopac Town Center	65.10-2-4	9-10	Extension	1 Year Extension Granted.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Rose Trombetta

**PULTE HOMES – LOT 4 – TERRACE DR – TM – 55.14-1-11.2 – AMENDED SITE PLAN – FITNESS TRAIL – PUBLIC HEARING**

The consultants had no comments. This is on for a public hearing.

Mr. Paul Lynch of Putnam Engineering, representing the applicant gave a brief presentation on the amended site plan change from the previously approved pitch and putt to the fitness trail with exercise stations, gazebo, benches and a horseshoe pit. The change in the recreational use was a result of the homeowners of Lot 4. They felt the fitness trail would get more use.

Mr. Gary stated this is an open public hearing and anyone wishing to speak to please come forward.

Mr. Spencer Tassler of 17 Langdon Grove stated he is the only resident on HOA Board and is in favor of the amendment change to the fitness trail. He said his concern is the new plans show they are using the same wildflowers, shrubs for the fitness trail that has not worked on the hillside slopes and flower shrub beds. We have addressed it to Pulte and I am sure they will take care of it at the next ECB meeting. Basically, in short we are asking for a quality product.

Mr. Neil Carnow, a resident of Pulte Homes and a member of AD HOC Landscaping Committee stated we have reviewed the new plans. The issue we have is the execution of the plan. He said the landscaping in our community is horrible. Topsoil in many areas is insufficient or non-existent. The planting details have not been followed in many areas. We see repetition proposed for this plan. We require more specificity on the drawings so there is less discretion on the part of the applicant for the execution of the work. In some parts of the fitness trail there is no designation for landscaping. There is no identification of the quantity of plantings. The maintenance schedule for this amenity may be larger in scale then what we might have expected and are financially responsible for. We would like this board to specify that there be specific supervisory personnel from Pulte on site while the work is going on. The irrigation system on our site was designed to water the grass only. It's not intended to water any of the shrubbery in front of the houses. Therefore, the shrubs need to be shrubs that do not require much water. I believe we should have a reasonable product and free of defect.

Mr. Gary asked who selected the proposed plants.

Mr. Paul Lynch said a landscape architect. The plantings that were selected for the wetland are cross checked with what the NYC DEP allows for wetland buffers and NYSDEC allows for inside of buffers.

Mr. Gary apparently there are some concerns about what this going to look like when Pulte is gone. I think they need to be reassured.

Ms. Roberta Feinberg a resident of Blair Heights the Retreat also commented on the landscaping as being dull and colorless. Our concern is the plantings for the site will not be serviced just as our flower beds in front of our units are not.

Mr. Mullen stated we are putting irrigation in that area.

Mr. Steve Bernstein a resident of Pulte agreed with everyone. He said it's not a matter of them promising plants its how they are put in. I would like to invite the board members to visit the property and see what it looks like.

Mr. Lori Kemp an adjoining neighbor stated the landscaping for this project is insufficient. We were told that we would not be able to see the houses. That's all we see. Something should be done to enforce screening along the property line.

Mr. Carnow stated the security plan calls for 6 ft. privacy fence along the property line, adjacent to Arms Acres. It starts and stops in the middle of nowhere. You could walk around it from either end.

A discussion ensued between the board members, homeowners and Pulte homes regarding the quality of the landscaping. What should and could be done to make things better.

Mr. Gary said at this time we want our Engineer and our Planner to take a better look at the landscaping plan. We want a more detailed plan. We will hold the public hearing open until the drawings are reviewed.

**ST. JOHN THE EVANGELIST CHURCH – EAST LAKE BLVD – TM – 65.17-1-48,49 – OPEN PUBLIC HEARING**

Mr. Carnazza stated the changes were made to the plat to reflect the road.

Mr. Gainer read his memo which stated a Stormwater Management Plan still remains to be submitted, to document the design and sizing of all drainage facilities proposed. A formal SWPPP should be provided, to address all required erosion control measures to be provided in conformance with NYSDEC standards. Further, the plans should identify the following, in order to clarify the extent of SWPPP required. The extent of disturbances planned as part of the improvements proposed, as well as the amount of proposed impervious surfaces, in square feet. "Limits of Disturbance" lines should be added to the plans. The following plan refinements should be incorporated in any future plan submissions: Any necessary traffic control signage should be noted. Indication of all drainage facilities proposed, including labeling of base dimensions and side slopes for the on-site detention basin. If any enhancements are required to the dumpster enclosure on site to meet town requirements, it should be noted. The following matters noted in the Town Engineer's March 9, 2011 memorandum are still outstanding:

A copy of the actual survey dated April 12, 2000, on which the Site Plan is based, should be provided, to document existing conditions at the site. A sidewalk or path from the parking across Wescott Road, to the church should be provided, including crosswalk. Construction details must be provided for all improvements planned (pavement, curbing, stripping, drainage, etc.)

Mr. Cleary stated the roadway has been clarified as a town road so the one way directional alteration would require town approval to change the traffic flow.

Mr. Joel Greenberg, representing the applicant stated the SWPP was submitted to Jack Karell in February and has approved it.

Mr. Gainer stated he will confer with Mr. Karell and will also review the SWPP that was to him tonight.

Mr. Greenberg stated for tonight's purpose the revision is based on Mr. Joe Charbonneau's ruling and as far as the access is concerned, it has been taken care of and Westcott Road will remain open. We have also revised the traffic pattern coming in the right side of the church (East Lake Blvd). The new parking lot will exit onto Westcott Rd. The existing parking lot exists onto East Lake Blvd.

Mr. Gary asked if the exit could be moved somewhere else instead of Westcott Road.

Mr. Cleary said there will be on egress driveway and one ingress driveway on the right side of the church.

Mr. Greenberg said the entrance to the parking lot will be somewhere in the middle and nothing will exit onto Westcott Road. We will make the changes and submit it to the consultants.

Mr. Gary stated this is an open public hearing and you must re-notify the adjainers because the plans have changed.

Mr. Greenberg replied will do.

Mr. Molloy asked if a landscape plan will be in place.

Mr. Greenberg answered yes.

Ms. Nancy Tadler of 2 Tadler Drive stated to the board members you should have received a letter from me about Westcott Road becoming a one way street which is shown on the drawing. Westcott Road has always been a two way road and I am happy the board agrees it should remain a two way road. She said I would also like to see a landscaping plan.

Mr. George Feaver of McMahon Place asked Mr. Greenberg to show and describe a typical busy day at the church, and how the new parking lot will work and where will it fill from.

Mr. Greenberg pointed to the map and showed the entrance and exit of the new parking lot.

#### **OLD FORGE ESTATES – BALDWIN ROAD – TM – 75.15-1-19-40 – RESOLUTION**

The consultants had no comments.

Mr. Cotè moved to accept Resolution #11-19 dated May 11, 2011, Tax Map #75.15-1-19-40 entitled Old Forge Estates Final Subdivision Approval. The motion was seconded by Mr. Greenwood with all in favor.

#### **ROSNER, SARAN – 62 W. LAKE BLVD – TM – 75.7-3-30 – 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. All necessary variances were granted by the ZBA.

Mr. Gainer said the site plan should incorporate notes on the following issues:

- No new site disturbances are planned, only conversion of the accessory structure into a bath house.
- No new exterior lighting is proposed; otherwise this should be identified, for the Board's review.

Mr. Cleary said the applicant has addressed all of the site planning issues and agreed with Mr. Gainer.

Mr. Joel Greenberg, representing the applicant said he will include them on the site plan.

Mr. Gary said to schedule a public hearing.

#### **BP GAS STATION – 2 FAIR ST – TM – 44.18-1-21 – REVISED SITE PLAN**

Mr. Carnazza read his memo which stated the zoning table is incorrect. The minimum lot area is 20,000 s.f. (for automotive use), the min. lot width and depth is 200 ft. and the minimum floor area is 5,000 s.f. Variance is required for front yard (canopy), width, depth, minimum floor area and lot area. Provide a parking calculation. Number all parking spaces to insure compliance.

Mr. Gainer read his memo which stated this project should be considered a “redevelopment project” with respect to NYSDEC criteria. If any changes will result in the amount of existing impervious surfaces, this should be clarified. It is recommended that inserts be provided within each of the existing on-site catch basin structures on site, to capture any spillage from the gasoline filling operations, sediment-laden run-off or similar substances from entering downstream drainage facilities. These should be identified by manufacturer and model number. Further, the plans should specify all necessary maintenance requirements, which the applicant must commit to performing at the intervals recommended by the manufacturer. Lastly, the outlet of these basins should be noted on plan. Once necessary variances are obtained, the Board may formally process the application. At that time, bonding and inspection fee amounts can be established.

Mr. Cleary read his memo which stated the height of the canopy has been clarified as 15 feet. A lighting plan has been provided (Sheet C-2). Signage will be added to the canopy; however, the applicant has not yet provided details. The layout of the existing pump islands will remain basically unchanged. No new site excavations or grading is required. A new automatic fire suppression system will be installed in the canopy. A zoning compliance table has been added to the site plan, which indicates that 5 pre-existing non-conforming conditions are present, and one new non-conformity will be created. Variances will be required. A new site survey has been provided, which accurately depicts the existing site conditions. A denial to the ZBA will also be required.

Mr. Ross Winglovitz of Cosentino Architecture, PLLC., representing the applicant stated to be clear the only thing that is proposed is the canopy. There is no other site disturbance proposed.

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

**MAHOPAC GOLF CLUB – 601 N. LAKE BLVD – TM – 65.13-1-14 – WAIVER OF SITE PLAN APPROVAL**

Mr. Carnazza read his memo which stated the applicant proposes to add a small pre-fab storage shed to the existing beach property on North Lake Blvd. in Mahopac. I have no objection to granting the waiver request. This does not affect the use of the site at all. The storage shed will be used for storage of tables and chairs for the beach property. The golf club currently brings tables across the street as needed.

Mr. Gainer read his memo which stated the Mahopac Golf Club is requesting a site plan waiver concerning their proposal to install a 120 square foot utility shed, to be used for equipment storage. Given the shed's small size, no engineering concerns are apparent. As a result, this department has no objection to the Board considering the site plan waiver request.

Mr. Cleary read his memo which stated the Mahopac Golf Club is requesting a site plan waiver, to allow for the installation of a 120 square foot utility shed. The shed will store tables and chairs used at the Club's beach location. The shed is of a small size, meets all applicable yard setbacks, is located behind the existing pump house, and would not be visible due to intervening vegetation from North Lake Boulevard or the neighboring property to the east.

It can be concluded that the shed is appropriately located, and would not result in any impacts requiring mitigation. I have no objection to the Board considering the site plan waiver request.

Mr. Greenwood stated as minimal as it may be, I am not in favor of waiver of site plan approvals.

Ms. Kounine moved to waive site plan approval. The motion was seconded by Mr. Molloy with all in favor except Mr. Greenwood who opposed.

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

Mr. Carnazza read his memo which stated this is an amended site plan to reflect changes made to the approved site plan on Rt. 6 in Mahopac. There are no zoning variances required as a result of the changes. I have no further comments at this time.

Mr. Gainer read his memo dated May 9, 2011.

Mr. Cleary read his memo dated May 11, 2011.

Mr. Zack Pearson of Insite Engineering, representing the applicant stated of the two curb cuts one exists on Route 6 in front of the car wash tunnel and the other one was shifted slightly to the north. The applicant feels he needs the two curb cuts moving forward with the volume of cars going through the car wash that's why we proposed a right turn only out of the existing curb cut in front of the tunnel. The applicant wants to do stripping in lieu of curbing. The landscaping has been revised. We have lessened the landscaping.

Mr. Lupinacci stated he actually added more plantings.

Mr. Cleary stated he is comparing the approved plan with the proposed plan which shows five fewer plants at the rear of the property line.

At this point Mr. Lupinacci became loud and belligerent towards the board.

Mr. Gary told Mr. Lupinacci to show respect for this board and town.

Mr. Meyer said according to Mr. Cleary's comments half of the proposed changes have negative impacts and it should be considered.

Mr. Cote asked if the changes are proposed or existing.

Mr. Cleary said this is the applicant's proposed improvement.

Mr. Molloy said the lighting that was on the approved plan was on poles and shining on the building. Now you are proposing the lights on the building shining on the site but away from the building. That's a dramatic change.

Mr. Lupinacci stated there are five street lights in the front of the building. I have also incorporated wall packs around the whole building.

Mr. Molloy said so what you are saying is the pole lighting that was on the approved plan was not built and the lighting you want that's on the proposed plan is actually constructed. Have the other proposed changes been constructed at the site also?

Mr. Carnazza stated this is an as-built plan. That is what is there now.

Mr. Molloy stated basically, the work this board did to approve the first site plan was ignored and you built the plan you wanted to build.

Mr. Lupinacci said it wasn't ignored. It was gone over thoroughly at the site. This was a field change to better the project.

Mr. Molloy asked if he was open for business.

Mr. Lupinacci answered yes.

Mr. Gary addressed Mr. Greg Folchetti, the town attorney and stated the applicant seems to think this board is trying to hassle him on his application. In my opinion we can't proceed any further because we have a site plan that's not being followed.

Mr. Folchetti stated he conferred with Mr. Charbonneau and at this time they were both in agreement not to comment on what is pending in the courts. My understanding is there has been a notice of violation issued on this site as it exists for operating without a certificate of occupancy. It has been the town's policy, if there is a violation that no further action be taken by the board until the violation is cleared up unless it was a zoning issue. Our recommendation is no further action be taken by the board.

Mr. Gary agreed with Mr. Folchetti. He said we are not acting any further on this tonight.

**SERINO – 253 & 259 ROUTE 6N – TM – 86.5-1-11 & 12 – SKETCH SUBDIVISION PLAN**

Mr. Carnazza read his memo which stated several variances are required from the ZBA. (Lot area, Frontage, Side Yard, and Lot Width). This project must be referred to the ECB for comments.

Mr. Gainer read his memo which stated this project was last before the Board for sketch plan discussion in December, 2010. At this point, we wish to offer the following: Plan revisions/corrections previously sought by the Town Engineer's office have now been addressed on the latest plan. Based upon the area of disturbance identified on plan (>1 acre), pursuant to NYSDEC requirements a formal SWPPP will be required. This should incorporate infiltration of the new impervious surfaces/roof areas, if at all possible. The applicant acknowledges that approvals from various other Board's and agencies will be required in order to process the application, including: Town Zoning Board of Appeals, Town ECB, NYSDOT (proposed new driveway an access/entrance, and drainage improvements along Route 6N). At this time we have no objections to the applicant pursuing the necessary variances. Should they be successful, once the applicant returns to the Planning Board the applicant should submit more detailed plans conforming to all requirements of §131-13 ("Preliminary Plat") of the Town's Subdivision Ordinance for review.

Mr. Cleary read his memo which stated the site consists of two separate lots supporting two one-family dwelling units. The proposed project calls adjusting the existing lot line, which currently runs roughly down the center of the parcel, to more of a typical "flag lot." The existing dwelling that is currently located right on Route 6N (setback roughly 6' off the front property line) would be demolished and a new dwelling is proposed at the rear of the site. The other existing dwelling is proposed to remain. The existing driveway would be abandoned, and a new common driveway is proposed, within the "flag pole". The new dwelling would be served by a new potable water domestic service well and a subsurface sewage disposal system. The applicant responded to the Director of Code Enforcement and the Town Consulting Engineer's comments. No response to the planning comments were provided. The site is located in the R zoning district, and is currently non-conforming with regard to lot area, as well as several building setback provisions. The creation of a flag lot does not conform to the zoning provisions of the R district, and should generally be discouraged unless compelling extenuating circumstances exist. The demolition of the existing dwelling located on 6N, which is almost entirely within the front yard setback, is beneficial. The failure of the site to adequately meet the minimum lot area requirements for two lots in the R district, combined with the proposed flag lot configuration, represents an undesirable development plan. Subject to review by the Director of Codes Enforcement, a number of variances would be required for Lot 2 (the flag lot) and Lot 1 (supporting the existing dwelling to remain). The rear of the site, where the new home is proposed to be constructed, is constrained by the presence of a wetland, and steep slopes. The applicant should further document the proposed developments impact on these sensitive areas. When was the wetland delineated, and by whom? Is the wetland regulated by the Town or NYSDEC? Provide sight distances for the new common driveway on Route 6N. A curb cut onto Route 6N will require approval from the NYSDOT. Identify the location of the well and SSTS the currently supports the existing dwelling on Lot 1. In accordance with NYCRR Section 8 Part 617, the proposed project is classified as an Unlisted Action. Prior to any action by the Board, a SEQR Determination of Significance must be adopted.



Mr. Steve Miller of Bady & Watson, representing the applicant stated currently the lots are sub-standard as far as area and width. One of the lots will need variances for area, width and frontage. We believe this is a reasonable solution in dealing with this single family dwelling up against Route 6N. We are proposing to move it to the rear of the property to provide a better driveway access onto Route 6N. The current access lacks site distance and it is also very steep which causes a dangerous condition in the winter time. We are requesting to go to the ZBA to seek the required variances.

Mr. Gary stated that is a reasonable request but the Planning Board has to take into account that what is being sent to the ZBA is acceptable. Your application is not ready to go to the ZBA.

Mr. Gary said it would be in your best interest to meet with the consultants and then come back to the board.

**MICHAELS GLEN – FAIR ST – TM – 44.14-1-56, 57 – BOND RETURN**

Mr. Greenwood moved to table. The motion was seconded by Mr. Molloy with all in favor except Mr. Meyer who recused himself.

**1831 CORPORATION – 1831 ROUTE 6 – TM – 55.6-1-49 – EXTENSION OF APPROVAL**

The consultants had no objections to the extension of approval.

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

**MANZO, JOHN – 630 BARRETT HILL RD – TM 42.-1-21.1 – REGRADING PLAN**

Mr. Gainer read Mr. Carnazza's memo which stated this project must be referred to the ECB for comments.

Mr. Gainer read his memo which stated the applicant is seeking a permit to place fill in their rear yard, to make this portion of the property more usable. The re-grading now proposed has eliminated the retaining walls that had been previously planned. The extent of disturbance planned mandates that a formal Erosion Control Plan be developed and implemented. This would require an Anti-tracking pad conforming to DEC standards at the project entrance to prevent off-site tracking of sediment. Further, properly sized, temporary silt traps will be required to intercept drainage from the toe of the slope and avoid situation downstream. These mitigation measures should be shown and detailed on plan, and referenced within the "Sequence of Operation". Due to the steepness of the fill to be placed, a suitable geotextile or erosion control blanket should be provided to assure the long-term stability of the finished slope. The applicant's engineer should provide a construction cost estimate for the work proposed, so that bonding and inspection fees can be established.

Mr. Cleary said he had no comments.

Ms. Kounine asked how much grading are we talking about.

Mr. Gainer said approximately 1/3 of an acre will be disturbed or covered in the new fill.

The applicant wants a more usable rear yard for his single family home.

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

**KUCK A/K/A DAY ROAD, LLC. – DAY ROAD – TM – 55.6-1-41 – BOND REDUCTION**

Mr. Gainer stated he recommends a bond reduction from \$143,573 to \$72,000 a 50% reduction from the original bond amount.

Mr. Gary said to schedule a public hearing.

**BLUE CHIP HOMES – HILLTOP DRIVE – 86.9-1-64.3 – REGRANT OF APPROVAL**

Mr. Gainer said the 5 lot subdivision was originally granted final approval in November of 2009. They are waiting receipt of outside agencies approvals. I have no objection to the regrant, but given the period of time that has transpired since it was first approved; I recommend the fees be increased by 5%. The new bond amount is \$327,000 and the new engineering inspection fee is \$16,350.

Ms. Kounine moved to grant regrant of approval which will include the new fees. The motion was seconded by Mr. Greenwood with all in favor.

**JORDANO – 182 BULLET HOLE ROAD – TM – 63.-1-16 – BOND RETURN**

Mr. Gainer read his memo which stated on the basis of our field inspection, it doesn't appear that any meaningful work has been performed. This Department therefore recommends that no portion of the original bond of \$48,300.00 be released at this time.

Mr. Jordano stated he sold the property 5 years ago. Everything was done except for the common driveway which can't be done until they build the house. My money is being tied up with someone else's project.

Mr. Gary said this bond was given to you. You are responsible for the bond. The person you sold the property to should have taken that bond over. He said to confer with the Planning Board attorney, Mr. Charbonneau.

Mr. Jordano said will do.

**MAHOPAC TOWN CENTER – ROUTE 6 – TM – 65.10-2-4 – EXTENSION OF APPROVAL**

Mr. Gainer had no comments.

Mr. Cleary said the first extension was granted in May 2010.

Mr. Zack Pearson of Insite Engineering, representing the applicant stated there are no changes to the plans. The applicant is in the process of getting tenants.

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

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

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Rose Trombetta