



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

PLANNING BOARD MINUTES

APRIL 27, 2011

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Putnam Hospital	66.-2-57	1	P.H.	Public Hearing Closed. Bond Return Recommended to Town Bd.
Michaels Glen	44.14-1-56, 57	1-2	P.H.	Public Hearing Closed - Bond Forwarded to Town Board
Hosch & Torres	53.15-1-40	2-3	Subdivision	Approval Subdivision Resolution Accepted
MacDonald, Anita	75.44-1-63	3	Site Plan	No Board Action
St. John the Evangelist	65.17-1-48&49	3-4	Site Plan	No Board Action
VIP Car Wash	55.12-2-5	4-5	Site Plan	No Board Action
Pulte Homes – Lot 4	55.14-1-11.2	5	Site Plan	Public Hearing Scheduled
ASA Petroleum	44.17-1-45	5	Site Plan	No Board Action
Old Forge Estates	75.15-1-19-40	6	Subdivision	Planner to prepare Resolution
Minutes - 1/26/2011		6		Approved

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Rose Trombetta

PUTNAM HOSPITAL – STONELEIGH AVE – TM – 66.-2-57 – PUBLIC HEARING

Mr. Carnazza said had no comments.

Mr. Cleary stated he recommends the full bond return of \$742,175 and a \$50,000 maintenance bond will be posted for a period of 2 years.

Mr. Cleary said had no comments.

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

Mr. Greenwood moved to recommend full bond return to the Town Board. The motion was seconded by Mr. Molloy with all in favor.

MICHAELS GLEN – FAIR ST – TM – 44.14-1-56, 57 – PUBLIC HEARING

Larry Zacks, representing the applicant showed up late. Mr. Gary expressed his disapproval for showing up late and kept the public waiting.

Wendy Pica, who resides at 7 Waring Drive showed pictures to the board members. She stated I don't believe the bond should be released for multiple reasons. Although, the road has been paved, there has been some deterioration over the winter. In addition, there is erosion to the structure of the public waste waterway. The rock wall is crumbling. She said roads are in bad condition. The retention ponds are not being maintained in the free space area. The gates are open and the grids are off. She asked what will happen to the 5 underdeveloped lots and why is there trash in all the lots?

Mr. Karell asked Mr. Zacks if the town took dedication of the road.

Mr. Zacks said the town took over the maintenance of the road. It was paved about 18 months ago.

Mr. Karell said if the town took dedication of the road (which I think it did) it's the town's responsibility. The detention pond is the town road right of way. That's owned by the town.

Ms. Kounine said in essence the detention pond and the gate issues is the town's problem.

Mr. Karell answered yes. We can't hold the developer responsible for that bond if the town took dedication of the road.

Mr. Ransford Wisdom of 48 Waring Drive – Lot 16 stated his concern was that the road wasn't paved for over 4 years. It was finally paved in 2009. His drain drains into the roadway not a catch basin which freezes in the winter. He showed the board pictures.

Mr. Karell stated we had the developer improve the drainage swale on that common driveway. It's the homeowner's responsibility to get the water off of his property into the drainage swale. It is his responsibility to perform the maintenance of the road.

Mr. Gary addressed the homeowners and stated your concern is now with the town and the town Highway Department to get your needs addressed. The town supersedes us once they have accepted it. This board cannot impose any restraints on that road.

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

Mr. Greenwood moved to forward bond to Town Board. The motion was seconded by Mr. Molloy.

Mr. Gary addressed the board members and stated you have a legitimate concern, but I do not think we should break precedent on this one issue. We should make a motion to recommend bond return to the Town Board.

Mr. Greenwood stated in my 17 years of being on this board, I have never seen a public hearing or situation that existed such as this, where the town took dedication of a road the bond was released. In this case, I don't think we are out of line with just forwarding it to the Town Board.

A discussion ensued with the board members regarding the motion on the floor.

Mr. Greenwood clarified his motion. He said it's going to the Town Board with neither a positive or negative. I don't like the idea of sending this to the Town Board with the word recommend.

Mr. Gary said we have no jurisdiction over this bond whatsoever.

A Roll Call vote was taken as follows:

Mr. Giannico	For the motion
Mr. Cotè	For the motion
Mr. Molloy	For the motion
Mr. Greenwood	For the motion
Ms. Kounine	Against the motion
Mr. Gary	Against the motion

HOSCH & TORRES – LONG POND RD – 53.15-1-40 - RESOLUTION

Mr. Carnazza said all his comments have been addressed.

Mr. Karell said the bond amount is \$19,770 and the engineering fee is \$988.50.

Mr. Cleary said you have two resolutions in front of you, SEQR and Final Subdivision.

Mr. Greenwood moved to accept Resolution #11-17 dated April 27, 2011, Tax Map # 53.15-1-40 entitled Hosch & Torres Subdivision (SEQR). The motion was seconded by Cotè with all in favor.

Mr. Greenwood moved to accept Resolution #11-18 dated April 27, 2011, Tax Map #

53.15-1-40 entitled Hosch & Torres Final Subdivision. The motion was seconded by Mr. Molloy with all in favor.

MACDONALD, ANITA – 914 SOUTH LAKE BLVD – TM – 75.44-1-63 – SITE PLAN

Mr. Carnazza read his memo which stated a use variance is required from the ZBA for expanding a non-conforming multi-family dwelling. Several area variances are required from the ZBA. I performed a fire inspection on this site a year ago and the owner has not contacted me to confirm that all fire code violations were rectified.

Mr. Karell read his memo dated April 26, 2011.

Mr. Cleary read his memo dated April 27, 2011.

Mr. Gary stated I understand why the applicant is before the board. They need variances, but I think it is pre-mature for them to be here.

Mr. Cleary stated these are existing conditions and they don't comply and in some cases quite significantly. He said the objective of this board is to go back to the applicant and have them try and meet these standards. Before we send them to the zoning board to get variances they should try to improve what he has.

Mr. Greenwood said in my opinion we should not seek a further review on this application until they meet with Mr. Carnazza to make sure the previous violations have been corrected. They should be cleared up before we go any further.

Mr. Joel Greenberg, representing the applicant stated I wasn't aware that Mr. Carnazza hadn't been contacted yet.

Mr. Gary advised Mr. Greenberg to take it back and get it ready.

Mr. Greenberg responded absolutely.

ST. JOHN THE EVANGELIST CHURCH – EAST LAKE BLVD – TM – 65.17-1-48,49 – OPINION FROM P.B. ATTORNEY

Mr. Carnazza said he met with the Planning Board attorney, Mr. Charbonneau at the site. He said it is a town road and parking cannot be out on the town road.

Mr. Karell said he had no comments.

Mr. Cleary said the applicant is prepared to address that this evening.

Mr. Joel Greenberg, representing the applicant stated we became aware that the road is a town road. The road we are talking about is Westcott Road. Apparently, many years ago, back in 1963, a lot of the roads were taken over by the town by resolutions not deeds. Westcott Road is no longer maintained by the town it has been maintained by St. John's for the last 5 to 6 years. We have done a revision to our site plan and fortunately we are still over the minimum number of cars that are required by code. The variances do not have to be changed. He said the neighbors

were concerned that after a large mass cars would go down McMahon Place toward Route 6 where there is no traffic light and the traffic would back up making it difficult for residential properties to get in and out of their driveways.

Mr. Molloy suggested maybe there should be a no left turn sign out on Route 6 at the end of McMahon Place. It would alleviate the backup, because making a right turn shouldn't be difficult.

Mr. Greenwood stated we as the Planning Board have the right to restrict how the exit of the parking lot occurs.

Mr. Gary stated you cannot put on a town road a sign saying no left turn if it enters into a state road. That intersection belongs to the state.

Ms. Kounine suggested to Mr. Greenberg to consult with the Highway Superintendent to see which way he would prefer the flow of traffic for that road. And have him send the board a memo on his recommendation.

Mr. Greenberg said will do and will come back to the board with the revisions.

VIP CAR WASH - 118 OLD ROUTE 6 - TM -55.12-2-5 - SITE PLAN

Mr. Carnazza said they need to remove the words pre-existing non-conforming on the map. Variances are required for all deficiencies of the zoning code. Denial to ZBA is needed.

Mr. Karell read his memo dated April 26, 2011.

Mr. Cleary read his memo dated April 27, 2011.

Ms. Theresa Ryan of Insite Engineering, representing the applicant stated this is an existing car wash on Old Route 6. The applicant is proposing to tear the existing one and put a new car wash with an oil change facility. The entire site will be re-developed. The applicant doesn't own it, but wants to buy the property only if he gets an approved project. She said DEC has come to the property and flagged the wetlands. There is a possibility for us to encroach the wetland within 50 feet of the property. The parking we are proposing is for the employees only. There will be very little retail use.

Mr. Gary stated in any facility one of the most important things, is to be able to get in and out safely. My concern is the depth looks sufficient, but the width looks like it could be a little crowded for moving around.

Ms. Kounine said when our planner has 4 pages of comments; maybe it's too much development for that one property. She said maybe you should take these comments back to your client and have him understand all the work that needs to be done and the probability of getting all your variances isn't great. Maybe he should reconsider the oil change facility which isn't allowed and just keep the car wash.

Mr. Gary asked if the car wash and the quick lube would be in the same building.

Ms. Ryan responded yes.

Mr. Gary stated I think the only way it could work is if the quick lube is in the front and the car wash is in the rear. My suggestion is to look at them separately to make it work. He said to meet with the consultants.

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

Mr. Carnazza said calculations are now provided for the recreation area. The plan is ADA compliant. All zoning comments have been addressed.

Mr. Karell said all engineering comments have been addressed. A revised bond amount is not required.

Mr. Cleary said there are some minor details that need to be corrected on the plans, but other than that they have addressed the issues.

Mr. Paul Lynch of Putnam Engineering, representing the applicant stated we have revised the fitness trail. We have addressed many of the homeowner's comments and tried to incorporate all of the things they wanted us to do, such as adding vegetation and plantings. We would like the board to consider waiving the public hearing for this aspect of the project because it is switching of recreational type use.

The board members discussed the waiving of the public hearing, but because of the situation with the homeowners they decided to have a public hearing.

Mr. Gary said to schedule a public hearing.

ASA PETROLEUM – 1 FOWLER AVE – TM – 44.17-1-45 – SITE PLAN (GAS STATION)

Mr. Carnazza read his memo which stated variances are required from the ZBA for min. lot area (for service station), lot width, lot depth, front yard, side yard, min. floor area, and max number of curb cuts/200 ft. of frontage. Provide floor plans and elevations.

Mr. Karell read his memo dated April 26, 2011.

Mr. Cleary read his memo dated April 27, 2011.

Mr. Steven Basini of Petruccelli Engineering, representing the applicant stated I realize the checklists of items from the consultants are not on the drawings; however there are a number of variances that are required to get this project off the ground. There are nine in total.

Mr. Gary stated to respond to all the comments and meet with the consultants and then come back to this board, before we deny you to the ZBA.

**OLD FORGE ESTATES – BALDWIN ROAD – TM – 75.15-1-19-40 – FINAL
SUBDIVISION APPROVAL (10 LOTS)**

Mr. Carnazza said he had no comments.

Mr. Karell stated the final plans are satisfactory. The bond amount is \$437,097.00 and the engineering inspection fee is \$21,855.

Mr. Cleary stated all planning issues have been addressed.

Mr. Lynch said we accept the fees.

Mr. Gary asked Mr. Cleary to prepare resolution.

MINUTES – 1/26/2011

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

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

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Rose Trombetta