



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

PLANNING BOARD MINUTES

MARCH 23, 2011

PRESENT: CHAIRMAN, HAROLD GARY, JOHN MOLLOY, RAYMOND COTÈ, CARL GREENWOOD, JAMES MEYER, ANTHONY GIANNICO

ABSENT: VICE-CHAIR, EMMA KOUNINE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Swan Cove	76.5-1-49	1-2	P.H.	Public Hearing Left Opened
Albrecht	53.12-1-27	2	P.H.	Public Hearing Closed and Planner to prepare Resolution
St. John the Evangelist	65.17-1-48&49	2-3	P.H.	Public Hearing Left Opened
Woodcrest Gardens	76.9-1-19	3	P.H.	Public Hearing Closed and Planner to prepare Resolution
Sullivan, Neal	42.-1-22	4	P.H.	Public Hearing Closed and Planner to prepare Resolution
Gateway Summit – Lot 1 Hotel/Banquet Center	55-2-24.1	4	Site Plan	Regrant Resolution Accepted
Mahra, Sanjay	75.16-1-27	4-5	Site Plan	Heldover
Park Ford	86.7-1-20	5	Re-Approval	New Approval granted
Shultz	55.7-1-3-5 & 55.11-1-18-21	5-7	Regrading	Public Hearing Scheduled
NeJame & Sons	44.9-1-16	7	Extension	One year Extension of Approval Granted
RPK Precision Homes	55.14-1-5	7	Senior Homes	Planner to prepare Denial Resolution
Minutes		8		Approved – 12/15/2010

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Rose Trombetta

Chairman Gary welcomed new board member Anthony Giannico.

SWAN COVE – 628 ROUTE 6- TM – 76.5-1-49 – PUBLIC HEARING

Mr. Carnazza said he had no comments at this time.

Mr. Karell stated most of the previous comments have been addressed. The other comments the applicant's engineer will address.

Mr. Cleary said he had no comments.

Mr. Tom Gonzalez a resident of Mahopac and resides at 14 Sycamore Road stated he wasn't sure what was being built.

Mr. Karell asked the applicant to explain what he was doing.

Mr. Mike Barile, the applicant stated behind Mahopac National Bank the existing apartments will be replaced with new units with almost to the exact footprint. He said there will be 10 units in two buildings. There will be no expansion of parking, the beach area will remain the same and the garbage dumpsters will be hidden in the back.

Mr. Gonzalez asked how big will the units be.

Mr. Barile stated they will be about 1300 to 1400 square feet per unit with 2 bedrooms.

Mr. Gonzalez thanked the board for their time.

Mr. Mike Ross a resident of Mahopac and resides at 26 Tamarack Road stated he wanted clarification on where the water is going now and what will be different in future.

Mr. Barile stated the water will go into the drains and will funnel directly into the rain gardens. Now the water is probably going into the lake.

Mr. Ross asked if any dredging will be necessary.

Mr. Barile replied no. It's not a boating area.

Mr. Barile showed the drawings to his neighbors to get input on the design. He said we are torn between a row house look or a New England type look. We have to keep the roofline low to get a garage underneath. We are leaning towards the row house look.

Mr. Ross asked what is your next step in this process?

Mr. Barile stated we are not planning on doing anything until next year. We will come back in the summer with a new set of plans, have another public hearing so you could view the plans.

Mr. Cleary stated we should think about leaving this public hearing open since the applicant is not pushing this very rapidly. If we close the public hearing the board would have to make a decision within 45 days.

Mr. Greenwood said I understand what you are saying, but in my opinion we should not do that. Applicants do give us waivers towards the 45 day deadline.

Mr. Gary said we will leave the public hearing open.

ALBRECHT, GEORGE – 50 ALAN DRIVE – TM – 53.12-1-27 – PUBLIC HEARING

Mr. Carnazza said all comments have been addressed and variances were granted.

Mr. Karell said planning issues have been addressed.

Mr. Karell said all comments have been addressed.

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

Mr. Gary asked Mr. Cleary to prepare resolution.

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

Mr. Carnazza stated all zoning comments have been addressed.

Mr. Karell stated all engineering comments have been addressed.

Mr. Cleary stated all planning issues have been addressed. There is an issue with the bed of the road that originally included the extension of the parking lot. Mr. Greenberg has submitted documentation indicating the applicant has control and ownership of that land. A neighbor is disputing that claim. We spoke to Mr. Charbonneau, the planning board attorney on this matter and his opinion is unless the individual who disputes that claim submits to this board documentation indicating that it is not controlled by the church, your board is obligated to continue the review of this application.

Mr. Giannico asked who maintains the road?

Father Brennan of St. John's Church stated basically we do our own plowing. The town comes up McMahon Place and then turns around and goes down McMahon Place.

Mr. Meyer asked if there was survey in existence.

Mr. Joel Greenberg, representing the applicant stated yes and showed the board members a copy of it.

Ms. Nancy Tadler, who resides at 2 Tadler Drive is also the trustee for 4 and 6 Tadler Drive stated they have been residents and used that road for as long as 53 years and the property has been in the family for more then 60 years. She stated the road is Department of Transportation ID #192179 and is listed as a Carmel owned town road. She stated if you go on the internet and go on NYS Highway records, Westcott Road is also listed as a town road. My deed gives me right, title and interest to a portion of that road, because that road was originally East Lake Blvd. I have seen the Highway Department plow the road up until Father Brennan took over the church and the janitor now does it. If you close that road you are closing off access I've had to the property for over 60 years.

Mr. Gary asked Ms. Tadler if she had a copy of her title or any other information that could be turned over to the board.

Ms. Tadler gave a copy of her title to the board.

Mr. Molloy stated this needs to go back to our attorney, Mr. Charbonneau.

Mr. George Feaver who resides at 7 McMahon place stated he wanted the board to take into account that there will be two parking lots basically in his backyard.

Mr. Greenberg said Mr. Feaver's rear property is adjacent to the existing parking lot in back of the church. He stated it will be landscaped to give him a buffer between his house and new parking lot. The back part of his property and a portion of the side will be surrounded by the parking lot, but it will be well landscaped.

Mr. Feaver stated when the time comes he would like to see the landscaping plan for the parking lot. I want to make sure it comes out right.

Mr. Gary stated it is our obligation to send this to legal counsel. We will hold the public hearing opened.

WOODCREST GARDENS – 675 ROUTE 6 – TM – 76.9-1-19 – PUBLIC HEARING

Mr. Carnazza said necessary variances were granted.

Mr. Karell said he had no comments.

Mr. Cleary said he had no comments.

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.

SULLIVAN, NEAL – 610 BARRETT HILL ROAD – TM 42.-1-22 – PUBLIC HEARING

Mr. Meyer recused himself and left the podium.

Mr. Karell stated the Health Department or DEC should be consulted regarding the quality of the fill.

Mr. Carnazza said he had no comments.

Mr. Cleary said he had no comments.

Hearing no comments from the audience, Mr. Molloy 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.

Mr. Meyer returned to the podium.

GATEWAY SUMMIT – LOT 1 – ROUTE 6 – TM – 55-2-24.1 – HOTEL & BANQUET/CONFERENCE CENTER – RESOLUTION

Mr. Carnazza said he had no comments.

Mr. Karell said this is a regrant. He said the bonding estimate was done in 2007. The bond and engineering inspection fee should be increased by 5%.

Mr. Jeffrey Contelmo of Insite Engineering, representing the applicant stated we are agreeable with a 5% escalation.

Mr. Cleary said there is a draft resolution in front of you. We would have to amend the resolution to reflect the 5% bond and engineering inspection fee. There is no change to the plan.

Mr. Molloy moved to accept Resolution #11-11 dated March 23, 2011, Tax Map #55.11-1-32, 55.2-23,24 & 25 entitled Staybridge Suites Hotel and Banquet Center Final Site Plan. The motion was seconded by Mr. Greenwood with all in favor.

MAHRA, SANJAY – 10 VESCHI LANE S. – TM – 75.16-1-27 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to convert a one family dwelling into a commercial office building. Correct the parking calculation on the site plan. You now provide 9 spaces. What size are the two parking spaces in the garage? If they are not 10' x 20' a variance will be required for size. Several variances are required from the ZBA. Denial to the ZBA is required. Provide a landscape buffer to the adjacent residential properties.

Mr. Karell read his memo which stated this application is for the conversion of an existing residential dwelling to a commercial occupancy. The building will be served by two parking areas, one from Route 6, Veschi Lane South and the second from Buckshollow Road &

Battista Drive. The lower access driveway to 6 parking spaces is only 8 feet wide. A backing area is not provided for spaces numbered 4 & 5. The access drive to the spaces in the existing garage, numbered 8 & 9 is only 9 feet wide and has no backing area, except to back all the way down the hill to the main access drive.

Mr. Cleary stated the issue with the site is the demonstration of compliance with some of those provisions and most notably is the parking provision. He said it is a large site and there is plenty of room on the property to meet the parking requirement so the revised plan has shown some modifications to that. But as Mr. Karell pointed out two of the spaces are along a long narrow driveway, so the board needs to make a determination on whether or not this application is appropriate or should he enlarge one or two of the parking lots to meet off-street parking.

Mr. Gary asked the Mr. Besharat what is holding you from meeting the requirements.

Mr. William Besharat of Rayex Designs, representing the applicant stated we are trying not to do any disturbance to the site. It's an existing house in a commercial zone. We are trying to convert it into an office and also comply with requirements of zoning and parking without doing any construction. He said we have enough room for parking.

Mr. Gary stated you need to come back with something that meets the requirements.

Mr. Greenwood stated he would rather see all the parking spaces that are required on the outside of the building.

The application was heldover.

PARK FORD – 276 ROUTE 6 – TM – 86.7-1-20 – REGRANT OF APPROVAL

The three consultants had no objection to the regrant.

Mr. Molloy moved to grant a new approval. The motion was seconded by Mr. Meyer with all in favor.

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

Mr. Carnazza stated there is a big question as to what this project is mining or regrading. The best way to deal with this is to go to the ZBA to get an interpretation on what it is.

Mr. Karell stated my previous engineering comments have been addressed.

Mr. Cleary stated our direction to the applicant at the last meeting was for them to show us what they are doing. The applicant submitted a plan which shows a conceptual development of 8 lots with commercial buildings on each of those lots. So the question of whether it's a mining or regrading permit is irrelevant because it's being done for the purpose not of extracting a mineral, it's being done for the purpose of developing the site in the future. The question we didn't raise at the last meeting was is this segmentation. He said this looks like it could be segmentation. We should look at this comprehensively with expectation of what he ultimately wants to develop on the property.

Mr. Richard O'Rourke, attorney for the applicant stated the issue with mining versus regrading has already been addressed by the ZBA and the Planning Board has also addressed this application in 2003 where a regrading permit was granted. The permit has since then expired. He said a DEC permit is also required and they term it mining and the Town of Carmel terms it regrading. The plan that was submitted before is the identical plan that was submitted to the DEC and approved by the DEC. For their purposes the plans have to say mining.

Mr. Cleary interrupted and stated he is absolutely right. The DEC did that. What the DEC notified us of was a mining permit that was filed for that property. What I am arguing today is it's not a mining operation we are reviewing; it's the commercial development of 8 lots. This is clearly a legal dispute.

Mr. Greenwood stated the first thing we need to determine is what application do we have in front of us. The paperwork you submitted talks about 8 individual site plans. Is that correct? What are you proposing?

Mr. O'Rourke answered no; it's a regrading permit to regrade the property that is what the application is for. It is important to point out that segmentation is not illegal. It is frowned upon under SEQR, but it is permitted under certain circumstances. Which include the following:

- Information on future project phases is yet unknown.
- Future phases may not occur.
- Further phases are functionally independent of the current phase.

He went on to say we don't know for sure what we are going to do ultimately in terms of the re-development of the property. We don't believe it to be segmentation, because we don't know what we are going to do later on, but you asked for a conceptional plan. They are not engineered because we don't know what we are going to put there.

Mr. Cleary stated if the applicant doesn't know what he is going to build on the property, don't disturb it yet. Come back to us when they know what they want to build.

A discussion ensued with the board members regarding whether or not the project was good for the town or will it cause friction.

Mr. Molloy stated in the meantime the ongoing operation will create jobs and improve the property. This is a very heavy industrial area and not heavily traveled. I think just the mining operation might be a valuable project for the town.

Mr. O'Rourke stated we are proposing a regrading plan not a site plan. Will there be truck traffic? Absolutely, we will examine the traffic.

Mr. Cleary expressed to the board you should know what you are approving. I have no objection to scheduling a public hearing for whatever we call it.

Mr. Gary asked how will we present it to the public?

Mr. Greenwood answered what you are presenting is exactly what the applicant is putting on paper. They are going to regrade and provide a flat portion to be open for future

development. He said by having a public hearing and getting public input, we would have a better idea and make a further determination.

Mr. Greenwood asked if there were any changes to what was originally approved.

Mr. Cleary answered it's the same project.

Mr. Gary said to schedule a public hearing.

NEJAME & SONS – GLENEIDA AVE – TM – 44.9-1-16 – EXTENSION OF APPROVAL

The three consultants had no objection to the extension.

Mr. Greenwood stated there were a couple of things he wanted to clarify. First, behind the garage which is a separate lot the applicant has taken the surface rocks and has built a retaining wall out of the rocks. There are environmental controls on the front of the property and nothing in that area, so basically all the water is running through the rocks into the parking lot and out onto Route 52. Secondly, vehicles are parked on the lot from the garage. He also stated there is a cemetery next to the site and the applicant should provide the families as much courtesy as possible during a burial from the extreme loud noise.

Mr. Coté move to grant one year extension of approval. The motion was seconded by Mr. Meyer with all in favor.

RPK PRECISION HOMES – SEMINARY HILL RD – TM 55.14-1-5 – SENIOR HOMES

Mr. Cleary addressed the board and stated at the last meeting the you directed the consultants to meet with the applicant and Mr. Robert Cameron of Putnam Engineering, to try and address some of the site plan concerns. We have met on two occasions and Mr. Cameron's final conclusion was they have done all they needed to do to address the issues of concern. And they were not willing to offer any other modifications to the plan.

Mr. Cameron stated we have met all of the criteria of the plan and have addressed all of the comments of the Planning Board.

Mr. Cleary stated we have closed the public hearing on this application which compels your board to take action within a certain period of time. We asked Mr. Cameron if he would be willing to extend that period of time voluntarily. And as of this afternoon, the applicant was unwilling to grant an extension. I will ask him one more time.

Mr. Cameron answered no. We do not wish to grant an extension.

Mr. Cleary stated at the advice of counsel, Mr. Charbonneau suggested that you direct the preparation of a resolution on this application, whether it is a approval or denial and act on it at the following meeting.

Mr. Gary asked Mr. Cleary to prepare a denial resolution.

The rest of the board agreed with the Chairman.

MINUTES – 12/15/2010

Mr. Molloy moved to adopt 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 9:15 p.m.

Respectfully submitted,

Rose Trombetta