



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

PLANNING BOARD MINUTES

MARCH 9, 2011

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

ABSENT: CONSULTING ENGINEER, JACK KARELL

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Parkash Estates, LLC. Accepted	65.13-1-54	1	Resolution	Approval Resolution
St. John the Evangelist	65.17-1-48&49	1	Site Plan	Public Hearing Scheduled
Woodrest Gardens	76.9-1-19	1	Site Plan	Public Hearing Scheduled
Mahra, Sanjay	75.16-1-27	1-2	Site Plan	Heldover
RPK Precision Homes, Inc.	55.14-1-5.1,etc	2-4	Senior Homes	Applicant to Hire Outside Consultant
Albrecht, George	53.12-1-27	4	2 Lot Sub.	Public Hearing Scheduled
Sullivan, Neal	42.-1-22	4-5	Regrading	Public Hearing Scheduled
Gateway Summit – Lot 1 Resolution	55.-2-24.1	5-6	Regrant	Planner to prepare
Doyle, Rick Granted	64.13-1-1	6	Regrant	Regrant of Approval
Minutes - 12/1/2010		6		Accepted as Amended
Discussion on Regrants		7		

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Rose Trombetta

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

Mr. Carnazza said the landscaping plan is now shown on along the northerly property line. Applicant proposes a row of evergreen trees.

Mr. Cleary said based on the submission of the revised plan that shows the landscaping as well as a curb that separates the two properties, you have two resolutions in front of you.

Mr. Molloy moved to accept resolution #11-09 dated March 9, 2011, Tax Map #65.13-1-54 entitled Parkash Estates, LLC. (SEQR). The motion was seconded by Mr. Meyer with all in favor.

Mr. Cote moved to accept resolution #11-10 dated March 9, 2011, Tax Map #65.13-1-54 entitled Parkash Estates, LLC. Final Site Plan. The motion was seconded by Mr. Greenwood with all in favor.

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

Mr. Carnazza said all zoning comments have been addressed and this lot must be merged with the main church lot prior to the signing of the plat.

Mr. Cleary said the roadway that has been incorporated into plan, the church must document that they own the roadway. The handicapped spaces are shown on the plan, but do not have dimensions.

Mr. Carnazza read Mr. Karell's memo dated March 2, 2011.

Mr. Gary said we will schedule a public hearing.

WOODCREST GARDENS – 675 ROUTE 6 – TM – 76.9-1-19 – AMENDED SITE PLAN

Mr. Carnazza said all zoning comments have been addressed.

Mr. Carnazza read Mr. Karell's memo which stated he had no comments.

Mr. Cleary said all planning issues have been addressed.

Mr. Gary said to schedule a public hearing.

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

Mr. Carnazza said the applicant proposes to convert a one family dwelling into a commercial office building. The property is in the C-Commercial zoning district that is a permitted use. Several variances are required. Provide a landscape buffer to the adjacent residential properties.

Mr. Cleary had a question of the calculations of the off-street parking requirements. The area of the site shows there is a wetland on the property, which needs to be verified.

He asked what type of business is it.

Mr. William Besharat of Rayex Designs, representing the applicant said they do medical billing and medical negotiating. It is strictly an internet and phone business, no customers or clients will be coming to the site. It is not a service.

Mr. Cleary said ECB would have to comment on the wetland that is on the site.

Mr. Besharat said when this house was built a chain link fence was put up to protect the wetland area. We have absolutely no objection to going to the ECB and clarifying that with them. There will not be any construction done on the site at all. Everything is existing. The house is a single family residence, but it exists in a commercial zone, so we are taking a non-conforming use and trying to bring it to a conforming use. For the additional parking we are asking for a variance for the number of parking spaces to avoid any additional spaces. He does not need much parking for the type of business he will be operating.

Mr. Gary said it is not a matter of what the applicant wants to do, it's a matter of what's required.

Mr. Besharat said our preference is not to add any additional parking.

Mr. Gary said again, it's not what he wants it's what's required.

Mr. Besharat said we will propose it on the plan.

Mr. Gary said you are not ready for the ZBA yet.

Mr. Besharat said that's fine. We will see you next month.

**RPK PRECISION HOMES, INC. - SEMINARY HILL RD & MECHANIC ST - TM
55.14-1-5.1, ETC - SENIOR HOMES**

Mr. Carnazza read his memo which stated the recreation areas are now delineated on the plat. They provide Clubhouse (required), Pocket Parks (2), Recreational Walking Paths, Picnic Area and Grass Sports Courts (Badminton and Bocce. This is now in compliance with code.

Mr. Cleary read his memo which stated when this application was last before the Planning Board, the applicant was directed to work with staff off-agenda to address the previously expressed concerns of the Board. This meeting was held, and the applicant determined that plan, as presently configured, represents their best effort to mitigate the Board's concerns, and no further revisions would be made. The applicant subsequently submitted documentation summarizing their positions regarding each of the areas of concern (i.e. water usage, traffic, emergency services, and zoning compliance). Should the Board remain uncomfortable with the findings of these reports, SEQOR provides the ability for the Board to retain its own consultants to review these documents, in order to provide an unbiased third party review. The cost of these consultants would be paid for by the applicant, through the establishment of separate escrow accounts.

Mr. Gary asked Mr. Cleary if he is agreement with their submission.

Mr. Cleary said I have no reason to refute the professionals that prepared the documentation, but the issue, for example which we discussed at the last meeting was the traffic at the intersection. You have heard the Towns Public Safety Officials that have expressed concerns about that intersection. So, we may want to have an unbiased third party take a look at that issue.

Mr. Meyer commented on the safety issues, for example, as the crow flies and no sidewalks going down Seminary Hill Road.

Mr. Cleary said there is two points with respect to that issue. The Director of Code Enforcement indicated to you it complies with the code requirement. The second issue is you feel the method by which people will leave this property and walk to those areas and it is simply unsafe, that's a different issue. It's not a code compliance issue; it's a pedestrian safety issue.

Mr. Molloy said at the public hearing, there were a lot of people with detailed complaints and you were asked to meet with the consultants and the response was no changes were made.

Mr. Robert Cameron of Putnam Engineering, representing the applicant said I addressed all the comments that were presented both at the public hearing and the comments of all the consultants, such as the clarification of the water usage and the traffic at the intersection. We actually moved the entrance of the project to Seminary Hill Road (the original subdivision) instead of Mechanic Street.

Mr. Greenwood commented it was 7 houses originally not 50.

Mr. Cleary said to be clear the applicant made no physical change to the plan.

Mr. Gary said we as a board allowed this application to proceed. We did not agree with the original count and instructed the applicant to come back. Which he did. My main concern is the intersection. The applicant arriving at this stage with this project, I think the board has brought him this far and allowed him to continue. In all fairness to Mr. Greenwood from day one said it shouldn't be. I was hoping the applicant in some way addressed that concern. He said, you have no opinion that you should address that intersection whatsoever.

Mr. Cameron said we addressed it twice. The original report was done back in 2000 and the traffic consultant at the request of the Planning Board did it in 2009. And his opinion on that intersection has not changed.

Mr. Gary said it seems to me if the board is continuously expressing concern about it, you would at least address it and try to get the project through.

Mr. Cameron said I'm not sure what I could do to address it, if he says its working.

Mr. Cleary stated my position with respect to this is, if the board remains concerned about this and the applicant is unwilling to make any changes we should bring in our own expert to review their experts documentation.

Mr. Coté said I think we have an obligation to the community to have an expert look at the traffic plan that was submitted and advise us.

Mr. Molloy asked do we have an obligation. The Chief of Police, with all of his experience stood in front of us and said the intersection is not safe. If it's not safe now, it's logical it's not going to be safe with 50 more people using it. Why should we go through the expense of doing a study when the outcome seems so clear.

Mr. Gary said we would be following the zoning ordinance if we did that. We are not experts.

Mr. Greenwood said when an applicant comes in front of us there comes a point when we as a board have an obligation not only to the applicant but to the community to make a decision. And any applicant that comes in front of us is here at their own risk at any point during the process. It's the majority of this board that makes the decision but when you put all the pieces together I find it very difficult to consider it.

Mr. Gary said we need to get someone to look at two items, how the crow flies and the intersection.

The Board agreed.

Mr. Gary asked Mr. Cleary to write a letter to the applicant explaining what is involved in hiring an outside consultant.

Mr. Cleary said will do. We have done it many times in the past.

ALBRECHT, GEORGE – 50 ALAN DRIVE – TM – 53.12-1-27 – 2 LOT SUBDIVISION

Mr. Carnazza said all zoning criteria have been met. Variances were granted by the Zoning Board and are noted on the plan.

Mr. Cleary read his memo which stated the applicant was directed to modify the sketch plan to address several items, including the addition of a "hammer-head" at the cul-de-sac. These revisions have been made. The public hearing on this application can be scheduled.

Mr. Gary said we will schedule a public hearing.

SULLIVAN, NEAL – 610 BARRETT HILL ROAD – TM 42.-1-22 – REGRADING PLAN

Mr. Meyer recused himself and left the podium.

Mr. Carnazza said this fill was placed on the property in October of 2010. Locate the exact location of the septic. This application must be referred to ECB for comments.

Mr. Cleary said this is a fairly modest regrading of the rear portion of the property. The only issue with respect to the plan relates to note #1 on the site plan which reads this project is a site plan for an existing commercial building that is used as a single family house.

Mr. Willie Besharat of Rayex Design, representing the applicant stated the issue with Note #1 has already been eliminated from the plan. It was a typo. The silt fence will be provided and we will address the septic location.

Mr. Gary said we will schedule a public hearing.

Mr. Meyer returned to the podium.

**GATEWAY SUMMIT – LOT 1 (HOTEL & BANQUET/CONFERENCE CENTER) -
ROUTE 6 – TM 55-2-24.1 – REGRANT OF APPROVAL**

Mr. Carnazza said he had no objection.

Mr. Cleary was concerned with one of the changes from the site plan which was a result of other agency comments. He asked that it be explained.

Mr. Scott Blakely of Insite Engineering, representing the applicant said the only modifications made to the drawings were based on comments received from the Putnam County Health Department. Some of the changes were minor shifts to water and sewer locations and minor tweaks to stormwater basins. The overall stormwater design remains the same. The landscaping of the basins and the buffer areas have remained the same. The access road, parking areas, building locations and size also remain the same.

Mr. Greenwood said my only question pertains to the stormwater basins. Someone needs to verify that it's a shift of a foot not 50 feet or something more significant.

Mr. Blakely said it wasn't the location of the basins. There was tweaking done to the outlet structures. No size changing was done.

Mr. Greenwood said technically, this is a re-approval not a regrant. It would be my suggestion that when they come in front of us instead of us just voting and regranting, we should have the applicant come to the following meeting to receive a new final approval.

Mr. Cleary said you want to see a resolution in front of you?

Mr. Gary said there are times when you go back to square one, but the board has to determine if that application warrants that scrutiny. I don't personally think this should go back to the scrutiny of the public. He asked Mr. Cleary if this is a legitimate statement or does it warrant something else.

Mr. Cleary said the applicant needs to tell you if any of those thresholds have changed. As part of his submission, the applicant hasn't said if the traffic pattern or the road has changed or the water drainage conditions have changed. If the applicant had answered those questions, I would absolutely agree that you could vote right away. Unless, Mr. Blakely can give you those answers tonight, perhaps Mr. Greenwood's suggestion is a good one; draft the resolution, the applicant could submit the information and act on it at the following meeting.

Mr. Gary said if it takes 2 or 3 meetings to get the information correct, I don't have a problem with that but to go back through the final approval again.

Mr. Cleary said you don't have to. If he was revising the plan then you have to go through the process, but this is the same plan.

Mr. Gary advised the applicant to prove to the board by showing it on the drawings what was "tweaked" and bring it back to us and we will then act on a regrant.

Mr. Cleary said the applicant needs to confirm the information on the SEQOR evaluation forms.

Mr. Blakely said we will go through the forms again as we did with the original approval and submit it to the consultants.

Mr. Gary said if everything is okay we will have the motion and resolution at the next meeting.

Mr. Blakely said thank you.

DOYLE, RICK – AUSTIN ROAD – TM – 64.13-1-1 – REGRAANT OF APPROVAL

Mr. Carnazza said the necessary variances that had expired were regranted at the February meeting. I have no objection.

Mr. Cleary said Mr. Greenberg's cover letter indicated the only thing that changed was in response to Putnam County Health Department and DEP. What changed on the plan?

Mr. Joel Greenberg of Architectural Visions, representing the applicant said there was no tweaking at all. Actually, the plan has not changed at all. The Health Department required us to do monitoring on one of the lots, which we did. Since the monitoring worked in our favor nothing has changed at all.

Mr. Molloy moved to grant regrant of approval. The motion was seconded by Mr. Cote with all in favor except Mr. Greenwood who was against the motion.

MINUTES – 12/1/2010

Mr. Molloy moved to accept minutes as amended. The motion was seconded by Mr. Cote with all in favor.

DISCUSSION ON REGRANT

Mr. Gary asked Mr. Cleary to look into the word "regrant". If its not suppose to be there, take it out.

Mr. Cleary said you are hearing the tradition of the way the previous secretary processed the applications, that's why the word regrant exists. There is nothing in the code that provides for it. It was way of collecting applications and collecting fees. He said from this point forward we will use the right word, re-approval. So it's either a re-approval of the same site plan or an amended site plan.

Mr. Greenwood said technically, it is a new approval and that's the point I'm trying to make. It's just a procedural thing and having a resolution in front of us that we are voting on is no different then any other final approval. I am not trying to make it more complicated. Also, there are a lot of things that we get involved in which include time lines, for example 45 days after public hearings are closed, SEQR, etc. I suggest doing a spreadsheet on Excel to start the report process.

Mr. Gary said I agree with you but we don't have the money or time to do that work.

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

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Rose Trombetta