



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

PLANNING BOARD MINUTES

JUNE 22, 2011

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
BP Gas Station	44.18-1-21	1	P.H.	Public Hearing Closed – Planner To Prepare Resolution.
Manzo, John	42.-1-21.1	1	Resolution	Resolution #11-22 Accepted.
Bee & Jay Plumbing	76.30-1-28	1-2	Resolution.	Resolution #11-21 Accepted.
DEP – Croton Falls Pumping Station	77-2-2	2-3	Site Plan	No Board Action.
Mahopac Wastewater Treatment Plant	65.17-1-41	3-4	Site Plan	No Board Action.
Lupi Car Wash	75.19-1-10	4-6	Amended Site Plan	Public Hearing Scheduled – Planner to Prepare Resolution
VIP Wash & Lube	55.12-2-25	6	Site Plan	Denied to ZBA.
Meadowland GM Showroom	55.11-1-8,9,10	6-7	Site Plan	No Board Action.
Crawford, Susan	75.43-1-19	7	Bond Return	Public Hearing Scheduled.
Sam's Floor Covering	75.19-1-12	7	Ext. of Approval	Applicant did not show up.
Quis, Michael	55.6-1-42	7	Ext. of Approval	Adjournment.
Sullivan, Neal	42.-1-22	7-8	Regrading	No Board Action.

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Rose Trombetta

BP GAS STATION – 2 FAIR ST. – TM – 44.18-1-21 – PUBLIC HEARING

Mr. Carnazza stated all zoning comments have been addressed.

Mr. Gainer read his memo which stated previous concerns raised by the Engineering Department have been addressed on the latest plans. The following notation should be added to the Site Plan, and incorporated into any approval resolution - *Prior to the initiation of construction the applicant or his representative will meet with the design engineer, Town Engineer, Highway Superintendent, Building Inspector, Site Contractor, and/or any additional outside agencies that may have jurisdiction over aspects of the project for a Pre-Construction Conference to review all facets of construction and required inspections.* Based upon the design engineer's quantity take-off of proposed site improvements, a performance bond in the amount of \$33,000.00 and inspection fees of \$1,650.00 should be posted by the applicant.

Mr. Cleary stated all planning issues have been addressed.

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. Gary asked Mr. Cleary to prepare resolution.

MANZO, JOHN – 630 BARRETT HILL RD – TM – 42.-1-21.1 – PUBLIC HEARING & RESOLUTION

Mr. Carnazza stated he had no comments.

Mr. Gainer read his memo which stated the following notation should be added to the Site Plan, and incorporated into any approval resolution - *Prior to the initiation of construction the applicant or his representative will meet with the design engineer, Town Engineer, Highway Superintendent, Building Inspector, Site Contractor, and/or any additional outside agencies that may have jurisdiction over aspects of the project for a Pre-Construction Conference to review all facets of construction and required inspections.*

Mr. Cleary stated all planning issues have been addressed. You have a draft resolution in front of you. The only amendment is Mr. Gainer's requirement of a pre-construction meeting.

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 accept Resolution #11-22, dated June 22, 2011, Tax Map #42.-1-21.1 entitled Manzo Residence Regrading Plan with the amendment to include the paragraph from the Town Engineer's memo, regarding requirement of having a pre-construction meeting. The motion was seconded by Ms. Kounine with all in favor.

BEE & JAY PLUMBING & HEATING – 719 ROUTE 6 – TM 76.30-1-28- PUBLIC HEARING

Mr. Carnazza stated all zoning comments have been addressed.

Mr. Gainer stated all engineering comments have been addressed.

Mr. Cleary said he had no comments. You have a resolution in front of you.

Ms. Kounine moved to accept Resolution #11-21, dated June 22, 2011, Tax Map #76.30-1-28 entitled Bee & Jay Plumbing & Heating Final Site Plan. The motion was seconded by Mr. Greenwood with all in favor.

DEP – CROTON FALLS PUMPING STATION – TM – 77-2-2 & 88-1-1.1.1.

Mr. Carnazza stated the applicant proposes to amend a previously approved site plan to construct a pumping station. This project must be referred to the ECB for comments. If any other outdoor equipment is proposed on the site (generators, etc.), they need to be shown on the site plan.

Mr. Gainer read his memo which stated this is the first occasion I have had in which to review this proposal. Due to the magnitude of the project, it is requested that the Engineering Department be given the opportunity to conduct a site inspection with NYCDEP field representatives in order to familiarize us with the project scope and thoroughly understand potential impacts. Obviously, very significant issues warrant our evaluation, to assure that all applicable standards are met. We will endeavor to schedule this meeting as soon as possible, so that the processing of the application is not delayed. Thereafter, we will issue our technical comments to the Planning Board.

Mr. Cleary read his memo dated June 22, 2011 which included numerous comments.

Mr. Paul Costa of DEP, representing the applicant stated the force main has been deleted from the project with the exception of one small stretch that connects to the value chamber. That part of the project has alleviated some of the concerns of the consultants. In the meantime, we will do a site visit with the Town Engineer and come to a resolution on all the comments that have been discussed.

Mr. Molloy asked Mr. Cleary if it was acceptable that DEP is the lead agency and the applicant for this.

Mr. Cleary stated DEP always does that for their projects. We were involved in their lead agency designation. It was done appropriately. That is their procedure.

Mr. Molloy asked if anyone proof reads the negative declaration.

Mr. Cleary said it has been circulated to the planning board. But, instead of you making the decision it has already been made by the agency who is also the applicant.

Ms. Kounine stated isn't that a conflict of interest. No one is overseeing the project.

Mr. Cleary said for the neg dec they are.

Ms. Kounine asked if the building within 500 ft. of a controlled waterbody.

Mr. Costa answered yes.

Ms. Kounine asked wouldn't you seek a waiver?

Mr. Costa said I don't think we need one. I will look into further.

Ms. Kounine asked how much blacktop are you putting in and is it approved by the DEP.

Mr. Costa replied I am not sure.

Mr. Molloy said you are within 500 ft of a controlled waterbody and the DEP is the applicant, lead agency and the enforcer of the DEP regulations. You do not have to apply for a waiver; you just want to enforce it.

Mr. Costa said I will get back to the board with regards to this project, and its compliance to water related rules and regulations.

Ms. Kounine asked if the landscaping will be maintained by DEP.

Mr. Costa said yes. That is the intent.

There was a discussion around the board regarding the maintenance of Samantha Lane which is a town road.

Ms. Kounine stated maybe a suggestion could be made to the Town Highway Superintendent there should be an agreement between the DEP and the Town of Carmel to post a bond or annual payment for maintenance and repair of that road.

Mr. Cleary said a construction bond would assure the restoration of a road that's destroyed during construction. And there is a permanent preservation of a road which they use for access on a regular routine basis. We have the ability to bond that.

Ms. Kounine stated that is something that should be considered.

Mr. Gary said to come back to board when you answer all of our concerns.

MAHOPAC WASTEWATER TREATMENT PLANT – MUD POND RD – TM – 65.17-1-41 – AMENDED SITE PLAN

Mr. Carnazza stated he had no comments.

Mr. Gainer read his memo which stated prior technical concerns raised by the Engineering Department have been addressed on the latest plans. The following notation should be added to the Site Plan, and incorporated into any approval resolution - Prior to the initiation of construction the applicant or his representative will meet with the design engineer, Town Engineer, Highway Superintendent, Building Inspector, Site Contractor, and/or any additional outside agencies that may have jurisdiction over aspects of the project for a Pre-Construction Conference to review all facets of construction and required inspections. As part of any action taken on the application, the Board should address the applicant's request for partial waivers of the following plan requirements: Waiver of topographical information. Location of existing water bodies, streams, watercourses, etc.

The Board should be aware that this information is shown for those areas affected by the intended construction, although not for the entire site, and so we have no objection to the Board granting these limited waivers. As previously noted, once all required plan refinements have been made, bonding and inspection fee amounts can be established.

Mr. Cleary stated my previous comments have not yet been addressed.

Mr. Jeffrey Contelmo of Insite Engineering, representing the applicant stated he just received the comments from the Planner and will respond to them. He said the main improvement that we are seeking is a proposed storage building to a garage building. That building was approved by this board in 2005. It was never constructed. Since that time DEP has now elected to move forward in the construction along with safety improvements. Some of the changeover is in the disinfection operation at the plant and other minor items. We are converting a chlorine contact disinfection system over to an ultra-violet disinfection system. The storage of the davit crane will be in the new storage building. It will be a portable structure. Miscellaneous equipment and supplies are proposed to be stored in the storage building. We provided the planning board a complete list of equipment and materials that will be stored in the new building.

Ms. Kounine stated we do not have partial waivers. This board does not do that.

Mr. Contelmo said we have a 15 acre site and the proposed area of disturbance will be a little over ½ acre. We detailed the topography and all related utilities and everything surrounding that construction. The waiver we are asking for is showing all of that detail for the balance of the site where we are not doing anything. The plan you are looking at shows all that detail for several hundred feet surrounding the area of construction.

Mr. Gary stated if we allow this to be segmentized, then everyone else will want that also. He asked why do you want it waived.

Mr. Contelmo stated we did a very detailed survey and assessment of utilities all throughout the area of construction. We thought it was efficient to focus on that area and not spend the time and money associated in detailing the other areas.

Mr. Gary stated there will not be a partial waiver.

Ms. Kounine said you should do the whole topography with existing conditions, not just the survey.

Mr. Contelmo stated we will take care of that.

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

Mr. Carnazza read his memo which stated s is an amended site plan to reflect changes made to the approved site plan on Rt. 6 in Mahopac. Rocco Denigro from the NY DOT contacted me to confirm that he is satisfied with the clean-up of the property along the bike path. 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 which stated with the changes proposed in the Site Lighting Plan approved by the Board (being elimination of site pole mounted lights, and addition of

building mounted lights around the building), it is suggested that the applicant provide site lighting calculations to demonstrate effective lighting as a result of the change and document that no off-site glare will result. The applicant previously posted a Bond in the amount of \$248,240, and inspection fees of \$7,412 with the Town, which we consider sufficient and need not be modified. It is noted that the New York State DOT should be the Grantee of the proposed easement as the stormwater conveyed through it originates from the State ROW. NYSDOT must authorize the changed site access now proposed by the applicant. The applicant's engineer must verify that the modified drainage swale still conforms with the project's original stormwater management design. A public hearing is required on the Site Plan amendment.

Mr. Cleary read his memo which stated the curbing that previously directed traffic through the site *has not* been restored. The curbing approved on the original site plan enforced a uniform and orderly pattern of vehicular circulation. The proposed elimination of curbing and replacement with painted striping is less desirable, and will allow for more unorganized vehicle traffic flow. The original plan had a single two-way curb cut onto Route 6. The amended plan proposes two curb cuts, the original two-way driveway, plus a second exit only driveway. The original single driveway is preferred, as it affords a longer exit driveway where vehicles can be dried, without conflicting with exit maneuvers. Additionally, the second proposed exit-only driveway is located at the exit of the car wash tunnel, and during winter months, this direct access onto Route 6 will result in icing conditions, which is significantly minimized with the single driveway located at the southwest corner of the site. Furthermore, the two driveway plan is less desirable in that the two driveways are separated by a distance of only approximately 45'. Ideally, a larger driveway separation onto a state highway is recommended. It is understood that the applicant has been meeting with the NYSDOT regarding the viability of obtaining approval from that agency for the second curb cut. The current site plan has been revised to reduce the width of the exit driveway from two lanes to a single lane. This is an improvement over the double exit driveway previously proposed. If the Board (and the NYSDOT) finds this driveway acceptable, it is recommended that "Do Not Enter" signs be posted facing Route 6, and that the driveway curbs be designed as a directional exit, so that vehicles will be physically directed to the north. The site landscaping plan has been enhanced to include a boxwood hedge surrounding the lawn area, as well as new plantings on the west side of the building. The number of small plants in the curb island along Route 6 has also been increased. The reduction in the larger cypress and spruce trees at the rear of the site (along the bikeway) is still reduced from 16 to 10. Restoring at least some of the 6 trees, perhaps on the other side of the water quality swale, is recommended. The applicant has indicated that removing 2 spaces from the detailing area and relocating them at the rear of the site for employee parking is a functional improvement. If so, a condition of site plan approval would limit the number of vehicles being detailed at any one time to 3. Additionally, the 2 parking spaces relocated to the rear should be identified with signage as "employee parking only." The previously approved sidewalk on the north of the building has been eliminated and replaced with painted striping and concrete bumper blocks. This modification is significantly less desirable than the previously approved sidewalk, and is being done to reduce costs.

Mr. Jeffrey Contelmo of Insite Engineering, representing the applicant stated he will try and clarify a couple of things. DOT has given us a favorable indication that the northerly entrance does work from a traffic and safety standpoint. This site is substantially completed in terms of its development. We are asking the board to waive the public

hearing. The applicant is agreeable to making improvements or additions to the landscaping, curbing or whatever items that need to be taken care of.

There was a discussion with the board members in regards to waiving the public hearing. And also a discussion with the curb cuts to the car wash.

Mr. Contelmo stated he is in agreement with Mr. Gary to put some kind of barrier across the exit to the tunnel that would direct all the existing car wash traffic to the southerly entrance and only allow the northerly entrance to be used by cars that would bypass the car wash along the northerly side. My other question is are you okay with the stripping on the north side of the building and with our bumper blocks and stripping along the front?

A discussion ensued and the board's opinion was the curbing wasn't necessary. The stripping is fine.

Mr. Gary advised Mr. Contelmo to meet with the Town Engineer and come up with a solution and make all the necessary changes and we will schedule a public hearing and resolution at the same time.

VIP WASH & LUBE – 118 OLD ROUTE 6 – TM – 55.12-2-25 – SITE PLAN

Mr. Cleary read Mr. Carnazza's memo which stated the numbers in the parking calculation do not equal the square footage of the building. 6,243 s.f. are used in the parking calculation. 6,594 s.f. are provided on the plan. This must be corrected. Variances are required for Lot area, Lot Width, and Side Yard (and possibly parking depending on the area used in the calc.). Provide floor plans and elevations.

Mr. Gainer read his memo dated June 21, 2011.

Mr. Cleary read his memo dated June 22, 2011.

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

MEADOWLAND GM SHOWROOM – 1952 ROUTE 6 – TM – 55.11-1-8,9,10 – SITE PLAN

Mr. Carnazza read his memo which stated provide parking spaces and aisles in the new approx. 40 space parking area. This must comply with code and be drawn on the site plan. A wetland permit is required from the ECB. An area should be dedicated to the loading/unloading of tractor-trailers on site. The trucks currently do this off site. A permit is required from the NTSDOT for the access change at Rt. 6. Provide a copy of any easements on the property for review. Provide a detail of the signage. A variance is required for the number of signs on the building. Once the size of the signs is submitted, I will comment on the necessity for a variance for sign area.

Mr. Gainer read his memo dated June 21, 2011 which had numerous comments.

Mr. Cleary read his memo dated June 22, 2011 which had numerous comments also.

Mr. Jeffrey Contelmo of Insite Engineering, representing the applicant stated GM is currently on the site. They share their showroom with Chrysler Dodge Ram. Corporate wants to have two different showrooms. There are two big improvements. The first one is we have already met with DOT to talk about the new entrance. The second is the elimination of the billboard.

Mr. Contelmo stated he will come back once all the comments have been addressed.

CRAWFORD, SUSAN – 809 S. LAKE BLVD – TM – 75.43-1-19 – BOND RETURN

Mr. Carnazza and Mr. Cleary have no comments.

Mr. Gainer stated all bonded issues have been completed and recommends full return of the \$2,000.00 bond.

Mr. Gary said to schedule a public hearing.

SAM'S FLOOR COVERING – 361 ROUTE 6 – TM – 75.19-1-12 – EXTENSION OF APPROVAL

The applicant did not show up.

QUIS, MICHAEL – ROUTE 6 – TM – 55.6-1-42 – EXTENSION OF APPROVAL

The applicant's attorney requested an adjournment.

SULLIVAN, NEAL – 610 BARRETT HILL RD – TM – 42.-1-22 – AMENDED REGRADING

Mr. Meyer recused himself and left the podium.

Mr. Carnazza stated this is a second re-grading application for the property on Barrett Hill Rd. in Mahopac. The applicant added a second retaining wall and expanded the fill section another 20 ft.

Mr. Gainer read his memo dated June 20, 2011.

Mr. Cleary stated he had no comments.

Mr. Willie Besharat of Rayex Design, representing the applicant stated there is a stop work order on the property right now. He stated they will comply with all of the engineer's comments.

Mr. Neal Sullivan reiterated that we are talking about my backyard. I live on a slope and I am trying to make it flatter for a usable backyard for my family.

Mr. Gary addressed Mr. Besharat and stated if this comes back with more than five comments, I will send you away to get it straightened out. You know better than that.

Mr. Carnazza stated I gave the stop work order because extra fill was put in. Once the plan is approved I will then lift it.

Ms. Kounine expressed her disappointment to the applicant about not coming back to the board for a change in an approved site plan. She said someone should notify the Board of Health or DEC about the construction debris in the fill. We need to make sure it is safe.

Mr. Carnazza said the applicant should get a letter from the authorities saying the fill is fine or not.

Mr. Gary said to get everything straightened out before you come back to this board.

Mr. Besharat replied will do.

Mr. Meyer returned to the podium.

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

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Rose Trombetta