



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

PLANNING BOARD MINUTES

AUGUST 10, 2011

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

ABSENT: ANTHONY GIANNICO, CARL GREENWOOD

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
St. John the Evangelist Church	65.17-1-48	1	Resolution	Resolution Accepted.
St. John the Evangelist & Temple Beth Shalom	65.17-1-50 & 65.17-1-43	1	Lot Line	No Board Action.
Mehra, Sanjay	75.16-1-27	1-2	Site Plan	Denial to ZBA & Referral to ECB.
NYC DEP – Drewville Rd & Stoneleigh Ave	66.-2-53	2-3	Site Plan	Applicant did not show up.
Sullivan, Neal	42.-1-22	3	Regrading	Public Hearing Waived and Planner to Prepare Resolution
Ronin Property Group	74.11-1-20	3	Re-Approval	One Year Extension of Approval Granted.
Gruber Realty, LLC.	75.16-1-32	3	Bond Return	Applicant did not show up.
Pulte Homes	55.14-1-11.2	4-5	Discussion	No Board Action.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Rose Trombetta

ST. JOHN THE EVANGELIST CHURCH – E. LAKE BLVD – TM – 65.17-1-48 – RESOLUTION

Mr. Cleary said you have two resolutions in front of you.

Mr. Gainer noted to add a comment to the resolution to have a pre-conference construction meeting.

Mr. Cotè moved to accept Resolution #11-25, dated August 10, 2011, Tax Map #65.17-1-48 entitled St. John the Evangelist Church Parking Lot (SEQR) Negative Declaration. The motion was seconded by Mr. Molloy with all in favor.

Mr. Molloy moved to accept Resolution #11-26, dated August 10, 2011, Tax Map #65.17-1-48 entitled St. John the Evangelist Church Parking Lot Final Site Plan Approval. The motion was seconded by Mr. Cotè with all in favor.

ST. JOHN THE EVANGELIST & TEMPLE BETH SHALOM – TM 65.17-1-50 & 65.17-1-43 – LOT LINE

Mr. Carnazza's memo stated the applicant is proposing a subdivision/merger between the church and temple parcels. The plat should be labeled as a subdivision/merger. There are currently 3 lots, the church, temple and temple house. Will the temple house be merged with the temple property? If so, variances will be required.

Mr. Gainer had no comments.

Mr. Cleary said from a planning perspective there are two issues we look at when a neighbor swaps land. The first issue is why is he doing it? The second issue is to make sure they haven't created or foreclosed opportunities for either one of those properties. So, if he is transferring land from one neighbor to another, does that give the neighbor the opportunity for them to subdivide? This is a swap of land between two neighbors, why isn't it an equivalent swap?

Mr. Marty Stejskal of Architectural Visions, representing the applicant stated I don't know the specifics on that. The reason for the swap is to create a more level backyard for the rabbi's children.

Mr. Gary stated that is a very good explanation, but to find out the real explanation and come back.

Mr. Stejskal replied will do.

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

Mr. Carnazza's memo stated several variances are required from the ZBA. Denial to the ZBA is required.

Mr. Gainer read his memo which stated the latest site plan now proposes to leave undisturbed the existing drainage swale through the property, which takes drainage from Veschi Lane South, as the Highway Superintendent previously requested. The applicant also now proposes pervious pavement for the areas where the existing on-site pavement

will be expanded, as we previously recommended in order to minimize stormwater management concerns. At this point, the issues which remain open from our prior technical memorandum are: Several variances are required from the ZBA, as noted in the Building Inspector's July 11, 2011 memorandum. Denial to the ZBA is required in order to permit the application to be processed by the Board. A copy of the right-of-way which exists to permit this access should be provided to the Planning Board, for their review and files. Because of the proximity of the additional paving proposed adjacent to Veschi Lane South to the wetlands shown on the plan, referral to the ECB will be required if this wetlands area exceeds 5,000 sf. At this time we have no objection to the Board referring the matter to the ZBA (and ECB, if necessary).

Mr. Cleary stated there is a wetland on the property and there is a change to impervious surfaces. Perhaps ECB needs to look at.

Mr. William Besharat of Rayex Designs, representing the applicant stated the wetland that exists on the property is a small area calculated at 4,230 square feet of wetland. That wetland was created after the bike path was installed. We are proposing pervious pavers with grass pavers.

Mr. Meyer asked what is the distance from the wetland?

Mr. Besharat replied from the edge of the wetland to the edge of the work it is between 20 to 25 feet. He said the area is completely fenced in.

Ms. Kounine asked if it was necessary to go to the ECB.

Mr. Cleary said it is a wetland encroachment. It is in the buffer. Procedurally yes, the applicant needs to go to the ECB.

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

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

NYC DEP – DREWVILLE RD & STONELEIGH AVE – TM – 66.-2-53 – SITE PLAN

Mr. Carnazza had no comments.

Mr. Gainer read his three page memo dated August 9, 2011. He also said given the potentially significant issues raised by our initial review, it is suggested that the applicant first meet with Putnam County Department of Highways & Facilities to obtain the benefit of their technical comments, as well as meeting with the Town's Engineering Department staff, to establish whether any design refinements are appropriate before returning to the Planning Board for processing of the application.

The applicant did not show up.

Mr. Gary expressed his disappointment with the decision of the applicant not coming to the meeting to address the comments. They should have come.

A discussion ensued regarding the non-appearance of the DEP. It is not up to applicant not to show up because of the substantial comments. It is their responsibility to come to the meeting and address the board.

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

Mr. Meyer recused himself and left the podium.

Mr. Carnazza had no comments.

Mr. Gainer read his memo which stated at the direction of the Board, Engineering Department staff conducted field testing of the in-situ soil materials delivered to the above referenced site. Samples were obtained from 2 different locations within the area of fill, and analyzed for RCRA trace metals, asbestos, and the STARS list of Volatile and Semi-Volatile constituents. These results are now available, and indicate that the soils tested do not contain any parameters in excess of NYS standards. Since the area of disturbance exceeds 5,000 square feet a SWPPP must be developed for the overall extent of site re-grading being performed. The total performance bond amount recommended is \$15,000.00 and inspection fee is \$750.00.

Mr. Cleary had no comments.

Mr. William Besharat of Rayex Designs, representing the applicant asked the board if the public hearing can be waived since no one came to the first one.

The Board agreed to waive the public hearing.

Ms. Kounine moved to waive the public hearing. The motion was seconded by Mr. Molloy with all in favor.

Mr. Gary asked Mr. Cleary to prepare resolution.

Mr. Meyer returned to the podium.

RONIN PROPERTY GROUP – SECOR ROAD – TM – 74.11-1-20 – RE-APPROVAL OF SITE PLAN APPROVAL

The consultants had no objection.

Mr. Gainer said given the period which has transpired since the original approval was granted, we recommend that the bonding and inspections fees be increased by 5%, to the amounts specified. The performance bond will increase to \$203,000 and the inspection fee will increase to \$10,150.00.

Mr. Besharat had no objection to the increase.

Mr. Meyer moved to grant site plan approval on a resolution for a one year period. The motion was seconded by Mr. Molloy with all in favor except Ms. Kounine who was opposed.

GRUBER REALTY, LLC. – 436 ROUTE 6 – TM – 75.16-1-32 – BOND RETURN

The applicant did not show up.

EXECUTIVE SESSION – DISCUSSION OF COURT’S DECISION ON PULTE HOMES

Mr. Cotè moved to go into Executive Session at 7:55 pm. The motion was seconded by Mr. Meyer with all in favor.

Mr. Meyer moved to come out of Executive Session at 8:20 pm. The motion was seconded by Ms. Kounine with all in favor.

PULTE HOMES – TERRACE DR – TM – 55.14-1-11.2 – DISCUSSION REGARDING RECREATION FEES

Mr. Joseph Charbonneau, ESQ. addressed the board and stated for the record, we have had the opportunity to meet twice in executive session relative to the Appellate Divisions decision with respect to the planning board’s imposition of recreation fees as it pertains to the applicant (Pulte). I reviewed that decision with the board and that matter was remanded back to this board for further individualized consideration of the imposition of recreation fees that were made by this board. What the court is looking for are specific findings as to recreation needs created by the petitioner’s improvements as it relates to the recreational amenities that exist in the Town of Carmel. A copy of the senior recreation and recreation fee schedule that was conducted for the Town of Carmel in December of 2005 and revised in March of 2006 has been circulated to the Planning Board. Most of the board has had the opportunity to review this site at the time this application was going through the approval process. I would respectfully request for those members of the board who have not reviewed the site, if they could visit the site between now and the next time this is added back to the agenda in the future. Down the road, I would hope to have a discussion as to the recreational amenities and the recreational impact created by this applicant. We could take a look at the prior site plan approval and eventually gain some insight from the applicant as to their position, before we address the potential amended site plan approval which would include all the board’s findings.

Mr. Cleary addressed the board and stated this project was before you for a long period of time and your final approval carried with it an imposition that dealt with recreation. There are two levels of recreation issues that apply from a regulatory perspective in the Town of Carmel. The first relates to the provision of private recreational facilities on the site. The percentage of private recreational facilities is 300 square feet per dwelling unit. The second issue with respect to recreation space that is imposed on any development applies to public recreational facilities. A development produces a proportional requirement to provide for recreational facilities. In our local ordinances a requirement of recreational land is 10% of land to be set aside for a public park. The board has an obligation to evaluate the suitability of that 10% set aside. There is a provision in the law that allows for us to set aside a payment in lieu of that land and the board will make a judgment as to whether the land is appropriate or a fee is appropriate. Using the recreation fee study would be a good basis for us to utilize in evaluating the recreational needs for the Pulte project this time around.

Mr. Charbonneau addressed the board and stated in conclusion, the task before you is for further consideration as to whether a recreation fee is appropriate, the amount of the fee if any and to make the specific findings which supports such a fee.

Mr. Cleary stated we will do our due diligence and deliberate accordingly and move forward.

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

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Rose Trombetta