

# **APPROVED**

**HAROLD GARY**  
*Chairman*  
**RAYMOND COTE**  
*Vice-Chair*

## **BOARD MEMBERS**

**EMMA KOUNINE**  
**CARL GREENWOOD**  
**JOHN MOLLOY**  
**JAMES MEYER**  
**ANTHONY GIANNICO**

## **TOWN OF CARMEL PLANNING BOARD**



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**MICHAEL CARNAZZA**  
*Director of Codes  
Enforcement*

**RONALD J. GAINER, P.E.**  
*Town Engineer*

**PATRICK CLEARY**  
**AICP,CEP,PP,LEED AP**  
*Town Planner*

## **PLANNING BOARD MINUTES** **JANUARY 9, 2013**

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

**ABSENT:** ANTHONY GIANNICO

<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>TYPE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Hillcrest Commons	44.10-2-4.2	1	Amended Site Plan	Resolutions Accepted.
NYCDEP – Drewville Road	66.-2-53	1-4	Site Plan	No Board Action.
Steiber & Coviello	43.-1-49,50.1	4	Sub/Merger	Public Hearing Scheduled.
Szysh, Ronald & Carol	43.-1-15,16	4-6	Sketch Plan	No Board Action.
Lexington Development Corp.	65.-1-2	6-7	Sketch Plan	Referred to ECB.
Hillcrest Commons	44.10-1-4	7	Bond Reduction	Public Hearing Scheduled.
Baldwin Estates	75.19-1-1.11	8	Bond Reduction	Public Hearing Scheduled.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Rose Trombetta

## **HILLCREST COMMONS – Lot E-2.2 – ROUTE 52 – TM – 44.10-2-4.2 – RESOLUTION**

Mr. Carnazza had no comments. He said Mr. Cleary prepared two resolutions for the board.

Mr. Gainer had no comments.

Mr. Molloy moved to adopt Resolution #13-01, dated January 9, 2013, Tax Map #44.10-1-4, 44.9-1-51 entitled Amended Final Site Plan Approval. The motion was seconded by Mr. Meyer with all in favor.

Mr. Greenwood moved to adopt Resolution #13-02, dated January 9, 2013, Tax Map #44.10-1-4, 44.9-1-51 entitled Amended Special Exemption Use Permit. The motion was seconded by Mr. Meyer with all in favor.

## **NYCDEP- DREWVILLE ROAD & STONELEIGH AVE – TM – 66.-2-53 – SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to add filtration/drainage adjacent to the Croton Falls Reservoir. Zoning requirements do not apply to this project. There are no uses or structures proposed in this application. The applicant needs to be referred to the ECB for review.

Mr. Gainer read his memo which stated the application involves the construction of a stormwater treatment pond and related facilities on the property of the Croton Falls Reservoir. This project has been before the Board at various times in the past. Pat Cleary and our office have been working with DEP representatives to evaluate potential alternative layout for these treatment structures in the hope of lessening environmental impacts to the project site and environs. These alternatives were developed in an attempt to increase the distance from Drewville Road to the treatment pond, and so provide additional screening to the proposed facilities. At this time, the applicant will be appearing before the Planning Board to present the alternative pond design layouts developed to the Town Planning Board. To assist the Board in evaluating them, attached please find a summary table outlining the 3 alternative developed. At this time, the Planning Board should confirm whether DEP's "preferred" layout (Alt. No. 1) is acceptable, or if either of the other alternatives should be advanced to final design so necessary permits can be filed for.

Ms. Kounine read Mr. Cleary's memo which stated in response to concerns expressed by the Board regarding the visibility of the proposed stormwater detention system located off Drewville Road, west of Stoneleigh Avenue (and the associated tree removal concerns), the applicant has submitted 3 alternative plans. Each plan varies factors such as the setback from Drewville Road, the amount of tree removal and associated grading. The Board should not be selecting an alternative for the applicant. Rather the applicant should advance a preferred plan, and should support that plan with appropriate justification. Factors such as the number of trees removed, the amount of cut or fill required, the ability to provide supplemental landscape screening, should be provided. The landscaping plans that were part of the previous submission were not included with this submission. The previous landscaping plan called for a mix of new vegetation, including 191 shrubs, 570 vines, 1,759 herbaceous plants and 120 trees (including Maple, Oak, Birch, Ash, Elm, Tulip Poplar and White Pines). It is unclear if this landscaping is still proposed. The project requires permits or approvals from

numerous agencies, including the US Corps of Engineers, NYSDEC, Putnam County as well as site plan approval from the Carmel Planning Board and a wetland permit from the Carmel ECB.

Mr. Todd West of NYCDEP and Mr. Eric Lochner of Gannett Fleming appeared before the board.

Mr. West stated since we were last before the board we developed some alternatives for this stormwater retrofit on Drewville Road. As part of our filtration avoidance determination we are required to develop a stormwater retrofit program in the Hudson area for those reservoirs that could potentially be brought into our Delaware Aqueduct supply. He said the site on Drewville road was selected because it is adjacent to the Croton Falls Reservoir. We understand the boards concerns about the visibility of the feature from Drewville Road and the number of trees that may need to come down as part of building that feature. He said we have three alternatives to show you tonight. Alternative #1 you have already seen. The two other alternatives we tried to adjust the orientation of the feature on the property and move it closer to the reservoir and further away from Drewville Road.

At which time, Mr. Lochner displayed the three alternatives to the board. He proceeded to describe the 3 different alternatives. He said alternative #1 the pond is approximately 70 feet from Drewville Road. Alternative #2 we keep the same orientation of the pond, reason being the natural grade is in this direction, so this maximizes the use of gravity in the natural grade. We are about 130 feet from Drewville Road and it increases the amount of buffer from road to the pond system. This will push us into doing more disturbances within the DEC wetlands. In Alternative #3 the pond is rotated to be more parallel with Drewville Road. The pond is approximately 155 feet from Drewville Road.

Mr. West stated the alternative we would like to recommend to the board is alternative #2. He said although it is not as far away from the road as alternative #3, it is oriented in a manner more perpendicular to Drewville Road. It captures all of the stormwater run-off from the local impervious surfaces as well which alternative #3 does not.

Mr. Meyer asked what the difference was in regards to tree removal with each plan.

Mr. Lochner said for alternatives #2 and #3 about 180 trees, slightly less from alternative #1.

Mr. Cote asked how many trees are you re-planting?

Mr. Lochner stated the first plan that was presented (Alternative #1) was about 120 trees. We have not progressed with Alternative # 2 or 3. We would like to progress with alternative #2 and then we will define it more accurately.

Mr. Molloy stated to clarify the trees being removed are mature trees and the trees going in are saplings?

Mr. West stated that's correct. He said a lot of the trees that appear to be standing from Drewville Road are actually standing dead trees.

Mr. Molloy stated the fact is it is a beautiful forest along Drewville Road. There will not be any trees planted where the trees will be removed in the area of the pond.

Mr. West said that's correct.

Mr. Molloy said basically, the natural habitat will be altered completely. He said you are required to do this by the federal government, and you are only required to do this, to avoid building filtration plants at a cost of 5 billion dollars each.

Mr. Cote commented that alternative #3 might be esthetically more pleasing from the road by putting up trees as a buffer compared to alternative 2.

Mr. Gary said the closer you are to the reservoir, the better it is. He asked what the reason for alternative #2 was again.

Mr. West said it is further from Drewville Road then alternative #1. Alternative #1 and 3 have the feature oriented parallel, so you see a wider opening in the woods as opposed to alternative #2 where you would see a narrower opening. Alternative #2 also captures all of the stormwater run-off because of where it is situated.

At which time the board members continued to look at the three alternatives.

Mr. Gary asked Mr. Gainer if he or the Planner had any recommendations.

Mr. Gainer said our goal was to make sure the board had some vision as to what the clear alternatives would be in terms of visual impact. That's the reason why we had them try to identify the extent of regarding necessary, the distance off of Drewville Road and the amount of tree disturbance that would occur from any of the alternatives.

Ms. Kounine stated with regards to Mr. Cleary's memo we cannot tell the applicant which plan to go with.

Mr. West said we are presenting to the board alternative #2.

Mr. Molloy asked if any resident or business in the Town of Carmel would benefit from any of these alternatives.

Mr. West stated of the goals is to reduce nutrient loads to the Croton Falls Reservoir. He said when nutrients get into reservoirs; they cause algae blooms and poor water quality. Also, there is a tremendous amount of erosion from the existing stormwater flow in the ditch line along Stoneleigh Avenue. The stonewall on city property will fall into the ditch if it is not re-established and will cause Town and/or County issues with stormwater flowing out to the road.

Mr. Gary asked if trees could be planted along Drewville Road closer to the wall to make it more hidden from the road.

Mr. West replied yes.

Mr. Cote asked if they could do a rendering that shows the different views from the summer to the winter.

Mr. West said that's fine.

Mr. Greenwood stated the forestry management plan of NYCDEP properties is horrendous and non-existent.

Mr. West said the DEP in the last several years has increased their forestry program; it's not evident in the Town of Carmel yet. I will definitely bring the information back to the agency.

Mr. Gainer stated to refine their plans and bring them back to the board.

**STEIBER & COVIELLO – 5 & 9 CAUSEWAY PARK – TM – 43.-1-49,50.1,50.2 – SUBDIVISION/MERGER**

Mr. Carnazza stated all necessary variances were granted by the ZBA and are noted on the plat.

Mr. Gainer had no comments.

Mr. Carnazza read Mr. Cleary's memo which stated pursuant to a referral from the Planning Board, on December 13, 2012, the ZBA granted the necessary variances to allow for the proposed subdivision merger and lot line adjustment. The applicant had previously modified the poorly configured lot line, at the direction of the Board. The public hearing on this application can be scheduled.

Mr. Gary said to schedule a public hearing.

**SZYSH, RONALD & CAROL – 54 CAROLAN ROAD E. – TM – 43.-1-15,16 – SKETCH PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to realign 2 existing lots off Carolan Rd. The zoning table is incorrect. The lot area requirement is not 3 acres. It is 120,000 s.f. or 2.7548 acres. Variance is required from the ZBA for lot area 120,000 s.f. required, 90,605 s.f. and 100,075 s.f. are provided, variances of 29,335 s.f. and 19,925 s.f. are required. The access easement needs to be reviewed by town counsel. 280A variance was granted by the ZBA 4/22/72.

Mr. Gainer had no comments.

Mr. Carnazza read Mr. Cleary's memo which stated this proposal calls for adjusting an existing lot line between two parcels supporting two existing single-family residences. The two lots are currently accessed via a common driveway located off Carolan Road. The existing 130,680 square foot southern lot (43.-1-15) would be reduced in area by 40,075 square feet (resulting in a 90,605 square foot lot). The 60,000 square foot northern lot (43.1-16) would be increased in size by 40,075 square feet, (resulting in a 100,075 square foot lot). No new development is proposed, and the two existing dwellings will remain unchanged. The following comments are offered:

- The site is located in the R – Residential zoning district, requiring minimum 120,000 square foot lots.

- The southern lot (Lot 43.-1-15) is currently conforming in lot area (130,680 square feet). The proposal would reduce the lot area to 90,605 square feet, which is non-conforming. A lot area variance is required.
- The creation of a non-conforming condition (as is being done in this instance) is generally undesirable, unless some significant mitigating measure is documented. Such a rationale has not been presented by the applicant.
- The northern lot (Lot 43.-1-16) is currently non-conforming in lot area (60,000 square feet). The proposal would increase the lot area to 100,075 square feet. This lot will remain nonconforming in lot area, but would be less non-conforming than currently. A lot area variance is required.
- The southern lot (Lot 43.-1-15) is currently “L” shaped. The proposed lot line adjustment would eliminate this “L” configuration. The proposed lot configuration represents a more symmetrical and appropriate division of the two parcels.
- Why is the lot line adjustment proposed?
- Clarify the location of the subsurface sewage disposal system location on the northern lot (43.-1-16).
- Clarify the access easement for both lots. The sketch plan indicates that the easement only extends partially into the southern lot (43.-1-15). Does this easement extend to the northern lot (43.-1-16)?
- The applicant has requested waivers from the subdivision requirements, as set forth on the Sketch Plan, all of which relate to new improvements, of which none are proposed.

Mr. Gary said right now there are two existing homes and basically, all you are doing is increasing one lot and decreasing the size of the other lot.

Mr. Rob Cameron of Putnam Engineering, representing the applicant replied yes.

Mr. Carnazza said it is a lot line adjustment and it needs a referral to the ZBA for a variance.

Mr. Molloy asked if there will be any changes to the buildings.

Mr. Carnazza replied no, that’s not proposed.

Mr. Gary said they will both become non-conforming.

Mr. Greenwood said they are not non-conforming as of right now. One lot is non-conforming and the other is not.

Mr. Gainer asked where the sanitary systems for each were.

At which time, Mr. Cameron pointed to the drawings to show the sanitary systems.

Mr. Gainer said so there will not be an impact to any of the sanitary systems or issues with separation distances, setbacks and wells.

Mr. Cameron replied that's correct.

Mr. Cote asked what is the impetuous to do this?

Mr. Cameron said they are both owned by the same owner. They would like to sell one of the parcels, but before they sell it, they would like to create a nice lot (yard) for themselves.

Mr. Gary stated the boards first priority is to try and make lots conforming. He said you are taking one lot that is conforming and creating two lots that will become non-conforming.

The board members agreed with the Chairman.

Mr. Cameron said basically, you are saying to make one lot conforming and the other non-conforming. He said our thoughts were to balance the lots as much as possible, because of the septic systems and wells. He said we could move one lot line about 20 feet to make it conforming.

Mr. Gary stated to come back to the board with one lot conforming. We do not want to create two non-conforming lots.

#### **LEXINGTON DEVELOPMENT CORP – WIXON POND ROAD – TM – 65.-1-12 – SKETCH PLAN**

Mr. Carnazza read his memo which stated the applicant proposes a four-lot subdivision off Wixon Pond Rd. This project must be referred to the ECB for comments. Lot 4 includes the entire wetland area.

Mr. Gainer read his memo which stated the following town permits will be necessary: Town of Carmel Highway Department and ECB Wetlands Permit. The "typical" road section should be revised to conform with Town requirements. Driveway profiles should be provided for review. Various construction details must be added to the plans, as they are refined, including: Anti-Tracking pad, driveway cross section and storm drainage details. The 18 inch CMP under Wixon Pond should be replaced as part of this project. This should be coordinated with the Highway Superintendent. A schedule of easements must be provided. A sight distance analysis at Wixon Pond Road should be provided. The applicant should provide greater detail regarding the work to be performed to facilitate the matching of existing driveways to the proposed roadway. The applicant must address ingress and egress for the existing homes over the existing travelled way during construction.

Mr. Cleary had no comments.

Mr. Ron Wagner of Cronin Engineering, representing the applicant addressed the board and stated this project was originally presented in 2003. It is a 29.6 acre parcel and was originally presented as a 5 lot subdivision and is now a 4 lot subdivision. He said at this time we are proposing a 2000 ft. long and 24 ft. wide town road. We will maintain the access to all the existing parcels and provide new driveways where needed. The stormwater system has been laid out and we have been to the NYSDEC. We were last before your board in December of 2010 and at that point we were referred to the ECB. We have a wetland specialist on board. There have been some issues

along the way which took some time to address, but we are now ready to go to the ECB.

Ms. Kounine asked if Lot 4 encompasses all of the wetlands.

Mr. Wagner stated that's correct.

Ms. Kounine asked if the owner of Lot 4 will be responsible.

Mr. Wagner replied yes.

Mr. Wagner proceeded to say as far as grades go, we are going to try and maintain the existing grade.

Mr. Carnazza asked if the driveway will be to town specifications for slope and everything else.

Mr. Wagner said yes.

Mr. Gainer asked if they would consider a conservation easement over the wetlands and buffer area to prevent any potential disturbances in the future.

Mr. Wagner stated we will look into that.

Mr. Molloy asked if it is a conforming size outside of the wetland?

Mr. Carnazza said they would have to prove it to us. He said lot 4 conforms, but if they wanted to continue a line across the cul-de-sac and make lot 5 be the whole wetland, they would have to show a buildable house on the wetland with a buildable septic and driveway and get approvals for all of it.

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

#### **HILLCREST COMMONS – ROUTE 52 – TM – 44.10-2-4 – BOND REDUCTION**

Mr. Carnazza had no comments.

Mr. Gainer read his memo which stated the original bond amount posted, which is currently being held, is \$1,956,725.00. In support of the applicant's request, the design engineer has provided a summary of work remaining incomplete at this time, which we take no exception to. The cost to complete the bonded work, as estimated by the developer's representative, is \$729,788.00. However we are concerned that damage to the present roadway serving the project could be caused by the contractor's heavy equipment during the subsequent development of Phase 2 of the project. To allow a further factor of safety to assure that sufficient monies are retained to complete all bonded site improvements and any remedial work that may be found necessary to the existing roadway, we recommend that the Board retain a bond in the amount of \$770,000.00.

Mr. Gary said to schedule a public hearing.



**BALDWIN ESTATES – RYAN COURT – TM – 75.19-1-1.11 – BOND REDUCTION**

Mr. Carnazza had no comments.

Mr. Gainer read his memo which stated the original bond amount for the project was set at \$235,830.00. At this time, the top course of asphalt pavement on the project roadways was completed this past November. All other public improvements specified on the approved construction drawings had been completed previously. Further, an “as-built” survey of the project roadway has been received from the applicant. All work has been inspected and has been installed in accordance with the approved subdivision plat. Pursuant to the Subdivision Regulations, bonds may not be reduced to below 10% of the original bond amount, which is to be held for one year after completion of construction. Based upon the above, it is recommended that the bond be reduced to \$23,583.00 (10% of the original amount). This amount should be retained as maintenance bond security for a period of one year.

Mr. Gary said to schedule a public hearing.

Ms. Kounine moved to adjourn the meeting at 8:10 p.m. The motion was seconded by Mr. Greenwood with all in favor.

Respectfully submitted,

Rose Trombetta