

HAROLD GARY
Chairman
EMMA KOUNINE
Vice-Chair

BOARD MEMBERS
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
RAYMOND COTE
ANTHONY GIANNICO

**TOWN OF CARMEL
PLANNING BOARD**



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APPROVED

MICHAEL CARNAZZA
*Director of Codes
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RONALD J. GAINER, P.E.
Town Engineer

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

PLANNING BOARD MINUTES
MARCH 21, 2012

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Putnam Comm. Foundation & Putnam Hospital Center	66.-2-57 & 58	1-2	P.H.	Public Hearing Left Opened.
NYCDEP Pumping Station	77-2-2 88-1-1.1,1.2	2-3	P.H.	Public Hearing Left Opened.
Upper Lake Subdivision	42.-1-57	3-4	Sketch Plan	No Board Action.
LaPorte, Andrew & James	53.-1-14 & 15	4-5	Sub/Merger	No Board Action.
First Presbyterian Church	75.13-1-30	5-6	Waiver	Waiver of Site Plan Granted.
Collesian, Chad	65.6-1-21	6-7	Waiver	No Board Action.
Gateway Summit – Lot 1 Staybridge Suites Hotel	55.11-1-32 & 55.-2-23,24,25	7	Extension	1 Year Extension Granted.

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Rose Trombetta

PUTNAM COMMUNITY FOUNDATION & PUTNAM HOSPITAL CENTER – TM 66.-2-57 & 58 – OPEN PUBLIC HEARING

The consultants had no comments.

Mr. Joseph Charbonneau, ESQ. the Planning Board attorney addressed the board and stated two issues were raised at the last meeting. The first is the applicant's frontage rights on Stoneleigh Avenue and the second was the issue surrounding the easement agreement across the hospital property to the Foundation's property. I have reviewed a submission by Mr. Leary which consisted of the takings maps from when the City of New York took over that property as well as the most recent survey of that property from April 5, 2001. Having read through the materials, I have no hesitation that the property does have sufficient frontage and does have frontage on what used to be called Road 9 which is Stoneleigh Ave. He said the easement agreement is the only access this property has to Stoneleigh Ave across the hospital property. For me it is a concern because it is the only means of ingress and egress to that piece of property. There is a provision in the agreement that says if the Foundation property is used for any other purpose other than the approved project (senior housing) and if the project does not go forward then the hospital would have a termination right to the easement agreement. So when you combine this agreement with the proposed project, the moment this project is approved, the hospital could give a 10 day termination notice to the Foundation and extinguish that easement. That is a concern.

Mr. Gary stated all we are trying to do is subdivide this piece of land. It is not the board's concern who is purchasing the property. He said the applicant would have to prove to us that he has access to both properties.

Mr. Jeffrey Contelmo of Insite Engineering, representing the applicant stated the agreement refers to the previous easement agreement. He said that language would have to be further clarified. He said I also want the board to know that is not our sole access.

Mr. Carnazza stated it is unless you get a permit to do the other access and that would be a condition of approval.

Mr. Contelmo said that's fine.

Mr. Meyer asked can this be approved without the easement?

Ms. Kounine stated when this board approves a project it is a condition of final approval until all conditions are met. In this case, the easement would have to be re-worded so our attorney approves of the wording.

Mr. Charbonneau stated part of that would be taking out the termination language.

Mr. Contelmo said which we agree to.

Mr. Gary stated we can't do anything until it is cleared up and satisfies the attorney.

Mr. Contelmo asked if the public hearing could be closed.

Mr. Gary stated not until it is cleared up.

Mr. Gary addressed the audience and asked if there were any public comments.

Mr. Gary said the public hearing will be left open.

NYCDEP CROTON FALLS PUMPING STATION – 77-2-2 & 88-1-1.1,1.2 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary had no comments.

Mr. Paul Costa of DEP gave a synopsis of the project. Basically, he said the new pump station would only be used in emergency conditions to avoid a drought. He said the new pump station will be tucked into the hillside. At which time, Mr. Costa displayed various drawings of the site and building to the audience members.

Ms. Kounine asked if Samantha Lane could be improved a little more from the access point. She said there is a short distance from the construction access to the end of where you are improving Samantha Lane.

Mr. Costa said he will do that.

Mr. Gary stated the temporary access road is on an angle and it should be looked at to see if it could be a t-intersection.

Mr. Gainer stated the issue with the alignment of that intersection has been discussed with DEP Representatives. We have also identified, beyond any town requirements that they may need, they also have to pursue a permit with the County.

Mr. Gary suggested to the Mr. Costa to make some kind of attempt to (T) off the intersection or make it better than what it is.

Mr. Costa stated we will discuss it with the County.

Mr. Gary addressed the audience and asked if anyone wishes to be heard.

Mr. Mitch Oscar of 15 Samantha Lane approached the podium and stated for the record that there has been a settlement with DEP in terms of damages to his house. He said he is concerned with DEP's contractors for the project. Previous contractors don't follow rules and how will this project be different from other projects at the dam. He asked how do we alleviate any damages, noise control, truck traffic, etc. Maybe there should be an evaluation plan done on an annual basis and written into the contract.

Mr. Gary stated I will respond to some of your concerns. He said we look at the drawings, listen to our consultants and that's all we could do. We cannot guarantee that the applicant will do that. But we do have people in town whose job is to monitor the roads, buildings, etc. Once the board gives a final approval and if they vary from the approved site plan they will receive a stop work order. That is the only protection we have. We can put conditions into the approval resolution.

Mr. Cote asked what can you do to guarantee the residents of Mahopac with regards to possibly obstructing traffic with the trucks.

Mr. Costa replied we do not want to create unsafe conditions. The trucks will only be allowed to go north on Croton Falls Road and turn onto Samantha Lane. We build in requirements in the contract, but it is our obligation to make sure it's managed well.

Mr. Gary suggested to Mr. Costa to look into putting a portable stop light for the trucks. He said the County may force you to do that. He asked Mr. Gainer to pursue that option.

Mr. Gainer said we will set up a meeting with DEP and try to obtain written guidance back to the board in response to the concerns.

Mr. Cleary stated we could also require periodic meetings with DEP, the neighbors, Highway Superintendent, Police Department and Building Department to make sure things are going well rather than waiting for a complaint. Also, the board has the ability to impose bonding requirements to ensure compliance.

Ms. Kounine asked what do you anticipate the length of construction.

Mr. Costa answered approximately three years.

Mr. Molloy stated he would like to see a schedule or some kind of limitation of how many trucks can be in the vicinity at one time.

Mr. Costa said in the environmental assessment there are estimates of truck traffic. It's all documented for review.

Ms. Kounine asked if there will be a construction manager on the site.

Mr. Costa replied yes. He said Mr. Oscar will have a direct contact with a DEP Site Project Manager.

Mr. Gary said the public hearing will remain open.

UPPER LAKE SUBDIVISION – 47 UPPER LAKE RD – TM – 42.-1-57 – SKETCH PLAN

Mr. Carnazza read his memo which stated provide lot depth and lot width lines for lot 1. The depth and width lines are only provided for lot 2.

Mr. Gainer read his memo which stated a driveway maintenance agreement between lots 1 and 2 must be developed, for review and acceptance by the Town Attorney's office. Once accepted, the agreement should be filed in the office of the Putnam County clerk. A note has been placed on the plan indicating this; however the actual document should be submitted for joint review. All wells and SSDS's within 200 feet of the overall tract boundary should be shown, or a note provided specifying that none exist. The applicant has indicated that this information is being developed. The proposed silt fence should continue below the proposed SSTS. The applicant has provided a calculation of disturbed area at 0.95 ac. However, the area of all new impervious areas to be created should also be provided. Lastly, the plan will have to evidence all required notations/information

necessary to address all applicable SWPPP requirements per GP-0-10-001 (Part III.B1).

Mr. Cleary read his memo which stated the applicant has agreed to impose a deed restriction preventing the further subdivision of Lot #1. While this restriction would eliminate the need to provide detailed environmental documentation of the area of the site to remain permanently undeveloped, a general understanding of the presence of the stream and wetland should be provided. Concern was initially expressed regarding the proposed “flag lot.” As previously noted, pursuant to §131-24 G of the subdivision regulations, the creation of flag lots shall be prohibited – “*unless the physical characteristics of the property make such delineation unavoidable.*” The applicant has indicated that there is no way to avoid the flag lot configuration, but has not indicated why. The applicant should document factors such as the physical characteristics of the site and the location of all surrounding buildings, to establish the justification for the flag lot. The applicant has provided sufficient justification for the required jog in the proposed lot line. Clarification has been provided indicating that the side/rear yard variance is not required. Given the physical limitations of proposed Lot #2, the applicant is willing to impose a deed restriction, limiting the location of the dwelling to the area shown on the subdivision plan. The footprint of the proposed home on Lot #2 has been increased to reflect a more realistic size. The plan depicts a very large “bulb” at the end of Upper Lake Road. Is the entire “bulb” part of the road right-of-way? Who is responsible for maintenance within this area? The applicant has clarified that the Upper Lake Road cul-de-sac is 985 feet in length, which complies with the 2,000 foot maximum length §131-23 E. The driveway exhibits a maximum grade of 13.2%, which complies with the maximum grade provision.

Mr. Rob Roselli of Djegarian Engineering, representing the applicant displayed the drawings and pointed to the proposed flag lot. He said he split the road frontage in half of the existing lot. He said the jog does avoid a variance situation for the existing house. He said from an engineering and building perspective there is nothing else to do with this lot as far as further development of a subdivision.

A discussion ensued with the board members regarding the deed restrictions and flag lots.

Mr. Cleary stated we would need a thorough explanation before we accept a flag lot.

Ms. Kounine stated we need justification as to why this has to be a flag lot.

The board members suggested he meet with the consultants.

LAPORTE, ANDREW & JAMES – 940 & 944 PEEKSKILL HOLLOW ROAD – TM – 53.-1-14 & 15 – SUBDIVISION/MERGER

Mr. Carnazza read his memo which stated this plat requires approval from both the Town of Carmel and Putnam Valley as the properties are in both towns. Provide a Zoning Table.

- Provide lot depth and lot width lines. Label the plan “Sketch Plan”
- Variances are required for lot 1 for two sheds.
- Provide a Site map showing the names of all property owners within 500 ft. of the property.
- Is the asphalt driveway on lot II existing? If not, a wetland permit is required from the ECB.
- What is in the rear Vinyl Building?
- Why is there a zig-zag at the proposed rear property line?

Mr. Gainer had no comments.

Mr. Cleary read his memo which stated this proposal calls for adjusting a lot line separating two lots containing two separate dwellings on each lot. The applicant indicates that the original lot line was incorrectly located in error. The correction varies in width, but at its widest point, the shift is approximately 32 feet. No other changes, alterations or improvements are proposed. Clarification is requested regarding the multiple dwelling units on each lot. Are these pre-existing conditions legal? The adjustment in the lot line does not result in any new development opportunities that do not already exist. Both new lots would be approximately 11 acres in size. The lot line adjustment eliminates the non-conforming side yard setback for the two dwellings and the frame garage on Lot 1. All of the principal structures and the primary accessory structures on both lots would conform to the applicable side yard setback provisions as a result of the lot line shift. It should be noted however, that 3 small sheds on Lot 1 would be non-conforming. The plan notes that an existing easement will be abandoned. What is the purpose of this easement?

Mr. Gary commented on drawing that was displayed to the board. He said they are difficult to understand and they need to be looked at. He asked if this was a lot line adjustment.

Mr. Cleary answered yes and it requires a public hearing.

Mr. Carnazza stated the original survey was a mistake and they are trying to fix it now.

Mr. Gary stated the map needs to be done a little better so we could understand it. The line should be different from what you have. It should be a broken line which shows what is existing and what is proposed. The boundary lines should be clarified.

Mr. Carnazza stated that would be in the zoning table that I asked for.

Mr. Cleary stated if Putnam Valley requires a board action, we should designate lead agency and notify them that we would be the lead agency for the environmental determination for this application.

Mr. Greenwood moved to declare lead agency. The motion was seconded by Mr. Molloy with all in favor.

Mr. Gary asked the applicant to meet with the consultants with regards to the submission of a new map.

FIRST PRESBYTERIAN CHURCH - 411 ROUTE 6N - TM - 75.13-1-30 - WAIVER OF SITE PLAN

Mr. Carnazza read his memo which stated I have no objection to the waiver of site plan for this shed. It is intended for storage only and there is no issue with setbacks.

Mr. Gainer had no comments.

Mr. Cleary read his memo which stated the shed is proposed behind the Christian Education Building, approximately 93 feet from the rear property line, which would not be particularly visible from Secor Road or Route 6N, resulting in few, if any visual impacts.

While the proposed location of the shed behind the building appears to be an appropriate location from a site planning perspective, it is noted that the shed is located adjacent to a stream. Clarification is required to determine if any wetlands are located in this area, and if a wetland permit from the ECB would be required. He said he has no objection to the waiver of site plan.

A discussion ensued regarding the stream on the property and how far it was from the shed and if the proposed shed could be moved to a different location.

Mr. Carnazza stated we will have Mr. Klotzle, the Wetland Inspector visit the site to make his determination of the wetlands on the property.

Mr. Greenwood moved to grant waiver of site plan. The motion was seconded by Ms. Kounine with all in favor.

COLLESIAN, CHAD - 1085 ROUTE 6 - TM - 65.6-1-21 - WAIVER OF SITE PLAN APPLICATION

Mr. Carnazza read his memo which stated there are several details missing from the submitted plat. Where will the "For Sale" vehicles be parked? Will the current business continue to operate? Is there a delineated area for parking for the existing use? I do not believe this qualifies for a Waiver of Site Plan as there is an existing "mixed-use" on the lot. A variance is necessary. A meeting with the applicant is recommended.

Mr. Gainer stated the existing mixed-uses on the property are not identified as to whether they will remain or be modified. Some of the concerns are the traffic impact, parking circulation and any change in impervious area for the project. It should be better defined as well as any proposed lighting. Also, from the site inspection there is an inch irrigation pipe that's installed with the DOT culvert at the one entrance and if it hasn't been authorized pursuant to a DOT permit it should be removed.

Mr. Cleary read his memo which stated the applicant should document the various uses that currently exist on the site. The proposed auto sales use is permitted in the C zoning district, subject to a series of conditions established in §156-29. The applicant should document compliance with these standards. Clarification is required to establish the location of the proposed automobile sales area. Is the "sales area" indicated on the site plan for auto sales or was this area for the prior use?

Mr. Chad Collesian appeared in front of the board and stated he downsized his business and is looking to rent out space. He said the proposed tenant would be doing 99% of the car sales through the internet. He needs a location to be an approved vendor.

Ms. Kounine stated there are a couple of concerns from Mr. Gainer's comments. She said someone has to answer to the irrigation pipe. Is it authorized by DOT or not.

Mr. Collesian replied he doesn't think so.

Ms. Kounine stated then it is illegal and we shouldn't be looking at this application until it is cleared up.

Mr. Gary asked Mr. Collesian if he understood.

Mr. Collesian answered yes.

Mr. Greenwood stated based on what was presented by the consultants, what you are requesting will require site plan approval not a waiver of site plan.

Mr. Collesian stated he understood.

GATEWAY SUMMIT – LOT 1 – TM – 55.11-1-32 & 55.-2-23,24,25 – EXTENSION OF APPROVAL

The consultants had no objection to the extension.

Ms. Kounine moved to grant 1 year extension of approval. The motion was seconded by Mr. Molloy with all in favor.

DISCUSSION

There was a discussion regarding the quality of drawings there are being presented to the board. Mr. Gary is very unhappy with them. They need to be clearer and understandable.

Ms. Kounine asked Mr. Cleary to look at the standard of requirements of sketch plans.

Mr. Cleary replied will do.

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

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Rose Trombetta