

**APPROVED**

**HAROLD GARY**  
*Chairman*  
**EMMA KOUNINE**  
*Vice-Chair*

**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*

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

**PLANNING BOARD MINUTES**  
**APRIL 25, 2012**

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

**ABSENT:** JAMES MEYER

| <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>                           |
|---|-------------------------|--------------------|--------------------|---|
| NYCDEP Pumping Station                              | 77.2-2&<br>88-1-1.1,1.2 | 1                  | P.H.               | Public Hearing Closed and<br>Planner to Prepare Resolution. |
| Putnam Comm. Foundation &<br>Putnam Hospital Center | 66.-2-57 & 58           | 1-2                | P.H.               | Public Hearing Closed and<br>Planner to Prepare Resolution. |
| VIP Wash & Lube                                     | 55.12-2-5               | 3                  | P.H.               | Public Hearing Closed and<br>Planner to Prepare Resolution. |
| Hudson Valley Credit Union                          | 55.11-1-42              | 3-6                | P.H.               | Public Hearing Closed and<br>Planner to Prepare Resolution. |
| Mehra, Sanjay                                       | 75.16-1-27              | 6                  | Site Plan          | No Board Action.  |
| NYCDEP – Carmel Field<br>Headquarters               | 54.-1-30                | 6-7                | Site Plan          | No Board Action.  |
| NYCDEP – Mahopac Inspector<br>Headquarters          | 65.17-1-41              | 7-8                | Site Plan          | No Board Action.  |

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Rose Trombetta

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

The consultants had no comments.

Hearing no comments from the audience, Mr. Greenwood moved to close the public hearing. The motion was seconded by Mr. Molloy with all in favor.

Mr. Gary asked the Planner to prepare the resolution.

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

The consultants had no comments.

Mr. Joseph Charbonneau, ESQ., planning board attorney and addressed the board and stated he is in receipt of a proposed amendment to the existing easement agreement and is satisfactory to him, it addresses the concerns the planning board had raised previously. He said he spoke to Dan Leary, the attorney for the Foundation and we agreed on some amendments to that document and I am confident at this point that document will provide access to the Foundation's remaining 18 acres.

Mr. Molloy asked if the agreement was signed.

Mr. Charbonneau said no, any resolution would be subject to that agreement.

Hearing no comments from the audience, Ms. Kounine moved to close the public hearing. The motion was seconded by Mr. Molloy.

Mr. Giannico asked if we should keep the public hearing open until we have a signed agreement.

Mr. Cleary stated typically, any easement agreement would be a condition of the approval.

Mr. Greenwood asked Mr. Charbonneau if he actually reviewed the amendments in hard copy or are you anticipating the amendments.

Mr. Charbonneau stated I have the proposed agreement. I was not comfortable with some of the language contained in the agreement. We discussed changes and a final draft is not in my possession yet, but we agreed on those changes.

Mr. Greenwood stated at the last meeting you said until you actually had them, that we shouldn't close the public hearing based on the setting the timeline. Where is the guarantee that it comes within the time period before we actually vote.

Mr. Charbonneau stated I don't think that's what I said. What was said was I wasn't comfortable with the document I had in my possession and until such time I had a document and an agreement with the attorney for the Foundation as to the language and that's going to be in the final draft of the document I wouldn't be comfortable with it. I am comfortable with it now.

Mr. Molloy stated is it safe to assume you will have the document and when Mr. Cleary draws up the resolution, it will be subject to signing of the letter agreement attached to the resolution.

Mr. Charbonneau stated it is not a letter agreement it is a recordable document. At which time, he asked Dan Leary, attorney for the Foundation when he will have the actual final draft.

Mr. Dan Leary, attorney for the Foundation answered tomorrow.

Mr. Molloy stated so there is an agreement in principle.

Mr. Charbonneau said yes.

Mr. Contelmo stated as with any easement agreement or any legal documents is to get the agreement and principle in place, and make it a condition of the approval along with any other conditions that need to be fulfilled before the signing of the map.

Mr. Molloy asked if this was a new easement agreement or is this the end of the termination clause of the previous easement agreement?

Mr. Charbonneau said it is a certificate which would be a recordable document amending the existing easement to reflect the hospital's rescission of the notice of termination provision once the Foundation loses its existing approvals for senior housing. What I got initially, was a letter agreement which I was not satisfied with. Now, I have a document that's in a recordable form. I suggested to Mr. Cleary that the final map contain a note reflecting the existence of this document, to put future owners on notice of it.

Mr. Molloy asked if it will be put in the deed.

Mr. Charbonneau answered yes.

Mr. Gary stated since there is a lot of discussion around the board, for the record what is this agreement.

Mr. Leary stated Mr. Charbonneau is in receipt of a recordable instrument that would be executed between Putnam Hospital Center and Putnam Community Foundation that in the prior and existing easement agreement there is a termination clause or notice that the hospital could exercise. And in this case the hospital is representing that they will not exercise that termination upon the event of this subdivision approval. They will be certifying representing in this document that they will not terminate the easement and access under that agreement based upon what is before you now. I was not present at the prior meeting, but I believe that was the issue or concern of the board. That document addresses that.

A roll call vote was taken as follows:

|               |                 |
|---------------|-----------------|
| Mr. Greenwood | For the motion  |
| Ms. Kounine   | For the motion  |
| Mr. Giannico  | For the motion  |
| Mr. Cote      | For the motion  |
| Mr. Molloy    | For the motion  |
| Mr. Gary      | For the motion. |

Mr. Gary asked the Planner to prepare resolution.

## **VIP WASH & LUBE – 118 OLD ROUTE 6 – TM – 55.12-2-5 – PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Carnazza read Mr. Gainer's memo which stated while the requisite ECB approval has been granted, a permit from NYSDEC remains to be obtained. The SWPPP documents submitted with these latest plan materials appear to be satisfactory, and comply with DEC requirements.

Mr. Cleary stated all site plan comments have been addressed.

Hearing no comments from the audience, Ms. Kounine moved to close the public hearing. The motion was seconded by Mr. Giannico with all in favor.

Mr. Gary asked the Planner to prepare a resolution.

## **HUDSON VALLEY CREDIT UNION – STONELEIGH AVE – TM 55.11-1-42 – PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Carnazza read Mr. Gainer's memo which stated at this time, and as was noted previously, we continue to recommend that the plans be provided to the Town's Wetlands Inspector to evaluate the adequacy of the proposed landscaping plan, including all species and planting details noted. Any recommendations offered should be addressed by the design engineer on future plan submittals.

Mr. Cleary stated all site plan issues have been addressed.

Mr. Spencer Tasler a resident of the Retreat at Carmel stated he would like to see the entrance to our community to be perceived as residential in character, not just a drive through parking lot of a bank to get to our condos. The community is for the project. He questioned why there couldn't be an entrance on Stoneleigh Ave rather than Terrace Drive.

Mr. Greenwood stated the original subdivision approval of the property and when the lots were created, the entrance to that lot was Terrace Drive to avoid any additional traffic on Stoneleigh Ave.

Mr. Gary stated it has already been looked at.

Mr. Tasler was concerned about the additional traffic coming in once all the units were built.

Mr. Gary stated it was in the traffic study.

Mr. Tasler was also concerned with the lighting of the drive-thru, he felt it may be blinding to the residents coming in and out of Terrace Drive. He said they have addressed that by putting beautiful shrubs and a retaining wall. He was concerned with the landscaping, that it is green enough in the fall and winter so it does block it. He asked what is the retaining wall made out of?

Mr. Roger Keating of Chazen Companies stated it is a modular block style wall similar to what you see in the development today.

Mr. Tasler inquired about the 20 ft. lighting poles.

Ms. Kounine asked if the lights will be on all night long.

Mr. Contelmo said there is a requirement for banks and credit unions called the ATM Act, which requires a sufficient amount of lighting throughout periods of darkness. There will be certain site lighting that will be on for 24 hours. It's mandated by the federal government for security issues.

Mr. Keating added with respect to the mounting height of these lights, we did take into consideration in keeping these light poles down in height, typically they would be much higher.

Mr. Contelmo stated the drawing needs to be clarified to show the detail of the mounting height will be from the finished grade to the center of the fixture.

Mr. Tasler stated another concern is the lighting entering into our community. We have asked Pulte to do something about the light especially at the corner. He asked if they could get another light similar to one on the corner.

Mr. Contelmo stated we are trying to light our site not off site. He said the Credit Union would be agreeable to allow an easement to permit utility lighting at the entrance. They do not want to be the installer or keeper of the light. He said if the community and/or Pulte is successful in getting the utility company to add an intersection light and they need to site a pole on the front corner of their property, the Credit Union is agreeable to that.

At which time, a discussion ensued regarding the lighting and the road whether it is a town dedicated road or private road.

Mr. Gary requested the applicant call the utility company.

Mr. Contelmo stated will do.

Margo Turano a resident of the Retreat of Carmel asked how you do give permission for hundreds of cars to travel on that road when you don't own it. It's a private road and owned by Pulte.

Mr. Cleary stated there are lots of private road in every community. The prescriptive right of public access over that road is an established principle.

Mrs. Turano stated what about accidents and liability.

Mr. Cleary stated the police will secure the road and provide service. Nothing is different with respect to its use, whether it's public or private. He said it is an undedicated road as of now.

Ms. Kounine stated a private road means it's established that way. Only certain people could use it. Eventually, it will become a town road; right now it is an undedicated road.

Mrs. Turano stated it was said there are federally regulated lighting requirements. She asked if it will be at the minimum, or increasing that lighting?

Mr. Keating stated we will be just above those levels, because lights do tend to dim over time.

Mrs. Turano stated I want to be reassured that we will not be lighting up like a ballpark.

Mr. Vince Turano, a resident of the Retreat stated the subdivision plan that was approved by the planning board; it shows two existing detention ponds on this site. These detention ponds have not been maintained properly. He said one of the conditions of the plat states the ponds are supposed to be maintained and the maintenance should occur when there is sediment and when they are clogged. He suggested before any building permits be issued for this lot, that the owner be required to put those ponds in the proper functioning capacity they were intended. I ask the board to consider this.

Mr. Turano raised the issue of the notification of the adjoining within 500 feet. He stated he was not notified including his neighbors.

Mr. Turano also raised the issue that the application was signed by the applicant but not the owner of the property. He asked if it was a requirement.

Mr. Cleary stated we require the application be signed by the applicant and we have notification that the owner is aware of the application being filed.

Mr. Turano asked if it was spelled out anywhere. He said he didn't see anything in the code about requiring signatures.

Ms. Kounine asked Mr. Contelmo when you notify the neighbors for a public hearing, where do you get the names?

Mr. Contelmo stated either from the town assessor's office or from the County Tax Record office. They use the County since it is closer to his office. He said also, for the record the applicant is the contract vendee on this project. I think there was an affidavit signed by the owner. The owner is fully aware. He said I am representing the owner and Mr. Keating is representing the Credit Union.

Mr. Molloy asked who is maintaining the detention ponds.

Mr. Contelmo stated as far as he knew the ponds are part of the infrastructure associated with the Pulte Development. There is an easement over those ponds. It is not the future obligation of the Credit Union to maintain those basins. Those basins do not benefit this lot.

Ms. Kounine asked Mr. Carnazza to notify the Wetland Inspector and the Engineering Department to check on those ponds and to see if they are being maintained or not.

Mr. Carnazza answered yes will do.  
Mr. Gary asked if anyone else wished to be heard.

Hearing no further comments from the audience, Mr. Greenwood moved to close the public hearing. The motion was seconded by Ms. Kounine with all in favor.

Mr. Molloy stated he was concerned regarding the responsibility and owner of the detention ponds.

At which time, a discussion ensued around the board.

Mr. Gary stated we will get a legal opinion from our attorney about who is responsible for the basins before the maps are signed.

Mr. Gary asked the Planner to prepare the resolution.

#### **MEHRA, SANJAY – 10 VESCHI LANE SOUTH – TM – 75.16-1-27 – SITE PLAN**

The application was off the agenda.

#### **NYCDEP – CARMEL FIELD HEADQUARTERS – 4 BELDEN ROAD – TM 54.-1-30 – SITE PLAN**

Mr. Carnazza read his memo which stated it is not clear what is being proposed on the site and for what reason. Provide Floor Plans and Elevations. Provide a parking calculation. Offices are different than Industrial uses and the parking calculation should reflect this. Provide traffic circulation. Variances are required for Front Yard (Office Bars), and minimum Floor Area. Provide location and a detail of the trash enclosure. It needs to meet town specifications.

Mr. Cleary read Mr. Gainer's memo dated April 24, 2012.

Mr. Cleary read his memo which stated this application involves repairing and replacing the asphalt and gravel parking area that supports the DEP's Carmel field headquarters. The specific improvements include:

- Replacement of 2,800 square feet of deteriorated pavement at the south end of the site.
- Construction of 400 square feet of new asphalt pavement within the existing fenced yard.
- Construction of 900 square feet of new asphalt pavement along Belden Road for additional parking.
- Resurface approximately 5,200 square feet of gravel paving in the driveway on the north side of the site.
- Construct an 18" earthen dike to direct runoff.

#### **SITE PLAN REVIEW COMMENTS:**

- Clarification is requested regarding the new parking area off Belden Road. How many off-street parking spaces are proposed? Is this parking for passenger vehicles or trucks and equipment?
- The potential impacts associated with the proposed improvements to site paving require the review and comment of the Town Engineer.
- Does this site operate in conjunction, or support the boat yard across Belden Road?

Mr. Edward O'Connor of URS Corporation, representing the applicant stated the field headquarters is used as a base for field maintenance people. They store their equipment, work trucks, etc. One is a shed; the other is a barn office. It is a 5 acre lot. He said the driveway is gravel and DEP would like to pave it with asphalt.

Mr. Molloy said so basically, you want to replace a pervious surface with an impervious surface.

At which time, the board expressed their disappointment with DEP. Basically, it was said DEP does not follow the same rules as a regular citizen.

Mr. Gary said to take the message back to DEP and come back with something else.

Mr. O'Connor said will do.

#### **NYCDEP – MAHOPAC INSPECTOR'S OFFICE – 35 MUD POND ROAD – TM – 65.17-1-41 SITE PLAN**

Mr. Carnazza read his memo which stated it is not clear what is being proposed on the site and for what reason. It appears to be a driveway. What is the purpose? Is it a parking area? Provide traffic circulation. This appears to be a 12 ft. wide, two-way driveway. Variance required. Provide location and a detail of the trash enclosure for the site. It needs to meet town specifications.

Mr. Cleary read Mr. Gainer's memo dated April 24, 2012.

Mr. Cleary read his memo which stated currently, the existing paving at the DEP's Mahopac Inspector's Office is deteriorating, which creates difficulty removing snow which limits DEP's operations during winter months. This application involves constructing a new asphalt driveway from the site entrance to the office, and the resurfacing of approximately 15,100 square feet of gravel with new crushed stone.

#### **SITE PLAN REVIEW COMMENTS:**

- The proposed parking lot improvements are located within the wetland buffer. A wetland permit is therefore required from the ECB.
- The potential impacts associated with the proposed improvements to site paving require the review and comment of the Town Engineer.



- Are any new exterior lighting improvements proposed in the parking area?

Mr. Edward O'Connor of URS Corporation, representing the applicant stated right now the site is gravel or dirt paving. The original request from DEP was to do all asphalt. We convinced them that it was not a good idea. DEP needed all weather access to the office, so the solution was to take 50 ft. wide corridor and re-do gravel with new gravel except for a 12 ft. wide asphalt lane.

Mr. Molloy asked do you plan on paving anything that's not paved now.

Mr. O'Connor stated just the lane.

Ms. Kounine stated that is new impervious surface.

Mr. O'Connor stated 3900 square feet of asphalt is proposed.

Mr. Greenwood stated this is not a detailed site plan. There are no parking spaces shown, etc. This is not qualified for us to review.

Mr. Gary advised Mr. O'Connor to make an appointment with the consultants and they will tell you what is needed to come back before this board.

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

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Rose Trombetta