

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 **JULY 24, 2013**

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

ABSENT: CARL GREENWOOD, ANTHONY GIANNICO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Hinckley Holding, LLC./ Paladin Group	55.10-1-1,3	1	Amended Site Plan	Intent to Serve as Lead Agency Declared.
Zephyr Farm	76.10-1-5	1-4	Amended Site Plan	No Board Action.
MacDonald Marine	76.20-1-13	4	Site Plan	Public Hearing Scheduled.
Teakettle Heights Realty	76.17-1-19	5-6	Sketch Plan	No Board Action.
Hudson Valley Credit Union	55.11-1-42	6	Bond Return	Public Hearing Scheduled.
Minutes – 5/22/2013 & 6/12/2013		6		Approved.
Carmel Centre Senior Housing (Pulte Homes) – Lots #3 & 5	55.14-1-11.1 55.14-1-11.3	6-7	Amended Site Plan	Planner to Prepare Draft Resolution.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Rose Trombetta

HINCKLEY HOLDING, LLC (GUIDEPOSTS)/PALADIN GROUP – 39 SEMINARY HILL ROAD – TM 55.10-1-1,3 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to obtain a new approval for the previously approved commercial building and to alter the use of the existing building(s) and property. Provide a detail of the trash enclosure. Other than the trash enclosure, the submission is in compliance with zoning.

Mr. Gainer had no comments.

Mr. Cleary stated he had no additional comments. You have before you a draft resolution of lead agency designation should you choose to move in that direction this evening.

Mr. Molloy moved to adopt Resolution #13-15, dated July 24, 2013; Tax Map #55.10-1-1,3 entitled Hinckley Holdings, LLC/Paladin Group - SEQR Designation of Intent to Serve as Lead Agency. The motion was seconded by Ms. Kounine with all in favor.

Mr. Philip Doyle of LADA, P.C., representing the applicant addressed the board and asked if a public hearing could be set after the 30 day period and if it could be done simultaneously.

Ms. Kounine stated even though we have declared the intent to be lead agency, there are still questions that we need answered.

Mr. Molloy stated a site visit might be very important in this application process.

Mr. Cleary agreed that a site visit would be very important.

Mr. Harold Lepler of Hinckley Holdings addressed the board and stated the facilities will be made available to the board members at any time.

Mr. Gary asked the board if there is a site visit, do we go together or individually?

Mr. Cleary stated if you do the site visit together, you would have to notice it as a meeting.

Mr. Molloy said if you notice it as a meeting it has to be open to the public.

Mr. Cleary stated the site visit will be on private property, so the applicant does not have to invite anybody on their property.

Mr. Gary stated we will come up with a date and notify you with that date.

ZEPHYR FARM – 219 WATERMELON HILL ROAD – TM – 76.10-1-5 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to construct a covered riding ring. The Architect needs to include all the requirements and notes on the Site Plan as required in the code.

Mr. Gainer read his memo which stated at this point, the plan is of a very preliminary nature. Little information specified by the Town's Site Plan (§156-61) Regulations is currently provided. Essentially, the current plan provides locations of all existing structures and site boundary information. The applicant's intent is to seek referral to the Zoning Board of Appeals for necessary variances, if it is deemed that Code section §156-17 ("Agricultural Activities") applies to the proposal. After this has been established, and unless waived by the Planning Board the applicant shall incorporate into the Site Plan all necessary information specified by §156-61(B) in order to process this application, including the potential stormwater impacts of the new impervious surfaces to be created. The plan should also identify the source (survey map) of the information currently shown on the plan.

Mr. Cleary stated the applicant needs to clarify the purpose for the paddock enclosure. Will this building increase the operational capacity of the stable? Will it allow for greater number of horses to be housed at this site? Will the business expand as a result? Also, which zoning provision apply, we have provisions that deal with stables and provisions that deal with agricultural activities. He said there is an additional zoning review that needs to be done, but before we do that we need to know what they are doing on the site.

Mr. Gary asked Mr. Cleary in his opinion what is the applicant's intent.

Mr. Cleary said he is putting a covered roof over an existing paddock, but for the record we need the applicant to tell us that they are not doing that to increase business or to make it bigger to have another commercial enterprise.

Mr. Carnazza stated he was told by the applicant that it was being done so they could ride in inclement weather.

Mr. Gary asked will or could the roof on the paddock lead to something greater?

Mr. Cleary replied the applicant has told us no in the application, but I want him to tell us.

Mr. Carnazza stated they will not have any more stables to house horses. He is not increasing the number of places to keep additional horses on the property.

Mr. Cleary said the way we would govern that is to make it a condition of approval in your resolution.

Mr. Tom Nugent, the applicant's architect addressed the board and stated the applicant needs two variances, building size and setbacks that's why we are in front of the board and then we will come back to do the engineering and additional notes that are not on the plan.

Ms. Kounine stated this is an incomplete plan. The ZBA will not take what's in front of us now.

Mr. Meyer asked other than putting a roof over the paddock are you doing anything else?

Mr. Nugent replied no, just the roof with open sides.

Mr. Gary asked how many horses will be in the paddock.

Ms. Carla Sacco, Owner of Zephyr Farm addressed the board and stated at any one time there may be five to seven horses in the ring being exercised.

Ms. Kounine asked how many horses to you board?

Ms. Sacco replied about twentyish.... The number fluctuates.

Mr. Cote asked how many horses do you own?

Ms. Sacco replied 15 horses.

Mr. Cote said so at any one time you have about 35 horses on the farm.

Ms. Sacco answered yes.

Mr. Meyer stated if the roof is approved, that will not change the number of horses. Is that correct?

Ms. Sacco replied no, not at all. She said it would be more favorable if the horses had a place to go when the weather is inclement.

Mr. Molloy asked what is on the ground in the paddock, grass or dirt.

Ms. Sacco replied dirt.

Mr. Molloy said you would need a plan to put the stormwater somewhere.

Ms. Sacco stated we were actually thinking of collecting the rain and re-using it for the sprinkler system.

Ms. Kounine stated get the details that are needed on the plan and then we could send you to the ZBA, but right now there is not enough information on the drawing.

Ms. Sacco replied that's fine. I am not closing it or putting walls on it. She said she does not want it to be an enclosed building.

Mr. Gary asked Mr. Carnazza how much livestock could be on that property.

Mr. Carnazza said for farms there is no limit, but for private stables there is a limit. He said the last time they were in front of the board they were listed under farms.

Mr. Molloy asked the applicant if she breeds horses.

Ms. Sacco replied occasionally we breed horses, it's mostly for fun. It is not my main source of income.

Mr. Molloy asked Mr. Carnazza if a farm is a permitted use in a residential zone.

Mr. Carnazza replied yes. It is permitted only in a residential zone.

Mr. Gary said to meet with the consultants and then come back to the board with a complete plan.

MACDONALD MARINE – 681 UNION VALLEY ROAD – TM – 76.20-1-13 – SITE PLAN

Mr. Meyer recused himself and left the podium.

Mr. Carnazza stated the applicant received NYSDEC and NYCDEP approvals. There are no changes to zoning.

Mr. Gainer read his memo which stated the applicant has received approvals from outside agencies NYSDEC and NYCDEP. A Town ECB wetland permit will be required. Following Town guidelines the Applicant will be required to execute and file with the Putnam County Clerk a “Stormwater Control Facility Maintenance Agreement” as specified in Town Code §156-85 to assure long-term maintenance of the on-site treatment devices proposed. 3. The applicant should provide a quantity take-off of all site improvements planned, so that a performance bond amount, and associated Engineering Fee, can be calculated.

Mr. Cleary stated they received their permits and got ECB approval last week and the next step is to schedule a public hearing.

Mr. Dan Donahue the applicant’s Engineer addressed the board and stated there are notes on the plans making reference to no storage of boats outside and we do not have any objection to placing those conditions in your approval.

Mr. Cleary stated we have the copies of Covenants and Restrictions that have those restrictions in them.

Mr. Donahue stated we are required by NYCDEP to file a maintenance agreement with them as well. He said the one with the Town requires an approval date so when we get the date you will get the agreement.

Mr. Molloy asked if the clean-up of the site will get done before or after approval.

Mr. Cleary stated the wetland permit issued by the state involves the clean-up of the site.

Mr. Molloy if the state will enforce that.

Mr. Cleary responded yes they will.

Mr. Carnazza stated you could make it a condition of your approval that no Certificate of Occupancy will be issued until the site is cleaned up.

Mr. Gary asked if any cleaning has been done yet.

Mr. MacDonald replied no, not really. The state does not want me to commence until I get approval.

Mr. Gary said to schedule a public hearing.

Mr. Meyer returned to the podium.

TEAKETTLE HEIGHTS REALTY – 103 TEAKETTLE SPOUT ROAD – TM – 76.17-1-19 – SKETCH PLAN

Mr. Carnazza read his memo which stated the applicant proposes to subdivide an 18.14 acre parcel on Teakettle Spout Rd. in Mahopac. This lot was previously before the board as “Kroell Subdivision”. Provide a list of any and all variances granted. Provide Lot width and Lot depth lines on the plat. What are the asterisks next to the frontage for lot 1 and 2? Variances are required for frontage for the two lots. 100 ft are required.

Mr. Cleary read Mr. Gainer’s memo dated July 23, 2013.

Mr. Cleary stated this is a 2 lot subdivision. Most of the property is significantly constrained. The top part of the map is NYS regulated wetlands. The property is fairly steeply sloping. The proposal calls for a 2 lot subdivision and the only frontage is a narrow strip. These are two large flag lots.

Mr. John Karell, applicant’s Engineer displayed plans that was submitted in 2000 with a showing a six lot subdivision with a town road. He then displayed the 2 lot subdivision plan to the board. He said we have a septic system on one lot and the reason for the jog is because of the grading. We do not want to make it a town road and a common driveway. We would like to go to the Zoning Board for a variance for the frontage so we could have two separate driveways. The lot is 18 acres and the disturbance for each lot would be under an acre.

Mr. Carnazza stated you will also need a variance because the lot depth line is existing and re-entering the lot. It’s a flag lot.

Mr. Karell said right now we are looking for a referral to the ZBA.

Mr. Molloy asked at its narrowest point what the width of the frontage of the two lots together?

Mr. Karell replied 50 feet.

Mr. Gary stated this was before the board about 15 years ago for a long time and it was finally approved as one lot. Mr. Karell will have to show me how it will work this time.

Mr. Karell stated it was for 6 lots back then.

Mr. Gary said and he ended up with one lot and now he is back 15 years later.

At which time a discussion ensued regarding the exact location of the property.

Mr. Gary stated times didn’t get better they got tougher. It didn’t work then and I would like to see how it will work now.

Mr. Karell stated we do not have anything unless we get a variance or put in a town road, but the applicant doesn’t want to do that.

Mr. Gary said we need to see the records on this property, because we had a lot of problems with this.

Mr. Cleary said we could do that and see what we find in archives.

Mr. Karell stated that's fine and I will address the consultants comments.

HUDSON VALLEY CREDIT UNION – 2 TERRACE DRIVE – TM – 55.11-1-42 – BOND RETURN

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Gainer's memo which stated the original bond amount posted was \$606,840.00. The full bond amount is still being held by the Town. Based upon our inspection, all of the site improvements required pursuant to the Board's Site Plan approval have now been completed. On this basis, this Department recommends that the entire bond be released.

Mr. Cleary had no comments.

Mr. Gary said to schedule a public hearing.

Mr. Scott Bridie asked if any funds left over from the engineer's fee will be returned.

Mr. Gary stated that's a fee, there are no returns.

MINUTES – 5/22/2013 & 6/12/2013

Mr. Molloy moved to adopt the May 22, 2013 minutes. The motion was seconded by Mr. Meyer with all in favor.

Mr. Meyer moved to adopt the June 12, 2013 minutes. The motion was seconded by Mr. Cote with all in favor.

CARMEL CENTRE SENIOR HOUSING (PULTE HOMES) – LOTS 3 & 5 – TERRACE DR. – TM – 55.14-1-11.1&11.3 – DISCUSSION

Mr. Cleary addressed the board and stated a list was circulated yesterday that addressed every comment that was delivered during the public hearing. That list indicated how Pulte is responding to all the comments. The memo also indicated how they were dealing with the issues related to lot 4 that is not before you. He said you have all the lots 3 and 5 issues with Pulte's response. If those responses are suitable to you, the next step is to direct me to prepare a draft approval resolution. He said from the consultants' perspective Pulte has satisfactorily responded to all of the issues. Some of the responses are that they are not going to do it, such as the fitness trail. They will make the pitch and putt work.

Mr. Gary stated this board authorized how the pitch and putt would be built. It went from this board back to the ECB who changed it. Which way does it get built?

Mr. Cleary responded your way. Theoretically, the ECB may have to modify its recommendation.

Mr. Gary asked how do we do that.

Mr. Cleary said Pulte will submit the revised site plan based on all their responses by next week which will have your plan on it and will have to go back to the ECB.

Mr. Gary said it has to go back to the ECB. And what if the ECB determines they won't approve it that way.

Mr. Cleary said it depends on what the ECB does. If the ECB needs to revise its wetland permit they could throw a monkey wrench in this. If this was just a recommendation on the fertilizer and so forth then it's a recommendation that's delivered to the board.

Mr. Gary asked what are our options?

Ms. Kounine asked Mr. Charbonneau does the planning board supersede the ECB?

Mr. Charbonneau replied yes.

Mr. Cleary stated all we are asking tonight is to draft a resolution and to authorize the applicant to give us the final set of plans which you will look at and decide if you want to act on the resolution.

Mr. Gary stated we could probably solve our differences between the planning board and the ECB, but if the applicant sees that there is a conflict between the two boards, what do you think they will do.

Mr. Carnazza said they will take advantage of that.

Mr. Charbonneau said ultimately the authority lies with this board.

Mr. Cleary said the applicant has some ideas that will satisfy this board as well as the ECB. Part of it relates to the fertilizer they will be using.

Mr. Gary said that's not the issue. The issue is the direction of the pitch and putt.

Mr. Charbonneau said you should be mindful of the concerns of the ECB, but ultimately the planning board makes the decision.

Ms. Kounine moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Mr. Molloy with all in favor.

Respectfully submitted,

Rose Trombetta