

# **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**



**60 McAlpin Avenue**  
**Mahopac, New York 10541**  
**Tel. (845) 628-1500 – Ext.190**  
**www.carmelny.org**

**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** **SEPTEMBER 25, 2013**

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

**ABSENT:** EMMA KOUNINE

<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>
Albano Estates V	55.14-2-26.31	1	Public Hearing	Public Hearing Closed. Planner to Prepare Resolution.
Sosa Subdivision	86.12-1-34	1	Public Hearing	Public Hearing Closed.
Carmel Centre Senior Housing (Pulte Homes) – Lots #3 & 5	55.14-1-11.1 55.14-1-11.3	1-2	Resolution	Resolutions Adopted.
MacDonald Marine	76.20-1-13	2-3	Resolution	Resolutions Adopted.
Hinckley Holding, LLC./ Paladin Group	55.10-1-1,3	3	Amended Site Plan	Public Hearing Scheduled.
Hudson Valley Veterinary EMS	75.6-1-67	3-6	Site Plan	No Board Action.
Lakeview Development	55.9-1-17	7-8	Waiver of Site Plan	Waiver of Site Plan Withdrawn.
Swee, Debra	53.-2-84.3	9-11	Sketch Plan	No Board Action.
RPK Precision Homes	55.10-1-23-25	11	Re-Approval	Re-approval of 1 Year Granted.
Minutes – 7/24/2013 & 8/28/2013		11		Approved.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Rose Trombetta

**ALBANO ESTATES V – 18 MECHANIC STREET – TM – 55.14-2-26.31 – PUBLIC HEARING**

The consultants had no comments.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone in the audience wished to be heard.

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 a resolution.

**SOSA SUBDIVISION – GLENACOM ROAD – TM – 86.12-1-34 – PUBLIC HEARING**

The consultants had no comments.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone in the audience wished to be heard.

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. Chris Caralyus of American Design Consultants, representing the applicant addressed the board and requested to go to final subdivision since it was only a minor 2 lot subdivision.

Mr. Gary stated you need a recommendation from the consultants.

Mr. Cleary, Mr. Carnazza and the board members had no objection to going to final subdivision approval.

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

Mr. Carnazza stated all his comments have been addressed.

Mr. Cleary stated you have revised resolutions before you for both lots 3 and 5.

Mr. Greenwood stated with regards to lot 3's sectional plan, it would be beneficial to us if the garden beds and greenhouse were built in the third section instead of the last section and make the last section housing only.

Mr. Mullen replied we do not have a problem with that.

Mr. Cleary stated so that amenity will be in phase 3 no longer phase 4.

Mr. Mullen stated that's correct.

Mr. Greenwood pointed out there is some question with the emergency access road around the multi-family building pertaining to the NYS fire code and could potentially affect your site plan.

Mr. Mullen stated he will discuss it with the Building Inspector.

Mr. Carnazza stated he will take a look at it.

Mr. Molloy stated with the amendment recommended by Mr. Greenwood, he moved to adopt Resolution #13-16, dated September 25, 2013; Tax Map #55.14-1-11.1 – Lot 3 entitled Carmel Centre Senior Housing (Pulte Homes) Final Site Approval. The motion was seconded by Mr. Cote.

A roll call vote was taken as follows:

Mr. Meyer	For the motion
Mr. Giannico	For the motion
Mr. Molloy	For the motion
Mr. Greenwood	For the motion
Mr. Cote	For the motion
Mr. Gary	For the motion

Mr. Molloy moved to adopt Resolution #13-17, dated September 25, 2013; Tax Map #55.14-1-11.3 – Lot 5 entitled Carmel Centre Senior Housing (Pulte Homes) Final Site Approval. The motion was seconded by Mr. Cote.

A roll call vote was taken as follows:

Mr. Meyer	For the motion
Mr. Giannico	For the motion
Mr. Molloy	For the motion
Mr. Greenwood	For the motion
Mr. Cote	For the motion
Mr. Gary	For the motion

#### **MACDONALD MARINE – 681 UNION VALLEY ROAD – TM – 76.20-1-13 -RESOLUTIONS**

Mr. Meyer recused himself and left the podium.

Mr. Carnazza stated all his comments have been addressed.

Mr. Cleary stated you have two resolutions before you.

Mr. Greenwood asked the applicant if he has met with the Mahopac Fire Department with regards to fire suppression.

Mr. Carnazza stated he addressed it with the applicant's engineer Mr. Donahue. He said there are multiple ways of doing that.

Mr. Greenwood stated I want to make sure it gets addressed because it could possibly change the site plan.

Mr. Cote moved to adopt Resolution #13-18, dated September 25, 2013; Tax Map #76.20-1-13 entitled MacDonald Marine – SEQOR negative declaration. The motion was seconded by Mr. Greenwood with all in favor except Mr. Molloy who was against the motion.

Mr. Cote moved to adopt Resolution #13-19, dated September 25, 2013; Tax Map #76.20-1-13 entitled MacDonald Marine Final Site Plan Approval. The motion was seconded by Mr. Greenwood with all in favor except Mr. Molloy who was against the motion.

Mr. Molloy stated for the record I vote no with respect to both resolutions, not because of this applicant which I think would be an improvement, but because I'm opposed to further commercial development in residential zones.

Mr. Meyer returned to the podium.

**HINCKLEY HOLDINGS, LLC/PALADIN GROUP – 39 SEMINARY HILL ROAD –  
TM – 55.10-1-1,3 – AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated 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 all site plan issues have been addressed.

Mr. Philip Doyle, representing the applicant stated the distribution was done for the intent to declare lead agency. He asked if a public hearing could be scheduled.

Mr. Gary said to schedule a public hearing.

**HUDSON VALLEY VETERINARY EMS – 559 ROUTE 6N – TM – 75.6-1-67 – SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to add an extensive EMS building for Veterinary Care to the existing Old Red Mills Plaza. The four sheds/barns are going to be removed and are labeled as such. Several variances are required from the ZBA. I do not see the elevator on the plan. This building will require an elevator for compliance with code unless an accessible route is provided to each floor. The elevation page needs to be amended. The front of the building is labeled as the back of the new building. The front of the building always faces the road or roads. Provide a license agreement to use the NYS DOT ROW for parking. Provide an on-site circulation system and trash enclosure location and detail.

Mr. Cleary read Mr. Gainer's memo dated September 25, 2013.

Mr. Cleary read his memo dated September 25, 2013.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated this application is for an emergency facility. A project report was done and the nearest facility is in the Town of Bedford and there is one in Dutchess County. The applicant feels this area is not covered at all. He said as far as the size is concerned, the consultants feel that perhaps it is too large. There may be nights when no one comes in or there may be nights when a lot of animals come in. The 19 spots in the waiting room are for the people and their pets. The State requires continuing education, so the large

training room is for people and their equipment. It is strictly for the employees and doctors working in the facility. He said with regards to the screening we will add a fence along the property line. He said the existing buildings will be improved to make sure they are structurally sound. He said all the parking spaces are 10' x 20' and the aisles are 24' wide as required by code. He said the State is in the process of reviewing the agreement for parking and the Carmel Highway Department Superintendent has no problem with the continued use of the existing driveway. Our engineer is in the process of doing a Stormwater Pollution Prevention Plan. He said as far as the elevations the existing building is colonial and we want the same look with the new building. At which time, he displayed elevation drawings to the board. He said every part of the building that we are adding to the existing building conforms to all the setbacks, height requirements and lot coverage so no variances are required. Variances that are required only relate to the existing building, so we have to go to the zoning board to clear up the existing setback variances that are needed.

Mr. Gary stated to Mr. Cleary there seems to be some contradiction with what you said and with what Mr. Greenberg said.

Mr. Cleary stated the primary issue is whether or not you need 45 seats to train a couple of doctors and Mr. Greenberg has said that it will be for vendors and equipment in a school layout. He said in my mind there is still a disconnect between the way that space has been designed and with what Mr. Greenberg is describing on how the space will be used.

Mr. Cote asked this facility will be used after hours, correct?

Mr. Greenberg stated the hours will be from 5:00 pm to about 8 in the morning.

Mr. Cote asked as far as the vendors are concerned, will the training be done at night?

Mr. Greenberg replied no. He said the parking that is shown takes into account not only the existing building but also the building that is being proposed.

Mr. Cote said I am referring to the use.

Mr. Greenberg said the parking except for the once or twice a month when they will be training that might happen during the day and the parking will accommodate that because it is all cumulative. We actually have 3 to 4 spaces more than what is required by code.

Mr. Cote said so you are saying that the training may go on during the day.

Mr. Greenberg replied perhaps. I will find out for sure.

Mr. Cote stated the zoning board meeting minutes that were approved says it is for night time only.

Mr. Greenberg stated the conditions and the approvals from the zoning board will become part of the site plan. He said I will check it.

Mr. Cleary stated if in fact it's limited by virtue of what the zoning board has done or what the planning board may do, then you are building it to accommodate that. That's a problem. We can't enforce what is going on inside the building. Why are you building it bigger than it needs to be if you can't use it for the reasons you are saying. That's the question.

Mr. Greenberg stated after having a discussion with Mr. Carnazza the training will not be part of this situation, we will change the layout.

At which time, a discussion ensued regarding the size of the building, its use and what was approved by the zoning board.

Mr. Meyer asked Mr. Carnazza what the difference between a hospital and a clinic was.

Mr. Carnazza stated there is no difference. The code reads an animal hospital is permitted in a CB-P zone, but it does not go into this. He said when they went to the zoning board they made a representation that they weren't an animal hospital. They were a professional office.

Mr. Gary asked Mr. Cleary what is their original intent.

Mr. Cleary stated an overnight emergency veterinary facility after hours until the next morning.

Mr. Gary said what does that consist of; because what we are saying is what he is doing is not what he claims to be doing. He asked again, what did the applicant say he was going to do in front of the zoning board.

Mr. Carnazza stated it would be for emergency care of animals, after hours from 5 pm to the next morning or when the animal can be transported to their own veterinarian. It's just a triage, there will be no boarding. Surgery will be done if necessary.

Mr. Gary asked what he has presented is permissible?

Mr. Carnazza said according to the zoning board, yes.

Mr. Gary asked how big a building is he allowed to have.

Mr. Cleary said there is nothing in the code about the size of the building.

Mr. Gary said so, we can't tell him the building is too big.

Mr. Cleary replied no we can't.

Mr. Gary said but we have tried to.

Mr. Carnazza stated no, we said the uses inside the building appear not to be of what we are saying.

Mr. Gary stated somewhere along the line I heard why do you need all that space. Why did we ask that question?

Mr. Cleary said we are not questioning the need for six exam rooms on the first floor. The big question relates to the training room with 45 desks and chairs that doesn't correlate to an overnight emergency room. That's why we questioned whether it would be used that way.

Mr. Greenberg stated the training area seems to be in question; I will discuss it with the doctor to re-consider.

Mr. Gary said he could build any size building that he wants to build, but the key is what he puts in the building.

Mr. Cleary said none of the criticism is about the size; it's about the uses in the building.

Mr. Gary said he could build the building and not put the training room in.

Mr. Carnazza stated we didn't say he couldn't put the training room, what we are asking is why does he need such a big training room.

Mr. Gary asked Mr. Greenberg if he needs a big training room.

Mr. Greenberg replied no.

Mr. Gary asked if he could modify it.

Mr. Greenberg replied yes of course.

Mr. Molloy stated to clarify they got an interpretation from the zoning board as to whether they could build an emergency animal clinic. Should they have asked for an interpretation for that training room as a permitted use?

Mr. Cleary said I think it's a separate use. It would be an educational use.

Mr. Molloy said if it is a separate use, is it a permitted use or is it a use that would require an interpretation by the zoning board?

Mr. Carnazza said it would be a permitted use; however your parking calculations would have to be separated for that use.

Mr. Gary asked if he had the parking spaces to accommodate that.

Mr. Greenberg replied yes, I have about 4 or 5 extra spaces.

Mr. Cleary said they would have to change their application to put in an educational use.

Mr. Gary asked if he could change his application.

Mr. Greenberg replied yes.

Mr. Gary said to meet with the consultants along with the recommendations of the zoning board and make it correspond with what you want to present to this board.

Mr. Greenberg replied will do.

**LAKEVIEW DEVELOPMENT AT CARMEL – 1611 ROUTE 6 – TM – 55.9-1-17 – WAIVER OF SITE PLAN APPLICATION**

Mr. Carnazza read his memo which stated the applicant is changing the use on a portion of the site to a day care center. My only objection is that the code requires an outdoor play area. This may be objectionable to the adjacent neighbors because of the possibility of noise.

Mr. Gainer had no comments.

Mr. Cleary stated the State requires a certain percentage of outdoor play area. He said the outdoor play area on the site plan was approved as a green open space. The change will be to enclose the green open space and calling it a play area. He said in my judgment it's not a major site plan change.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated the green area was already approved with retaining walls and a 3 foot fence on top of it. The building doesn't change; the only change is to accommodate a fence that's required by code. The total height of the fence including the retaining wall has to be 6 feet. We are going from a 3 foot fence to a 6 foot fence. He said as far as the parking spaces are concerned a day care center actually reduces our parking from 66 to 55 spaces.

Mr. Greenwood stated I am not in favor of site plan waivers. We have never given a waiver for day care centers. It shouldn't be a long process to review this and come to a conclusion. In my opinion we should never consider a waiver as it pertains to this type of application.

Mr. Greenberg stated the day care center will take the entire upper floor, so the interaction with the people renting space on the lower level will be minimal. He said the access to the play area will be from the building only. The play area will be fully enclosed as required by code.

Mr. Greenwood stated based on the usage, there is a significant change in the traffic pattern. A day care operates in specific hours. You have drop-offs and pick-ups. It is different from a commercial business which may have a constant flow, so it does change it.

Mr. Gary stated my only objection to the waiver is because of the use, so in my opinion the public should have input on the change.

Mr. Molloy agreed with the Chairman. He said the public should have input on the day care center.

Mr. Greenberg stated since the map will not change, can we schedule a public hearing for the next meeting?

Mr. Carnazza stated a full submission to the planning board is required for amended site plan.

Mr. Giannico asked Mr. Carnazza if the fence was sufficient for a safety barrier where the driveway comes up the hill adjacent to the play area according to code.



Mr. Carnazza stated there is a retaining wall also, the fence is on top of the wall.

Mr. Giannico asked how high is the wall.

Mr. Greenberg replied from grade to the top of the fence is a total of 6 feet.

At which time, Mr. Greenwood interjected and said to the applicant this could all be dealt with after a submission to the planning board is done.

Mr. Giannico asked Mr. Greenberg to consider it as a safety request.

Mr. Gus Boniello stated we have no problem with making a submission, but at this point all we are asking for is a public hearing.

Mr. Greenwood said the construction on the site is nowhere near completion of a building, so there's not a rush of time to have this completed. It could follow the normal procedure of an applicant before us.

Mr. Boniello stated we are not asking you to not follow procedure. He said we have a tenant that wants to know if this will be approved.

Mr. Greenwood said I understand that, but scheduling a public hearing before an application has been submitted along with a review from our consultants has never been done nor should it be done.

Mr. Molloy said I think we have done it in the past. He said I think we should vote on the application for a waiver and vote on having a public hearing.

Mr. Gary stated before we do that, he said to the applicant, you could withdraw the application and there will not be a vote. Then you could submit an amended site plan application.

Mr. Greenberg stated we will withdraw the application for the waiver and Mr. Cleary will be in the office on Monday and if he is satisfied with the new submission can we have a public hearing for the next meeting?

Mr. Gary said it is not procedurally correct to do it that way, so submit your application and it will be reviewed by the consultants first before we schedule a public hearing.

Mr. Greenberg stated we withdraw the application for the waiver and will submit another application and go through the process.

Mr. Giannico asked Mr. Greenberg to clarify what's going to protect the play area when he re-submits the application.

Mr. Greenberg stated I will add a detail to the drawing.

**SWEE, DEBRA – 71 HITCHCOCK HILL ROAD – TM – 53.-2-84.3 – SKETCH PLAN**

Mr. Meyer recused himself and left the podium.

Mr. Carnazza read his memo which stated the applicant proposes a two lot subdivision.

What is the purpose of the subdivision? Are there wetlands on the properties?

A dwelling unit must be shown on the proposed lot 2 even if it is not being built to show conformance with town code. Provide lot depth and width lines.

Mr. Cleary read Mr. Gainer's memo dated September 25, 2013.

Mr. Cleary read his memo which stated this proposal calls for the subdivision of a vacant 20.9 acre parcel of land fronting on Hitchcock Hill Road, to create two new lots of 7.0 acres and 13.9 acres. The 13.9-acre lot will be donated to the Putnam County Land Trust to be preserved as permanent open space. A single-family residence is proposed on Lot 1. Lot 1 is a generally rectangularly shaped lot that gently curves along its Hitchcock Hill Road frontage. While only a single dwelling is shown on this parcel, it could theoretically be subdivided in the future to create a second lot, which would be dimensionally compliant and appropriately configured. No issues exist regarding the configuration of Lot 2, as it will be permanently preserved as open space. Evidence that the Putnam County Land Trust is willing to accept the donation of Lot 2 must be provided. In addition to the note on the subdivision plat "Conservation Lot, Not a Building Lot", it is recommended that a deed restriction also be filed documenting the permanent preservation of the lot. This document should be reviewed by the Planning Board Attorney.

Mr. Gary stated I think before we proceed the land should be dedicated to the Land Trust.

Mr. Greenwood stated the Town of Carmel code does not allow us to approve a non-building lot. Unfortunately, you would have to go through the process for lot 2 whether or not you intend on donating the land. That lot has to show where a house will be built with a driveway and septic, it's no different than any other subdivision application; because we do not have the ability to create a lot that does not have a use and a building on it.

Mr. Gary asked Mr. Charbonneau legally if I wanted to donate a piece of land, could I?

Mr. Charbonneau answered no. You would have to include the entire metes and bounds of the full lot as opposed to the proposed lot 1 and lot 2.

Mr. Carnazza said only this board could put a line on a map.

Mr. Charbonneau stated it would be an illegal subdivision. He said it is unfortunate, because I recognize what they are trying to do and I think it's great.

Ms. Debra Swee addressed the board and stated I have a representative from the Putnam Land Trust with me this evening. I already made the commitment to them. She said I'm sure I could get something in writing or whatever is necessary from them.

Mr. Joseph Link, representing the applicant stated there are very steep slopes on the property. There is nowhere on the upper portion of the property where you could design a septic system.

Mr. Charbonneau stated those are things the board will have to consider in making their determination. He asked if a house could be put on the lot.

Mr. Link replied no. He asked Mr. Charbonneau that it would be an illegal subdivision.

Mr. Charbonneau replied the minute you subdivide it by deed, it will be illegal.

Mr. Link said illegal to the Town Board?

Mr. Charbonneau said illegal to the town code.

Mr. Greenwood stated you have a serious issue, you just can't subdivide a piece of property on your own.

Mr. Molloy stated the Town Board has the authority to change the town code, even if they change it for this parcel.

Mr. Link said you are asking the applicant to do an exuberate amount of work for absolutely nothing.

Mr. Greenwood said we are not asking you, the problem is the code does not allow us to.

Mr. Carnazza asked can the zoning board grant a variance to allow it.

Mr. Charbonneau replied probably.

Mr. Gary said what we are asking this applicant to do is enormous.

Mr. Carnazza said you are asking them to design a septic for something they are never going to build on.

Mr. Gary said why don't we see what the zoning board could do.

Mr. Carnazza said that's probably the best idea.

Mr. Charbonneau asked the board to give him the opportunity to speak to the town attorney and figure out whether or not we could get relief from the Town Board or Zoning Board of Appeals.

Ms. Swee said we already have board of health approval for lot 1 with the proposed house which we plan to sell as a single lot. She said it's just the 13 acres I am trying to donate to the Putnam Land Trust.

Mr. Gary asked if they could make two lots the proper way.

Mr. Carnazza said no, because you can't put a septic on lot 2. We will find out from the zoning board or whichever board if we could simplify the process and make it still right.

Mr. Gary said to put a lot line on there?

Mr. Carnazza replied yes, so they do not have to design a septic for something they are never going to build on. They are trying to donate land.

Mr. Gary said with all my years on this board we have separated parcels and we did not require them to put a house or septic. What's the difference with this application?

Mr. Cleary said there has always been an improvement plan with it. In the past the plans showed that there was a house, septic and sewer or a building setback.

Mr. Carnazza said we have had applicants get easements from people so they could go across their property, because they couldn't access it from the front.

Mr. Cleary stated all the DEP dedications showed a theoretical building on their plans.

Mr. Gary asked Mr. Charbonneau to speak to the town attorney about what could be done with the property.

Mr. Meyer returned to the podium.

**RPK PRECISION HOMES – SEMINARY HILL ROAD & MECHANIC ST – TM – 55.10-1-23,23,25 – RE-APPROVAL OF SITE PLAN**

The consultants had no objection to the re-approval.

Mr. Greenwood moved to grant a 1 year re-approval of site plan. The motion was seconded by Mr. Cote with all in favor.

**MINUTES – 7/24/2013 & 8/28/2013**

Mr. Molloy moved to adopt the July 24, 2013 and August 28, 2013 minutes. The motion was seconded by Cote with all in favor.

Mr. Greenwood moved to adjourn the meeting at 8:25 p.m. The motion was seconded by Mr. Molloy with all in favor.

Respectfully submitted,

Rose Trombetta