

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 **NOVEMBER 28, 2012**

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Barile, Michael	75.20-2-3	1	Public Hearing	Public Hearing Closed & Full Bond Return Recommended To the Town Board.
Swan Cove	76.5-1-49	1	Resolution	Resolutions Adopted.
Dominger & Lockwood	44.10-1-1	1	Resolution	Resolution Adopted.
McDonald's USA, LLC.	55.11-1-41	2	Amended Site Plan	No Board Action.
Kobu Asian Bistro	75.12-2-5	2	Amended Site Plan	Applicant taken off the Agenda.
Hillcrest Commons	44.10-2-4.2	2-6	Amended Site Plan	Public Hearing Scheduled.
Putnam Hospital Center	66.-2-57 & 58	6	Bond Return	Applicant taken off the Agenda.
Wixon Pond Estates	53.20-1-19	6	Extension	6 Month Extension Granted.
Dewn Holding	53.-2-28	7	Extension	6 Month Extension Granted.
Hillside Court	55.6-1-51	7	Extension	No Board Action.
Minutes – 10/24/2012 & 11/14/2012		7		Approved.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Rose Trombetta

BARILE, MICHAEL – 407 ROUTE 6 – TM – 75.20-2-3 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Gainer stated full return of the bond is recommended.

Mr. Cleary had no comments.

Mr. Gary 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 Ms. Kounine with all in favor.

Ms. Kounine moved to recommend full return of the bond to the Town Board. The motion was seconded by Mr. Greenwood with all in favor.

SWAN COVE – 628 ROUTE 6 – TM – 76.5-1-49 – RESOLUTIONS

Mr. Carnazza stated all comments have been addressed.

Mr. Gainer had no comments.

Mr. Cleary stated you have the SEQR, Negative Declaration and Site Plan Resolution before you.

Mr. Greenwood moved to adopt Resolution #12-26, dated November 28, 2012, Tax Map # 76.5-1-49 entitled Swan Cove SEQR Negative Declaration. The motion was seconded by Mr. Cote with all in favor.

Mr. Molloy moved to adopt Resolution #12-27, dated November 28, 2012, Tax Map #76.5-1-49 entitled Swan Cove Final Site Plan Approval. The motion was seconded by Mr. Meyer with all in favor.

DOMINGER & LOCKWOOD – GLENNA DRIVE – TM – 44.10-1-1 – RESOLUTION

Mr. Carnazza stated all comments have been addressed.

Mr. Gainer had no comments.

Mr. Cleary stated you have the Site Plan Resolution before you.

Mr. Cote moved to adopt Resolution #12-28, dated November 28, 2012, Tax Map # 44.10-1-1 entitled Dominger & Lockwood Final Subdivision Approval. The motion was seconded by Ms. Kounine with all in favor.

MCDONALD'S USA, LLC. – 1931 ROUTE 6, CARMEL – TM – 55.11-1-41 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to change the traffic pattern, add a split drive through, eliminate a curb cut on Rt. 6, and rebuild the fast food restaurant. Eight variances are required from the ZBA.

Mr. Gainer stated he did not have any new technical comments.

Mr. Cleary read his memo which stated the Route 6 driveway has been modified to include a median separating ingress and egress traffic movements. It is unclear if this is a painted median, or a raised and curbed median. Clarification is requested. This driveway has been further modified by adjusting the curb on the south side of the driveway to ease the turning radius. "DO NOT ENTER" signage has been added to the Stoneleigh Avenue driveway. Façade elevation details have been provided. The Traffic Impact Analysis has been updated and submitted. Signage details have been submitted. It is recommended that the project be referred to the ZBA and the ECB.

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

Mr. Cote moved to deny to the ZBA. The motion was seconded by Ms. Kounine with all in favor.

KOBU ASIAN BISTRO – 903 SOUTH LAKE BLVD – TM – 75.12-2-5 – AMENDED SITE PLAN

Mr. Gary stated the applicant is off the agenda.

HILLCREST COMMONS – Lot E-2.2 – ROUTE 52 – TM – 44.10-2-4.2 – AMENDED SITE PLAN

Mr. Carnazza stated he did not have any new comments.

Mr. Gainer read his memo which stated as had been requested, the "Environmental Impact Comparison Chart" has been updated and compares the current development proposal to that originally approved in 2010. This illustrates that the impacts of this latest plan are less than that expected and authorized by the 2010 site plan. The applicant has also made referral of these latest plans to the Carmel Fire Department for review and comment. Any comments resulting from this review should be addressed by the applicant on future plan submittals. Upon receipt of the Fire Department's comments, we will meet directly with the design engineer to resolve technical issues relating to fire protection facilities serving this latest development phase. We have also noted on the enclosure technical matters for the design engineer to review and resolve. At this time, we take no exception to the Board's scheduling of a Public Hearing on the matter.

Mr. Cleary read his memo which stated pursuant to the direction of the Planning Board, the applicant has revised the site plan. Instead of the two buildings originally proposed, three buildings are now proposed. Basically former Building D located on the south side of the cul-de-sac is being eliminated; the remaining three buildings all comply with the applicable height requirement. A height variance is no longer required. Building C has been modified to include

the required community room and indoor recreational space. An outdoor recreation space including a game court, gazebo, tables and benches are proposed.

The applicant is not proposing to construct the swimming pool. As requested, the impact comparison chart has been revised to reflect the current plan. The chart documents that the impacts associated with the current plan are less than the approved site plan.

Mr. Gary asked Mr. Contelmo what changed.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated what changed from the last meeting is originally we had two buildings proposed with three stories each. He said at the recommendation of the board we now have three conforming buildings with a two story height. We still have 74 units being proposed. He said what we are doing is condensing the 74 units into 3 buildings. That allows us to cut down on the amount of disturbance and clearing associated with the site. Also, since the last meeting we further enhanced the recreational amenities, although they are different from the approved plan (no outdoor pool). The architecture which was submitted allocates up to 2500 square feet in the center building. We also added an outdoor central area to the center building, where the indoor recreational space will have its own exit out into a terrace area with a gazebo and lawn area. We now have conforming buildings and an enhanced recreational program.

Mr. Gary asked to see the drawing of the elevations.

Mr. Contelmo stated the buildings being proposed are the same identical buildings from phase 1. He said the buildings will be 3 stories on the front side and 2 stories on the back side going up the hill.

Mr. John Bainlardi of Wilder Balter Partners, Inc., also representing the applicant addressed the board and stated we just completed the clubhouse facilities for Phase 1. He said the first floor is entirely dedicated to common space which is over 6,000 square feet.

At which time, Mr. Bainlardi displayed a rendering of the club house and facilities and proceeded to describe the different amenities. He continued to say this is similar to how the recreation space will be done for this phase. He said there will be an additional 2500 square feet of recreation space added to the end of the building. There will be a separate entrance to that space with a covered entrance similar to the covered entrances to the buildings. He said the building comes out into a large patio area with a gazebo. He said we feel for an affordable type of a project this is a lot of recreational facilities.

Mr. Gary asked if a pool was shown on the original site plan.

Mr. Bainlardi said yes, but when this plan was marketed to the seniors we marketed it without the pool.

Ms. Kounine stated how you market the properties is not our concern. This board approved the four buildings. Now, the applicant wants to build three buildings, instead of four, which in essence will save the applicant thousands of dollars in construction.....

She said the board is considering this change, which would be a plus to the applicant, but the rest of the approved plan should be built. There should be a clubhouse and a pool. That is what the applicant agreed to and they should live up to it. I haven't heard any justification as to why they can't build a pool other then we "don't" want to. That's not a reason why.

Mr. Bainlardi stated when we came in and proposed to reduce the 4 buildings to 3 buildings, the only recreation space that was approved for the project was the clubhouse and pool. When we did construct phase 1, we went ahead and built an additional 6000 square feet of recreation space. The clubhouse was only 4000 square feet. We have doubled the amount of recreation space with the additional 2500 square feet. He said with the removal of the pool and reduction of the buildings, while it does reduce construction costs, that reduction does not benefit the developer, because this is an affordable project where the rents are restricted.

Mr. Greenwood said when we review a project, whether it's market value, luxury or rental units it is irrelevant to this board. What we have in front of us is a senior housing plan and there is no clarification in our code. The only thing we are looking at is the plan of what was given and what we approved.

Mr. Molloy stated the taxes are reduced by \$80,000 a year which tells me the value of the property is reduced by 25% to 30%, but yet it is the same amount of units and I haven't heard a good reason why you want to do this.

Mr. Gary said it is economical.

Mr. Bainlardi stated there is a demand. We filled the 1st phase and we have 150 people and counting on a waiting for the 2nd phase. He said the funding from the state does not permit you to build that type of amenity. There has to be a balance and there is a limited amount of dollars to finance these projects.

Ms. Kounine stated when you received your original approval for this plan from this board; you didn't have a problem putting in a pool and clubhouse. It wasn't an issue then.

Mr. Bainlardi stated at the time we thought we would be building a luxury senior project. There is no market for that.

Ms. Kounine said how you market and what you market we can't control.

Mr. Bill Balter of Wilder Balter, representing the applicant addressed the board and stated when we did Hughson Commons we knew coming in that it would be an affordable senior development. Hughson Commons does not have a pool. In that case we had the benefit of knowing from day one. He said what we are trying to convey is that it wasn't our attention when we came before your board to do this as an affordable development, but times have changed. He said we have provided other amenities that the state will allow us to do.

Ms. Kounine stated this board has worked hard with you, when does it end.

Mr. Balter stated we are coming back to build phase 2 which will be very similar to phase 1.

At which time, a further discussion ensued regarding the pool and clubhouse and whether or not a public hearing should be scheduled at this time.

Mr. Gary stated we are not going to schedule a public hearing tonight when the board has not settled on whether to have the pool or not have the pool. He said I personally think it is not a hardship to you to put the pool in. Your arguments against the pool are strictly marketing.

Mr. Balter replied no, it's getting funded by the state.

Mr. Gary said why not try that first, go to the state and see what happens and prove to us that you could get the funding for it. If you can't get the funding for it, I think the board will accept that. He said I'm trying to protect the people that will be living there long after we are gone.

Mr. Greenwood agreed with the Chairman.

Mr. Molloy said it is not going to change his vote if they can't get funding from the state. It is a relatively minimal expense.

Mr. Balter said the funding is very competitive. Roughly 1 out of 3 developments that apply for funding gets funded. He said the bottom line is getting the development funded. If the pool is \$200,000 on a development this size, we would not do the development because of it. It's more a matter of the whole development getting funded by the state, because without the development being funded there is no development.

Mr. Cleary asked if they had a commitment from the state yet.

Mr. Balter said no, but we have a deadline to submit the application to the state, which is one of the reasons we are anxious to have a public hearing.

Mr. Gary stated if you want a public hearing at the next meeting, put a pool in.

Mr. Balter stated I would be willing to go to the state and try to get them to do the pool as long as you are okay with us leaving the facility for the pool in the club space that's in the building. Basically, the equivalent space of the clubhouse would now be in the buildings. He said if I commit to that, would you consider the public hearing.

Mr. Gary said you will now be putting the same amount of square footage for recreation space in the buildings rather than the clubhouse.

Mr. Carnazza stated the one building will have 2500 square feet of recreation space and in each building on each floor there will be social rooms which will equate to 1300 square feet of recreation space in total.

Mr. Gary asked if the 1300 square feet of recreation space was on the original approved site plan.

Mr. Contelmo replied he does not believe recreation space was proposed in the 4 buildings.

Mr. Gary made the following suggestion to Mr. Balter:

- Eliminate the clubhouse.
- Put in the pool.
- Put the recreation space in the buildings.
- Add a cabana.

Mr. Carnazza stated the Health Department requires a bathroom facility within a certain amount of feet.

Mr. Balter stated we would either put the pool very close to one of the club spaces or we would put a small cabana in.

Mr. Gary stated that seems reasonable.

At which time, Mr. Cleary recapped for everyone and stated the clubhouse that was originally proposed will now be abandoned. The amenities in that building will be relocated into the other buildings. The pool will remain and be relocated and must be fully compliant with our requirements.

Mr. Molloy stated that will get me to change my vote.

At which time, Mr. Gary asked the board on their input of these changes.

The board members were fine with it.

Ms. Kounine stated she would like to see both the clubhouse and pool, but this was a good compromise.

Mr. Gary stated he was fine with having the public hearing.

Mr. Cleary stated you could always keep the public hearing open.

Ms. Kounine stated she would like to have the public hearing so we could get the public input as soon as possible.

Mr. Gary asked Mr. Contelmo if he could get the revised plans to the consultants as soon as possible.

Mr. Contelmo said he will get them in early next week.

Mr. Gary said to schedule the public hearing.

PUTNAM HOSPITAL CENTER – STONELEIGH AVE – 66.-2-57 & 58 – BOND RETURN

Mr. Jeff Contelmo of Insight Engineering stated to take the applicant off the agenda. The matter has already been heard.

WIXON POND ESTATES – WIXON POND ROAD – TM – 53.20-1-19 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL.

The consultants had no objection to the extension.

Mr. Greenwood moved to grant 6 month extension of approval. The motion was seconded by Mr. Cote with all in favor.

DEWN HOLDING – MEXICO LANE – TM – 53.-2-28 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL

The consultants had no objection to the extension.

Mr. Greenwood moved to grant 6 month extension of approval. The motion was seconded by Mr. Molloy with all in favor.

HILLSIDE COURT – 1819 ROUTE 6 – TM 55.6-1-51 – EXTENSION OF SITE PLAN APPROVAL

The consultants had no objection to the extension, but Mr. Carnazza stated it should be a re-grant not an extension.

Mr. Cleary stated the applicant will be on the next agenda for a re-grant not an extension.

MINUTES – 10/24/2012 & 11/14/2012

Mr. Molloy moved to accept the minutes of October 24, 2012. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Cote moved to accept the minutes of November 14, 2012. The motion was seconded by Mr. Greenwood with all in favor except Mr. Molloy, Mr. Meyer and Mr. Giannico who were not present for the meeting.

Ms. Kounine moved to adjourn the meeting at 8:26 p.m. The motion was seconded by Ms. Meyer with all in favor.

Respectfully submitted,

Rose Trombetta