

# **APPROVED**

**HAROLD GARY**  
*Chairman*

**CRAIG PAEPRER**  
*Vice-Chair*

**BOARD MEMBERS**  
**CARL GREENWOOD**  
**ANTHONY GIANNICO**  
**DAVE FURFARO**  
**CARL STONE**  
**KIM KUGLER**

## **TOWN OF CARMEL** **PLANNING BOARD**



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**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

## **PLANNING BOARD MINUTES** **August 5, 2015**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER,  
ANTHONY GIANNICO, DAVE FURFARO, CARL STONE, KIM KUGLER

**ABSENT:** CARL GREENWOOD

<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>
Baldwin Subdivision	86.11-1-1	1-2	P.H.	Public Hearing Closed & Planner to Prepare Resolution.
PCSB/Mahopac Branch	86.11-1-1	2-4	Site Plan	Denied to ZBA.
Route 6 Retail	86.11-1-1	4-6	Site Plan	Referred to ECB.
EMTK Realty	44.18-1-40	6-7	Site Plan	Denied to ZBA.
Wallauer's Carmel	55.11-1-4	7	A. Site Plan	Public Hearing Scheduled.
Random Ridge	76.10-1-23	7-8	Subdivision	Planner to Prepare Resolution.
Jordano/Gervasi Subdivision	63.-1-16	8	B. Reduction	Public Hearing Scheduled
Minutes – 06/24/15		8		Heldover.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Rose Trombetta

## **BALDWIN SUBDIVISION-150 ROUTE 6 – TM – 86.11-1-1 – PUBLIC HEARING**

Mr. Carnazza stated that all the requirements of final approval are on the site plan. The subdivision does not provide for any improvements.

Mr. Franzetti said the department has no objection to granting final approval.

Mr. Cleary said he has no issues with the subdivision, as you know there were separate applications showing the potential future improvements of both lots, those applications cannot move forward until this subdivision process is complete. There are no issues with the subdivision itself and the public hearing on the subdivision is scheduled for this evening.

Chairman Gary stated this is an open public hearing and asked if anyone in the audience wish to be heard on this application.

Mr. Michael Barile a resident of Mahopac asked if this minor subdivision, a larger parcel into two smaller parcels, was originally the gateway or entrance or union place.

Mr. Cleary said yes it was there was a separate driveway that would come through the northern lot.

Mr. Barile asked what happened to the original union place drawing and why is it coming back as a minor subdivision for access opening on Route 6?

Mr. Cleary said they are proposing a driveway that serves these two lots, not a road. That will come up as an issue when the site plans for each of those properties come back to the town. So it would be a driveway road opening, not a road opening.

Mr. Barile asked how much of an opening are you requiring now for the two lot subdivision.

Mr. Carnazza said a 24 foot, two-way traffic aisle is required.

Mr. Franzetti said he doesn't have the site plans with him but it was in code, I could give you that information tomorrow.

Mr. Barile asked if there are any restrictions on the wetlands in the back, is that access available for the rest of the properties.

Chairman Gary said this access is only for these two lots in the subdivision.

Mr. Carnazza said there are no restrictions or connections proposed.

Mr. Frank DelCampo a resident of Mahopac asked if it was accurate to say that if you have a driveway that meets the code, it would be easier in the future with a new site plan to get a road.

Mr. Carnazza said you have to make a right of way that would be the proper width of 50 feet with a place to put all the utilities and the pavement for the road. He also said it would not be easier, it doesn't help you or hurt you either way.

Mr. Cleary stated physically there is pavement there so it is logical for a curb cut, but the driveway terminates before it gets to the rear portion of the property. In the rear of the property is wetland, if they did want to make it a road they would have to get a NYSDEC wetland permit to cross that wetland.

Mr. Gary asked if this road was being designed by Insite Engineering and if he could answer any of the questions or concerns.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant stated the code requires 12 feet in width which this road has been laid out to accommodate. The entrance will not only be dictated by your board but by the New York state DOT which has jurisdiction over the intersection. The state regulates the highways and the alignments of their intersections; this is a very dominant intersection as it exists today. We are lining up across from it which is standard practice where the DOT pushes us to be, so our entrance of a two lot subdivision happens to be in the exact location of where the entrance would be if a road were to go through. Mr. Cleary correctly points out that if a road ever were to go through there, there are a series of regulatory issues that would have to be overcome.

Mr. DelCampo asked if this is the entrance road for the union place project.

Mr. Cleary said it is in the same location and Mr. Contelmo said it is where the DOT wants it to be.

Mr. Gary asked if anyone else wished to be heard on this application.

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

Chairman Gary asked the Planner to prepare a resolution.

#### **PCSB/MAHOPAC BRANCH – LOT 1 – 150 ROUTE 6 – TM – 86.11-1-1 – SITE PLAN**

Mr. Carnazza said the variance required for the building area is 5,000 square feet; a 2,656 square foot building is proposed; 2,344 square foot variance is needed.

Mr. Franzetti said there are a multitude of comments the board has made in part of this, so I will provide Mr. Contelmo with all my comments.

Mr. Cleary said the applicant resubmitted the plans based on the comments that were

delivered at the last meeting. There was a concern for the façade of the building whether stone would be more appropriate than the brick that was proposed. The applicant has come back to the board and stated that this bank uses brick as a standard and there's a branding issue that they would like to be consistent with. So they come back to the request to change it to stone by saying they would prefer for it to remain brick. They have added a standing seam copper roof to the cupola and there is now a pedestrian crosswalk across the driveway that connects the retail site to the bank site. The easement is now clarified; they indicated the DOT driveway issues will be addressed through the permitting process through the DOT. There is a traffic study that was submitted by Mazer that concluded that the volumes for this would be lower than that previously evaluated by the board. There is a host of traffic litigation measures that the applicant is proposing, including the installation of the traffic signal at that intersection at the applicants cost. Mike indicated there are a series of variances required for this but again none of this can move forward until the subdivision is completed and there are two separate lots for which to file those variances for. This is the one where they are providing more parking spaces than the code requires, that's just a preference from the bank it's an operational issue and it's their experience. The southern end of the site was adjusted to better address the circulation around that side of the building. We were concerned about it being a little tight so it has been widened so it is now a better flow of circulation and added signage of where the one way and two way flows intersect to clarify that movement on site. They also clarified the site lighting and the monument sign has been relocated so it is now on the bank site so they don't need an easement. Those are the modifications the applicants made based on your comments.

Mr. Gary asked if the DOT gave any information on how they want the entrance to be.

Mr. Contelmo said the alignment of the entrance is being discussed right now by the DOT, they will want this entrance directly in line with the Mahopac Village's driveway so that the exiting lane will line with our entrance lane and vice versa.

Mr. Franzetti said the traffic study provided was misleading, it said significantly lower traffic volume analyzed in previous traffic studies, the traffic study is supposed to look out to future build outs.

Chairman Gary said the traffic study more than covers what is going to happen there now at the intersection.

Mr. Contelmo said the traffic study was developed with the idea that we have to address the current proposal to the eyes of what is currently being done but also recognizing that the future may bring other things that would require some rework.

Chairman Gary said the intent of the intersection is for 50 years also.

Mr. Furfaro asked what the variance is for the building area and if it has to be bigger.

Mr. Carnazza said yes our code requires 5,000 square foot minimum building; they only need 3,626 square feet, so they are 2,344 under the minimum.

Mr. Stone asked about the proposed traffic light. He asked if you have to put that in for your subdivision to work.

Mr. Contelmo replied yes. He said but the decision is ultimately with the NYSDOT. He said this will be maintained by the DOT under a funding agreement with the developer.

Chairman Gary asked if there are any issues with going to the zoning board.

Mr. Franzetti stated that there is no rush, they are at the very beginning of the process and they are dealing with the New York City DEP so they can get a subdivision done by zoning. Then they can present to DEP the entire packet of information that is there that has been approved by the town. They are at the very front end of the process, they have to muddle through with the DEP and they're going to have to go to ECB and get DEC permits.

Mr. Cleary said it would be prudent to have him clean up all of his site engineering issues and return one more time in front of the board before he goes to the ECB. He also said all of his issues are DEP related issues so those cannot be addressed by the DEP until we know if the variances are being granted, so we need to send him to the zoning board at this time.

Chairman Gary asked about going to the ECB.

Mr. Franzetti said they could go to the ECB, but ultimately the NYCDEP will drive the size and location of a lot of the stormwater features.

Mr. Stone moved to deny to the ZBA. The motion was seconded by Mr. Furfaro with all in favor.

#### **ROUTE 6 RETAIL – LOT 2 – 150 ROUTE 6 – TM – 86.11-1-1 – SITE PLAN**

Mr. Carnazza said this is lot 2 of the same subdivision we were talking about before, with this lot they propose a 5,000 square foot building, so no variances are required, all zoning criteria has been addressed.

Mr. Franzetti said there are a few issues that have not been addressed, we will need DOT approval and review of the traffic study, will need DEC wetlands approval and New York City DEP approvals for storm water so this project should also be referenced to the ECB.

Mr. Cleary said he has similar comments relating to both sites, but a couple things specific

to this one is the area where the dumpster is located in the rear of the property has been adjusted and there is clarification to how that is accessed. The site plan indicates that there are retaining walls on the side of the property facing the senior homes so it is unclear how physically the senior homes would be connected in the future.

Mr. Contelmo stated that they understand Mr. Franzetti's concerns about the outside agencies and they have initiated some of that work and did some of the analysis already and they will further that. They would love to go to the ECB with this early on to get there input, they have also looked at a grading study to be sure the driveway works.

Mr. Franzetti said they are saying there is significantly lower traffic volume then analyzed on previous traffic studies without having the information of those prior studies so there is no comparison.

Mr. Cleary said they didn't submit the previous traffic studies they just referenced it.

Mr. Furfaro asked for a colored rendering to be displayed to help us and it would be nice if we could see schematically how the senior center and the two buildings will be tied together.

Mr. Stone said he is curious on what the implication is for the current traffic study and the issue of ownership connecting the road to the second building.

Mr. Carnazza said if is on private property so the town is not going to accept it for dedication, it would have to be offered, accepted before we would consider it. Both pieces are on private property so I don't see how it can ever be a town road because they would be subdividing there property and you can't have one property on two sides of a road so they wouldn't be able to do that zoning wise.

Mr. Stone said so that would require some sort of easement connecting the senior center.

Mr. Contelmo said he was just sharing ideas with what they could do in the future; they weren't being specific on purpose. On a planning standpoint they can't dictate to the County that they have to connect and come through, there has been an expression of interest to get a better egress from the senior center onto Route 6, it is now our understanding that the intersection is problematic at times. It was the thought that if this were to become a signalized intersection it is the logical place to bring that traffic for safe egress. He said the traffic engineer is looking at those numbers. He said we are not asking for that at this time.

Mrs. Kugler said the traffic study based on this intersection is not taking into consideration the connection from the senior center which would be an alternate egress for them which is now going to increase traffic flow out into that intersection which may alter the traffic pattern at this intersection at a later date.

Mr. Contelmo said the traffic study that has been submitted to you only addresses generation from these two commercial developments. The traffic engineer has said that he has been requested to bring those volumes through to show how it will operate with those additional volumes. It is very different with a signal then with a non-signalized intersection with the additional traffic could become very problematic. The reason I said we were incorporating that into the study is because the traffic engineer and DOT have merged to that point and are doing that.

Mr. Carnazza said if they change the map from what's here after they build it and they decide to put that in they will be back in front of this board with both site plans to show the new traffic patterns.

Mrs. Kugler said she would take into account what you are looking for in the future so it may not have to be re-done.

Chairman Gary said to go to the ECB. You don't need a referral.

#### **EMTK REALTY – 1736 ROUTE 6, CARMEL – TM – 44.18-1-40 – SITE PLAN**

Mr. Carnazza said that variances are required to expand the preexisting non-conforming use; they currently have commercial and residential apartments on the site. Variances are required for parking lot area; lot width, front yard, side yard and two way isle widths. They need to provide in detail all signage on the site and provide a floor plan and elevation of all buildings.

Mr. Franzetti said this project is located in the New York City DEP designated mainstream area and as such it must meet the DEP regulatory requirements which may require them to develop a storm water pollution prevention plan for the project. The plan should specify the total area being disturbed so that applicable requirements can be defined. Graphic representation of vehicle movements through the sites should be provided to illustrate the sufficient space exists to maneuver vehicles. Curbs should be designed in accordance within section 128 of the town code and should any public improvements be deemed necessary as part of their development a performance bond, and associated engineer fee must be eventually established for the work.

Mr. Cleary stated the applicant is legalizing the operational site that has been there for a number of years. They are making some improvements based on our regulations but they do need a number of variances to legalize what's already been there. There have been some revisions made to the plan based on your initial review; the first is they expanded the parking area by making 16 spaces (they need 23 spaces). They have modified the back out area and have adjusted the dumpster location to improve the parking area.

At which time, a discussion ensued regarding the numerous variances that are required. Mr. Stone moved to deny to the ZBA. The motion was seconded by Mr. Furfaro with all in favor.

**WALLAUER'S CARMEL AT PUTNAM PLAZA – 1924 ROUTE 6 – TM – 55.11-1-4 – AMENDED SITE PLAN**

Mr. Carnazza stated that all of his zoning comments have been addressed.

Mr. Franzetti said all of his engineering department comments have been addressed and does not have any objections to approving the amended site plan.

Mr. Cleary said the only issue was the operational discussion with the applicant which related to their presentation to you, that all of the equipment would be coming through the front of the store. The board raised the question that it seemed logical that people would go around the back of the building for the bigger pieces of equipment. The applicant hasn't answered that yet and he thinks it's still an open ended question onto how that will work on the site.

Mr. Paul Lynch of Putnam Engineering, representing the applicant said the property owner did grant permission for customers to drive around to the back, what would happen is they would have to drive up to where the entrance is next to the Putnam County National Bank and drive in there to make a right. At present there is a one-way sign at that location and a do not enter sign that will have to be removed.

Mr. Carnazza said you will have to show that on the site plan.

At which time, a discussion ensued regarding the traffic flow with removing the one-way sign.

Chairman Gary said you can't change the sign because it affects everyone that goes in and out of the shopping center. He asked the applicant to write a letter to the board saying it is okay for the delivery trucks to go in and out.

Chairman Gary said to schedule a public hearing.

**RANDOM RIDGE – KENNICUT HILL ROAD – TM – 76.10-1-23 – FINAL SUBDIVISION**

Mr. Carnazza said all of his comments have been addressed; this is a cluster subdivision so this is the final subdivision approval.



Mr. Franzetti said the engineering department does not have a problem with the approval of the final subdivision plan for the site. By the time the resolution is developed he will have the final performance bond and associated engineering fee will be determined. He said he has 3 minor comments that he can provide to the applicant but they wouldn't affect the approval of the final subdivision.

Chairman Gary said if there are no comments, he asked the Planner to prepare a resolution.

#### **JORDANO/GERVASI SUBDIVISION – 182 BULLET HOLE ROAD – TM – 63.-1-16**

Mr. Carnazza said this is on bond reduction, the second house was not built and there is nothing he can comment on.

Mr. Franzetti said there was a request made for a bond return, based on the inspection the bond was for 48,300 and all the site improvements pursuing to the board site plan approval were completed with the exception of paving of the common driveway. Therefore we recommend the bond to be reduced to 22,000 dollars and upon completion of the common driveway paving for the approved subdivision plan, the bond can be returned.

Chairman Gary asked how long has this been out there for.

Mr. Franzetti said he believes from 2011.

Mrs. Gervasi said she has been trying since 2006 to get the bond returned.

Chairman Gary asked if she knows what she has to do to get the bond returned.

Mrs. Gervasi said yes but when she asked years ago she had a very hard time, the people she was working with didn't point her in the right direction.

Mr. Charbonneau asked if she understands the reason why they can't return the entire bond.

Mrs. Gervasi said yes she understands that but she has had this property with her dad who has died of cancer years ago and she doesn't own this property any longer.

Chairman Gary said to schedule a public hearing on the bond reduction.

#### **MINUTES – 06/24/15**

The minutes were heldover due to lack of quorum.

Mr. Furfaro moved to adjourn the meeting at 8:14 p.m. The motion was seconded by Mr. Stone with all in favor.

Respectfully submitted,

Rose Trombetta