

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 **NOVEMBER 18, 2015**

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

ABSENT: CARL GREENWOOD, DAVE FURFARO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
New York SMSA Limited Partnership d/b/a Verizon Wireless	75.44-1-46	1-4	P/H-Reso	Public Hearing Closed & Resolution Adopted.
Gateway Summit Senior Housing - Lot 6	55.-2-24.6-1 55.-2-24.6-2	4	Extension	Extension Granted.
The Fairways Senior Housing Lot 7	55.-2-24.8-1	5	Extension	Extension Granted.
Cargain Funeral Home	75.15-1-6	5	Site Plan	Public Hearing Scheduled.
Thomas Fischer Inc. & Joseph Simone	75.15-1-6 & 8	5-6	Subdivision	Denied to ZBA.
Swan Cove	76.5-1-49	6	Extension of Final Site Plan	Extension Granted with Conditions.
MacDonald Marine	76.20-1-13	7	Re-Approval	Re-Approval Granted.
Hillside Court	55.6-1-51	7	Bond Return	Public Hearing Scheduled.
Old Forge Estates	75.15-1-19-40	7-8	Re-Approval	No Board Action.
Caporale, Sabatino	53.-1-41	9-11	Regrading Application	Approved with Conditions.
Minutes- 07/08/15, 07/22/15, 08/05/15, 08/26/15, 09/16/15, 09/30/15 & 10/14/15		11		Heldover.

The meeting was adjourned at 8:06p.m.

Respectfully submitted,

Rose Trombetta

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 946-954
SOUTH LAKE BLVD – TM – 75.44-1-46 – PUBLIC HEARING

Mr. Carnazza said this is on for a public hearing, he had no comments.

Mr. Franzetti said no comments from the engineering department.

Mr. Cleary said they have addressed all the comments and there is a draft resolution before you for consideration.

Mr. Edward Tyber of Synder & Synder, representing the applicant addressed the board and stated they have recently submitted revised zoning drawings reflecting the variances granted by the zoning board and submitted a signed and sealed FCC compliance report. If there are no further questions we can open the public hearing and answer any questions from the public.

Chairman Gary asked the board if they had any questions.

Mr. Giannico asked if the document was signed by a P.E.

Mr. Tyber replied yes.

Mr. Stone stated at the last meeting there was a suggestion that you might consider some other aspects of the project and the façade of the building, has anything progressed on that regard.

Mr. Tyber said they have spoken to the landlord and unfortunately his father is going through some health problems so he is not extremely responsive. We have spoken to him about the flush mounted antennas which we are requiring an amendment to our previous lease with him. He has accepted our amendment and we are giving him a signing bonus for the antennas to be flushed mounted. We left the money for him to do with the building as he will, so that is where we are on that front.

Mr. Paepre asked if that means he is going to mount the antennas to the roof or they are going to be flush mounted.

Mr. Tyber said they are being flush mounted.

Mr. Carnazza said what about the raceway you agreed to run the wires up the side of the building.

Mr. Tyber said we will be happy to do that.

Mr. Carnazza asked if it is on the plat that way.

Mr. Tyber said the construction drawings will show it that way.

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

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

Chairman Gary said we can't move forward with the map until what we just discussed is on it because certain issues have come up. He asked if the owner of the building agreed in writing to get done what you told the board you will get done.

Mr. Tyber said painting the building is outside the area of our lease agreement, but we will certainly present it to the owner.

Mr. Cleary said we don't have that agreement, we asked for two things, the flush mounting and the painting of the building. As Mr. Tyber indicated he doesn't have consent yet from the owner to paint the building.

Mr. Tyber said so originally the antennas were on the roof of the building, per the planning board's comments we changed the design to flush mounted and paint them to match the building. That required an amendment to the lease because we already had an agreement with the owner. The lease is being amended and as an incentive for the owner to execute that amendment he got a bonus, the idea was for that bonus to be used to improve the building.

Chairman Gary said there needs to be something on that map that states he's going to paint the building.

Mr. Tyber said Verizon has a lease to install public utility installation on the roof of the building, were not leasing the entire façade or exterior of the building that is outside of our lease area. Our hands are kind of tied to make the landlord agree.

Chairman Gary said see what you can do so it can get it done.

Mr. Giannico asked if they can get an agreement letter between the applicant and the owner where he will commit to taking the bonus and putting it into restoration of the building.

Mr. Carnazza said they gave him money as a signing bonus saying we would like you to do this, but there is nothing in writing that says he is going to do that.

Mr. Stone said what I heard him say is that due to the change of the configuration of the antenna that we requested, the owner agreed but in order to get him to agree he gave the money as a bonus, for him to do whatever he wants with those funds. There is no agreement to how the funds will be used; it was an inducement to sign this lease agreement.

Mr. Tyber said that's correct. It was discussed that the board wanted additional work done to the building, but the owner could do whatever he wants with the money but the background conversation was about improvements for the building.

Mr. Carnazza said the board wants something that says they are going to put money into the façade of the building.

Chairman Gary said regardless, we would like for you to get something in writing that says you will get those improvements done.

Mr. Tyber asked for him to clarify the improvements.

Mr. Cleary said so the issue at the last meeting was painting the building so that's what we agreed to, painting the antennas to match the building, that's being done but the building needs to be painted.

Mr. Tyber said this last piece is outside of our control, I would hate to say we can get it in writing because it is outside of our control.

Mrs. Kugler said that's a discussion that would need to take place between you and the building owner.

Mr. Giannico asked if the money was given to the owner yet.

Mr. Tyber said no we haven't.

Mr. Paepre said instead of giving him the money you should give it to the contractor to paint the building.

Mr. Tyber asked if there are any other specifications for the improvements besides painting the outside of the building.

Chairman Gary said no there wouldn't be any other improvements.

Mr. Cleary said the consensus was to paint the building so that is the board's expectation.

Mr. Stone said we aren't looking for a change in color just refreshed paint and the antennas painted to match it.

Mr. Tyber said we discussed this, two meetings ago that we would present that to the owner to see if that was something he would be willing to do, I will get that in writing but can I ask for that to be a condition of the approval resolution.

Mr. Kugler asked if we should have him come back for paint approval.

Chairman Gary said we could have him come back with the letter or he doesn't have to come back and I can email the letter to all of you. He said if there is concern he will have to come back.

Mr. Cleary said so just to be clear what we are doing is imposing the condition of the letter onto the applicant tonight. If the owner disagrees he would have to come back to the board for approval.

Mr. Tyber asked if we give you what we need in writing then we are good to go.

Mr. Cleary said yes, we have a resolution and I would suggest adding the condition that the applicant obtains the owner's permission to paint the building. He said to add before condition #9 to say the building shall be properly prepared and repainted. And condition #9 will become now the antennas would be painted to match the newly painted building.

Mr. Giannico moved to adopt Resolution #15-24, dated November 18, 2015, Tax Map # 75.44-1-46 entitled New York SMSA Limited Partnership d/b/a Verizon Wireless final site plan approval with the addition comments that the building will be prepared and painted to match the same existing conditions. The motion was seconded by Mr. Paepre with all in favor.

GATEWAY SUMMIT SENIOR HOUSING LOT 6 – GATEWAY DRIVE – TM – 55.-2-24.6-1 & 55.-2-24.6-2 – EXTENSION OF AMENDED SITE PLAN APPROVAL

Mr. Carnazza had no objection to the extension of the amended site plan approval.

Mr. Franzetti said the engineering department has no objection to approving the site plan extension for this application, all applicable County, State and City permits are in place.

Mr. Cleary said just to put perspective, last year the Chairman approved the amendment to both Fairways and Gateway Senior Housing and the applicant is just seeking an extension of the approval from last year.

Mr. Stone asked the consultants if there is any change to the site plan.

Mr. Cleary replied no.

Mr. Paepre moved to grant the 1 year extension of the amended site plan approval on lot 6. The motion was seconded by Mr. Giannico with all in favor.

FAIRWAYS SENIOR HOUSING LOT 7 – GATEWAY DRIVE – TM – 55.-2-24.8-1 & 55.-2-24.8-2 – EXTENSION OF AMENDED SITE PLAN APPROVAL

Mr. Carnazza had no objection to the extension of the amended site plan approval.

Mr. Franzetti said the engineering department had no objection to approving the site plan extension for this application and all applicable County, State and City permits are in place.

Mr. Stone said for the record there is no change to this application whatsoever.

Mr. Paepre moved to grant 1 year extension of amended site plan approval on lot 7. The motion was seconded by Mr. Stone with all in favor.

CARGAIN FUNERAL HOME – 418 ROUTE 6 – TM – 75.15-1-6 – AMENDED SITE PLAN

Mr. Carnazza said all of his comments have been addressed but they are still trying to do the lot line adjustment in the back and they did put a fence on top of their retaining wall.

Mr. Franzetti said the board may recall this application encompassing a proposal to increase existing side parking on a 1.5 acre parcel located at 418 Route 6. It involves about 30,000 square foot of soil disturbance where the new parking area will be located. The representative met with the engineering department on Thursday October 8th, 2015, based on this meeting and review of updated submittals all the departments' comments have been addressed and the department doesn't have objections to the amended site plan. The board should note that the referral to Mahopac Fire Department is warranted in correspondence to findings should be provided for review to the board and to the file. A permit for blasting may be necessary if they do have to blast any area.

Mr. Cleary said they addressed all there site plan issues, the plan has evolved fairly significantly based on the comments that this board had. The applicant has made all those changes and has addressed all of the outstanding issues. The next step is to schedule the public hearing for this application. He said the public hearing should go concurrently because the lot line adjustment would affect the site plan.

Mr. Franzetti said the site plan shown is the site plan that includes the lot line and the adjusted property.

Chairman Gary asked the Planner to schedule a public hearing.

THOMAS FISHER INC. & JOSEPH SIMONE – 418 ROUTE 6 & 7 VESCHI LANE N. – TM – 75.15-1-6 & 8 – LOT LINE ADJUSTMENT

Mr. Carnazza said the variances are required for the flat area of the smaller lot for rear and side yards.

Mr. Franzetti said all engineering comments have been addressed; the engineering department does not have an objection to the lot line adjustment being proposed. The applicant did state at one of the earlier meetings that the Putnam County Department of Health is okay with the lot line adjustment, once that is done the documentation should be provided to support the County's decision.

Mr. Cleary said they have addressed all of the site planning issues and the only issue we had was the Health Department and we need something in writing.

Chairman Gary said he needs to go the Zoning Board.

Mr. Cleary said that's correct.

SWAN COVE – 628 ROUTE 6 – TM – 76.5-1-49 – EXTENSION OF FINAL SITE PLAN

Mr. Carnazza had no objection to the extension of approval.

Mr. Franzetti said the engineering department has no objection to the re-approval of the final site plan for the project. The board should be aware that the file does not contain documentation for the NYS DOT to connect the project water and sewer permit. It has coverage for the NYS Storm Water permit but it does need the NYS DEC Wetlands permit and the project did seek and receive a wetlands permit that needs to be renewed.

Ms. Emily Barile stated the wetland permit has been renewed.

Mr. Cleary said he had no objection to the extension and there are no changes made to the plan.

Chairman Gary asks if the board has any questions.

Mr. Paepre asked what the reason for the extension was.

Mr. Barile said we are going to start construction in March.

Mr. Stone asked procedurally, can we grant an extension with the permit issues outstanding.

Mr. Carnazza yes you can, they are conditions.

Mr. Giannico moved to grant a 1 year extension of final site plan for Swan Cove. The motion was seconded by Mr. Paepre with all in favor.

MACDONALD MARINE – 681 UNION VALLEY ROAD – TM – 76.20-1-13 – RE-APPROVAL OF FINAL SITE PLAN

Mr. Carnazza said the previous re-approval expired but the applicant got his request in just before the expiration so he had no objection to the re-approval for the project.

Mr. Franzetti said the engineering department had no objection to approving the site plan extension for the project. The planning board should be made aware that they have coverage under the NYS DEP storm water rules and regulations and has coverage under the NYS DEC storm water and fresh water wetland. The ECB permit is good until March of 2016.

Mr. Cleary had no objection to the re-approval.

Mr. Paepre moved to grant re-approval of final site plan. The motion was seconded by Mr. Giannico with all in favor.

HILLSIDE COURT – 1819 ROUTE 6, CARMEL – TM – 55.6-1-51 – BOND RETURN

Mr. Carnazza said no work was done at this site and the applicant is abolishing all approvals by letter. I have no objection to returning the bond.

Mr. Cleary said he paid all his fees and the bond was to address any improvements and he never did anything to the site.

Chairman Gary said we have to schedule the public hearing.

Mr. Stone said currently there is an approved plan that he has bonded, does the letter carry with the land?

Mr. Cleary said the site plan approval will expire after a period of time so it would die on its own, it has actually already expired.

Chairman Gary asked the Planner to schedule a public hearing.

OLD FORGE ESTATES – BALDWIN PLACE ROAD – TM – 75.15-1-19-40 – RE-APPROVAL OF FINAL SUBDIVISION

Mr. Carnazza said he has no objection to the re-approval and there are no changes.

Mr. Franzetti said the engineering department doesn't have any objection to the re-approval of the final subdivision to this project as long as there are no changes being made to the site. Prior to granting this extension the board should consider that the applicant has not posted a performance bond as part of the May 11th 2011 planning board resolution. The project sought and received a wetland permit, received a Putnam County Department of

Health that has expired and has coverage for the NYS and NYC storm water. He said also, the bond needs to be updated.

Chairman Gary asked how long this project been in front of us for.

Mr. Cleary said it's been years, it kept getting extended and now it is expired.

Chairman Gary asked if there was a way to get reimbursed for it.

Mr. Cleary said he pays for the application for re-approval but not to continually update his performance bonds. He said the town does work to maintain his bond in an active fashion. He said this is a subdivision plat that runs with this land forever.

Mr. Paul Lynch of Putnam Engineering, representing the applicant said the original approval dates back to the 90's. He said they are looking to build, but they are having financial problems.

Chairman Gary said he thinks the board should look at how these fees should work. You have to be careful with how you keep re-approving applications; you have to find out what has changed on this project. This gives him another few years to go back and everything could have changed code wise.

Mr. Stone asked what the difference is between an extension and a re-approval.

Mr. Carnazza said you are entitled to one extension, after you get your one extension; the next one is considered a re-approval.

Chairman Gary said a re-approval should not be this easy to get.

Mr. Stone said that since it has been out there for that long we should go back through it.

Chairman Gary said this would not get approved today with the way things were back then.

At which time, a discussion ensued regarding where the property is located.

Mr. Cleary said were going to have you come back so the board can familiarize themselves with the property.

Mr. Stone said he thinks we need to go through this to make sure that everything is the same.

CAPORALE, SABATINO – TM – 53.-1-41 – REGRADING APPLICATION

Mr. Carnazza stated that the board needs to disregard his first comments because the swale is existing. He said it isn't being proposed and the septic and well locations are on the map.

Mr. Franzetti said the engineering department has no comments to the regrading plan.

Mr. Cleary said there are no planning issues with this application.

Mr. Jack Karell, applicant's engineer addressed the board and stated this property is off Julia Court, off Barrett Hill, there is an addition approved for the construction for the existing house. He wants to fill the property line to have a flat plateau; the fill is not construction demolition debris.

Chairman Gary stated that this is the second application in the last 4 years; the first one went to court because of bad fill, how can you prove this is good fill. We will need to have someone come to inspect the fill to make sure it is good.

Mr. Stone said in other places where he has worked it was required that the fill be certified as clean fill.

Mr. Cleary said we can impose that as a condition.

Chairman Gary asked the board members if we should do that.

The board members were in agreement with the Chairman.

Mr. Franzetti said there is nothing legally that I could have asked the applicant to do to make it certified, it has to be a board decision. I am glad that the board is making that decision.

Mr. Stone said he can verify the certification but it needs to be an independent certification.

Mr. Franzetti said it has to be certified from an outside party, not the trucker or person you buy it from.

Mr. Stone said to require certification of clean fill we don't have a definition of what clean fill is. We need to decide what the clean fill standard will be.

Mr. Karell said that the Putnam County Health Department has a code section that was developed in the 80s which governs the place of construction and demolition debris. DEC also has requirements so we can have the Health Department or the DEC to inspect the fill.

Mr. Cleary said you have an agent in the town whose job it is to make that determination; I would suggest you rely on the town engineer.

Chairman Gary asked for a motion to request the town engineer to identify the third party certification requirements and confirm the independent certification that the fill is determined to be clean when received.

Mr. Franzetti said just so the board knows the soil has already been delivered to this property, there was a notice of violation on this site so no work is being performed. The discussion was made with regards to soil testing, the applicant was asked to come here and do this because it is outside of the water shed and it does not meet the 5,000 square foot criteria.

Mr. Cleary said the next question is does the board want to have a public hearing.

Mr. Stone said the applicant has requested a waiver of the public hearing.

Chairman Gary said he will gladly ask the board if they want to waive the public hearing.

Mr. Stone asked if this regrading application is simply regrading or is it also tree clearing associated with the regrading.

Mr. Karell replied yes.

Mr. Stone asked if he needs a tree cutting permit.

Mr. Carnazza replied no, this is his tree cutting permit.

At which time, a discussion ensued with regards to having a public hearing.

Mr. Cleary said it's entirely up to the board whether they want a public hearing or not. He said there's no necessity to have the public hearing and it probably doesn't influence any of the administrative work you're doing, so it is simply your call.

Mr. Stone asked how much material is being imported.

Mr. Karell said probably another 1000 yards. He said the regrading requirement doesn't say anything about having a public hearing.

Chairman Gary said he thinks we should have Mr. Franzetti take a good look at the fill. If the fill is not clean and something needs to be done, then the board has a right to recall it then have a public hearing on it.

Mr. Cleary said the motion should be the grading permit that they are going to consider is contingent on an inspection of the fill that has been brought in to the property to date to verify that it is clean and satisfactory. If it is found not to be, the applicant will return to the planning board and the planning board will have a public hearing.

Mr. Giannico moved to grant the regrading application for Caporale contingent upon the fact that the fill that has been and will be delivered to the site is inspected and found to be clean. The third party testing certification will be provided and if the fill is not clean you will come back before this board for a public hearing or any other reason brought forth by the Town Engineer. The motion was seconded by Mr. Stone with all in favor.

MINUTES – 07/08/15, 07/22/15, 08/05/15, 08/26/15, 09/16/15, 09/30/15 & 10/14/15

Heldover.

Mr. Paepre moved to adjourn the meeting at 8:06 p.m. The motion was seconded by Mr. Giannico with all in favor.

Respectfully submitted,

Rose Trombetta