

HAROLD GARY  
Chairman

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

MICHAEL CARNAZZA  
Director of Code  
Enforcement

**BOARD MEMBERS**  
CARL GREENWOOD  
JOHN MOLLOY  
JAMES MEYER  
ANTHONY GIANNICO  
CRAIG PAEPRER



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

RICHARD FRANZETTI, P.E.  
Town Engineer

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

**PLANNING BOARD AGENDA**  
**SEPTEMBER 17, 2014 – 7:00 P.M.**

**MEETING ROOM #2**

**TAX MAP #   PUB. HEARING   MAP DATE   COMMENTS**

**PUBLIC HEARING**

- |  |            |         |         |                   |
|--|------------|---------|---------|-------------------|
| 1. Hosch & Torres Subdivison -490 Long Pond Rd | 53.15-1-40 | 9/17/14 | 8/25/14 | 2 Lot Subdivision |
| 2. Infantino, Thomas – Split Rock Rd           | 64.8-1-19  | 9/17/14 |         | Bond Reduction    |
| 3. Kobu Asian Bistro – 903 South Lake Blvd     | 75.12-2-5  | 9/17/14 |         | Bond Return       |

**RESOLUTION**

- |  |           |  |        |           |
|--|-----------|--|--------|-----------|
| 4. Lakeview Realty 168, LLC – East Lake Blvd | 76.22-1-4 |  | 8/1/14 | Site Plan |
|--|-----------|--|--------|-----------|

**SITE PLAN**

- |  |            |  |         |                   |
|--|------------|--|---------|-------------------|
| 5. Coco Farms Gas Station – 1923 Route 6, Carmel | 55.11-1-40 |  | 8/15/14 | Amended Site Plan |
| 6. Cargain Funeral Homes, Inc. – 416 Route 6     | 75.15-1-6  |  | 8/28/14 | Amended Site Plan |

**SUBDIVISION**

- |   |                          |  |         |                     |
|---|--------------------------|--|---------|---------------------|
| 7. Fisher & Simone – 418 Route 6 & 7 Veschi Lane N. | 75.15-1-6 &<br>75.15-1-8 |  | 8/28/14 | Lot Line Adjustment |
|---|--------------------------|--|---------|---------------------|

**MISC.**

- |  |            |  |        |                                    |
|--|------------|--|--------|------------------------------------|
| 8. Lakeview Development at Carmel – 1611 Route 6 | 55.9-1-17  |  |        | Bond Return                        |
| 9. Putnam Community Foundation – Stoneleigh Ave  | 66.-2-58   |  |        | Extension of Approval              |
| 10. Campanelli, Michael – 424 Baldwin Place Rd.  | 75.11-2-25 |  | 6/3/14 | Waiver of Site Plan<br>Application |
| 11. Minutes – 8/13/2014                          |            |  |        |                                    |

**SITE PLAN APPLICATION**



**PLANNING BOARD**  
Town of Carmel - Town Hall  
Mahopac, NY 10541  
(845) 628-1500

The Complete Application shall consist of 11 Application Forms; 11 short EAF Form; 2 Disclosure Statements; 5 Site Plans & The Appropriate Fee

Date Submitted: 8/16/14 Fee Paid \$ 3,700.00 Tax Map # 55.11-1-40

Applicant's Name, Address, Telephone # & Email Address: NY Fuel Distributors, LLC  
235 Mamaroneck Ave, Suite 400, White Plains, NY 10605 914-602-8757

Owner's Name, Address, Telephone # Danny.porco@nyfueldistributors.com  
SAME

Firm Responsible for Preparation of Plan: MA Day Engineering P.C.

Firm's Address, Telephone # 3 Van Wyck Lane, Wappingers Falls, NY 12590, Phone: 845-223-3202

Name & Address of Project: Coco Farms Gas Station, Convenient Store & Car Wash  
1923 Route 6, Carmel, NY 10512

Zoning District Commercial Lot Size: 0.91 ac Existing use: Gas Station

Number & Dimensions of Existing Buildings, if any:  
one story building = 30'x58' one canopy = 78'x22'  
Total Floor Area and Height of Existing Buildings, if any:  
1,740 S.F.

Number of Existing Parking Spaces: 14 # Proposed: 9

Percentage of Lot Covered by Buildings and Parking: 62%

Does Existing Use Comply with Zoning Requirements: no

If Not, Describe Non-Conformities: Existing Building and canopy are encroaching into the front yard

Deeds recorded in County Clerk's Office - Date Liber 1862 Page 340

Are there Liens, Mortgages or other Encumbrances on the Site? N/A

Are there any Easements relating to the Site? yes If yes, attach copies of same.

Is Public Sewer & Water Available yes

Does the Site Contain Wetlands, Steep Slopes or Other Environmental Constraints? No

(Wetlands should be flagged in the field and on the map).

Is the site adjacent to NYC Watershed Lands? YES

Are any waivers of site plan regulations requested? Yes If so, List: \_\_\_\_\_

We are requesting a variance for the Minimum Required Yard dimensions required in 156 Attachment 1

Have you sent your application to the Fire Dept? Yes x No \_\_\_\_\_

Applicant's Signature: [Signature] Date: \_\_\_\_\_

Owner's Signature: [Signature] Date: 7-30-14

Brief Description of Project: The Applicant wishes to demolish the existing building and canopy and construct a new canopy and a 4,700 square foot building to include a convenient store and car wash, with any necessary appurtenances such as parking, site lighting and landscaping

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| <b>Part 1 - Project and Sponsor Information</b>  |  |                                 |  |
|--|--|---------------------------------|--|
| Name of Action or Project:<br>Site plan for Coco Farms Gas Station, Convenient Store and Car Wash  |  |                                 |  |
| Project Location (describe, and attach a location map):<br>1923 US Route 6, Town of Carmel, Putnam County, New York  |  |                                 |  |
| Brief Description of Proposed Action:<br>The Applicant wishes to demolish the existing building and canopy and construct a new canopy and a 4,700 square foot building to include a convenient store and car wash, with any necessary appurtenances  |  |                                 |  |
| Name of Applicant or Sponsor:<br>NY Fuel Distributors, LLC   |  | Telephone: 914-848-7337 ext 130 |  |
|  |  | E-Mail:                         |  |
| Address:<br>235 Mamaroneck Ave , Suite 400   |  |                                 |  |
| City/PO:<br>White Plains   |  | State:<br>New York              | Zip Code:<br>10605                         |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.   |  |                                 | NO<br><input type="checkbox"/>             |
|  |  |                                 | YES<br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:<br>DOT-ENTRANCE, PUTNAM COUNTY-ENTRANCE, BUILDING DEPT., ZBA-VARIANCE   |  |                                 | NO<br><input type="checkbox"/>             |
|  |  |                                 | YES<br><input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action?   |  | _____ 0.91 acres                |  |
| b. Total acreage to be physically disturbed?   |  | _____ 0.91 acres                |  |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   |  | _____ 0.91 acres                |  |
| 4. Check all land uses that occur on, adjoining and near the proposed action.  |  |                                 |  |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____<br><input type="checkbox"/> Parkland |  |                                 |  |



|   |                                     |                          |
|---|-------------------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____ | NO                                  | YES                      |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____   | NO                                  | YES                      |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____   | NO                                  | YES                      |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  |                                     |                          |
| Applicant/sponsor name: <u>Danny Porco</u>  | Date: <u>7-30-14</u>                |                          |
| Signature: _____  |                                     |                          |

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|  | No, or small impact may occur       | Moderate to large impact may occur |
|--|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 2. Will the proposed action result in a change in the use or intensity of use of land?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 3. Will the proposed action impair the character or quality of the existing community?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 7. Will the proposed action impact existing:   |                                     |                                    |
| a. public / private water supplies?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| b. public / private wastewater treatment utilities?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |

|   | No, or small impact may occur       | Moderate to large impact may occur |
|---|-------------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 11. Will the proposed action create a hazard to environmental resources or human health?                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

|   |  |
|---|--|
| <input type="checkbox"/>  | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input type="checkbox"/>  | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.   |
| Town of Carmel Planning Board                                     |  |
| _____<br>Name of Lead Agency                                      | _____<br>Date  |
| Harold Gary   | Planning Board Chairman  |
| _____<br>Print or Type Name of Responsible Officer in Lead Agency | _____<br>Title of Responsible Officer  |
| _____<br>Signature of Responsible Officer in Lead Agency          | _____<br>Signature of Preparer (if different from Responsible Officer)   |

**PRINT**



# TOWN OF CARMEL SITE PLAN COMPLETENESS CERTIFICATION FORM REQUIREMENTS



All Site Plans submitted to the Planning Board for review shall include the following information and details, as set forth in Section 156-61 B of the Town of Carmel Zoning Ordinance.

This form shall be included with the site plan submission

|    | <i>Requirement Data</i>   | <i>To Be Completed by the Applicant</i> | <i>To Be Completed by the Town</i> |
|----|---|---|------------------------------------|
| 1  | Name and title of person preparing the site plan  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 2  | Name of the applicant and owner (if different from applicant)   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 3  | Original drawing date, revision dates, scale and north arrow  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 4  | Tax map, block and lot number(s), zoning district   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 5  | All existing property lines, name of owner of each property within a 500' radius of the site  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 6  | Contour lines at two-foot intervals, grades of all roads, driveways, sanitary and storm sewers  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 7  | The location of all water bodies, streams, watercourses, wetland areas, wooded areas, rights-of-way, streets, roads, highways, railroads, buildings, structures | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 8  | The location of all existing and proposed easements   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 9  | The location of all existing and proposed structures, their use, setback dimensions, floor plans, front, side and rear elevations, buildable area.              | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 10 | On site circulation systems, access, egress ways and service roads, emergency service access and traffic mitigation measures                                    | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 11 | Sidewalks, paths and other means of pedestrian circulation  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 12 | On-site parking and loading spaces and travel aisles with dimensions  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 13 | The location, height and type of exterior lighting fixtures   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 14 | Proposed signage  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 15 | For non-residential uses, an estimate of the  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |

|    |  |                                     |                          |
|----|--|-------------------------------------|--------------------------|
|    | number of employees who will be using the site, description of the operation, types of products sold, types of machinery and equipment used  |                                     |                          |
| 16 | The location of clubhouses, swimming pools, open spaces, parks or other recreational areas, and identification of who is responsible for maintenance   | <input type="checkbox"/><br>N/A     | <input type="checkbox"/> |
| 17 | The location and design of buffer areas, screening or other landscaping, including grading and water management. A comprehensive landscaping plan in accordance with the Tree Conservation Law | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 18 | The location of public and private utilities, maintenance responsibilities, trash and garbage areas  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19 | A list, certified by the Town Assessor, of all property owners within 500 feet of the site boundary  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20 | Any other information required by the Planning Board which is reasonably necessary to ascertain compliance with this chapter   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

\* if the provision of the data is not applicable, indicate N/A

-----

**Applicants Certification (to be completed by the licensed professional preparing the site plan:**

I Mark A. Day hereby certify that the site plan to which I have attached my seal and signature, meets all of the requirements of §156-61B of the Town of Carmel Zoning Ordinance:



Mark A. Day  
Signature

8/15/14  
Date

Professionals Seal

-----

**Town Certification (to be completed by the Town)**

I \_\_\_\_\_ hereby confirm that the site plan meets all of the requirements of §156-61B of the Town of Carmel Zoning Ordinance:





**SITE PLAN APPLICATION**

**PLANNING BOARD**  
**Town of Carmel - Town Hall**  
**Mahopac, NY 10541**  
**(845) 628-1500**

The Complete Application shall consist of 11 Application Forms: 11 short EAF Form; 2 Disclosure Statements; 5 Site Plans & The Appropriate Fee

Date Submitted: 9/4/14 Fee Paid \$ 6,100.00 Tax Map # 75.15-1-6

Applicant's Name, Address, Telephone # & Email Address: Cargain Funeral Homes, Inc.  
418 Route 6, Mahopac, New York 10541, Michael H. Muenz, Owner, Tel - 845-628-5655

Owner's Name, Address, Telephone # Thomas Fisher, Inc., 10 Fowler Avenue, Carmel, New York 10512  
Tel - 845-225-3672

Firm Responsible for Preparation of Plan: Zarecki & Associates, LLC

Firm's Address, Telephone # 11 West Main Street, Pawling, New York 12564 Tel: 845-855-3771

Name & Address of Project: Cargain Funeral Homes, Inc., 418 Route 6, Mahopac, New York 10541  
CG -

Zoning District: Commerical Lot Size: 1.045 acres Existing use: Funeral Home

**Number & Dimensions of Existing Buildings, if any:**

One (1) existing building - 73' x 70'

**Total Floor Area and Height of Existing Buildings, if any:**

5,000 SF, 21' High

Number of Existing Parking Spaces: 25 # Proposed: 31

Percentage of Lot Covered by Buildings and Parking: 38%

Does Existing Use Comply with Zoning Requirements: Yes

If Not, Describe Non-Conformities: N/A

Deeds recorded in County Clerk's Office - Date \_\_\_\_\_ Liber \_\_\_\_\_ Page \_\_\_\_\_

Are there Liens, Mortgages or other Encumbrances on the Site? No

Are there any Easements relating to the Site? No If yes, attach copies of same.

Is Public Sewer & Water Available No

Does the Site Contain Wetlands, Steep Slopes or Other Environmental Constraints? No

(Wetlands should be flagged in the field and on the map).

Is the site adjacent to NYC Watershed Lands? No

Are any waivers of site plan regulations requested? No If so, List: \_\_\_\_\_

Have you sent your application to the Fire Dept? Yes X No \_\_\_\_\_

Applicant's Signature: [Signature] Date: 8/22/14

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Brief Description of Project: Construction of additional parking for the existing funeral home.

## Short Environmental Assessment Form

### Part 1 - Project Information

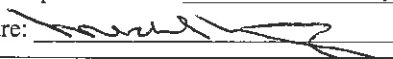
#### Instructions for Completing

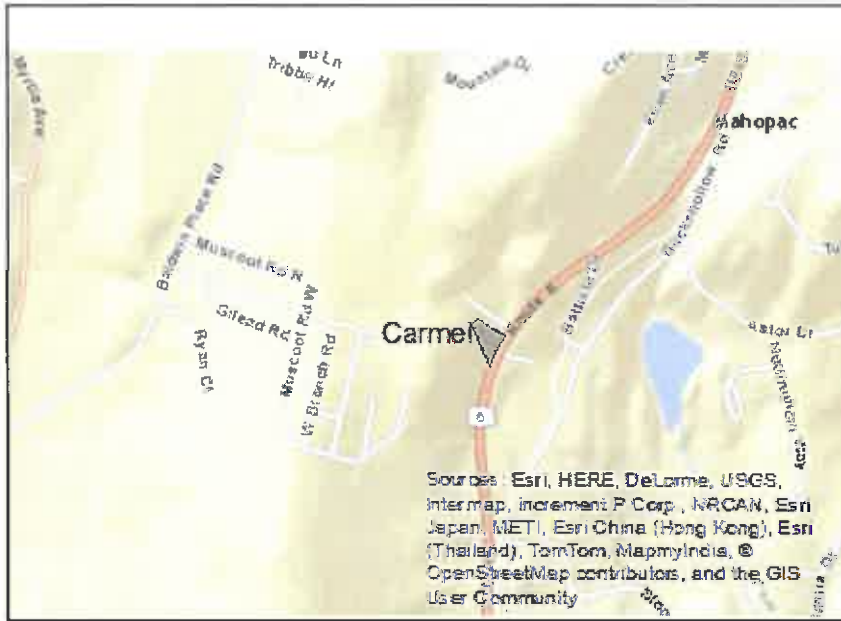
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

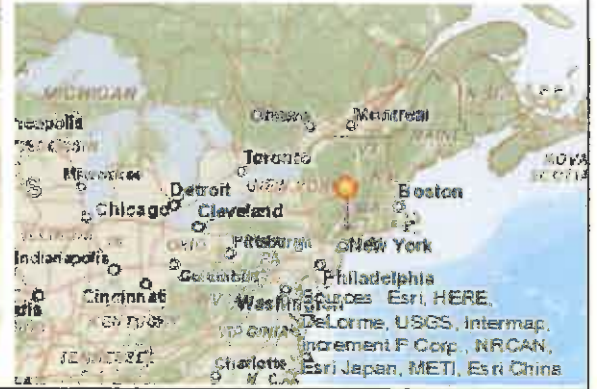
| <b>Part 1 - Project and Sponsor Information</b>  |  |                         |  |
|--|--|-------------------------|--|
| Name of Action or Project:<br>Amended site plan for Cargain Funeral Homes, Inc.  |  |                         |  |
| Project Location (describe, and attach a location map):<br>418 Route 6, Mahopac (Town of Carmel), New York   |  |                         |  |
| Brief Description of Proposed Action:<br>It is proposed to construct additional parking for the existing funeral home  |  |                         |  |
| Name of Applicant or Sponsor:<br>Cargain Funeral Homes, Inc.   |  | Telephone: 845-628-5655 |  |
|  |  | E-Mail:                 |  |
| Address:<br>418 Route 6  |  |                         |  |
| City/PO:<br>Mahopac  |  | State:<br>New York      | Zip Code:<br>10541                         |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. |  |                         | NO<br><input type="checkbox"/>             |
|  |  |                         | YES<br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:<br>NYSDOT - drainage review to continue to utilize the existing storm drainage catch basin located along US Route 6   |  |                         | NO<br><input type="checkbox"/>             |
|  |  |                         | YES<br><input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action?   |  | 1.045 acres             |  |
| b. Total acreage to be physically disturbed?   |  | 0.65 acres              |  |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   |  | 1.045 acres             |  |
| 4. Check all land uses that occur on, adjoining and near the proposed action.  |  |                         |  |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)  |  |                         |  |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____  |  |                         |  |
| <input type="checkbox"/> Parkland  |  |                         |  |



|   |  |  |
|---|--|--|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br/>         If Yes, explain purpose and size: _____<br/>         _____</p>                                     | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br/>         If Yes, describe: _____<br/>         _____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br/>         If Yes, describe: _____<br/>         _____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Michael H. Muenz</u> Date: <u>9/28/14</u></p> <p>Signature: </p> |  |  |



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



|   |   |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area]               | No  |
| Part 1 / Question 12a [National Register of Historic Places]    | No  |
| Part 1 / Question 12b [Archeological Sites]                     | Yes   |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal]          | No  |
| Part 1 / Question 16 [100 Year Flood Plain]                     | No  |
| Part 1 / Question 20 [Remediation Site]                         | No  |



# TOWN OF CARMEL SITE PLAN COMPLETENESS CERTIFICATION FORM REQUIREMENTS



All Site Plans submitted to the Planning Board for review shall include the following information and details, as set forth in Section 156-61 B of the Town of Carmel Zoning Ordinance.

This form shall be included with the site plan submission

|    | <i>Requirement Data</i>   | <i>To Be Completed by the Applicant</i> | <i>To Be Completed by the Town</i> |
|----|---|---|------------------------------------|
| 1  | Name and title of person preparing the site plan  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 2  | Name of the applicant and owner (if different from applicant)   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 3  | Original drawing date, revision dates, scale and north arrow  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 4  | Tax map, block and lot number(s), zoning district   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 5  | All existing property lines, name of owner of each property within a 500' radius of the site  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 6  | Contour lines at two-foot intervals, grades of all roads, driveways, sanitary and storm sewers  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 7  | The location of all water bodies, streams, watercourses, wetland areas, wooded areas, rights-of-way, streets, roads, highways, railroads, buildings, structures | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 8  | The location of all existing and proposed easements   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 9  | The location of all existing and proposed structures, their use, setback dimensions, floor plans, front, side and rear elevations, buildable area.              | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 10 | On site circulation systems, access, egress ways and service roads, emergency service access and traffic mitigation measures                                    | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 11 | Sidewalks, paths and other means of pedestrian circulation  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 12 | On-site parking and loading spaces and travel aisles with dimensions  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 13 | The location, height and type of exterior lighting fixtures   | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 14 | Proposed signage  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |
| 15 | For non-residential uses, an estimate of the  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>           |

|    |  |                                     |                          |
|----|--|-------------------------------------|--------------------------|
|    | number of employees who will be using the site, description of the operation, types of products sold, types of machinery and equipment used  |                                     |                          |
| 16 | The location of clubhouses, swimming pools, open spaces, parks or other recreational areas, and identification of who is responsible for maintenance   | <input type="checkbox"/><br>N/A     | <input type="checkbox"/> |
| 17 | The location and design of buffer areas, screening or other landscaping, including grading and water management. A comprehensive landscaping plan in accordance with the Tree Conservation Law | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 18 | The location of public and private utilities, maintenance responsibilities, trash and garbage areas  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19 | A list, certified by the Town Assessor, of all property owners within 500 feet of the site boundary  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20 | Any other information required by the Planning Board which is reasonably necessary to ascertain compliance with this chapter   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

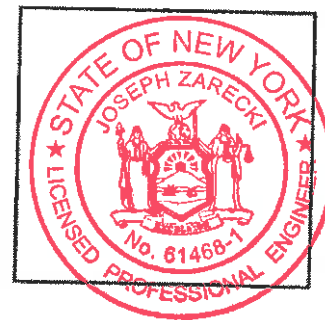
\* if the provision of the data is not applicable, indicate N/A

**Applicants Certification (to be completed by the licensed professional preparing the site plan:**

I Joseph Zarecki hereby certify that the site plan to which I have attached my seal and signature, meets all of the requirements of §156-61B of the Town of Carmel Zoning Ordinance:

Joseph Zarecki  
Signature

8/28/14  
Date



Professionals Seal

**Town Certification (to be completed by the Town)**

I \_\_\_\_\_ hereby confirm that the site plan meets all of the requirements of §156-61B of the Town of Carmel Zoning Ordinance:

**SUBDIVISION APPLICATION**



**PLANNING BOARD**  
Town of Carmel - Town Hall  
Mahopac, NY 10541  
(845) 628-1500

The Complete Application shall consist of 11 Application Forms; 11 short EAF Form; 2 Disclosure Statements; 5 Site Plans & The Appropriate Fee

Date Submitted: 9/4/14 Fee Paid \$ 2,500.00 Tax Map # \_\_\_\_\_ Applicant: 75.15-1-6  
Co-Applicant: 75.15-1-8

**APPLICANT & PROPERTY OWNER'S INFORMATION**

**Applicant's Name, Address, Telephone # & Email:** \_\_\_\_\_  
Applicant: Thomas Fisher, Inc., 10 Fowler Avenue, Carmel, New York 10512, Tel - 845-225-3672  
Co-Applicant: Joseph E. Simone, 7 Veschi Lane North, Mahopac, New York 10541

**Owner's Name, Address, Telephone # & Email:** \_\_\_\_\_  
Applicant: Thomas Fisher, Inc., 10 Fowler Avenue, Carmel, New York 10512, Tel - 845-225-3672  
Co-Applicant: Joseph E. Simone, 7 Veschi Lane North, Mahopac, New York 10541

**Firm Responsible for Preparation of Plan:** Zarecki & Associates, LLC

**Firm's Address, Telephone #** 11 West Main Street, Pawling, New York 12564, Tel - 845-855-3771

**PROJECT INFORMATION**

Lot line adjustment for Thomas Fisher, Inc. & Joseph E. Simone  
**Subdivision Name and Property Address:** 418 US Route 6 and 7 Veschi Lane North, Mahopac, New York

**Zoning District:** C # of Lots Proposed: 0 # of Acres: 1.242

**Are Proposed Roads to be offered to the Town?** No: N/A Yes: \_\_\_\_\_

**Deeds recorded in County Clerk's Office - Date** 01/06/1983 **Liber** 788 **Page** 0344

**Are there Liens, Mortgages or other Encumbrances on the Site?** \_\_\_\_\_

**Are there any Easements relating to the Site?** No If yes, attach copies.

**Will the Site have a Town Road?** No **Private Road?** No **Open Development?** No

**Is a Park Proposed?** No **Is Public Sewer & Water Available?** No

**Does the Site Contain Wetlands, Steep Slopes or Other Environmental Constraints?** No  
(Wetlands should be flagged in the field and on the map).

**Is the site adjacent to NYC Watershed Lands?** No

**Are any waivers of subdivision regulations requested?** No If so, List: \_\_\_\_\_

**Have you sent your application to the Fire Dept?** Yes X No \_\_\_\_\_

**Applicant's Signature:** [Signature] **Date:** 8/28/14

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Co-Applicant's Signature:** [Signature] **Date:** 8/28/14



## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

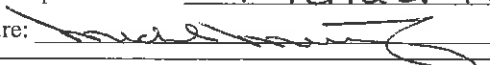
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.


| <b>Part 1 - Project and Sponsor Information</b>  |  |  |                                 |
|--|--|--|---------------------------------|
| Name of Action or Project:<br>Lot line adjustment for Thomas Fisher, Inc. and Joseph E. Simone   |  |  |                                 |
| Project Location (describe, and attach a location map):<br>418 Route 6, Mahopac (Town of Carmel), New York and 7 Veschi Lane North, Mahopac (Town of Carmel), New York   |  |  |                                 |
| Brief Description of Proposed Action:<br>It is proposed to transfer .045 acres of land to the Simone parcel from the Fisher Thomas, Inc. parcel. This action will lessen the non-conformity of the Simone parcel without creating any additional non-conformity of the Fisher Thomas, Inc. parcel.   |  |  |                                 |
| Name of Applicant or Sponsor:<br>Applicant: Thomas Fisher, Inc. Co-Applicant: Joseph E. Simone   |  | Telephone: Applicant: 845-628-5655<br>Co-Applicant:<br>E-Mail: |                                 |
| Address:<br>Applicant: 418 US Route 6 Co-Applicant: 7 Veschi Lane North  |  |  |                                 |
| City/PO:<br>Mahopac  |  | State:<br>New York   | Zip Code:<br>10541              |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.   |  |  | NO<br><input type="checkbox"/>  |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  |  | YES<br><input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? _____ 1.242 acres   |  | Applicant  |                                 |
| b. Total acreage to be physically disturbed? _____ 0 acres   |  | Co-Applicant   |                                 |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.242 acres   |  | a. 1.045 acres   |                                 |
| and co-applicant   |  | b. 0 acres   |                                 |
|  |  | c. 1.045 acres   |                                 |
| c. 0.197 acres   |  | c. 0.197 acres   |                                 |
| 4. Check all land uses that occur on, adjoining and near the proposed action.<br><input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____<br><input type="checkbox"/> Parkland |  |  |                                 |

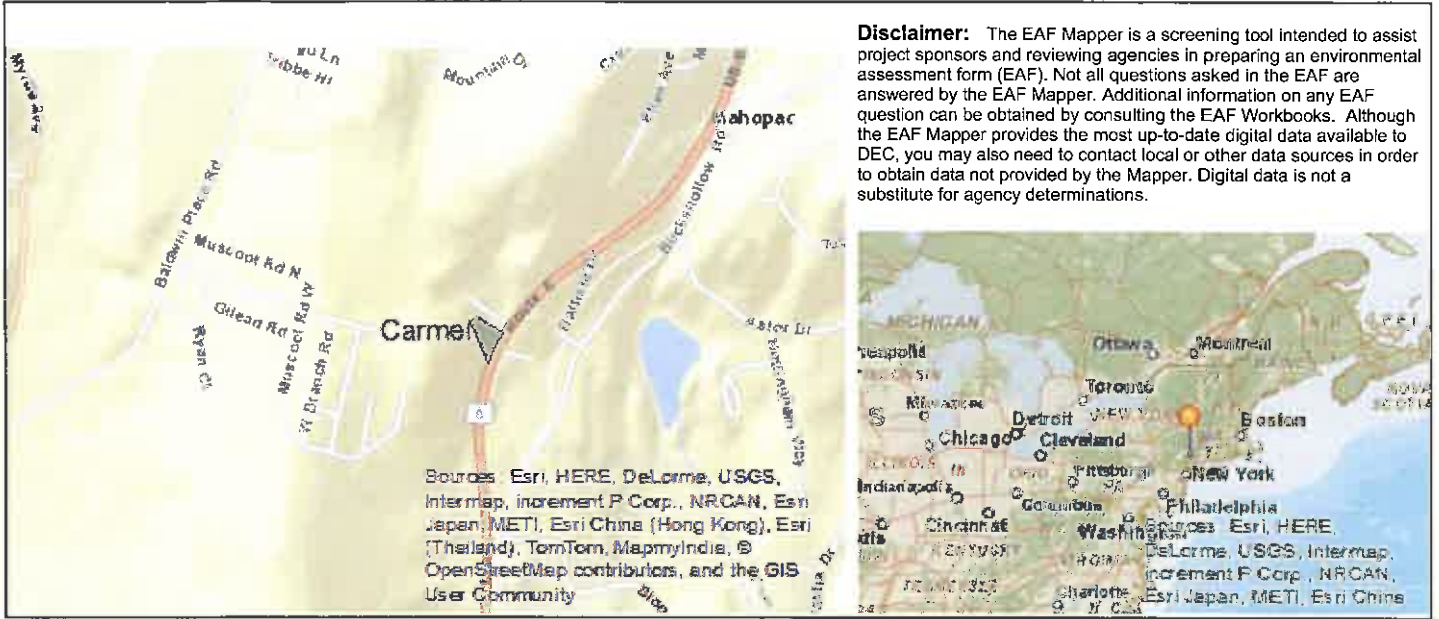


|   |  |  |
|---|--|--|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br/>If Yes, explain purpose and size: _____<br/>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br/>If Yes, describe: _____<br/>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br/>If Yes, describe: _____<br/>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Michael H. Muenz Date: 8/28/14  
 Signature: 

Co-Applicant/sponsor name: Joseph E. Simone Date: 8/28/14  
 Signature: 



|   |   |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area]               | No  |
| Part 1 / Question 12a [National Register of Historic Places]    | No  |
| Part 1 / Question 12b [Archeological Sites]                     | Yes   |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal]          | No  |
| Part 1 / Question 16 [100 Year Flood Plain]                     | No  |
| Part 1 / Question 20 [Remediation Site]                         | No  |

## Trombetta,Rose

---

**From:** gtboniello@aol.com  
**Sent:** Friday, August 29, 2014 10:59 AM  
**To:** Trombetta,Rose  
**Subject:** Re: Lakeview Development LLC , 1611 Rte 6, Carmel  
**Attachments:** Lakeview Development BOND posting 001.jpg

Dear Rose,

All work has been completed for Lakeview Development. At this time, we are requesting the return of the bond for the sum of \$416,000.00.

Please make the check payable to the same entity that posted the "cash bond," Robert J. Boniello. (Please see attached document.)

Thank you,

Gus Boniello  
Boniello Builders, Inc.  
165 Waccabuc Road  
Goldens Bridge, NY 10526  
914-232-3421(h)  
914-523-5046 (c)

-----Original Message-----

From: Trombetta,Rose <[rtrombetta@ci.carmel.ny.us](mailto:rtrombetta@ci.carmel.ny.us)>  
To: 'gtboniello@aol.com' <[gtboniello@aol.com](mailto:gtboniello@aol.com)>  
Sent: Thu, Aug 28, 2014 11:24 am  
Subject: Bond Return

### Rose Trombetta

Planning Office  
Carmel Town Hall  
60 McAlpin Ave  
Mahopac, NY 10541  
845-628-1500 Ext.190

August 21, 2014

Town of Carmel Planning Board (the "Board")  
Carmel Town Hall  
60 McAlpin Avenue  
Mahopac, NY 10541

Re: The Putnam Community Foundation/Final Site Plan Approval (the "Approval")  
Request For Extension of Approval  
Stoneleigh Avenue  
Tax Map No. 66.-2-58

Dear Chairman Gary and Members of the Board:

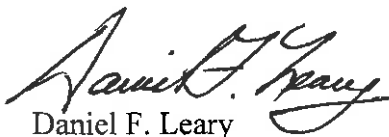
In accordance with the recent Decision and Order of the Honorable Lewis J. Lubell, J.S.C. in "The Matter of the Application of The Putnam Community Foundation v. The Planning Board of the Town of Carmel, et al." dated August 6, 2014, the applicant hereby requests an extension of the above-captioned Approval pursuant to Section 156-61 (I) of the Town of Carmel Zoning Code.

In further support of this request, enclosed herein please find correspondence dated August 21, 2014 of Jeffery J. Contelmo, P.E. President and Principal Engineer of Insite Engineering, Survey and Landscape Architecture, P.C., confirming that there has been no substantial change in the condition of the above-referenced Premises and/or its environs since the time of the Approval.

It is respectfully requested that this matter be placed on the Planning Board's September 3<sup>rd</sup> agenda, and that the Board grant this request for an extension of twelve (12) months. In the interim, please advise if there are any fees associated with this extension request.

If you have any questions or comments, please feel free to contact me. Thank you for your consideration.

Very truly yours,

  
Daniel F. Leary

cc: Jeffrey J. Contelmo, P.E.  
The Putnam Community Foundation



August 21, 2014

Town of Carmel Planning Board  
60 McAlpin Avenue  
Mahopac, New York 10541

RE: Putnam Community Foundation  
Senior Housing Development  
Stoneleigh Avenue  
Tax Map No. 66-2-58

Dear Chairman Gary and Members of the Board:

As the Board may recall, I have been the project engineer for the land use review and approval process before this Board for the above-reference project. In furtherance of the instant request for a 1-year extension of the Final Site Plan Approval, this will confirm that there has been no substantial change in the condition of the subject premises and/or its environs since the time of such approval. Please schedule the subject request for the Board's September 3, 2014 meeting for the approval of the extension.

Should you have any questions or comments regarding this information, please feel free to contact our office.

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:

  
Jeffery J. Contelmo, PE  
Senior Principal Engineer

JJC/amh

Enclosures

cc: Putnam Community Foundation  
Daniel F. Leary, Esq.

Insite File No. 03198.100

*William A. Shilling, Jr., P.C.*

*Attorney at Law*

*122 Old Route 6*

*Carmel, New York 10512*

*E-Mail was.law@comcast.net*

*Michael V. Caruso*

*\*Also admitted in CT*

*Phone (845) 225-7500*

*Fax (845) 225-5692*

August 6, 2014

BY HAND DELIVERY

Planning Board of the Town of Carmel

60 McAlpin Avenue

Mahopac, New York 10541

Re: Application for waiver of site plan approval for real property known as  
424 Baldwin Place Road, Mahopac, New York 10541 (the "Premises")

Dear Chairman Gary and Members of the Planning Board:

This office represents the applicant, Michael Campanelli, as record owner of the Premises. In addition to the surveys previously furnished to the Planning Board, attached are ten (10) copies of floor plans for the three (3) residential dwellings on the Premises and a memorandum of law providing a brief background on this application for waiver of site plan approval. In total, the three dwellings on the Premises account for eight (8) bedrooms.

Also enclosed are ten (10) copies of the Zoning Board's decision, dated January 23, 1986. The Zoning Board granted interpretive relief permitting the conversion of a commercial space (1,000 sf) within the largest, most westerly building on the Premises into two (2) one-bedroom apartments. Please do not hesitate to contact me with any questions.

Very truly yours,



Michael V. Caruso

cc: Town of Carmel Zoning Board of Appeals  
Michael Campanelli



PLANNING BOARD  
TOWN OF CARMEL

In the Application of

MICHAEL CAMPANELLI

Petitioner,

For Waiver of Site Development Plan Approval  
Pursuant to Section 156-61(L) of the Code of the  
Town of Carmel.

MEMORANDUM OF LAW

POINT I

PETITIONER'S APPLICATION IS  
CONSISTENT WITH THE REQUIREMENTS  
FOR WAIVER OF SITE PLAN APPROVAL

Section 156-61(L) of the Code of the Town of Carmel entitled "[s]ite plan approval" provides as follows:

"[s]ite development plan approval as required in this chapter may be waived, in whole or in part, when the site development is for a conforming use or occupancy *that will not enlarge an existing building* and where said conforming use or occupancy would also *conform to all other requirements of this chapter.*" (emphasis added).

By a decision of the Town of Carmel Zoning Board of Appeals (the "Zoning Board"), dated January 23, 1986, a copy of which is annexed, petitioner's predecessor-in-title, Norman E. Hill, was granted an interpretation to permit the conversion of a commercial space of one-thousand (1,000) square feet within a dwelling on the Premises (424 Baldwin Place Road, Mahopac, New York 10541; TM No. 101-4-32) into two (2) one-bedroom apartments.

The prior commercial use of this space was both non-conforming and proved increasingly arduous to maintain as a commercially viable space. Thus, the Zoning Board eliminated the mixed use building on the Premises in favor of a more restrictive use, that being

strictly residential. All three (3) existing building on the Premises have and continue to be utilized as residential dwellings.

It is clear that none of the existing dwellings on the Premises are or have been enlarged since Petitioner has been in record ownership thereof. The Town of Carmel Building Inspector has confirmed by a memorandum, dated April 30, 2014, that no relief is required before the Town of Carmel Zoning Board of Appeals. Thus, Petitioner's application for waiver of site plan approval to continue utilizing the Premises as having eight (8) residential dwelling units is appropriate.

## POINT II

### WAIVER OF SITE PLAN APPROVAL IS AUTHORIZED DESPITE ANY NONCONFORMITIES ON THE PREMISES

Section 156-47(A) of the Code of the Town of Carmel entitled "[c]ontinuation" provides, in pertinent part, as follows:

"[a]ny type of nonconforming use of buildings or land may be continued indefinitely, but shall not be:

(1) *Enlarged or structurally altered, extended or placed on a different portion of the lot or parcel of land occupied by such use* on the effective date of this chapter or of any applicable amendment thereof, nor shall any external evidence of such use be increased by any means whatsoever, except whereby, through such alteration, it is changed to a conforming use;

(2) Changed to another nonconforming use without approval from the Board of Appeals and then *only to a use which, in the opinion of said Board, is of a more restricted nature.*" (emphasis added).

The Code of the Town of Carmel contemplates that any type of nonconforming use of buildings or land may be continued indefinitely.

One of the clear purposes of Sections 156-47 is to accommodate for nonconforming land and uses of land that are not developed over time. Here, *but for* the change of use within the

one-thousand (1,000) square feet of commercial space of the largest building on the Premises, Petitioner has neither developed nor does he intend to develop the Premises beyond the nonconformities that were previously recognized as lawful by the Town of Carmel Zoning Board of Appeals in 1986. In creating two (2) additional dwelling units on the Premises, the Zoning Board acknowledged this use as being “more restrictive and in conformity within the residential area in which it is located.” Petitioner’s application and use of the Premises is in keeping with these policies.

Notwithstanding the above, Town Law Section 274-a(5) entitled “[w]aiver of requirements”, authorizes a Planning Board to:

“when reasonable, waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in the ordinance or local law adopted pursuant to this section, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.”

Consistent with Town Law Section 274-a(5), the Code of the Town of Carmel contemplates scenarios in which nonconforming uses of real property should be allowed to continue provided the intensity and scope of their use remains consistent. Petitioner’s use of the Premises as housing eight (8) residential units has been continuous and uninterrupted since 1986. Additionally, Petitioner has received approval from the Putnam County Board of Health for the eight (8) bedroom count reflected on the surveys annexed to this application.

Any nonconformities arising by virtue of amendments to the Code of the Town of Carmel to date are mitigated by both the Zoning Board’s interpretive decision and Petitioner’s reasonable and consistent use of the Premises for residential purposes. Thus, any nonconforming


dimensions and/or uses of the Premises may be lawfully continued and do not affect Petitioner's entitlement to waiver of site plan approval.

CONCLUSION

Based on the above, Petitioner respectfully requests the grant of waiver of site plan approval pursuant to 156-61(L) of the Code of the Town of Carmel with respect to the Premises.

Dated: Carmel, New York  
August 6, 2014

**WILLIAM A. SHILLING, JR., P.C.**

By: 

Michael V. Caruso

122 Old Route 6  
Carmel, New York 10512  
(845) 225-7500

*Attorneys for Petitioner*

March 13, 1986

Mr. Martin King  
Professional Building  
Baldwin Place, New York 10505

Re: Norman Hill - TM 101-4-32  
499 Baldwin Place Road, Mahopac

---

Dear Mr. King:

As you are aware, the Zoning Board of Appeals of the Town of Carmel, on January 23, 1986, rendered an interpretation as to the use of the above captioned property.

The Board found that the proposed use of the 1000 sq. ft. commercial space can be converted to two one bedroom apartments and will thus be in conformity with the residential area in which it is located. In addition to the two new apartments, there are four pre-existing apartments making a total of six apartments and two cottages for a total of eight dwelling units.

The Board's finding is contingent upon the applicant obtaining site plan approval from the Town of Carmel Planning Board and a cessation of all commercial activity on the site.

Very truly yours,

Peggy Moore, Secretary  
to the Zoning Board of Appeals

# ZBA

Town of Carmel  
ZONING BOARD OF APPEALS

McALPIN AVENUE - MAHOPAC, NEW YORK 10541

914-628-1500

INTERPRETATION OF SECTION 63-12 (B)

APPLICANT - NORMAN E. HILL

FINDINGS OF FACT

Application concerns property located at 499 Baldwin Place Road, tax map #101-4-32 in an R-40/30 zone, Mahopac, New York.

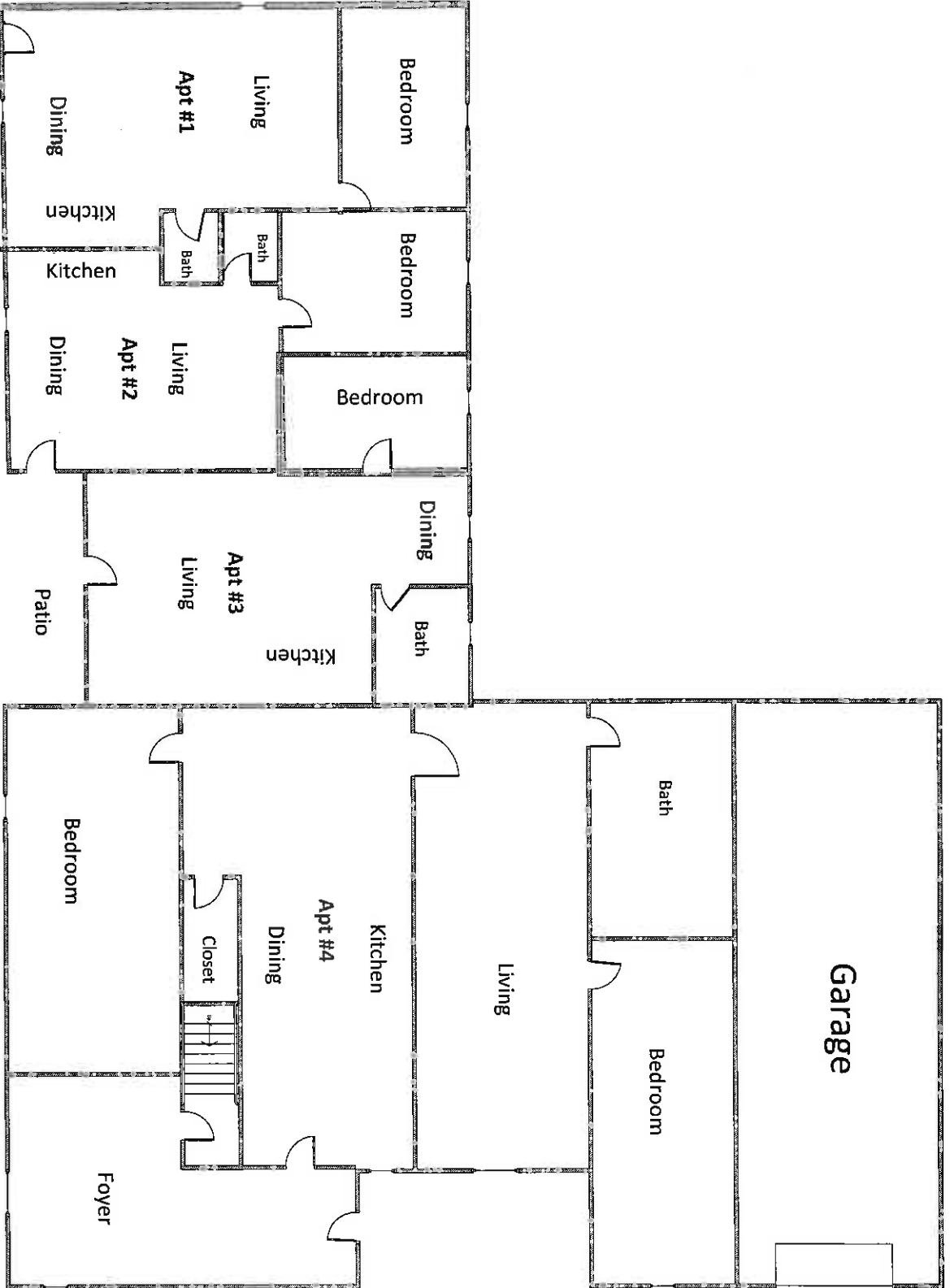
William Shilling, Esquire, representing the applicant, appeared before the Board and stated that his client wished an interpretation of Section 63-12 (B) which states that non-conforming uses shall not be changed to another non-conforming use without approval from the Board of Appeals and then only to a use which, in the opinion of the Board, is of a more restricted nature. He said the subject structure has four residential units and 1000 sq. ft. of space previously used for commercial purposes. The applicant wishes to discontinue the commercial use and establish two one bedroom apartments. His client bought the subject property in 1978 and part of the structure had been used as an appliance store until 1983 when the applicant was unsuccessful in continuing the commercial rental. The applicant warehoused appliances on the site as well as doing repairs and holding garage sales. The applicant wants to discontinue the non-conforming use and create two one bedroom apartments in the 1000 sq. ft. commercial area. He thought that was more restrictive and in conformity with the residential zone in which the building is located. Mr. Shilling stated that he thought under the code, a commercial use is less restrictive than a residential use and that as a matter of law, a residential use is more restricted than a commercial one.

INTERPRETATION

After due deliberation, the Board found the applicant's request, in light of Section 63-12(B), to be that the proposed use of the 1000 sq. ft. of commercial space to wit: the creation of two one bedroom apartments, is more

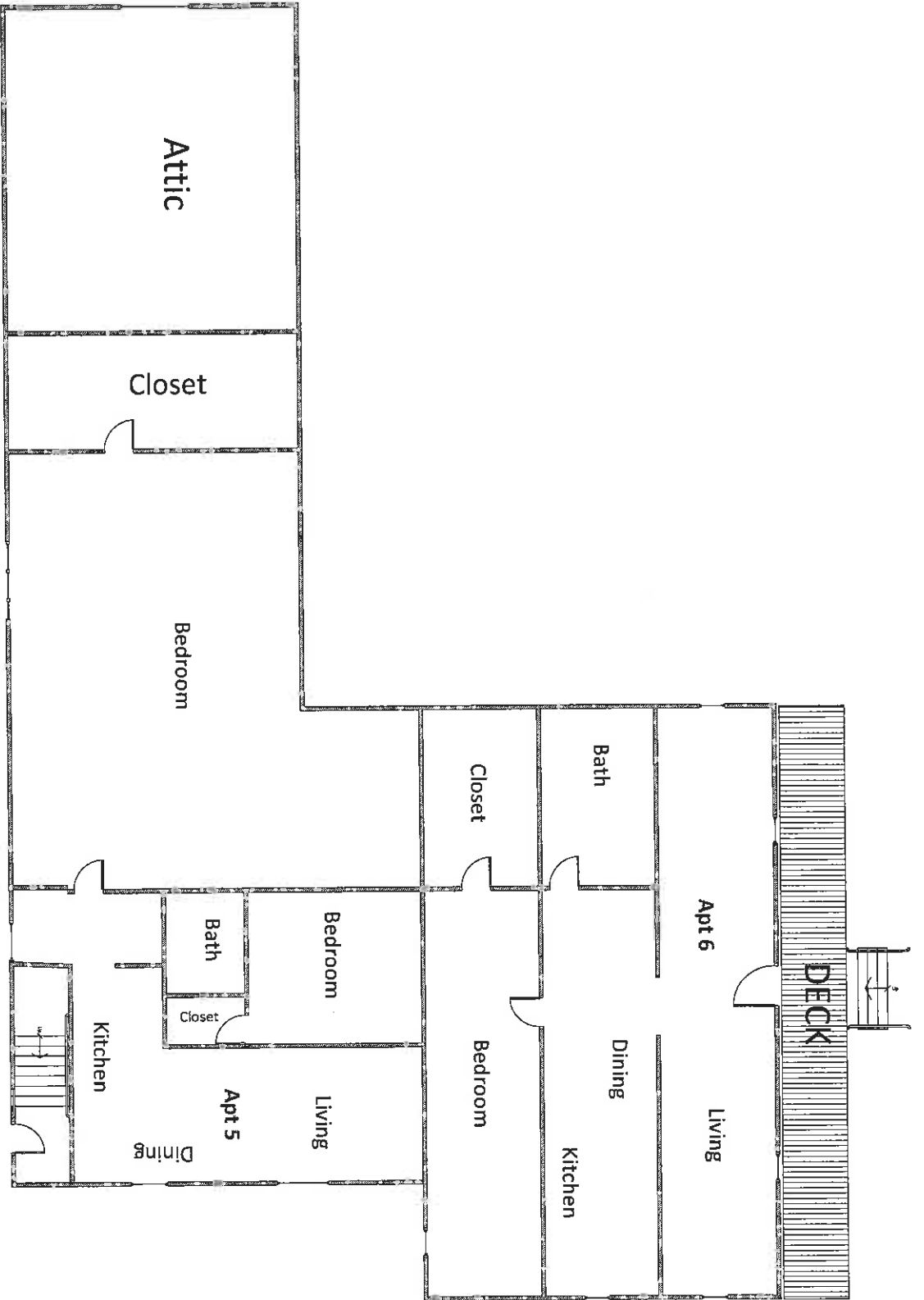
restrictive and in conformity with the residential area in which it is located. This finding is contingent upon the applicant obtaining site plan approval from the Town of Carmel Planning Board and a cessation of all commercial activity on the site. This approval is conditioned upon the issuance by the Planning Board of a site plan approval upon such terms as the Planning Board deems necessary to the extent the applicant can comply with the requirements for the RMF zone. The filed site plan shall state that the use was approved by the ZBA.

Joseph Girven, Chairman

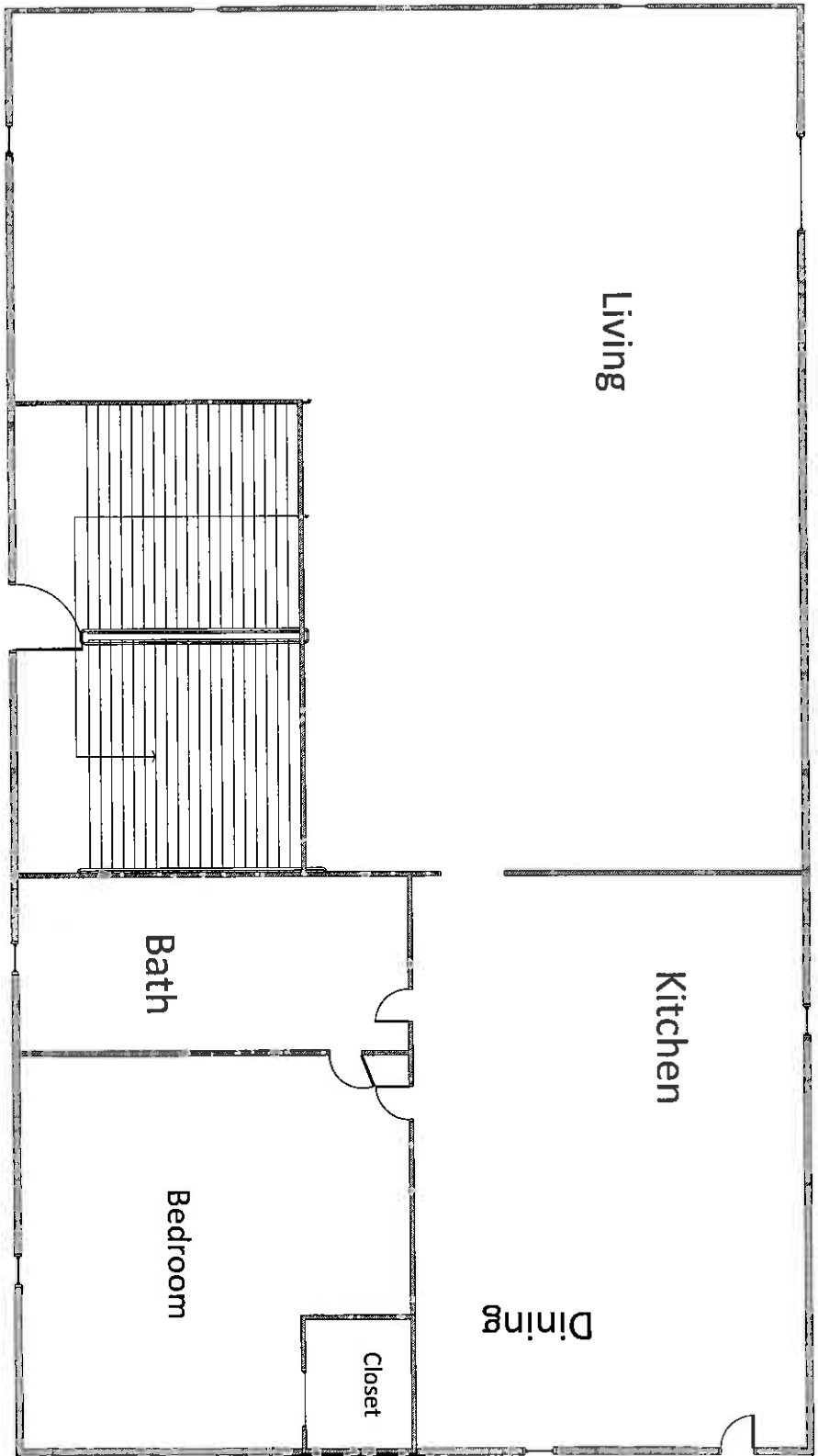


Lower Floor Layout

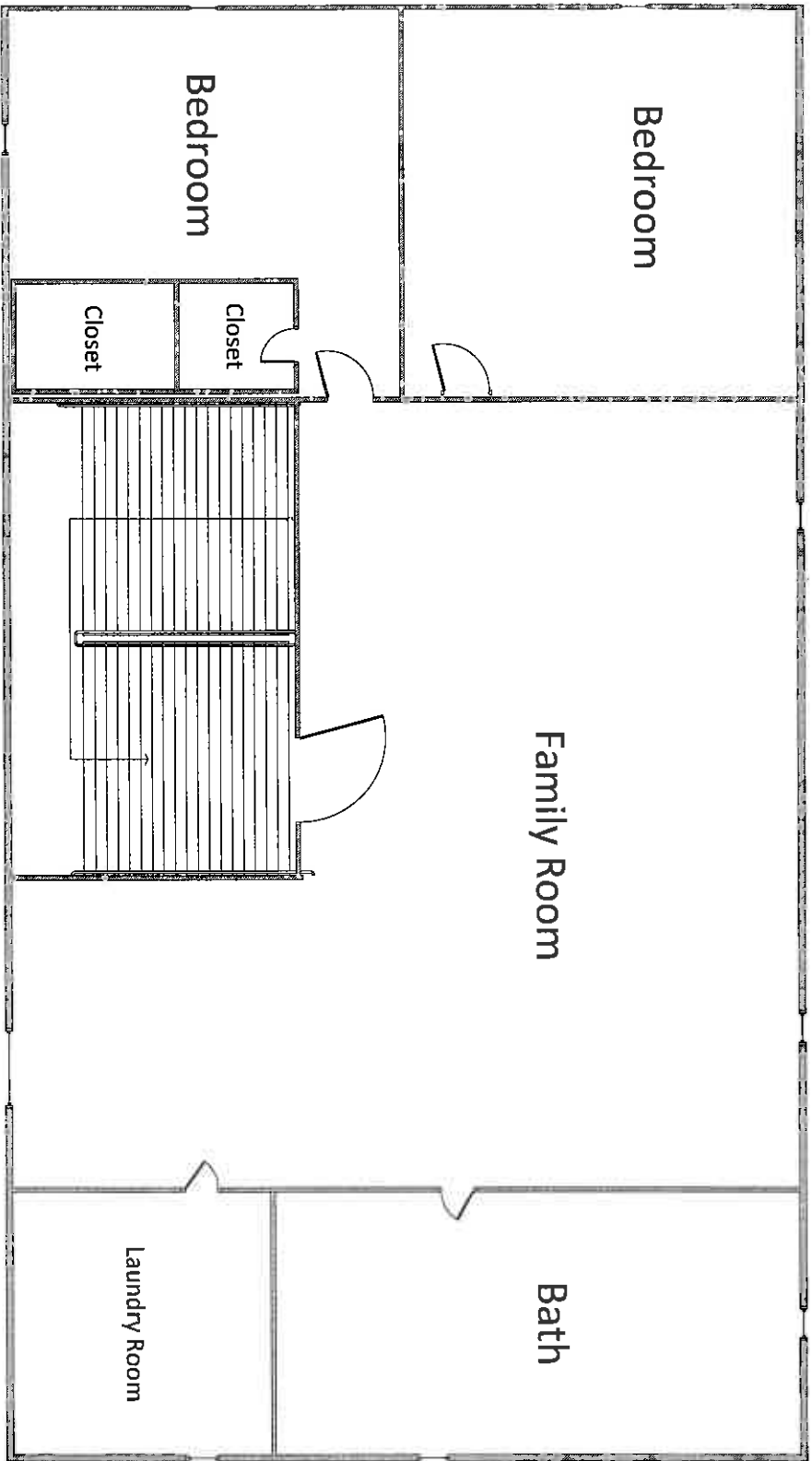




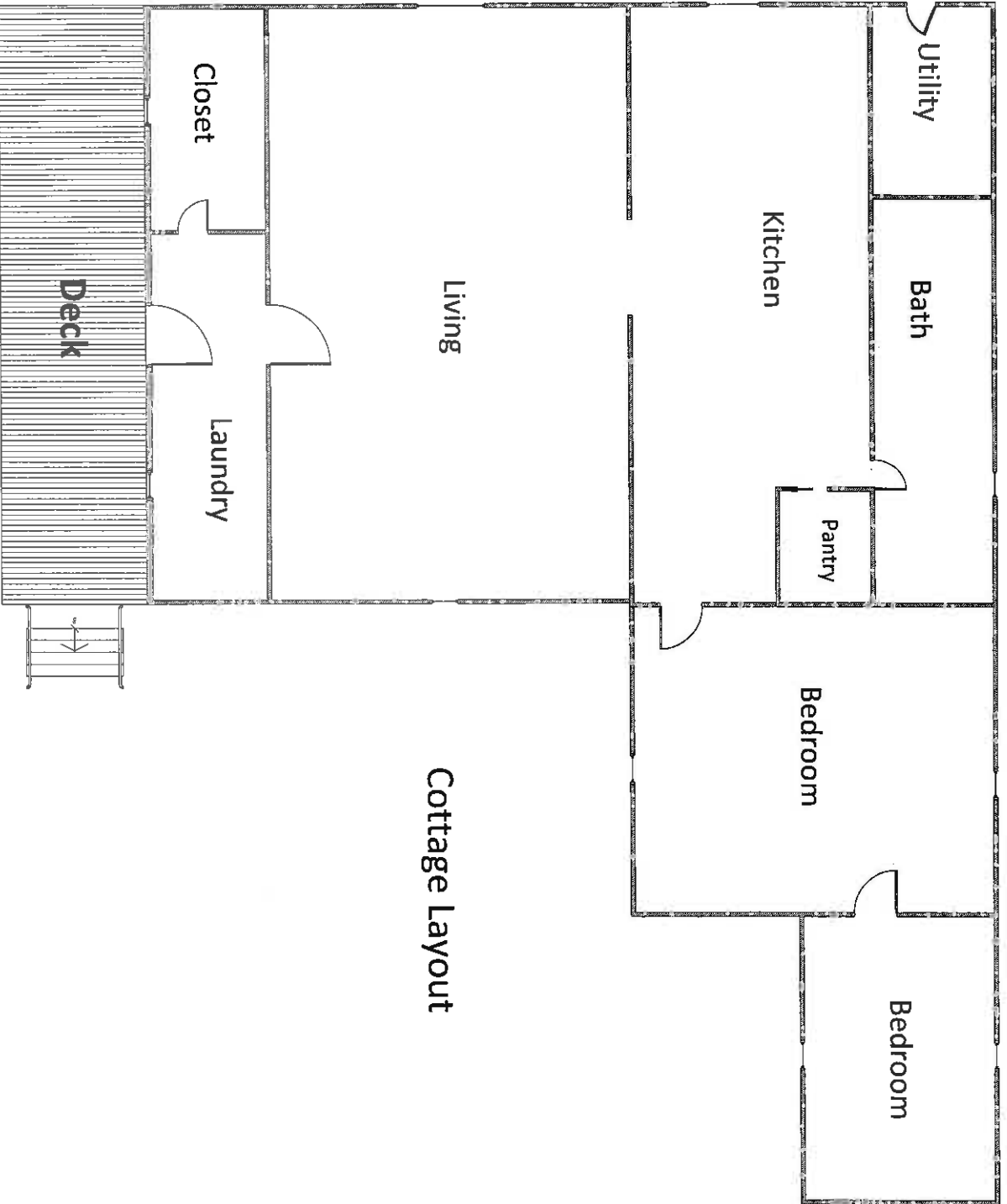
Second Floor Layout



High Ranch House Upper Layout



High Ranch House Lower Layout



Cottage Layout