

**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**  
**MARCH 11, 2015**

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

**ABSENT:** CARL STONE

<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>
Euro Builders, Inc.	64.9-1-15	1-2	P/H	Public Hearing Closed & Bond Return Recommended to Town Board.
Putnam Hospital Center/ New York SMSA Limited	66.-2-57	3	P/H	Public Hearing Closed & Planner to Prepare Resolution.
Beachak Brothers, Inc. a/k/a Mahopac Motorcycles	76.15-1-15	3-9	Site Plan	No Board Action.
Camp Kiwi	77.17-1-32 77.13-1-41	9-12	A. Site Plan	No Board Action.
Random Ridge	55.14-1-6	12-15	Subdivision	No. Board Action.
Yankee Development	76.15-1-12	15-16	Extension	Preliminary Extension Granted.
Hillcrest Commons – Lot E-2.2	44.10-2-4.2	16-18	Re-Approval	Re-Approval Granted.
MK Realty	55.6-1-44&45	18-19	Re-Approval	Re-Approval Granted.
Tompkins Recycling	55.11-1-15	19-20	Extension	Extension Granted for 1 Year.
Campanelli, Michael	75.11-2-25	20-23	Waiver	No Board Action.
Minutes – 12/10/14		23		Approved.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Rose Trombetta

**EURO BUILDERS, INC. – AUSTIN ROAD – TM – 64.9-1-15 – PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Franzetti's memo which cites the history of the bond return and in conclusion this department recommends the two remaining bonds in \$9,200.00 and \$21,720.00 be released.

Mr. Cleary had no comments.

Chairman Gary asked if anyone in the audience wished to be heard on this application.

A resident from Steiner Drive approached the podium and stated when the houses were built behind her they started getting a run-off. She said it was coming from Euro Builders property. She said the town requires road drainage and retention ponds to protect our roads and footing drains and rain gutters protect the new houses. She asked what is done for the property owner?

Mr. Zac Pearson of Insite Engineering, representing the applicant addressed the board and stated there are stormwater provisions in place. The project has stormwater approval. There are stormwater basins constructed (points to the two areas on the map). The stormwater run-off from the proposed development including the houses and all the pervious surfaces were directed to the stormwater basins.

Chairman Gary asked if it's working.

Mr. Pearson replied yes it works.

The resident asked about the run-off from the houses.

Mr. Pearson stated the roof leaders are directed to the basins for treatment or directed to drainage structures that were installed that send the run-off to the basins for treatment.

The resident asked if it's for the footing drains and the roof.

Mr. Pearson said the footing drains do not discharge to stormwater basins. You are not supposed to put ground water in with storm water. Those have separate discharges. He said all of the roof run-off and all of impervious from the development is directed to the stormwater basins.

At which time, the resident pointed to the map to show the board members where the run-off was occurring.

Mr. Pearson pointed to the map to show the resident where the drainage is that directs the stormwater run-off to the basins.

The resident said I don't know the capacity for the drain basin, but I'm sure it will fill in over the years. She said there seems to be an overflow area.

Mr. Pearson said that's correct, extreme storm overflow. He said it's not designed to drain out that way. He said it's an extreme 100 year storm event.

Chairman Gary asked if anyone else wished to be heard.

Being there was no further public comment, Mr. Greenwood moved to close the public hearing. The motion was seconded by Mr. Giannico with all in favor.

Mr. Greenwood asked the resident if the run-off has been occurring since they had built the houses. He said this is a public hearing on their bond return a project that has already been built. I understand your concern about the drainage, but how does it relate directly to his bond return.

The resident stated it has been a problem for years. She created a ditch to avoid the water from going into her house.

Mr. Franzetti addressed the board and apologized for being late. He was in Executive Session with the Town Board.

Mr. Franzetti stated the resident did come into my office and we looked at drawings and area photographs from google earth. He said the problem started more with the Fox Trail development then it was with Euro Builders. There are catch basins at the edge of Fox Trail and I indicated to her that we would go and inspect them as soon as all the snow has melted. He said the prior town engineer had reviewed this project and there were stormwater management measures put in on the site. They have been inspected by the Engineering office and we do not see a problem with it.

Chairman Gary asked if any of the three houses was causing additional flow on the hill.

At which time, Mr. Franzetti pointed to the detention basins, septic fields and houses on the drawings. He said the flow is coming more from Fox Trail. He said this was designed according to NYS standards, so the flow coming from Euro Builders will be the same as it was when it was underdeveloped.

At which time, the board members and resident continued to discuss the drainage from both Fox Trail and Euro Builders.

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

**PUTNAM HOSPITAL CENTER/NEW YORK SMSA LIMITED PARTNERSHIP – 670  
STONELEIGH AVE – TM 66.- 2-57 – PUBLIC HEARING**

The consultants had no additional comments.

Chairman Gary asked if anyone in the audience wished to be heard on this application.

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

Chairman Gary asked the Planner to prepare a resolution.

**BEACHAK BROTHERS, INC. – A/K/A MAHOPAC MOTORCYCLES – 485 ROUTE 6 –  
TM 76.15-1-15 – SITE PLAN/CHANGE OF USE**

Mr. Carnazza read his memo which stated the applicant proposes to convert part of the existing Motorcycle Sales Showroom into a medical office and add parking and retaining walls.

- Provide floor plans and elevations.
- Variance required Provided Variance  
Lot Area 40,000 s.f. 35,500 s.f. 4,500 s.f.  
Lot Depth 200 ft. 72.45ft . 127.55 ft.  
Front Yard 40 ft. 3.8 ft. 36.2 ft.
- Parking spaces 11 and 12 do not meet the Accessibility Requirements of New York State.
- Provide an accessible route to each of the two uses in the building.
- Provide a detail of the trash enclosure. The fence detail on page P-2 is not complete.
- Provide a detail of any signage on the lot (both existing and proposed).
- Provide the location of the exterior doors. It appears that the doors are going to be blocked by the cars parked in the provided parking spaces.

Mr. Franzetti read his memo which stated this application encompasses a proposal to redevelop a 0.815 acres parcel located at 485 US Route 6. The project involves the installation of retaining walls and an expansion of the parking area to accommodate a change of use for a portion of the existing building. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

**I. General Comments**

1. The following referrals would appear to be warranted:
  - a. Mahopac Fire Department
2. Permits from the following would appear necessary:

- a. New York State Department of Transportation – depending on improvements to the ingress/egress along Route 6
  - b. Putnam County Department of Health – Septic approval for change in use.
3. A legend should be provided.
  4. All re-grading required to accomplish the intended development should be provided.
  5. The loading dock area appears to be in conflict with the dumpster enclosure locations.
  6. The plans should specify the total area to be disturbed, as well as the extent of new impervious areas to be created, so that applicable SWPPP requirements can be defined.
  7. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles.
  8. Depending on the proposed intended change of use for the site, a Traffic study should be considered.
  9. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work.

## **II. Detailed Comments**

1. Site Parking Sheet P-1
  - a. An existing conditions drawing should be provided.
  - a. It is unclear if there is existing curbing for the islands along Route 6.
  - b. Available sight distances at each driveway location should be specified on plan. Any clearing along the edge of the roadway R.O.W. that may be necessary to assure appropriate sight distances are provided, should be identified.
  - c. All proposed utilities (e.g., lights) should be provided on the drawing.
  - d. The applicant should consider a 4 feet sidewalk along the east and west sides of the building. This will require modification to the parking areas along the property.
  - e. Signs (e.g., stop, yield, etc.) and pavement markings (e.g., do not enter, etc.) should be provided at the ingress and egress' of the site.
  - f. The applicant does not address stormwater runoff from the site. All existing drainage should be provided.
  - g. The Stormwater flow patterns should be provided.
  - h. Erosion and sediment control plan/details should be provided. It should be noted that the New York State Department of Environmental Conservation (NYSDEC) does not allow the use of hay bales.

- i. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles attempting to enter the car wash as intended.
  - j. All turning radii for the site should be graphically provided. This includes the turning radii into the modified site entrances.
  - k. Additional details are required for the garbage enclosure.
  - l. Details on all landscaping proposed (planting details, number of plants, and their height at planting) must be provided.
  - m. All planting should be verified by the Town of Carmel Wetlands Inspector.
  - n. All plantings shall be installed per §142 of the Town of Carmel Town Code.
  - o. Details for the location, height and type of exterior lighting, lights, along with a spill plan denoting illumination levels must be provided.
  - p. The applicant now proposes work in the NYSDOT Right of Way (R.O.W.) and therefore, approval is required from the NYSDOT.
2. Details Sheet P- 2
- a. Signs should be provided for handicap parking.
  - b. Manufacturer's specifications for the retaining wall must be provided. The design and installation of the retaining walls must be provided on the drawing. In particular details regarding the leveling pad.
  - c. Asphalt pavement must meet Town of Carmel specifications.
  - d. Details show drain inlets and seepage pit details, it is unclear as to where these are located on the site. It should be noted that the design of these features should be per the NYSDEC Stormwater Design and Erosion and Sediment control Manuals. All design calculation should be provided.

Mr. Cleary read his memo which stated the applicant is proposing a change of use for a 3,000 square foot portion of the existing Mahopac Motorcycles building on Route 6, to support a doctor's office. Additionally the existing parking lot on the east side of the building is proposed to be reconfigured to support 11 parking spaces, and a new parking lot created on the west side of the building to support 5 parking spaces, a loading area and a dumpster enclosure. No alterations to the building footprint or square footage are proposed.

**SITE PLAN REVIEW COMMENTS:**

1. **Proposed Use:**

- The proposed doctor's office is a permitted use in the C - Commercial zoning district.

2. **Doctors Office Operational Characteristics:**

- The operational characteristics of the doctor's office should be clarified. What type of facility is proposed? What are the hours of operation? How many staff will work at this facility? How many patients can this facility accommodate? Will the facility require direct vehicle access from medical

transportation vehicles or ambulances? Are any special accommodations necessary for patient access (ramps, wheelchair accessible doors, etc.)? Will this facility offer services that are specialized or unique, resulting in a more intensive use of the site?

3. **Off-Street Parking:**

- Three off-street parking requirements would apply to the two uses at this site:
  - Mahopac Motorcycles:
    - Showroom/Office – 1 space/200 sqft 1,600  
sqft/200 = **8 spaces**
    - Storage – 1 space/1,000 sqft 1,250  
sqft/1,000 = **2 spaces**  
**Total = 10 spaces**
  - Doctor’s Office:
    - 4 spaces per doctor plus 1 space per employee  
The parking tabulation on the site plan indicates that 1 doctor and 2 employees will be present at the site = **6 spaces** (the doctor/employee numbers to be verified by the applicant)

**Total site parking requirement = 16 spaces**

16 spaces are provided.

- The parking spaces have been laid out in an appropriate configuration, and meet the applicable space size and aisle width requirements.

4. **Site Access:**

- e. Clarification regarding the two access driveways is required. Do these driveways exist as depicted on the site plan, or are modifications proposed?

If any modifications are required, NYSDOT approval would be required.

5. **Right-of Way Improvements:**

- a. Currently, a curbed planting area exists along a portion of the site’s Route 6 frontage. The site plan indicates “proposed line striping” along the entire frontage, including the existing planting area.
- b. Better organizing the site’s Route 6 frontage is a benefit, and absent full curbing, the line striping can achieve this goal. Approval of the NYSDOT would be required for any modifications within the right-of-way.

c. Additional plantings are indicated on the site plan, within what appear to be planters in front of the building. Details of the planters, and plant species and size should be noted on the site plan.

6. **Building Façade Improvements:**

a. Are any building façade improvements proposed to accommodate the new tenant? The space where the doctor's office is proposed was used as showroom space for the motorcycle business, with large windows along the entire space. This may not be suitable for a doctor's office.

b. Will the Doctor's Office have new signage?

7. **Storm Water Management:**

a. What stormwater management measures are proposed for the new parking lots? Review by the Town Engineer is required.

8. **Site Utility Infrastructure:**

a. Will the doctor's office result in any unusual utility demands requiring new site utility improvements?

9. **Retaining Walls:**

a. Both parking lots require the installation of new "versa-lock" retaining walls, as the site slopes significantly down towards the rear of the site.

b. The height of the retaining walls should be noted on the site plan.

c. The larger wall, around the western parking lot, has been staggered in an appropriate manner to minimize its visual impact and improve the structural stability of the wall.

10. **Screening**

a. The applicant has proposed the installation of ten 6' tall spruce trees within the western retaining wall.

b. The eastern parking lot will now be separated from the adjoining parcel by the configuration of the spaces, and the presence of wheel stops. Currently, the open paved area allows for the free, uninhibited movement between both sites.

As the parking configuration and wheel stops will prevent this from occurring, it is recommended that a fence or some other means of permanently delineating the property boundary line be considered.



11. **Site Lighting:**

- a. The site plan notes the location of wall pack exterior site lighting. Are these fixtures new or proposed?
- b. If new lighting is proposed, details are required.

Mr. Stephen Ferreira of SJF Engineering, representing the applicant and Mr. Matthew Beachak were present before the board.

Mr. Ferreira addressed the board and stated we are looking to construct 5' retaining walls to accommodate parking for service and parts center for Mahopac Motorcycles. On the other side of the building is where the doctor's office/physical therapy area will be. The only change to the front façade will be windows. There will be two separate signs on each side of the building.

Mr. Charbonneau asked if there were any zoning code violations on this property.

Mr. Cleary replied there were, but they have all been rectified.

At which time, a discussion ensued regarding the parking lot between the two properties, Country Kitchen and Mahopac Motorcycles.

Mr. Giannico commented that it will create fewer parking spaces along Route 6 especially on the weekends.

Mr. Ferriera stated they (the diner) actually have a licensing agreement with the state for their parking along Route 6.

Mrs. Kugler asked if there will be a pass through to the other lot.

Mr. Ferriera replied no. He said we have had conversations with the state to get the same licensing agreement that we have for the diner.

At which time, the board members and Mr. Ferriera had a discussion regarding the proposal of plantings along the property line.

Mr. Ferriera stated there is an existing curb area with plantings in the right of way now, but we are proposing barrels that could be removed in the winter time.

Mr. Cleary stated when you commit to that on the site plan they need to be there permanently. If you change or move the barrels somewhere else, you are effectively amending your site plan. If you are going to show them on your site plan, make sure they are there.

Mr. Giannico asked if they are allowed to have planting boxes there.

Mr. Cleary said it on D.O.T's property. They will tell them what they could do.

Mr. Greenwood asked if there was an existing curb.

Mr. Beackak replied no, there is an island on the north side of the building.

Mr. Greenwood said and that is in the right of way, previously approved by the D.O.T.

Mr. Carnazza said we don't know that, this building has been there for a very long time.

Mr. Cleary said the D.O.T. may make them put in curb.

At which time, the board members continued to discuss the right of way and how to clean up the site and make it safer.

Chairman Gary said we will try to encourage the D.O.T. along with you, but you first have to come up with something that will be more presentable to make the building look better and safer.

Mr. Ferriera asked if the board would like planting boxes instead.

Mr. Giannico said it would be a suggestion; you could put seasonal plantings in it to change the look.

Mr. Greenwood said it would be easier to put it on the drawing going there, then it is to make the suggestion afterwards to D.O.T. He said if you put the curb on the drawing, you might be more inclined to get it approved from D.O.T.

At which time, a discussion ensued regarding the façade of the building and if any changes will be made other than the windows.

Chairman Gary suggested possibly putting pilasters (columns) on the building. He asked for a front elevation drawing with something to that effect.

**CAMP KIWI - 825 UNION VALLEY ROAD - TM - 77.17-1-32 & 77.13.-1-41 - AMENDED SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to amend the previous approved site plan which includes the following changes: relocate visitor parking area, 36 x 40 enclosed play area, relocation of ga-ga courts, roller hockey rink, reconstruct theater, and construction of 10 x 20 deck. The batting cages and wood platform for zip line are on an adjacent property (Property of Brown). This needs to be moved back on to the property of Camp Kiwi. Variance required from 156-26C- Outdoor recreation areas, including picnic areas, shall be located a minimum of 50 feet from any property line. The proposed

roller hockey rink and ga-ga courts are only a few feet from the property line. Variance required from 156-26C- Outdoor recreation areas, including picnic areas, shall be located a minimum of 50 feet from any property line. Provide Setback lines to all outdoor recreation areas, picnic areas, buildings and structures.

Mr. Franzetti read his memo which stated this application encompasses a proposal to redevelop a 0.7 acres of a 14.7 acre parcel located at 825 Union Valley Road. The project involves repurposing camp areas to improve parking, add play areas, relocate of gaga courts, install of a roller hockey rink and the reconstruct the existing outdoor theater. Based upon our review of this submittal, the Engineering Department offers the following preliminary comments:

### **General Comments**

1. The following referrals would appear to be warranted:
  - a. Mahopac Fire Department
2. All re-grading required to accomplish the intended redevelopment should be provided.
3. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work.

Mr. Franzetti stated if the board will allow me to, I will provide the applicant with the other comments that they should be aware of.

Mr. Cleary read his memo which stated Camp Kiwi is proposing a number of modifications to the existing camp area, including:

- Relocation of the visitor parking area to the front of the site.
- Replace existing mini-putt area with a 36' x 40' enclosed play area.
- Relocate the gaga courts to the southern end of the site.
- Construction of a new 60' x 100' roller hockey rink at the southern end of the site.
- 10' x 20' expansion of an existing deck on a program building.
- Reconstruct existing program buildings and outdoor theater seating.

### **SITE PLAN REVIEW COMMENTS:**

#### **1. Proposed Use:**

- Camp Kiwi is classified as a "Day Camp" subject provisions of §156- 26, and permitted use in the R - Residence zoning district.

## **2. Camp Kiwi Operational Characteristics:**

- Are the renovations proposed to expand the enrollment of the camp or will they increase the intensity of the use of the site? Clarification is requested.

At which time, Mr. Cleary continued to read the numerous other comments. He also stated the big issue that is not clear is the lower corner of the site is apparently a separate parcel of land and not part of the main Camp Kiwi property. Is it a separate owner or is it owned by Camp Kiwi? He said that needs to be clarified.

Ms. Dawn McKenzie of Insite Engineering, representing the applicant addressed the board and stated there is an easement for the camp onto that parcel.

Mr. Cleary asked if it was owned by the camp.

Ms. McKenzie said it is not owned by the camp, but it is owned by one of the owners of the camp.

Mr. Cleary said so effectively it's private property that the camp has an easement to use the camp. He asked that they provide documentation for the planning board attorney to review.

Mr. Carnazza asked if the batting cages are utilized by the camp.

Ms. McKenzie replied yes.

At which time, Ms. McKenzie reviewed the minor site improvements to the board which consisted of the re-location of the gaga court, construction of a roller hockey rink, expansion of the deck at the activity building and re-construct existing program buildings and outdoor theater seating. She said towards the front there will be a 36' x 40' enclosed fenced in play area with a roof. The biggest improvement is the parking lot in the front. She said moving it out towards the front is to provide more safety for the campers and better separation between vehicles coming onto the site and the camper area.

Mr. Cleary said there is no parking requirement for day camp, so we ask the applicant to provide your estimate of the parking demand for the site for employees, customers, visitors and so forth.

Ms. McKenzie replied will do.

Mrs. Kugler asked if that was the only parking area.

Ms. McKenzie replied no, they also have a staff parking area.

At which time, a further discussion ensued with regards to parking and uses for the other parking areas.

Mr. Giannico asked if there was any consideration with making the roller rink into multiple uses such as an ice rink.

Ms. McKenzie said the cost is significantly different.

At which time, Mr. Carnazza reviewed the different variances that were required.

Mr. Greenwood asked if there was any consideration with doing a lot line adjustment on the property that you are infringing on in order to incorporate everything pertaining to the camp being on its own property.

Mr. Cleary asked if there was a residence on that parcel now.

Mr. Carnazza replied yes.

Ms. McKenzie said that's not a question for me to answer. That is a question for the applicant.

At which time, the board members continued to discuss the possibly of doing a lot line to reduce the amount of variances.

Chairman Gary stated Camp Kiwi was before this board about 10 years ago, and we went through all of that. He said that line can't change.

Mr. Furfaro stated it looks like they will have to easements.

Mr. Carnazza stated they have to give us the easements, the 50' setback line and they we could move them on to the ZBA.

Chairman Gary asked if they could go now.

Mr. Carnazza said we have to discuss the easements with the attorney.

Chairman Gary said to meet with the consultants before you come back to the board.

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

Mr. Carnazza read his memo which stated the applicant proposes to amend the previously approved Random Ridge Subdivision to make a Cluster Subdivision. In doing so, the applicant claims the subdivision will achieve less environmental impacts; however, I do not have all the necessary information to determine if the project complies with Zoning. Section 156-45E requires a calculation to obtain a "lot count". This is not provided. Without this, I cannot verify compliance. This project should be referred to the ECB for comments. The "Open Space" must include an agreement IN PERPETUITY, that

the common space land will be used for no other purpose. Provide information that insures compliance with section 156-45L. Provide an environmental constraints map.

Mr. Franzetti read his memo dated March 5, 2015.

Mr. Cleary read his memo dated March 11, 2015.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated all the approvals from the 2004 subdivision are still valid and the applicant could still move forward with that project, however, based on current economic times with housing they would like to amend their subdivision plat that actually offers many benefits.

At which time, Mr. Lynch displayed the original overall subdivision plat to the board and pointed out to the NYSDEC and Town Regulated wetlands. The road would come in off of Kennicut Hill Road opposite Minerva Lane and it splits and there is a north side and south side. There will be about 3000 feet of road with 28 lots. He said what we would like to do is to condense that site still maintain the 28 lots at the far western side of the property and stay out of the town regulated wetland. He said we would have to encroach into the buffer to construct a wetland pond. He said a comparison of the two layouts, basically the area of disturbance for the original subdivision is about 37 acres and this proposed disturbance area would be about 23 acres, so it would be about 14 acres less. He said the amount of earth work involved constructing this project is about 30,000 cubic yards of less material to be brought onto the site. The impact on the wetland buffer with the original subdivision was 4.3 acres of disturbance. In this layout, we will only disturb only 8/10 of one acre. The length of roadways will be cut down from 3000 linear feet to 2000 linear feet. The impervious will remain the same. In this layout we have also added a clubhouse and recreation facilities for the homeowners. He said with this project we could dedicate about 57 acres of land to remain forever green. We can't do that with the original subdivision. He said he did not see the formula calculation in the town code to come up with a lot count. He said that formula was eliminated from the town code in the late 1990's.

Mr. Carnazza said he thinks it was put back in the code in 2002.

Mr. Lynch said he didn't see it. He said we believe we have the valid subdivision; in essence that proves our lot count for us. He said if there is a formula, we don't think we should have to back track just to come up with a validity of something where we could build 28 lots today.

Mr. Cleary stated while they still have their final approval, they still have to comply with the cluster provisions that the code establishes. He said it is a required exercise and appears as though you would comply, but we would like for you to demonstrate compliance.

Mr. Lynch said I will meet with staff.

Mr. Giannico asked what could be developed in the open space in the future.

Mr. Lynch replied nothing, it will be forever green.

Mr. Furfaro asked how will this change the character of the housing that will be built there.

Mr. Lynch said they will be individually designed, about five to seven different styles and about 2000 square feet total of livable space. Much smaller than the homes that were originally proposed.

Mr. Furfaro asked if they will have their own septic.

Mr. Lynch replied no, we have a community septic system.

Mr. Furfaro asked if that was what was proposed before.

Mr. Lynch replied yes.

At which time, a discussion ensued regarding the formulation of lot counts on cluster subdivision.

Mr. Greenwood asked if there was a requirement for recreation under the cluster subdivision.

Mr. Carnazza replied it is not a requirement.

Mr. Greenwood asked if it would be private or public recreation.

Mr. Cleary replied it is private to the cluster subdivision, unless the applicant chooses to satisfy his 10% of recreation then it would be a town park.

Chairman Gary said to meet with the consultants.

Mrs. Kugler asked if the two properties on the site can be subdivided again.

Mr. Lynch replied no.

Mr. Cleary said even though they may be large enough in square footage, there will be restrictions on those individual properties that they can't be subdivided. He said we are taking the yield for the entire 70 acre parcel and condensing it.

Chairman Gary said those two individual properties will be trouble down the road. He said they have to be included in the cluster.

Mr. Carnazza asked can they use their recreation facilities?

Mr. Lynch replied yes. They will be in the homeowners association.

Mr. Greenwood said those two individual properties have their own separate septic, yet they are still responsible for the public's septic. He said if those two houses should be hooked into the system regardless if they are going to pay for it and they should be included in the actual layout of the cluster subdivision rather than being two separate lots.

Mrs. Kugler asked why weren't those two properties included in the cluster subdivision.

Mr. Lynch replied when we were doing this layout and incorporating the recreation, we basically ran out of room.

Mr. Carnazza said to maybe put the recreation where the two properties are.

Mr. Lynch said that's possible.

Chairman Gary said those two properties should be included with the cluster, because 10 years from now there will be another subdivision. He said include them in that cluster.

The board members were in agreement with the Chairman.

**YANKEE DEVELOPMENT – PIGGOTT ROAD – TM 76.15 -1-12 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

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

Mr. Franzetti read his memo which stated the Engineering Department does not have an objection to granting a 180 day extension to the Preliminary Subdivision Approval. However the following should be noted:

1. The applicant has submitted a complete preliminary subdivision drawing package prepared by Bibbo Associates, LLP, Somers, dated November 3, 2005, last revised October 24, 2011.
2. The project received Preliminary Plan approval as provided in the February 15, 2015 Preliminary Subdivision Approval for the Planning Board of the Town of Carmel (Resolution # 12-04).
3. It is unclear if the applicant addressed the comments contained in the January 23, 2012 memorandum from the by the Town of Carmel Town Engineer. These included:
  - a. The road cross section detail should be revised to indicate 12 inches of Item 4 in two separate lifts, and three lifts of asphaltic Concrete to comply with Town Standards.



- b. The roadway curb must be concrete, not asphalt.

These comments will need to be addressed.

- 4. Minimally the following permits will be required:
  - a. New York City Department of Environmental Protection (NYCDEP)
    - i. Stormwater Pollution Prevention Plan (SWPPP)
  - b. New York State Department of Environmental Conservation (NYSDEC):
    - i. General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-15-002).
  - c. Putnam County Department of Health
    - i. Water Supply Permit
    - ii. Septic Permits
  - d. Town of Carmel:
    - i. Wetlands Permit under §89 Freshwater Wetlands of the Town of Carmel Town Code.
    - ii. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. Prior to Final Resolution the applicant will be required to submit a quantity take off of all proposed improvements for bonding and inspection fee purposes.
- 5. All required information as specified in Article III of the Town's Land Subdivision (§ 131-13) Regulations.
- 6. The applicant is advised that a stormwater bond and maintenance guarantee, pursuant to §156.87 of the Town Code, will be required.

Mr. Cleary had no objection to extension of preliminary approval.

Mr. Greenwood asked what the delay was.

Mr. Ed Delaney of Bibbo Associates, representing the applicant replied we are still dealing with NYCDEP.

Mr. Greenwood moved to grant extension of preliminary subdivision approval. The motion was seconded by Mr. Giannico with all in favor.

**HILLCREST COMMONS – LOT E-2.2 – ROUTE 52 – TM – 44.10-2-4.2 – RE-APPROVAL OF AMENDED FINAL SITE PLAN APPROVAL**

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

Mr. Franzetti said the Engineering Department does not have any objection to the re-approval of the amended site plan as long as there are no changes being made to the site.

He said the board should be aware of the following:

New York State Department of Environmental Conservation (NYSDEC) Requirements

- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), permit number NYR 10T132.

New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project. The expiration date is July 2, 2015.
- The NYCDEP Amended Sewer System Determination for this project is valid until March 6, 2018.

Putnam County

- The project sought and received PCDOH Amended Approval of Plans for Sewer Collection System. The expiration date is March 7, 2018.

Town of Carmel

- The file does not contain documentation regarding the following items identified in the May 8, 2013 Planning Board Resolution (#13-10):
  - A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Items 37 and 4 respectively);
  - Easement information (Items 15 and 16)
- The performance bond is set to expire on April 5, 2015.

Mr. Cleary stated this was on the agenda a couple of weeks ago. The board did not act on this because you wanted the newer members to familiarize themselves with the property. He said this was for a 150 lot senior housing behind Shoprite in Carmel which was approved in 2010. The applicant subsequently subdivided the property into two separate parcels and they came back to the board to amend one of those properties and adjusted some of the improvements that were on that site. He said that's the subject of the application that has expired this past January. The applicant has not been able to construct that due to a financing problem. He said the whole project is based on a state financing scheme. He said everything remains the same nothing has changed.

Chairman Gary asked how the financing was progressing.

Mr. John Bainlardi of Wilder Balter Partners, representing the applicant stated we have an application in to the state and we should know by May and we are very optimistic.

Mr. Cleary made the board aware that this developer has been very successful in securing financing from the state in the past. They are not new to this process.

Mr. Bainlardi stated the first phase has been very successful it is 100% completed and occupied. We have a long waiting list of seniors for the 2<sup>nd</sup> phase. He said the entire infrastructure to support the 2<sup>nd</sup> phase is 100% complete to the property line.

Mr. Cleary stated a public hearing is required because the approval is expired.

Mr. Franzetti said at the last meeting we said that we could retroactively do it because they were here on time.

Mr. Charbonneau said since there have been no changes to plan you can waive the public hearing.

Mr. Greenwood moved to waive the public hearing. The motion was seconded by Mr. Paepfer with all in favor.

Mr. Greenwood moved to grant re-approval of amended site plan. The motion was seconded by Mr. Paepfer with all in favor.

### **MK REALTY - ROUTE 6 & OLD ROUTE 6 - TM - 55.6-1-44 & 45 - RE-APPROVAL OF SITE PLAN APPROVAL**

Mr. Carnazza had no objection to the re-approval of site plan.

Mr. Franzetti stated the Engineering Department has no objection to the re-approval of the site plan.

The planning board should be made of the following:

#### New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project on August 17, 2006.
- The NYCDEP provided a conditional extension to the August 17, 2006 SWPPP on August 11, 2011. A copy of the NYCDEP August 11, 2011 letter is provided as an attachment.
- The conditions of the SWPPP are now set to expire on August 17, 2016.

#### New York State Department of Environmental Conservation (NYSDEC) Requirements

- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), permit number NYR NYR10U062.

#### Town of Carmel

- The project sought and received a Wetlands Permit (Permit 844) under§89 Freshwater Wetlands of the Town of Carmel Town Code. The permit is set to expire in July 7, 2016.
- The file contains the requisite performance bond (\$199,770.00) and engineering inspection fee (\$9,988.50) which has since expired.

Mr. Franzetti stated at the last meeting the board asked me to go back and re-look at this bond. I reviewed the bond and based on the engineering news record escalation from the original bond amount submitted and developed in 2006 to 2014 is about 26%, therefore, the new bond and engineering fee is recommended to be increased to \$251,800.00 and \$12,500.00.

Mr. Cleary had no objection to the re-approval of site plan.

Mr. Greenwood moved to grant approval of MK Realty Site Plan. The motion was seconded by Mr. Giannico with all in favor.

### **TOMPKINS RECYCLING – OLD ROUTE 6 – TM 55.11-1-15 – EXTENSION OF AMENDED SITE PLAN APPROVAL**

Mr. Carnazza had no objection to extension. I visited the site and there was some litter that was dumped on his property by someone else and the police are investigating it as we speak.

Mr. Franzetti read his memo which stated the Engineering Department has no objection to the extension of the amended site plan approval as long as there are no changes made to the project. However the Planning Board should be aware of the following:

#### Federal Emergency Management Agency

- The project was determined not to be in the flood plain if built according to the approved plan.

#### New York State Department of Environmental Conservation (NYSDEC) Requirements

- The project has coverage under the NYSDEC General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), permit number NYR 10Q049.
- A NYSDEC wetlands permit was issued for this project (Permit # 3-3770-00371/0002) and is set to expire on December 3, 2016.
- A NYSDEC solid waste management permit was issued for this project (Permit # 3-3770-00371/0001) and is set to expire on December 17, 2017.

#### New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project. The expiration date is March 29, 2017.

#### Town of Carmel

- The project sought and received a Wetlands Permit (Permit 867) under §89 Freshwater Wetlands of the Town of Carmel Town Code. The permit is set to expire on April 18, 2016.
- The file **does not** contain documentation regarding the following items identified in the May 8, 2013 Planning Board Resolution (#13-10):
  - A posted performance bond and engineering inspection fee (Items 5 and 6);
  - A filed and executed “Stormwater Control Facility Maintenance Agreement” with the Putnam County Clerk as specified in §156-85 (Item 7);
  - Easement information (Items 15 and 16)

Mr. Cleary stated he had no objection. He said the ongoing issues involved inspections by the Building Inspector and as you heard from Mr. Carnazza he has conducted inspections and they are not the ongoing problems that have existed in the past. I have no objection to the extension.

Mr. Greenwood moved to grant extension of amended site plan approval for 1 year. The motion was seconded by Mr. Paepre with all in favor.

**CAMPANELLI, MICHAEL – 424 BALDWIN PLACE ROAD – TM – 75.11-2-25 – WAIVER OF SITE PLANN APPLICATION**

Mr. Carnazza read his memo which stated I have no objection to the waiver of site plan approval. The owner obtained an interpretation that the change of use from Dwelling Units and an Electricians Business to all Dwelling Units is more conforming to code and therefore, allowed by right. The ZBA conditioned the approval that the applicant must go to the Planning Board. The applicant applied to the Planning Board and was denied a waiver. The applicant now returns to the Board to request a waiver for the second time as there have been no changes to the site and no variances are required.

Mr. Franzetti had no objection to the waiver of site plan.

Mr. Cleary had no objection to the waiver of site plan.

Chairman Gary asked Mr. Cleary to explain the application to the new board members.

Mr. Cleary stated this application has a very long history. There is an opinion by ZBA that leaves this back in your hands to consider the waiver of site plan. There are no physical improvements proposed on the property and there are no changes whatsoever. It is basically legalizing the condition that the zoning board interpreted it as now being legal.

Mr. Carnazza stated and it has been operating that way for the past 30 years.

Mr. Furfaro stated so the zoning board interpreted that it would be less of an impact and more conforming.

Mr. Carnazza replied that's correct. He said years ago they went to the zoning board and then went to the planning board.

Mr. Greenwood stated it required a site plan approval once they got that changed from the zoning board.

Mr. Carnazza replied no, they were told to go to the planning board to get a site plan waiver.

At which time, a discussion ensued regarding the zoning board interpretation from 1986.

Mr. Michael Caruso, attorney for the applicant addressed the board and stated we requested a waiver of site plan based on the fact that the premises have been utilized for 30 years with no changes or modifications since the 1986 ZBA determination in bringing it all back to residential use and eliminating the commercial component of it.

Mr. Charbonneau stated so the board needs to make a decision as to whether they are going to waive site plan with respect to this application.

Mr. Paepre asked if we waive the site plan, what does that do when they sell the property?

Mr. Cleary stated now he has legal status to sell that property.

Mr. Carnazza said then I could issue the certificate of occupancy for the units.

Chairman Gary said when they came in front of the planning board many years ago; they were denied a waiver of site plan.

Mr. Cleary stated you could ask for waivers as often as you want.

Mr. Charbonneau said the request is valid based on the criterion, and a memorandum of law was submitted in respect to that. He said everything in that memo is correct, however, it falls back on the board.

Mr. Greenwood stated if they actually came in front of us with a site plan, it would be very difficult for them to meet today's standards. He said there would be improvements done on the property on a site plan that are not going to be done now. He said once you waive a site plan it probably would never be done. He said at least there is an opportunity to try and improve an existing site plan.

Mr. Cleary stated this would be considered a multi-family building with multiple apartments. He said anything they wanted to do would require site plan approval. The applicant will probably not do that. The new owner may improve the building, which is what we want done, but he can't sell the property to the new owner to make those improvements until this is disposed of.

Mr. Carnazza said and they could put a 711 back in.

Mr. Giannico asked if there were any violations on the property.

Mr. Carnazza replied no.

Mr. Carnazza said right now he has a commercial and residential building.

Mr. Caruso stated before you put this to a vote, what is your principal objection to the waiver?

Chairman Gary said I voted against 30 years ago, and I'm going to vote against it tonight. He said nothing has changed.

Mr. Caruso said the one qualifier in the code is, waivers are warranted when reasonable. I think in this circumstance our position is despite the prior planning board's decision on it, is it is a more conforming use as it is now which I think it bolsters our position that it is a reasonable component that would put us in line for a waiver.

Chairman Gary said to submit a site plan application and go through the process.

Mr. Greenwood stated and that would alleviate a lot of the issues that exist. He said although you are not going to meet the regulations there are improvements that would enhance the property. He said if a waiver is granted, that property will never come back to this board again and we lost the opportunity to provide improvements.

At which time, a discussion ensued amongst the board members and applicant regarding today's standards for site plan approvals. They also discussed the 1986 zoning board interpretation.

Chairman Gary asked Mr. Cleary what is so strenuous with submitting a site plan.

Mr. Cleary stated they would need a host of variances and his parking area is gravel and he would have to pave it to meet our parking standards and also install all the stormwater management. It would be a substantial cost to the applicant. He said the board has some authority to waive certain site plan requirements in granting site plan approval, but a lot of those requirements would require zoning board approval. He said he still needs a lot of variances.

Mr. Giannico asked if we grant the waiver and the property is sold, it could sit there for another 30 years as it is now.

Mr. Cleary responded that's absolutely correct.

Chairman Gary asked if he gets the waiver and sells the property what happens to the new owner?

Mr. Cleary said he now has a legal pre-existing non-conforming site that he could leave that way forever. He said if the new owner chose to do anything to that property it would require site plan approval.

Mr. Caruso stated there is nothing preventing my client from selling this as a mixed use lot and I don't think this board wants to see a mixed use lot in a residential zone.

Mr. Carnazza stated if you don't grant the waiver, he stills has a multi-family house there.

At which time, another discussion ensued regarding the interpretation from the zoning board and planning board decision from 1986.

Chairman Gary asked if there was anything else they could do.

Mr. Carnazza said it's either all or nothing.

The board members continued to discuss whether or not to grant the site plan waiver.

Mr. Greenwood asked if we could act on this.

Chairman Gary stated I will ask the board not to deny the waiver tonight, but to give everyone a chance to think about a little longer.

The board members were in agreement.

#### **MINUTES - 12/10/14**

Mr. Giannico moved to accept the minutes. The motion was seconded by Mr. Paepreer with all in favor except Mr. Furfaro and Mrs. Kugler who abstained.

Mr. Furfaro moved to adjourn the meeting. The motion was seconded by Mr. Greenwood with all in favor.

Respectfully submitted,

Rose Trombetta