

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



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

MICHAEL CARNAZZA
Director of Code Enforcement

RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES
MAY 13, 2015

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Beachak Brothers, Inc/ a/k/a Mahopac Motorcycles	75.16-1-15	1-3	Site Plan	Denied to ZBA.
Moskowitz, Jay & Janet	64.15-1-65	3-9	Site Plan	No Board Action.
EMTK Realty	44.18-1-40	9-12	Site Plan	No Board Action.
Secor 78 LLC.	74.43-1-111	12-13	A. Site Plan	Denied to ZBA.
Random Ridge	55.14-1-6	13-15	Amended Plat	Public Hearing Scheduled & Referred to ECB.
Meadowland GM Showroom	55.11-1-8,9,10	15	Bond Return	Public Hearing Scheduled.
Charry Subdivision	54.19-1-1	15	Extension	Extension Granted for 180 Days.
Minutes – 04/22/15		16		Approved.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Rose Trombetta

BEACHAK BROTHERS, INC. A/K/A MAHOPAC MOTORCYCLES – TM – 76.15-1-15 – PUBLIC HEARING

Mr. Carnazza stated we went through the files and they did get most of the variances, but there is one left that they need to acquire for lot area. They asked for it many years ago, but at that time the Zoning Board crossed it off and said they don't need it because it's already existing. He said today we do require it, so he does have to go to the Zoning Board to get that one variance.

Mr. Franzetti read his memo which stated the Engineering Department does not object to the site use change. All comments made by the Engineering Department have been satisfactorily addressed. One exception, the applicant still needs to supply an illumination plan or a light spill plan, but they are going to have that for me tomorrow.

Mr. Cleary stated all site planning issues have been addressed.

Mr. Beachak stated when we met out on the site; the old site plan had columns going all the way to the ground (points to map). We changed that and had two of the columns right below the eve and the center one we took out. You also stated you wanted the signs a little bigger or a band around the sign. What we did is a sign panel, so the panel will be a contrasting color like we discussed about the awning around each sign. I also added some signs to take up more space like you had asked, as well as adding an awning to the south elevation.

Mr. Carnazza stated he would not be able to put a sign on the south elevation (facing Villa Barone) without a variance. He only has one street frontage, so he's only allowed to have signs facing the road; you can't put them facing each direction also.

Mr. Furfaro asked if he could put a sign panel there without any verbage in it?

Mr. Carnazza replied yes, without any words.

Mr. Furfaro said the idea was to break up the big fields of red.

Mr. Carnazza stated I understand, but he can't but any words on the side of the building, only facing Route 6.

Mr. Beachak stated since I'm going to the Zoning Board, is it something you would like me to address?

Mr. Carnazza stated you could put up sign panels, but no words. He said it's up to the board.

Mr. Paepre asked if you could put a sign up for each business.

Mr. Carnazza stated only facing Route 6. He said you may be able to get that variance since you are so close to the road.

Mr. Beachak said he will try and get the variance. He asked if he needed a variance for just a blank panel.

Mr. Carnazza replied no.

Mr. Beachak said he will try and get the variance. He said it would look nice and it will break up the red we have there now.

At which time, a discussion ensued regarding the awnings.

Mr. Cleary asked what color are the awnings.

Mr. Beachak said it will either be a striped awning and then a solid color. That's something we will have to talk about.

Mr. Carnazza asked how close is the building to the property line.

Mr. Beachak said about 4 feet.

Mr. Carnazza asked how big is the awning.

Mr. Beachak said it's 2 feet.

The board members continued to discuss the look and color of the building.

Mr. Charbonneau asked if we opened the public hearing yet.

Mr. Greenwood replied no.

Mr. Charbonneau said rather than open the public hearing; he should be referred to the Zoning Board and then come back to this board.

Mr. Giannico said with the minor changes that need to be done. He said to show the detail of the north elevation awning and the finish around the columns.

Mr. Furfaro said also the color palette with the colors of the awning and north side elevation. He said if we could see those improvements, I would be satisfied.

Mr. Beachak replied okay.

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

JAY AND JANET MOSKOWITZ - 47 TYLER COURT - TM - 64.15-1-65 - SITE PLAN/DOCK

Mr. Carnazza read his memo which stated the applicant proposes a 16' x 25' dock along the shore of the property on Kirk Lake. Provide lot width and depth on the zoning table. The parking calculation is cut off on my copy of the parking plan. Move it up on the next submission so it can be read clearly. Variance is required from the ZBA for parking. 547 spaces required, 2 spaces provided, 545 space variance is required. This project needs approval from the ECB.

Mr. Franzetti read his memo which stated this application encompasses a proposal to install a 16 ft by 25 ft. dock in Kirk Lake adjacent to the referenced property. The amenity will require the creation of parking on the site per §156.27 of the Town Code. Based upon our review of this submittal, the Engineering Department offers the following comments:

1. The drawing should provide a legend which contains all significant features on the drawing.
2. The following referrals would appear to be warranted:
 - The Town of Carmel Environmental Conservation Board
3. Additional details should be provided regarding:
 - How the proposed features will be installed (construction sequence)
4. Various plan information required pursuant to §156-27 ("Site Plans") is currently lacking. These include, but are not limited to:
 - Highwater mark to determine the starting/ending location of the proposed dock.
5. 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.
6. The plan should also show the location of erosion and sediment control measures being used during construction of the parking area.
7. The project is located on Kirk Lake, wetlands and associated buffer zone should be delineated and provided on the drawings.

Mr. Cleary addressed the board and stated the dock is regulated as a private water

related facility. There are separate special use criteria for that use. He said there are 6 of them. 5 are either complied with not or not applicable. The one that requires clarification is the extension of the dock into the lake, where does start, where does it stop, is it connected to the land, is it separate or freestanding. He said that issue requires clarification. The prior note on the subdivision plan requires clarification. The site plan must include the survey located boundary of the “designated wetlands” referenced above. A construction sequence is requested, documenting how the dock will be constructed, and what activities (if any) will occur on the shoreline. Are any utilities proposed at the dock, i.e. electric, water, etc? Are lights proposed on the dock? ECB approval is required.

Robert Gaudioso of Snyder and Snyder, applicant’s attorney addressed the board and stated this is a proposal for approval for a 16 feet wide by 25 feet long dock on a piece of property that is a little over 9.41 acres. The property does not have a house on it therefore; the property is regulated under the provisions that mentioned consultants, specifically Section 157-27 which is as a private water related facility. He said because of that there are the criteria that require the 547 parking spaces. He said we are proposing only 2 parking spaces so we need a variance. He said the plans are very simple and straight forward and we would need to seek that variance first, before proceeding with the planning board’s approval.

Chairman Gary said before we send you to the ECB and ZBA we have some concerns. He asked Mr. Gaudioso if he was familiar with what was on the site plan.

Mr. Gaudioso replied yes. He said I have read the notes on the plat and the approval resolution. I know there have been some comments about some type of conservation restriction.....

Chairman Gary said we just want to know if you read them and what do you perceive from that.

Mr. Gaudioso replied I perceive from that the restriction that I think was alluded to was “no activities are permitted in or within 100 feet of the designated wetlands”. He said the designated wetlands I understand to mean the wetlands as required to be delineated pursuant to the approval resolution as shown on the plat. I don’t think that applies in this particular instance given the location of the wetlands and the proposed dock.

Chairman Gary asked Mr. Charbonneau if that was what the map said.

Mr. Charbonneau stated that’s what the note on the filed map says. Yes, that’s correct.

Chairman said and you don’t think that has anything to do with putting the dock there.

Mr. Gaudioso said what that refers to is on the plat, as part of the approval resolution. The approval resolution has no such restriction. The approval resolution has a condition that the wetlands be delineated on the final plat that was filed with the County. So, my point is where the wetlands are delineated on that plat this particular dock does not violate that 100 foot setback. That 100 foot setback only applies to activities. He said regulated activities are very finely delineated such as dredging, draining, constructing.....

Chairman Gary asked where did you get that from.

Mr. Gaudioso said he got that from the town code Section 89-3, definition of regulated activity. My point is regulated activity clearly doesn't mean either under the code or under any common interpretation, a person's ability to walk on their property to access their property.

Chairman Gary said that was never the intention that you couldn't walk on your property.

Mr. Gaudioso stated we do have our work cut out for us with these comments, more importantly, I think we do need to make sure we could get these variances, because without the variances, the use as regulated under Section 156-27, currently there is no house. He said if there was a dwelling unit on this piece of property under Section 156-27 the need for the variances would not apply. And also, the need for site plan approval wouldn't apply.

Chairman Gary stated my only concern is to always protect the town. He stated the intent of the planning board back in 1997 and it was quite a process, was within 100 feet of that water, nothing could be built. He said how this ends up, I don't know. He said that was on that plan and as we proceed you have to keep that in mind. Today we have a new board, but the same ordinance applies.

Chairman Gary asked Mr. Charbonneau where do we go from here.

Mr. Charbonneau stated the board could do one of two things tonight. He said if the application as submitted is not sufficient, then direct to come back to the next meeting or if you believe that it's complete at this time, you could deny it and refer it to the ECB and ZBA for the necessary variances.

Mr. Charbonneau asked if the board had a submission that delineates where the wetlands are on the property.

Mr. Gaudioso replied to my understanding there are no wetlands on the property.

Mr. Franzetti said to answer your question it does not contain any delineation, but that doesn't mean they weren't delineated.

Chairman Gary said the 100 foot setback and 100 foot setback from the wetlands had nothing to do with it. The 100 feet setback was from the shoreline. And that was the intent of the board at that time.

Mr. Greenwood stated my issue is I have never seen a dock come before this board that does not have access to a shoreline. This is a freestanding dock in the water. Along with all the issues that we have talked about, from a safety standpoint on that side of the lake the accessibility is very limited, in case something should happen there. He said how does someone go from the parking area to the dock, how does a boat get to the dock?

Mr. Gaudioso stated it is accessible. There's an opening onto the lake from the shoreline that's already there. There is an existing walkway from the parking area to the dock. It looks like it's been cleared from as long as it's been there. He said as far as getting to the dock, the applicant owns another home on the lake. His intention is to be able to row across to his property.....

Mr. Greenwood said I'm less concerned about your applicant getting there. My concern is how the fire department and ambulance would get in and out of that site.

Mr. Gaudioso said that situation is accessible now and it would be the same with or without the dock.

Mr. Greenwood said but by putting a dock there you are increasing the usage in that area that would be limited.....

Mr. Gaudioso said if anything the dock actually provides additional emergency access to that property. He said the applicant owns 9.41 acres. He is allowed to use his property. He is allowed to walk on his property.....

Mr. Greenwood said I'm not denying that.

Mr. Gaudioso said there is access there now; the dock doesn't increase the safety issue.

Mr. Greenwood asked why didn't you attach it to the land.

Mr. Gaudioso replied it doesn't need to be attached to the land. It is adjacent to the land. He said it's an inch to step onto the dock. He said under the section regarding water related facilities attaching it to the land is not a requirement.

Mr. Greenwood said we have never had one come to this board.

Mr. Gaudioso asked how many did you have previous that had the 100 foot restriction. He said I don't think it applies to this particular location, because I don't believe the wetlands are within 100 feet of this spot.

Mr. Greenwood said the lake is a wetland.

Mr. Gaudioso said but the plat note specifically references the wetlands delineated on the plat.

Mr. Greenwood asked under the town code is the lake a wetland?

Mr. Franzetti replied yes. The reason why is the Environmental Conservation Board has the task to protect the waters of the Town of Carmel and that's why it has to be referenced to the ECB.

Mr. Gaudioso said but that's different then the wetlands note on the plat.

Mr. Carnazza said Mr. Gaudioso is saying the plat refers to delineated wetlands. On the subdivision plat itself there are wetlands that are delineated.

Mr. Greenwood said I understand that, but every wetland is delineated that comes in front of the board including the lake.

Mr. Cleary said every wetland gets delineated.

Mr. Greenwood stated the intent under the town code delineated wetlands according to that site plan pertains to a lake or actual "wetlands".

Mr. Carnazza said the plat says designated wetlands not delineated.

Mr. Gaudioso said that helps my argument even better, because when you look at the resolution it says designated wetlands and the designated wetlands are the wetlands that were designated on the plat.

Mr. Greenwood said wetlands that are on and off the plat.

Mr. Gaudioso stated I don't think it says that. He said I agree in the context of needing ECB approval. I think that's different then in the context of the plat restriction.

Mr. Cleary stated the interpretation of what the code calls for is the authority of the building inspector with the support of the town attorney. I don't we are going argue this to try to resolve it now.

Mr. Charbonneau said when the time comes; I believe we could answer that to the satisfaction of the board.

Mr. Cleary addressed the board and stated there are a number of issues that need to be included in the drawings and I would recommend that be done before you make any referrals to the ECB and ZBA.

Mr. Charbonneau reiterated based on what the consultants are saying, the correct path would be to do the revised drawings before we make a referral and denial.

Mr. Gaudioso stated with all due respect we would also like to have the interpretation of the building inspector as far as the applicability of the plat note, because if we disagree with that, we would probably take that appeal first, before proceeding with planning board approval, because that would be important to understand which approval we would need. He said if it's merely site plan approval in front of this board that's one set of standards. If the building inspector's interpretation is that this applies and we appeal that to the zoning board and the zoning board disagreed with us then we would need to request that this note be modified.

Mr. Charbonneau said I could discuss that further with you. It's probably a good idea.

Chairman Gary stated the question that needs to be answered is, according to what's on that map, is this permitted. He said everyone has come to the conclusion that this word "activities" throws everybody.

At which time, Chairman Gary explained how the word "activities" was put on the map. He said the attorney at the time of approval, said to put "no activities" on the map to cover everything.

Mr. Gaudioso said we have to go through a process and at the end of the day if we are ultimately back here and we have to ask for that note to be changed, I think the context of this is that.....

Chairman Gary said you should ask for that note to be changed before you ask this board to proceed.

Mr. Gaudioso said I think we have to get there first about whether the note needs to be changed. He said we need an interpretation from the building inspector on this note. He said we either come back and ask for the note to be changed or we will appeal it to the zoning board.

Mr. Charbonneau said it's going to answer the question for the board as to whether this application is going proceed. It will certainly give them their remedy depending on what that decision is.

Mr. Gaudioso said we do not want to waste anyone's time, we will ask for the building department's interpretation of whether this note requires an amendment to plat or whether it doesn't apply in this instance.

Mr. Charbonneau asked Mr. Gaudioso to submit it in writing relative to what he is looking for to the building department.

Mr. Gaudioso replied will do.

EMTK REALTY – 1736 ROUTE 6 – TM – 44.18-1-40 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to legalize six apartments that were added to the rear building, which was formally a barn. A variance is required for pre-existing, non-conforming use. A variance is required for parking, 23 spaces are required. There are 14 provided so a 9 space variance is required from the ZBA. Also required is detail of all the signage on the property if there is any.

Mr. Franzetti read his memo which stated the following referral would appear to be warranted, Carmel Fire Department. All re-grading required to accomplish the intended development should be provided. 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. The Stormwater flow patterns should be provided. The location of erosion and sediment controls should be provided. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles attempting. All turning radii for the site should be graphically provided. Asphalt pavement detail should be 2 inch top course, 3 inch binder and 8 inch sub base. 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. Cleary stated as Mr. Carnazza has indicated their biggest hurdle here is a use variance for those apartments in the barn. It is a converted barn, so we need Mr. Carnazza's confirmation that the building is code compliant. He said there is a substantial amount of property to the right of the parking area, where theoretically it could be improved to provide the required parking. The question is why aren't they doing that. And if not, it is recommended that the parking lot layout be revised to include a hammerhead back-out area adjacent to proposed space #4. This feature will allow vehicles in space #4 to properly back-out and exit the site. The dumpster enclosure should then be relocated to the rear of the hammerhead. It is unclear if any stormwater

management facilities exist on the site. Review by the Engineering Department is required to determine if the parking lot expansion will require any new stormwater management facilities. The site is served by existing municipal sewer, water and other utility infrastructure. Confirmation is required to establish that all connections are compliant and have been properly approved and permitted. Is new exterior site lighting proposed in the expanded parking lot? If so, details are required.

Ms. Dawn McKenzie of Insite Engineering, representing the applicant stated we're prepared to address all of the comments we've received from the consultants. What we're looking for tonight is a referral to the zoning board to acquire the necessary variances.

Mr. Cleary asked there is an area to build parking, why can't you do that, why are you seeking the variance instead.

Ms. McKenzie stated there is a significant grade change that drops off that has a fill area. She said we could expand out into that area; it is a possibility if that's what's required. A number of the apartments are Section 8 apartments and the users don't have vehicles and don't require parking. Although, that doesn't change whether or not we need parking.

Mr. Cleary stated parking is required. You're saying you don't need it because the tenants don't have vehicles.

Mr. Greenwood stated I understand it's pre-existing, but if this came in front of us to put the second building you would be making those improvements to do that parking.

Mr. Carnazza stated the front building is pre-existing; the back building was a barn that was converted to apartments.

Mr. Furfaro asked how long ago was it converted.

Mr. Carnazza stated we caught them not too long ago.

Ms. McKenzie stated the apartments have been there a long time.

Mr. Furfaro asked if there were violations.

Mr. Carnazza replied yes.

Mr. Furfaro stated some of the floor plans don't show kitchens.

Mr. Cleary said those are building code issues. So if those dwelling units are non-code compliant that's a whole separate set of building and fire prevention code issues they will have to deal with on the property.

Mr. Carnazza stated the code reads you have to be able to prepare food. You can't tell someone you have to put a stove oven in every unit. The code reads you need facility for eating, sleeping and sanitary.

At which time, a discussion ensued regarding the layout of the parking and the inside layout of the building.

Ms. McKenzie pointed out that the current owner did not establish those apartments. She said they were there when he purchased the property. I know that's not relevant for what you are talking about.....

Mr. Greenwood said I understand that, but it doesn't change things.

Chairman Gary asked Mr. Carnazza to explain more in detail what's going on here.

Mr. Carnazza stated they had an existing multi-family building which is the front building. He said the back building was a barn garage building.

Mr. Furfaro asked if the front building was pre-existing non-conforming?

Mr. Carnazza said buildings aren't pre-existing non-conforming, uses are on lots. He said it was a pre-existing non-conforming 4 units in the front building.

Ms. McKenzie stated the files in the zoning office it actually received a change of use from the zoning board to put those apartments in.

Mr. Carnazza said if that's the case, they have an existing conforming use and the business was in the back so it was a mixed use at one time. They took the commercial aspect out and put more apartments in the barn. He said they are either expanding a conforming use or a non-conforming use depending on what's on the old decision.

Chairman Gary said so we really don't know. So we can't take any action until we get clarification.

Mr. Carnazza said that's a good idea.

Ms. McKenzie said okay.

Chairman Gary said to get your information and meet with the consultants.

Mr. Stone stated he would encourage the applicant to achieve the code as it relates to parking and to consider the expansion and providing the additional parking spaces.

Mr. Cleary said it would be an additional nine spaces.

Mrs. Kugler was in agreement with Mr. Stone.

SECOR 78, LLC – 78 SECOR ROAD – TM – 74.43-1-11 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to legalize the third floor of the existing two story building which is being used for offices. A variance is required for parking. 22 spaces required, 17 provided, 5 space variance is required from the ZBA. Provide a detail of all signage on the site. Sprinklers and a real elevator are going to be required for this renovation.

Mr. Franzetti read his memo which stated the Engineering Department does not have an objection to approving the amended site plan. There are no changes being made to the site and they will be no increase in either water or sanitary sewer being used.

Mr. Cleary read his memo which stated the building on this site is unusually configured in that it sits “sideways” on the site – with the front door facing the parking lot, and not Secor Road. This configuration places the less attractive and architecturally detailed “side” façade of the building facing the site’s public frontage. Can aesthetic improvements be made to this façade? The dumpster enclosure is also located on the Secor side of the building, and is highly visible from Secor Road. It is enclosed by a standard chain link fence. It is noted that a lawn area is present in front of the enclosure. Can plantings be added in this area to screen and buffer this unattractive building feature?

Chairman Gary said I’m sure we don’t have to be too concerned about that since Mr. Greenberg will take care of the architecture of the building before we ask him to do it.

Mr. Joel Greenberg of Architectural Visions, representing the applicant replied absolutely!

Mr. Furfaro asked about the variances.

Mr. Carnazza stated the existing building was a 2 story building with enough parking. They went up to the 3rd floor and put in offices.

Mr. Paepfer was in agreement with Mr. Cleary with regards to the dumpster enclosure.

Mr. Greenberg said we have a nice area in the front to put more landscaping in.

Mr. Carnazza said to show the details of the signage.

Mr. Franzetti said then you have to show the details of any plantings and that it meets town code.

Mr. Stone said and site distance issues depending on where the plantings go.

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

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

Mr. Carnazza read his memo which stated 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. The applicant has now provided the information necessary to obtain "Cluster Subdivision" approval as it pertains to zoning. According to the calculation, the submission addresses the requirements for 29 Cluster Lots. All other comments have been addressed.

Mr. Franzetti stated I only have general comments. More detail comments will come during the next submission. Referrals to the Mahopac Fire Department, Town of Carmel Highway and ECB need to be made. They have secured necessary permits to move forward. He said the applicant must submit documentation demonstrating compliance with the density calculation formula for a residential cluster development as defined in §156-45E of the Town of Carmel Town Code. While the applicant has submitted this calculation, it did not include the environmentally constrained lands. A revised calculation must be provided documenting compliance with the cluster subdivision density formula.

Mr. Cleary stated the reason the applicant is back in front of the board, is that there is a formula in our code that dictates the cluster subdivision density. The applicant gave us a calculation and it did not include the environmentally constrained lands. He said Mr. Carnazza told him as per the town attorney ruling, because the town doesn't have an environmental constraints limits map, then that is not considered a deduction. He said we will get confirmation to that point. If in fact this gets deducted it is likely he will lose lots, because the environmental constraint portion of the property is huge.

Mr. Greenwood asked if the cluster code was changed? He said but previously, you had to prove you could build a conventional subdivision which technically took all of those aspects out of the lot.

Mr. Cleary said you are absolutely right.

Mr. Greenwood said then why wouldn't the change meet the same.....
Mr. Cleary stated that's what the code says.

At which time, Mr. Carnazza read the code which says the total acreage of the area shown on the environmental constraints map (we do not have that map so you can't subtract something that does not exist) shall be subtracted from the total acreage of the parcel being developed. The remaining acreage shall be further reduced by a number equal to 10% of the total acreage of the parcel being developed to allow for roads and utilities and so on.

A discussion ensued regarding the constraints map that was developed but later thrown out.

Mr. Cleary stated we already approved a conventional subdivision for 29 lots deducting out the environmental constraints.

Mr. Carnazza stated the zoning changed to 3 acres from 1½ acres and this formula was changed, but we don't have the environmental constraints map, so that gets thrown out.

Chairman Gary stated if we don't have an environmental constraints map, don't bring it up! Why are we bringing it up!

Mr. Carnazza said that's what the code says.

Mr. Charbonneau stated the applicant has applied the formula in the code. The applicant is correct.

Mr. Greenwood where are we at now?

Mr. Cleary stated the applicant has demonstrated that it complies.

Chairman Gary said to move this along; we will have a public hearing as long as all the comments have been addressed.

Mr. Greenwood move to refer the applicant to the ECB. The motion was seconded by Mr. Furfaro.

A roll call vote was taken as follows:

Mr. Stone	For the motion
Mrs. Kugler	For the motion
Mr. Furfaro	For the motion
Mr. Giannico	For the motion
Mr. Greenwood	For the motion

Mr. Paepre For the motion
Chairman Gary For the motion

Motion carries.

MEADOWLAND GM SHOWROOM – 1952 ROUTE 6 – TM – 55.11-1-8,9,10 – BOND RETURN

Mr. Carnazza stated the balloons and banners that were up on Old Route 6 have been removed so I'm okay with the bond return.

Mr. Franzetti read his memo which stated the Engineering Department performed a field inspection of the referenced property on March 23, 2015, to evaluate the current status of the site construction, for the purpose of determining whether a bond reduction is warranted. The results of our investigation are presented below.

The original bond amount posted was \$273,000.00. Based upon our inspection, all of the site improvements required pursuant to the Board's Site Plan approval have now been completed. On this basis, this Department recommends that the entire bond be released.

Mr. Cleary had no comments.

Chairman Gary said to schedule a public hearing.

CHARRY SUBDIVISION – 85 WASHINGTON ROAD – TM – 54.19-1-1 – EXTENSION OF FINAL SUBDIVISION APPROVAL

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

Mr. Franzetti had no objection to extension of approval as long as no changes are being made to the site.

Mr. Cleary had no objection to the extension.

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

Mr. Charry said we have a signed contract with NYCDEP for selling the land and the closing date is July 24, 2015.

Mr. Greenwood moved to grant extension of final subdivision approval for 180 days. The motion was seconded by Mr. Paepre with all in favor.

MINUTES - 04/22/15

Mr. Greenwood moved to approve the April 22, 2015 minutes. The motion was seconded by Mr. Giannico with all in favor.

Mr. Greenwood moved to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Furfaro with all in favor.

Respectfully submitted,

Rose Trombetta