

APPROVED

HAROLD GARY
Chairman

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

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 OCTOBER 8, 2014

PRESENT: CHAIRMAN, HAROLD GARY, CARL GREENWOOD, JOHN MOLLOY, JAMES MEYER, CRAIG PAEPRER

ABSENT: ANTHONY GIANNICO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Lakeview Development at Carmel	55.9-1-17	1	P.H.	Public Hearing Closed & Full Bond Return Recommended to Town Board.
Teakettle Heights Realty	76.17-1-19	1	P.H./Reso	Public Hearing Closed & Resolutions Adopted.
Hosch & Torres Subdivision	53.15-1-40	1-2	Resolutions	Resolutions Adopted.
Random Ridge	76.10-1-23	2	Subdivision	Heldover.
RPK Precisions	55.10-1-23-25	2	Extension	1 Year Extension Granted.
Dewn Holding Subdivision	53.-2-28	2-3	Extension	3 Month Extension Granted.
Putnam County Foundation	66.-2-58	3-6	Extension	No Board Action.
Minutes – 9/3/2014		6		Approved.

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Rose Trombetta

LAKEVIEW DEVELOPMENT AT CARMEL – 1611 ROUTE 6 – TM – 55.9-1-17 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary had no comments.

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

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

TEAKETTLE HEIGHTS REALTY – TEAKETTLE SPROUT ROAD – TM – 76.17-1-19 – PUBLIC HEARING & RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti stated all comments have been satisfactorily addressed.

Mr. Cleary stated they have addressed all the planning issues and there are two resolutions before you tonight, a SEQR negative declaration as well as a subdivision approval resolution.

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

Mr. Greenwood moved to adopt Resolution #14-12, dated October 8, 2014; Tax Map #76.17-1-19 entitled Teakettle Heights Realty Subdivision SEQR Determination of Significance Negative Declaration. The motion was seconded by Mr. Meyer with all in favor.

Mr. Molloy moved to adopt Resolution #14-13, dated October 8, 2014; Tax Map #76.17-1-19 entitled Teakettle Heights Realty Subdivision Final Subdivision Approval. The motion was seconded by Mr. Paepre with all in favor.

HOSCH & TORRES SUBDIVISION – 490 LONG POND ROAD – TM – 53.15-1-40 – RESOLUTION

Mr. Carnazza stated all his comments have been addressed.

Mr. Franzetti had no comments.

Mr. Cleary had no comments.

Mr. Greenwood moved to adopt Resolution 14-10, dated October 8, 2014; Tax Map #53.15-1-40 entitled Hosch and Torres Subdivision SEQR Declaration of Significance Negative Declaration. The motion was seconded by Mr. Meyer with all in favor.

Mr. Molloy moved to adopt Resolution 14-11, dated October 8, 2014; Tax Map #53.15-1-40 entitled Hosch and Torres Subdivision Final Subdivision Approval. The motion was seconded by Mr. Meyer with all in favor.

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

The application was heldover.

RPK PRECISIONS – SEMINARY HILL ROAD & MECHANIC STREET – 55.10-1-23,24,25 – EXTENSION OF FINAL SITE PLAN APPROVAL

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

Mr. Franzetti stated the Engineering Department does not have any objection to grant the final site plan extension as long as there are no changes to the site being made. The board should be made aware that this particular site did not need a SWPPP from the NYC DEP, but it has received coverage from the NYS DEP on February 23, 2012.

Mr. Cleary had no objection to the request for the extension.

Mr. Greenwood asked why are you requesting an extension.

Mr. Robert Panny responded between the bonding and pricing, we are very close but it took a lot longer than expected. We are working on everything as we speak.

Mr. Greenwood stated so basically you are having a delay with contractors.

Mr. Panny replied that's correct.

Mr. Greenwood moved to grant a one year extension of final site plan approval. The motion was seconded by Mr. Meyer with all in favor.

DEWN HOLDING – MEXICO LANE – TM – 53.-2-28 – EXTENSION OF FINAL SUBDIVISION APPROVAL

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

Mr. Franzetti had no objections to the extension of approval. He stated the Planning Board should be made aware of the following: there is a Stormwater Pollution Prevention Plan as granted by the NYS DEP and it is set to expire on July 23, 2017. They not have

coverage under the NYS DEC general stormwater permit so they will need to seek coverage for that before moving forward with the project. They have received a freshwater wetlands permit, which is set to expire on December 21, 2017. The applicant has not received coverage under section 89 of the freshwater wetlands of the Town Code from the Environmental Conservation Board. Those permits will still be required.

Mr. Cleary had no objection to the extension request, subject to the outstanding permits.

Mr. Greenwood asked why there is a delay.

Mr. Karell stated he is putting money together to do the work.

Chairman Gary stated that is not a good reason.

Mr. Karell stated we have all the necessary permits; it's just not a good time to construct.

Mr. Paepfer asked if he thinks anything will change in the next 6 months.

Mr. Karell stated I think within the next year, it's just not a good time for construction.

Mr. Carnazza stated 6 months is the maximum extension you can get.

Mr. Cleary stated a once the subdivision is filed its permanent and he can choose to not build it for 100 years. While we are granting extensions we are facilitating the grey area where the subdivision is approved but not yet filed. That's a bad position for us to be in; ordinarily we'd like to not be in that situation. Limiting that is the objective, and if it's the applicant's intent to simply wait out a market he should file it and then he can make that decision whenever he wants to. It would require him to post his bonds and pay his recreation fees and so forth. There is a financial obligation associated with that. He said we as a Planning Board don't want to be involved in his economic decisions regarding the build out of the subdivision.

Mr. Meyer asked once the applicant files the map he's good forever.

Mr. Cleary said that's correct.

Chairman Gary suggested a 3 month (90 day) extension as opposed to 6 months.

Mr. Greenwood moved to grant a 90 day extension of the final subdivision approval. The motion was seconded by Mr. Molloy with all in favor.

**PUTNAM COMMUNITY FOUNDATION - STONELEIGH AVE - TM - 66.-2-58 -
EXTENSION OF APPROVAL**

Mr. Carnazza stated he had the same comments as last time; there have been no changes to the map except for the lot line adjustment.

Mr. Franzetti stated the Engineering Department does not have any objection as long as there are no changes to the site being made. The NYC DEP SWPPP permit is good for 5 years and expires on March 22, 2015. They also have coverage for the NYS DEP SWPPP and they received that on April 2, 2010.

Mr. Cleary had no objections to the extension request.

Chairman Gary asked Mr. Charbonneau if there are any concerns that need to be addressed.

Mr. Charbonneau stated this applicant was on previously and the applicant requested the extension in a timely fashion of the court's decision. That decision does not affect the board's decision today. The board will apply its usual criteria with respect to an extension approval. The board should give no weight with respect to the prior court decision as it pertains to the granting of the extension today.

Mr. Molloy asked if Mr. Meyer's motion is still in effect from the last meeting.

Mr. Charbonneau stated I think at that point the motion failed so I would ask for a new motion.

Mr. Dan Leary, attorney for the applicant addressed the board and stated we think we meet the standards to grant us the extension and that was the issue the last time and we think we are in the same position. I do think the court decision is somewhat relevant.

Mr. Charbonneau I think the court's decision does not address the request for an extension. The court's decision merely gave you a period of time in which you were to come back and renew your request for an extension and you've complied with that.

Mr. Leary stated that is correct.

Mr. Charbonneau stated the court's decision didn't set forth a criteria or a set of findings that the board should adopt or consider. They would use their usual process to determine whether or not an extension is merited in this case.

Mr. Leary stated and our position is nothing has changed.

Mr. Greenwood made the suggestion of going to Executive Session to answer some questions.

Chairman Gary asked the board members if they would like to go into Executive Session.

Mr. Meyer stated he would like to go into Executive Session.

Mr. Greenwood made a motion to go into Executive Session for the purposes of discussing the previous litigation and decision issued by the Supreme Court in connection with this application and seeking advice of counsel. The motion was seconded by Mr. Paerprer with all in favor.

Mr. Meyer made a motion to come out of Executive Session. The motion was seconded by Mr. Paepfer with all in favor.

Mr. Greenwood asked why is there a need for the extension of approval.

Mr. Leary stated as you know we went through many years and a lot of time getting this approved and we have all the approvals in place. We meet the standards for the extension. We need the approvals to keep the value of the property intact and there is a desire to proceed with development.

Mr. Greenwood then asked which site plan are you requesting an approval for.

Mr. Leary stated the one that was approved in 2009 and extended up until the time the court had to reinstate the approval.

Mr. Charbonneau stated this is an extension for the 2009 senior housing approval. This is not for the lot line.

Mr. Leary stated that's correct, the lot line is not legally approved. The lot line was relating to the situation with the hospital.

Mr. Charbonneau stated the lot line subdivision approval is still valid.

Mr. Leary stated the conditional approval was reinstated but the transition with the hospital is not going to happen.

Mr. Charbonneau replied that's correct. The condition of that approval would be the sale to the hospital.

Mr. Leary stated that is not going to be effectuated upon by us as the applicant.

At which time a discussion ensued regarding the conditional lot line subdivision and the conditional senior housing approvals and the relinquishment of the senior housing approval when the lot line subdivision was approved.

Mr. Greenwood asked are you relinquishing the second approval right now?

Mr. Leary stated we are not pursuing the second one (lot line subdivision). He stated the term "it would happen at the time of conveyance" was upheld and reinstated by the courts. And then the court reinstated our subsequent stand-alone request to extend the site plan approval as well.

At which time, another discussion ensued regarding the two approvals.

Mr. Leary stated we are not pursuing the lot line subdivision. Do you want us to withdraw the conditional subdivision approval?

Mr. Charbonneau stated we are not asking you to do that, but it is a concern for this board.

Mr. Greenwood stated as of right now we have two existing applications on the same lot that are active and different. He said I am not comfortable with having both of those applications active.

Mr. Charbonneau asked Mr. Leary if he wanted the board to table the vote and you could give them something in writing with respect to what you want to occur with the lot line or subdivision approval.

Mr. Leary stated if there is an issue with not approving it tonight, I would rather do that. We will clarify it with a letter.

Chairman Gary stated to Mr. Leary once you and Mr. Charbonneau come to an agreement to what the board wants to vote on, and then it will go back on the agenda. Whether it's the next meeting or the following, it will be up to Mr. Charbonneau.

Mr. Leary said will do.

MINUTES - 9/3/2014

Mr. Molloy moved to adopt the minutes. The motion was seconded by Mr. Meyer with all in favor.

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

Respectfully submitted,

Rose Trombetta