

**APPROVED**

**HAROLD GARY**  
*Chairman*

**BOARD MEMBERS**  
**CARL GREENWOOD**  
**JOHN MOLLOY**  
**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**  
**NOVEMBER 12, 2014**

**PRESENT:** CHAIRMAN, HAROLD GARY, CARL GREENWOOD, JOHN MOLLOY, ANTHONY GIANNICO, CRAIG PAEPRER

<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>
Wixon Pond Estates	53.20-1-19	1-3	Subdivision	No Board Action.
Fischer & Free	65.11-2-27&29	3-4	Lot Line	Denied to the ZBA.
Swan Cove	76.5-1-49	5	Re-Approval	Re-Approval Granted for 1 Year.
Charry Subdivision	54.19-1-1	5	Re-Approval	Re-Approval Granted for 6 Months.
Old Forge Estates	75.15-1-19-40	5-6	Extension	6 Months Extension Granted.
Tompkins Recycling	55.11-1-15	6-7	Extension	No Board Action.
Minutes – 10/8/14 & 10/22/14		7		Approved.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Rose Trombetta

**WIXON POND ESTATES – WIXOND POND ROAD – TM – 53.20-1-19 – FINAL  
SUBDIVISION APPROVAL**

Mr. Carnazza read his memo which stated what will the private road be named. We need to name this before the plat is filed. Is he “Open Development” approval is current. The Plat needs to be certified by a Surveyor. All other comments have been addressed.

Mr. Franzetti read his memo which stated the following referrals would appear to be warranted:

- a. Mahopac Fire Department

Permits from the following would appear necessary:

- b. Putnam County Department of Health (PCDOH) for water supply and sewage disposal permits
- c. New York City Department of Environmental Protection (NYCDEP) for a sewage disposal permit.
- d. New York State Department of Environmental Conservation (NYSDEC) General Stormwater Permit for Stormwater Discharges from Construction Activities (GP-0-10-001).
- e. §89 Freshwater Wetlands of the Town of Carmel Town Code.

The project will need to meet the requirements of the NYSDEC GP-0-10-001.

The project has received coverage under the following permits:

- f. NYCDEP Stormwater Pollution Prevention Plan (SWPPP). The expiration date is July 3, 2019.
- g. The NYSDEC wetlands permit for this project. The permit is set to expire on December 31, 2016 (Permit number 3-3720-00374/00001).

As part of the final approval the applicant will need to provide quantity take off information for all proposed improvements for bonding inspection fee purposes.

**I. Detailed Comments**

1. Existing Conditions Plan C-1

- a. The legend and drawing show the same line color for slopes between 10% - 15% and 15% to 20%. The graphic should be adjusted to differentiate between these slopes.

2. Site Plan C-2 and

- a. The cul-de-sac is shown as having a grass center and 90 feet in diameter. §128-27 of the Town Code requires a completely paved 110 feet diameter cul-de-sac de. The applicant in Section 2.2 C of the stormwater pollution prevention plan writes that this change was discussed with a Town Representative. Copies of this correspondence should be provided.

3. Erosion and Sediment Control Plan, Drawings C-4A, C-4B, and C-4C

- a. The erosion and sediment control drawings do not match the description provided in the narrative. These drawings should be updated accordingly.
- b. Protection of the areas where the porous pavement and infiltration systems are to be installed needs to be shown.

4. Landscaping Plan C-5

- a. All plantings should be verified by the Town of Carmel Wetlands Inspector.
- b. All plantings shall be installed per §142 of the Town of Carmel Town Code.

Mr. Cleary read his memo which stated this application for a 5 lot subdivision of a 34.9 acre parcel of land located off Wixon Pond Road, received Preliminary Subdivision Approval, and a SEQR Negative Declaration in 2010. The applicant has received numerous extensions of the Preliminary Approval while approvals were sought from the NYCDEP. The applicant has submitted the Final Subdivision Plat and Plans and has indicated that they have recently obtained their NYCDEP approval. During the course of the DEP review, the location of the roadway has been shifted to the northwest, away from the wetland. The configuration of the lots remains essentially unchanged. At this stage the Planning Board should determine if a public hearing on the Final Plat is necessary or warranted because of the amount of time that has passed since Preliminary Approval. He said it is not required of you, but you have the option to do it.

Chairman Gary asked if any questions were raised at the public hearing in 2010.

Mr. Cleary stated it was not a controversial application; there may have been 1 or 2 neighbors participating. He said the primary issue was the issue of the wetland on the property. It has been under DEP review since then.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated Mr. Cleary is correct, there were only 1 or 2 neighbors present and they wanted to know what the project was about. They didn't indicate any opposition. He said the main issue was getting DEP approval, which took at least 5 years to get. He said he will address the comments from the town engineer and will review the specifications of open development. He said if the board feels that a fully paved cul-de-sac with no grass or plantings in the middle is required, we will change it to a fully paved cul-de-sac.

Mr. Carnazza asked which one did the Town Board approve, because they had to go to the Town Board for open development.

Mr. Greenberg replied with the grass island.

Mr. Molloy stated the grass island is beneficial for everyone. It's better for snow plowing and aesthetically it looks better. He said I don't have a problem with the grass island in the middle of the cul-de-sac.

At which time, a discussion ensued with regards to the pros and cons of having a grass island in the middle of the cul-de-sac.

Mr. Paepfer inquired about Mr. Franzetti's outstanding comments.

Mr. Greenberg stated most of those comments will be part of the condition of approval.

A discussion ensued with regards to having another public hearing, since the last public hearing was done in 2010.

Mr. Greenwood asked if there were any significant changes from the preliminary approval to what the NYCDEP changed.

Mr. Greenberg replied no.

Chairman Gary said to clear up the comments and check to see if you need to go back to ECB based upon the changes from DEP.

Mr. Greenberg replied will do.

**FISCHER & FREE – 9 & 25 LOGAN ROAD – TM – 65.11-2-27 & 29 – LOT LINE ADJUSTMENT**

Mr. Carnazza read his memo which stated this application is for a Lot Line Adjustment to clear up an issue on the parcel with the house. The existing pool was granted a variance for rear yard and a certificate of occupancy was issued. After the new owner purchased the property, a survey was done. At that time, the new owner realized that the pool is partially on the adjacent property. A variance is required for side yard for the pool deck. 5 ft. variance was granted. 2.3 ft. provided. Variance of 2.7 ft. is required from the ZBA.

At which time a discussion ensued regarding the location of pool and if it was actually placed in the right spot or if the pool was moved after it went to the zoning board.

Mr. Carnazza said this is the pool that was placed at that time.

Mr. Charbonneau said so basically there was a failure to assess where the pool was when the certificate of occupancy was issued.

Mr. Carnazza said that's correct.

Mr. Charbonneau said even if this lot line is approved, a variance of 2.7 feet will be necessary for the side yard.

Chairman Gary said so this needs to go back to the ZBA.

Mr. Carnazza replied that's correct. It needs to go back to the ZBA.

Mr. Franzetti had no comments.

Mr. Cleary said most of my comments are related to the conversation that just took place. He said there are two issues to be aware of as we move forward. The first one is we are creating an odd-shaped lot. He said the applicant controls both of those properties, so they are impacting themselves by this creation, but nevertheless if this were to occur, we would want to have some delineation of the property boundaries. That's why this happened in the first place. He said this would be the way to fix it, but we are creating a situation that is not perfect. He said the other point is the code requires a 10 foot setback

from the pools and what they have proposed is a 9.75 adjustment. My comment would be to make it 10 feet, so it is consistent with what the law says.

Mr. Carnazza said I disagree with that. They have a 5 foot variance on that already. They have a variance so they could go within 5 feet of the property line. He said the more they take away, they will start taking from another lot and it's all septic area and an area that they could do something eventually on the other lot.

Mr. Cleary said my only point with respect to that is I don't think the 2½" or whatever it is that gets them to 10 feet.....

Mr. Greenwood said if you go to 10 feet it eliminates one variance. Correct?

Mr. Carnazza said but they already have it.

Mr. Cleary said the only reason why I am bringing it up is all the history with respect to that and if we could find something that is definitive in the code, I'm trying to find it and one of those things is the number. And the number is 10 and they are proposing 9.75.

Mr. Molloy asked what is the reason for the 9.75'. He said there may be something there.

Mr. Carnazza stated the code actually requires 20 feet for a pool with a deck.

The board members continued to discuss the lot re-configuration.

Mr. Charbonneau stated it is unfortunate that this wasn't caught when they went out to inspect it and now they are trying to make it right. He said and yes our code has a provision that we would like a straight line, but I think this is a de minimis variance from that.

Mr. Cleary agreed with Mr. Charbonneau. He said this is the best solution for the applicant and it is not affecting anyone other than herself.

At which time, a discussion ensued regarding whether or not to send the application to the Zoning Board first or approve the lot line first.

Mr. Cleary said the Zoning Board's approval is conditioned upon your approval of the lot line adjustment. He said if the board does not approve it, the variance is null and void. He said and you can't grant that approval for the lot line unless the variance is granted. He said our typical procedure is the Zoning Board grants the variance first.

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

**SWAN COVE – 628 ROUTE 6 – TM – 76.5-1-49 – RE-APPROVAL OF FINAL SITE PLAN APPROVAL**

The consultants had no objection to the re-approval.

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

Mr. Carnazza replied no.

Mr. Molloy moved to grant re-approval of final site plan for 1 year. The motion was seconded by Mr. Paepre with all in favor.

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

Mr. Carnazza had no comments.

Mr. Franzetti had no objection.

Mr. Cleary had no objection.

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

Mr. Craig Bumgarner, applicant's attorney addressed the board and stated we are selling a lot to the NYCDEP. He said we have been negotiating an easement through the neighbor's property that lives behind him to access the new lot that we are creating. We have negotiated and signed a contract for the purchase of the access easement. He said upon approval we close the owner of the property and then subsequently close with NYCDEP.

Mr. Greenwood moved to grant a re-approval of final subdivision approval for 6 months. The motion was seconded by Mr. Paepre with all in favor.

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

Mr. Carnazza stated all his comments have been addressed.

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

Mr. Cleary had no objection to the extension.

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

Mr. Paul Lynch of Putnam Engineering, representing the applicant stated the engineering fees have been paid and trying to raise funds to pay for the recreation fees.

Mr. Paepreer moved to grant a 6 month extension of final subdivision approval. The motion was seconded by Mr. Molloy with all in favor.

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

Mr. Carnazza stated all his comments have been addressed, but we had discussions in the past about cleaning up the site. He said the bare minimum if anything has been done there in the meantime.

Mr. Paul Lynch of Putnam Engineering, representing the applicant stated that have narrowed it down to a 5000 square foot area out of the 2½ acres. He said it has been slow but they are working on it.

Mr. Carnazza said this has been dragged out for a couple years now; it has to be cleaned up.

Mr. Lynch said he will let the applicant know.

Mr. Carnazza said the last time you only granted 6 months because of it.

Mr. Charbonneau said the board limited the extension the last time to get some compliance on the site.

Mr. Cleary said and the reason that was done is that a lot of those compliance issues were conditions of the site plan. So when they started improving the site plan all of the things were supposed to take place. They are not doing them, because they are now seeking an extension of site plan approval. He said now it is probably shifting more towards property maintenance issues then the control we are exerting under the site plan, because they are not completing the site plan.

Mr. Lynch said the applicant has been making an effort to clean up the site, but I'm not there on a daily basis to see what's going on.

Mr. Molloy asked Mr. Carnazza what's on the site.

Mr. Carnazza said everything you could think of, it was a junkyard for years.

At which time, a discussion ensued regarding how many months to give the applicant.

Mr. Charbonneau said you could defer it to the next meeting, and ask that the applicant be present and explain to the board exactly what he has done in the past 6 months and what will he do.

Mr. Giannico said why do we have to give him any extensions going forward if he didn't clean up the site. Nothing will happen on a 3 or 6 month extension. He said let the extension expire and have him go through a new application process.

Mr. Charbonneau said before we do that, I suggest we bring the applicant in and let him present evidence before the board of what he has done in the last 6 months.

The board members were in agreement with Mr. Charbonneau.

No board action.

**MINUTES - 10/8/2014 & 10/22/2014**

Mr. Molloy moved to adopt the minutes. The motion was seconded by Mr. Greenwood 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