

**APPROVED**

HAROLD GARY  
*Chairman*  
RAYMOND COTE  
*Vice-Chair*

**TOWN OF CARMEL  
PLANNING BOARD**



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

MICHAEL CARNAZZA  
*Director of Codes  
Enforcement*

RONALD J. GAINER, P.E.  
*Town Engineer*

**BOARD MEMBERS**

EMMA KOUNINE  
CARL GREENWOOD  
JOHN MOLLOY  
JAMES MEYER  
ANTHONY GIANNICO

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

**PLANNING BOARD MINUTES**  
**APRIL 10, 2013**

**PRESENT:** VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE, CARL GREENWOOD,  
JOHN MOLLOY, ANTHONY GIANNICO, JAMES MEYER

**ABSENT:** CHAIRMAN, HAROLD GARY

<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>
Lakeview Development at Carmel	55.9-1-17	1	Amended Site Plan	Resolutions Adopted.
Kiernan, Patrick	76.17-2-10	1	Sub/Merger	Resolution Adopted (Denial)
McGuigan, Robert	65.6-1-13	1	Amended Site Plan	Resolution Adopted.
Tompkins Recycling	55.11-1-15	2	Amended Site Plan	Public Hearing Scheduled.
Monzon, Lynne	76.6-1-30	2-3	Regrading Plan	Public Hearing Scheduled.
ASA Petroleum	44.17-1-45	3	Extension	Applicant Did Not Show Up.
Nejame & Sons	44.9-1-16	4	Bond Reduction	Public Hearing Scheduled.
Minutes – 3/13/2013		4		Approved.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Rose Trombetta

**LAKEVIEW DEVELOPMENT AT CARMEL – ROUTE 6 – TM – 55.9-1-17 – RESOLUTION**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated you have two resolutions before you. As you recall at the last meeting, we were directed to prepare those resolutions subject to the applicant coming back this evening and demonstrating further details of the architectural treatment of the building.

Mr. Cote asked the board members if anyone had any comments with the design in front of them.

Mr. Greenwood said tonight's rendering is much better and clearer than the last time.

At which time, Mr. Joel Greenberg displayed samples of the actual materials of the building.

Ms. Kounine moved to adopt Resolution #13-06, dated April 10, 2013, Tax Map #55.9-1-17 entitled Lakeview Development at Carmel – SEQR – Neg Dec. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Molloy moved to adopt Resolution #13-07, dated April 10, 2013, Tax Map #55.9-1-17 entitled Lakeview Development at Carmel Final Site Plan Approval. The motion was seconded by Mr. Greenwood with all in favor.

**KIERNAN, PATRICK – 24 TEAKETTLE SPOUT ROAD – TM – 76.17-2-10 – RESOLUTION**

The applicant was not present.

Mr. Greenwood moved to adopt Subdivision **Denial** Resolution #13-05, dated April 10, 2013, Tax Map #76.17-2-10 entitled Kiernan Subdivision Denial. The motion was seconded by Mr. Molloy with all in favor.

**MCGUIGAN, ROBERT – 1090 ROUTE 6 – TM – 65.6-1-13 – RESOLUTION**

Mr. Carnazza stated all comments have been addressed.

Mr. Gainer had no comments.

Mr. Cleary stated you have a resolution before you. It is a Type II action no SEQR is required.

Mr. Meyer moved to adopt Resolution #13-04, dated April 10, 2013, Tax Map #65.6-1-13 entitled McGuigan Final Site Plan Approval. The motion was seconded by Mr. Molloy with all in favor.

**TOMPKINS RECYCLING – 60 OLD ROUTE 6 – TM – 55.11-1-15 – AMENDED SITE PLAN**

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Gainer’s memo which stated the following statutory matters remain to be resolved: A drainage easement must be provided over the pipe on the north side of the property. The Town must grant a formal easement or letter of permission for the disturbances planned on the adjacent property of Carmel Sewer District No. 2, to permit construction of the new wetlands area to be created, in a form sufficient for the Town Attorney's office. Regulatory Agency permitting to be obtained:

- i. NYSDEC Freshwater Wetland permit
- ii. Town of Carmel Water and Sewer Permits
- iii. Town of Carmel Highway access permit

Following Town guidelines, the Applicant will be required to execute and file with the Putnam County Clerk a *"Stormwater Control Facility Maintenance Agreement"* as specified in Town Code §156-85 to assure long-term maintenance of all stormwater treatment devices proposed for the site. The applicant should post the following fees:

- Performance Bond Amount \$ 734,000.00
- Engineering Fee \$ 36,700.00

Mr. Cleary stated all of his comments have been addressed. He stated his memo included conditions that DEC had imposed on their permit and we may want to consider including them in our approval as well.

Mr. Cote asked Mr. Lynch if he accepts the performance bond amount and engineering fee amount.

Mr. Lynch replied yes.

Mr. Cote stated based on Mr. Gainer’s memo there is still a lot to do.

Mr. Cleary stated these are actually items that can be carried as conditions of approval. No changes to the plan are required.

Mr. Cote asked the board members if they were comfortable with moving forward with these conditions of approval.

The board members were fine with it.

Mr. Cote said to schedule a public hearing.

**MONZON, LYNNE – 21 M & M LANE – TM – 76.6-1-30 – REGRADING PLAN**

Mr. Meyer recused himself and left the podium.

Mr. Molloy asked Mr. Carnazza to clarify his memo.

Mr. Carnazza stated right now there is a large amount of fill on the property that has to be removed. They will then return it to the grade that is proposed by planting grass and vegetation.

Mr. Cleary read his memo which stated ECB granted the wetland permit. The Grading Plan was modified to include a rain garden to address stormwater issues. It is recommended that the public hearing on this application be scheduled.

Mr. Paul Lynch of Putnam Engineering, representing the applicant stated we are removing about 3,750 cubic yards of construction and debris (C & D) and will be bringing in about 2,000 cubic yards of clean fill.

Ms. Kounine stated we had a situation with another regarding application in the past and had asked that the soil be tested and unfortunately there was problem with the soil. She said I want to make it clear that the soil that there are putting back is clean fill.

Mr. Lynch replied yes and it was part of the permit from the ECB. He said there will be testing devices on site to monitor the soil.

Mr. Cote said to schedule a public hearing.

Mr. Meyer returned to the podium.

**ASA PETROLEUM CO., - 1 FOWLER AVE - TM - 44.17-1-45 - EXTENSION OF SITE PLAN APPROVAL**

Applicant did not show up and was taken off the agenda.

Mr. Molloy asked if the building is down.

Mr. Carnazza stated there is a block foundation was left. There is no longer a code violation on the property. He said there is a tank on the property that cannot be removed until he gets a report from a testing company.

Ms. Kounine stated we have an applicant with an expired approval and he sort of did what we asked him to do.

Mr. Giannico asked what will happen without the approval.

Mr. Molloy stated we could approve it retroactively.

Mr. Cleary stated the request for an extension was made in sufficient time and the request is valid before you.

Mr. Cote asked if the application is not approved and he has nothing, do we have any control over it or does it fall under the Building Department?

Mr. Greenwood stated the Town could always take steps, such as putting liens on properties or cleaning it up themselves.

**NEJAME & SONS – 133 GLENEIDA AVE – TM – 44.9-1-16 – BOND REDUCTION**

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Gainer's memo which stated the original bond amount posted, which is currently being held, is \$531,760. Based upon our inspection, only the pavement and related improvements required pursuant to the Board's Site Plan approval remain to be completed. On this basis, this Department recommends that at this time the Bond may be reduced to \$114,000.00 (a reduction of \$417,760.00 is warranted).

Mr. Cleary had no comments.

Mr. Greenwood stated being that the lot is not paved, what will happen in the interim if it erodes.

Mr. Matt Gironda of Bibbo Associates, representing the applicant addressed the board and stated we kept the erosion control in the breakdown of the bond.

Mr. Cleary stated Mr. Gainer would have to respond to that.

Ms. Kounine stated in her opinion it is a very large reduction and maybe at this point and time it is not warranted.

Mr. Cote asked the board members if they wanted to wait until the next meeting to speak to Mr. Gainer directly.

The board members were fine with that.

Mr. Molloy then suggested scheduling the public hearing and if we don't get a good comment from Mr. Gainer regarding the erosion control we could put off the public hearing.

Mr. Cote said we will schedule a public hearing, subject to Mr. Gainer's comments prior to opening the public hearing.

**MINUTES – 3/13/2013**

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

Mr. Greenwood moved to adjourn the meeting at 7:25 p.m. The motion was seconded by Mr. Meyer with all in favor.

Respectfully submitted,

Rose Trombetta