

APPROVED

HAROLD GARY
Chairman
RAYMOND COTE
Vice-Chair

**TOWN OF CARMEL
PLANNING BOARD**



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MICHAEL CARNAZZA
*Director of Codes
Enforcement*

RONALD J. GAINER, P.E.
Town Engineer

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

BOARD MEMBERS

EMMA KOUNINE
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
ANTHONY GIANNICO

PLANNING BOARD MINUTES
JUNE 12, 2013

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE,
JOHN MOLLOY, JAMES MEYER

ABSENT: CARL GREENWOOD, ANTHONY GIANNICO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Szysh, Ronald & Carol	43.-1-15,16	1	Public Hearing	Public Hearing Closed. Planner to Prepare Resolution.
McDonald's USA, LLC.	55.11-1-41	1-2	Resolution	Resolutions Adopted.
Quis, Michael	55.6-1-40 & 42	2	Re-Approval	Adjourned.
South Lake Plaza	75.44-1-65-67	2-3	Amended Site Plan	No Board Action.
Albano Estates	55.14-2-26.31	3	Subdivision	No Board Action.
Minutes – 4/24/2013		3		Heldover.
Carmel Centre Senior Housing (Pulte Homes) – Lots #3 & 5	55.14-1-11.1 55.14-1-11.3	3-4		Discussion.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Rose Trombetta

SZYSH, RONALD & CAROL – 54 CAROLAN ROAD E. – TM – 43.-1-15,16 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary had no comments.

Mr. Gary stated this is an open public hearing and asked if anyone in the audience wished to be heard.

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

Mr. Gary asked the Planner to prepare a resolution.

MCDONALD'S USA, LLC – 1931 ROUTE 6 – TM – 55.11-1-41 – RESOLUTION

Mr. Carnazza had no comments.

Mr. Gainer stated the bond amount is \$320,000.00 and the Engineering fee is \$16,000.00.

Mr. Cleary stated you have two resolutions before you. He said it has come to his attention with regards to the site plan approval resolution indicating the number of employees per shift would not exceed 10 employees. He said it is a standard detail they put on all their drawings and that number varies.

Mr. Charlie Martabano, Attorney for the applicant addressed the board and stated the number of employees per shift does vary, especially on special events. He said we do not want to have that limitation as part of a site plan condition. He said if that could be eliminated, it would be very much appreciated.

Mr. Gary asked Mr. Charbonneau if that condition could be taken out.

Mr. Charbonneau stated you could either amend it by omitting it or changing the number.

Mr. Cleary stated I will be amending the resolution anyway to include the bond amount and engineering fee and if you choose we could eliminate condition #13.

Mr. Molloy stated or we could also change the number to 12 or 14.

Mr. Martabano replied that's fine, but just to have a margin of safety, can it be changed to 20 employees.

Mr. Cleary said the traffic analysis took into account employees. The variability in that number has no bearing on the traffic impacts or any other impacts that were addressed in the Neg Dec. I have no objection to either eliminating it or adjusting it to a greater number.

At which time a discussion ensued regarding the average number of employees McDonald's has on each shift.

The Board decided that the number of employees per shift is not to exceed 20.

Mr. Cote moved to adopt Resolution #13-11, dated June 12, 2013; Tax Map #55.11-1-41 entitled McDonald's SEQR - Negative Declaration. The motion was seconded by Ms. Kounine with all in favor.

Ms. Kounine moved to adopt Resolution #13-12, dated June 12, 2013; Tax Map #55.11-1-41 entitled McDonald's Final Site Plan Approval amended that condition #13 to be changed to a maximum of 20 employees and to include the bond amount of \$320,000.00 and Engineering fee of \$16,000.00. The motion was seconded by Mr. Meyer with all in favor.

Mr. Gary asked Mr. Martabano if he accepted the bond amount and engineering fees.

Mr. Martabano replied yes.

QUIS, MICHAEL – 1828 ROUTE 6 – TM – 43.-1-15,16 - RESOLUTION

Mr. Gary stated the Planning Board Attorney asked for an adjournment.

SOUTH LAKE PLAZA – SOUTH LAKE BLVD & CLARK PL. – TM – 75,44-1-65,66,67 – AMENDED SITE PLAN

Mr. Carnazza read his memo which stated the applicant wishes to convert the second floor over the "West Building" from offices to apartments. The proposal is for a mixed use. Variance Required. The Schedule of District Regulations allows "Existing apartments in mixed-use structures at the time of passage of this chapter". The existing apartments are legal but the expansion requires a use variance. Is there an existing license/agreement for the parking spaces to be located partially on and back out onto Rt. 6N R.O.W.? Clark Place? Provide detail of trash enclosure.

Mr. Rob Cameron of Putnam Engineering, representing the applicant stated the trash enclosure is existing.

Mr. Carnazza stated you still need to show it on the drawing so we could verify that it complies with code.

Mr. Cameron asked if he could do that when he comes back from the Zoning Board. He said tonight's goal is to try to get denied to the Zoning Board.

Mr. Gary stated when you go to the ZBA it should be a plan that is complete.

Mr. Gainer had no comments.

Mr. Cleary stated the applicant has made several minor revisions to the site plan to address the initial review comments. There is an outstanding issue of building code

compliance and right-of-way encroachments. He said Mr. Cameron has indicated that it is a pre-existing condition, but nevertheless, we would want to legalize that or have documentation that's its legal. A license agreement from the D.O.T. or some form of agreement should be part of this approval.

Mr. Cameron stated he has spoken to the D.O.T. and they do not issue permits for encroachments into the right of way in this particular situation because it is an existing condition.

Mr. Cleary stated you need to either get a permit or letter from D.O.T.

Ms. Kounine said to speak to the D.O.T. and tell them you need something in writing for planning board approval.

Mr. Cameron replied he will get what he needs.

No board action taken.

ALBANO ESTATES V – 18 MECHANIC ST – TM – 55.14-2-26.31 – 2 LOT SUBDIVISION

Mr. Carnazza stated a wetland permit is required and six variances were granted from the ZBA and are noted on the plat.

Mr. Gainer read his memo which stated a driveway profile and detail should be provided. Sewer and water connection details should be provided and a Town of Carmel wetland permit is required. A Town of Carmel Highway Work permit will be required for the new driveway proposed.

Mr. Cleary stated an ECB referral and a public hearing are the next steps with this application.

Ms. Kounine stated we should have a complete plan before we refer this applicant to any board. She said we need details of Mr. Gainer's comments to be put on the drawings.

No board action taken.

MINUTES – 4/24/2013

Heldover.

CARMEL CENTRE SENIOR HOUSING (PULTE HOMES) – LOTS 3 & 5 – TERRACE DR. – TM – 55.14-1-11.1&11.3 – DISCUSSION

Mr. Gary stated with regards to Pulte Homes the public hearing should be on the agenda for the next meeting. All the comments that were raised at the last meeting were discussed this past Monday. He said the list of comments was acceptable to the Pulte representatives that were at the meeting. Mr. Gary asked Mr. Cleary if everything will be ready for the next meeting.

Mr. Cleary stated the applicant's engineer has indicated that they will be able to make a submission by early next week.

Mr. Charbonneau stated one of the good things that came out of that meeting was the paring down of the list and being able to segregate the issues that are building department related and does not concern this site plan. He said with the remaining issues the applicant was going to provide additional information for what couldn't be answered at our meeting and once we have the information, we will have a good idea or a response of everything that was asked at the public hearing.

Mr. Gary stated the reason I am bringing this up is because we could keep this public hearing open for two years and someone will have something new to add to the list.

Mr. Charbonneau agreed with the Chairman. He said we did a good job of addressing all the issues. There were at least 39 points that we went over.

Mr. Meyer moved to adjourn the meeting at 7:30 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta