

# APPROVED

HAROLD GARY  
*Chairman*

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

## 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 Code  
Enforcement*

RICHARD FRANZETTI, P.E.  
*Town Engineer*

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

### PLANNING BOARD MINUTES AUGUST 13, 2014

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

**ABSENT:** JOHN MOLLOY, ANTHONY GIANNICO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
CVS/Pharmacy	55.10-1-12	1-2	P.H.	Public Hearing Closed & Planner To Prepare Resolution.
Lutz, Wayne	65.17-1-14	2	Bond Return	Heldover.
Lakeview Realty, 168 LLC	76.22-1-4	2-3	Site Plan	Public Hearing Scheduled.
Hosch & Torres Subdivision	53.15-1-40	3-5	Subdivision	Public Hearing Scheduled.
Yankee Development	76.15-1-12	5-6	Extension	Extension Granted.
LaPorte, Andrew & James	53.-1-14&15	6	Extension	Extension Granted.
Gateway Summit Senior	55.-2-24.6-1 55.-2-24.6-2	6-7	Re-Approval	Re-Approval Granted.
The Fairways Senior Housing	55.-2-24.8-1 55.-2-24.8-2	8	Re-Approval	Re-Approval Granted.
Campanelli, Michael	75.11-2-25	8	Waiver	Heldover.
Minutes – 6/11/2014 & 7/9/2014		8		Heldover

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Rose Trombetta

**CVS/PHARMACY – 1879-1905 ROUTE 6, CARMEL – TM – 55.10-1-12 – PUBLIC HEARING**

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Franzetti's comments which stated the applicant has addressed all prior comments offered by the Engineering Department.

Based upon our review of this updated submittal, this Department offers the following:

- The video inspection report provided by the applicant shows that there is an existing 15-inch corrugated metal storm sewer line which runs along right of way (R.O.W.) on southwest side of the Route 6 in front parking area.
- There are three (3) 18-inch corrugated metal pipes which discharge into the 15-inch storm sewer in the vicinity of the entry way to this property.
- One (1) of these 18-inch lines is from the applicant's property and discharges into the 15-inch line from the southwest side of the entry way. The remaining two (2) 18-inch storm sewers are located in the R.O.W to the west, upstream, of the 15-inch line.
- The applicant cleaned the 18-inch line coming from their property as it contained sediment and debris deposits.
- All the storm sewer lines inspected were in good condition.

At this point it is this Department's opinion that no additional action is warranted by the applicant. However improvements to the existing storm drainage system by Putnam County within the Route 6 R.O.W. may improve the existing water detention problems that extend into this site.

At which time, a discussion ensued regarding the improvements to the existing storm drainage system.

Ms. Shannon Rutherford, Director of Land Development for VHB, representing the applicant addressed the board and stated she has been in contact with D.O.T and there is no answer as to why there are 2 18 inch lines coming down the D.O.T. R.O.W. that transfers into the 15 inch that is in front of the site. She said she visited the site today and there was no evidence of ponding which has occurred in the past after a heavy rain.

At which time, another discussion ensued regarding the responsibility of the drainage system and what should be done.

Mr. Cleary stated in having conversations with the Town Engineer, his point was the solution lies outside this property. It's in the R.O.W. The system that is on the CVS property has been cleaned and that pipe is working.

Chairman Gary stated I understand what you are saying, but you will never convince the D.O.T. that it's their responsibility to take care of the drainage off that property. He said there is a problem there. CVS should not be burdened with it, because it is too expensive of a task to correct something that the D.O.T. will never correct.

Mr. Meyer said the applicant has done as much as they could do.

Mr. Paepfer said they will have to continually clean the pipes on their property at least twice a year, because it made a big difference.

Chairman Gary stated for the record, it is D.O.T.'s problem. He said the D.O.T. should have insisted that a permit be required before any work is done.

Chairman Gary addressed the audience and stated this is an open public hearing and if anybody in the audience wished to be heard.

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

Chairman Gary asked the Planner to prepare a resolution.

#### **LUTZ, WAYNE – 230 EAST LAKE BLVD – TM – 65.17-1-14 – BOND RETURN**

Chairman Gary stated this application is heldover.

#### **LAKEVIEW REALTY 168 LLC – EAST LAKE BLVD – TM – 76.22-1-4 – SITE PLAN**

Mr. Cleary read Mr. Carnazza's memo which stated the applicant proposed to add a dock to an existing lake front parcel. Variance was granted by the ZBA for parking spaces, 11 required 2 provided, 9 parking space variance was granted. Third request provided budding zones on the area map. The reply memo of 6/30/14 stated budding zones are shown on the site plan, he disagrees he cannot locate on his copy. The area map should show adjacent lots. His final point is that the memo from the architect does not address his concerns.

Mr. Cleary read Mr. Franzetti's memo which stated the August 1, 2014 letter to the Town of Carmel Environmental Conservation Board (ECB), specifies that the location of the proposed retaining wall along the south side of the property will be two (2) feet from the property line. The detail provided shows that the center line of the wall will be two (2) feet from the property line. The southern edge of the wall should be moved to two (2) feet from the property line. The Engineering Department was unable to

locate the existing chain link fence shown on Drawing C-101. A detail for tree protection should be provided for the trees which are proposed to be protected. Mr. Cleary read his memo which stated the applicant has addressed all the site planning issues. The variance was granted on July 24, 2014 and the ECB heard this on July 31, 2014. The next step in the process for this application is a public hearing.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated as far as Mr. Carnazza's comment regarding the location of the adjacent zones, it is on the map, it's been there for a while. And as far as the chain link fence is concerned there isn't one on the property and was never proposed on the plans. He said there is a stonewall and arborvitaes on the property.

Chairman Gary stated we will schedule a public hearing, but in the meantime clarify the comments from the Building Inspector and the Town Engineer.

Mr. Greenberg replied will do.

**HOSCH & TORRES SUBDIVISION – 490 LONG POND ROAD – TM – 53.15-1-40 – 2  
LOT FINAL SUBDIVISION**

Mr. Cleary read Mr. Carnazza's memo which stated the applicant proposes a two lot subdivision off Wixon Pond Road in Mahopac. The existing item for driveway is not wholly within the 50 foot easement.

Mr. Cleary read Mr. Franzetti's memo which stated based upon our review of this submittal, this Department offers the following comments:

1. All areas of disturbances should be identified and provided on the drawings. These areas should be included as part of the overall site disturbance. and should include the areas for the future SSTS expansion, wells, and plantings.
2. Access lanes should be identified to denote a traversable path to the intended well locations, for maintenance purposes.
3. All utilities serving the lots should be shown.
4. It is unclear if the applicant is dedicating an open space/recreation area or making a payment in lieu the open space/recreation area. A note should be provided on the drawing.
5. Details for the sizing of the rain garden and grassed swales should be provided. These should be designed in accordance with the criteria outlined in the New York State Department of Environmental Conservation (NYSDEC) stormwater management manual (2010 version).
6. The Stormwater Pollution Prevention Plan presented on Drawing CD-1 should include a summary of the following information: Groundwater (Depth from Surface); Natural Resources, Critical Resources, and New York State Register of Historic Places Assessment.
7. All items on the drawings should be shown in the legend (e.g., rock wall, limits of disturbance, etc.)

8. All plantings will need to be approved by the Town of Carmel Wetlands Inspector and must adhere to the criteria identified in §142 of the Town Code.
9. The construction site entrance shown on the detail shown on Sheet D-1 does not meet the NYSDEC Erosion and Sediment control standards. It is shown as 10 feet wide and should be a minimum of 12 feet wide.
10. The erosion and sediment control details shown on Sheet D-1 (e.g., silt fence) should be updated to meet current NYSDEC Erosion and Sediment Control Standards including wire backing for the silt fences.

Mr. Cleary stated as you may recall this was approved as a 3 lot subdivision and they're back with a 2 lot subdivision. We asked the applicant to further explain the constraints on the property. Large wetland on one end and large wetland on the other end and a fairly significant presence of bedrock on the property, which limits the location of the septic systems. The zig-zagging lot line was originally more zig-zaggy. It has been straightened out considerably but because of those constraints on both ends and the location of the existing house, the new house has to go in front of it. That's why there is a zig-zag property line, to set the two homes and respect the wetland buffers. Both lots would be zoning compliant. There was conceptual approval obtained for the driveway location from the County. There was also some concern about the grading behind the new home and the size of retaining walls. That has been modified so the retaining wall is now 4 feet in height. The applicant provided a landscaping plan that shows the screening between the homes. The landscaping that the applicant proposed are white pines, we recommended a different variety because the white pines tend to grow up tall and leave the bottom somewhat uncovered. One of the things we did suggest is that the applicant provides some form of legal mechanism such as a deed restriction preventing the further subdivision of that third lot and the applicant has indicated that they are unwilling to do that. Primarily, because those environmental constraints are so apparent, in their opinion there's no need to legally restrict the property because it's already so environmentally restricted.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant addressed the board and stated as Mr. Cleary pointed out, when we presented this to the board last October this subdivision was actually approved for a 3 lot subdivision. We were asked to take over the project; we reassessed it and determined it was really only two lots. There's a local wetland on the property and also a DEC wetland property. The previous application ignored the fact that there is a DEC wetland across the street. The previous application also did not take into account the extent of rocks as it impacted the septic system. Those constraints as well as the rocks are what led to a two lot subdivision in lieu of the three. In October we were granted sketch plan approval for this layout, the only comment from the board was to bring this line perpendicular into the other line (points to map). Since then we've advanced with the outside agencies. We obtained a wetland permit from the DEC for the improvements along the front of the property which is in their control zone. We met with the ECB and received comments about the overall layout. We had correspondence with New York State Office of Historic Preservation saying that we had zero impact. We met with the County Highway Department and obtained the conceptual approval for our driveway location. We completed all of our soil testing with the Putnam County Department of Health. We are now convinced we have a two lot subdivision that will

meet the requirements of the outside agencies. We're here this evening with hopes to schedule a final public hearing because we were deemed a minor subdivision. We went right from sketch plan to final; we did not have a preliminary public hearing. If we meet with Mr. Franzetti I believe we can address his remaining comments. I'll also point out we have areas of disturbances on the parcel for both lots, so several of his comments are addressed on the drawings and I would hope it would not hold us up from scheduling a public hearing.

Mr. Cleary stated the initial review of this was commenced under Mr. Gainer's jurisdiction, so Mr. Franzetti is picking it up halfway so that's why there may be some miscommunication.

Mr. Meyer asked why the reluctance on the deed restriction?

Mr. Contelmo stated the site already has some easements and restrictions, it's just another layer of costs and restrictions on the title that the applicant would like to avoid if possible. Due to the presence of DEC wetlands there's not much potential for further subdivision and the cost is something the applicant would like to avoid.

Chairman Gary asked if he has received a copy of Mr. Franzetti's comments.

Mr. Contelmo replied no I did not receive them yet. I just heard the comments read by Mr. Cleary, but I know at least 3 of the issues are addressed on the drawings/plans. We would gladly try to resolve the remaining issues from now until the next meeting, and we also hope to schedule a public hearing.

Mr. Cleary stated absent Mr. Franzetti, most of his comments relate to details on the plan not substituent changes to the plans. I don't see a problem with scheduling a public hearing and if Mr. Franzetti has any objections we could keep the public hearing open.

At which time, a copy of Mr. Franzetti's comments was given to Mr. Contelmo and addressed each one in front of the board.

Chairman Gary asked if Mr. Franzetti has seen a copy of the plans.

Mr. Carnazza stated we sat down together and reviewed the drawings.

Chairman Gary stated we will schedule the public hearing, but make sure you meet with Mr. Franzetti and address his remaining comments.

**YANKEE DEVELOPMENT - PIGGOTT ROAD - TM - 76.15-1-12 - EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

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

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

Mr. Greenwood asked for justification for the extension request.

Mr. Edward Delaney of Bibbo Associates, representing the applicant stated economic reasons and NYCDEP.

Mr. Greenwood moved to grant extension of preliminary approval. The motion was seconded by Mr. Paepre with all in favor.

**LAPORTE, ANDREW & JAMES – PEEKSKILL HOLLOW ROAD – 53.1-14&15 – 1<sup>ST</sup> EXTENSION OF SUBDIVISION APPROVAL (LOT LINE)**

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

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

Mr. Carnazza stated they need an extension because they now have to go to Putnam Valley.

Mr. Greenwood moved to grant an extension of subdivision approval. The motion was seconded by with all in favor.

**GATEWAY SUMMIT SENIOR HOUSING – LOT 6 – GATEWAY DRIVE – TM – 55.-2-24.6-1 & 55.-2-24.6-2 – REAPPROVAL OF AMENDED SITE PLAN**

Mr. Carnazza had no objection to the reapproval of the amended site plan.

Mr. Cleary had no objection to the reapproval of the amended site plan. The request is about six months early and the reason it's being done is because their lending institutions are requiring that these reapprovals and extensions be established significantly ahead of time. It has nothing to do with any other requirements; it's their bank that is making them do this.

Mr. Cleary read Mr. Franzetti's memo which stated the Engineering Department has no objection to approving the Site Plan Extension for this project. However the Planning Board should be aware of the following:

Putnam County Department of Health (PCDOH) Requirements

- The PCDOH approved the wastewater collection system plans and they are valid until January 15, 2018

New York City Department of Environmental Protection (NYCDEP) Requirements

- The NYCDEP approved the Stormwater Pollution Prevention Plan (SWPPP) for this project on August 21, 2007.
- The NYCDEP provided a conditional extension to the August 21, 2007 SWPPP on October 29, 2012.
- The conditions of the SWPPP are now set to expire on November 9, 2017.

- The NYCDEP approved an extension of the design approval on May 13, 2010. The permit is set to expire on October 30, 2014. According to the Applicant a new extension has been requested.

#### New York State Department of Environmental Conservation (NYSDEC) Requirements

- The NYSDEC wetlands permit is set to expire on December 31, 2016.
- The NYSDEC granted a stormwater permit on June 18, 2007. According to the NYSDEC website, this permit is still in effect.
- The NYSDEC updated the General Stormwater Permit in 2010 (GP-0-10-001)
- Per the NYSDEC if a project was approved under an earlier version of the General Stormwater permit and is being built under an updated version of a General Stormwater permit, the applicant does not need to meet the updated technical criteria, only ministerial criteria.

Mr. Contelmo stated this particular application has about 8 outside agency approvals with varying expiration dates. I provided Mr. Franzetti with confirmation by way of letters that all of the outside agency permits are currently valid and their validity varies from dates of later this year into 2018 and beyond. We keep a matrix of all the approvals, we've gotten reapprovals from DEP and the Health Department.

Mr. Meyer asked if anything was happening there.

Mr. Contelmo replied there is nothing physically happening at the site right now. All the happenings are in the background between the business and marketing. With the way the economy has been there has been a long quiet period but the quiet period is starting to have some noise.

Mr. Greenwood stated that you mentioned one of the approvals expires this year.

Mr. Contelmo replied the next one to expire is the DEP sewer approval. We've already submitted final plans and discussed it with the department.

Mr. Greenwood asked since this is being done early how does it affect the approval if that's not obtained.

Mr. Contelmo stated our approval resolution is contingent on having all these outside agencies.

Mr. Cleary stated that's why we asked Mr. Contelmo to submit proof that everything was in place. It's their job to make sure it's maintained.

Mr. Paepre moved to grant reapproval of the amended site plan. Mr. Greenwood seconded the motion with all in favor.



**THE FAIRWAYS SENIOR HOUSING - LOT 7 - GATEWAY DRIVE - TM - 55.-2-24.8-1 & 55.-2-24.1-2 - REAPPROVAL OF AMENDED SITE PLAN**

Chairman Gary stated Lot 7 is the same as Lot 6; therefore there is no difference in comments.

Mr. Greenwood moved to grant reapproval of the amended site plan. The motion was seconded by Mr. Meyer with all in favor.

**CAMPANELLI, MICHAEL - 424 BALDWIN PLACE ROAD - TM - 75.11-2-25 - WAIVER OF SITE PLAN APPLICATION**

Heldover - No quorum.

**MINUTES - 6/11/2014 & 7/9/2014**

Heldover.

Mr. Greenwood moved to go into Executive Session on a legal matter. The motion was seconded by Mr. Meyer with all in favor.

Respectfully submitted,

Rose Trombetta