

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 SEPTEMBER 3, 2014

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Lutz, Wayne	65.17-1-14	1	P.H.	Public Hearing Closed & Full Return Of The Bond Recommended to Town Board.
Lakeview Realty, 168 LLC	76.22-1-4	1	P.H.	Public Hearing Closed & Planner To Prepare Resolution.
CVS/Pharmacy	55.10-1-12	2	Resolution	Resolutions Adopted.
Infantino, Thoms	64.8-1-19-21	2	Bond Red.	Public Hearing Scheduled.
Kobu Asian Bistro	75.12-2-5	2-3	Bond Return	Applicant Did Not Show Up.
MacDonald Marine	76.20-1-13	3-4	Extension	1 Year Extension Granted.
Campanelli, Michael	75.11-2-25	4-6	Waiver	Tabled.
Minutes – 6/11/2014 & 7/9/2014		6		Approved.
Executive Session - Putnam Community Foundation		6		Discussion.

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

Respectfully submitted,

Rose Trombetta

LUTZ, WAYNE – 230 EAST LAKE BLVD – TM – 65.17-1-14 – PUBLIC HEARING

Mr. Meyer recused himself and left the podium.

Mr. Carnazza had no objection to the bond return.

Mr. Franzetti read his memo which stated a representative from the Engineering Department performed a field inspection on the referenced property to evaluate the status of a site construction. The original bond amount posted was \$10,408, the full bond amount is still being held by the town. Based on our inspection all of the site improvements required pursuant to the board site plan approval have not been completed on this basis. The Engineering Department recommends that the entire bond of \$10,408 be released.

Mr. Cleary had no objection to the bond return.

Chairman Gary addressed the audience and asked if anyone wished to be heard.

Hearing no comments from the audience, Mr. Greenwood moved to close the public hearing. The motion was seconded by Mr. Paepfer 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.

Mr. Meyer returned to the podium.

LAKEVIEW REALTY 168 LLC – EAST LAKE BLVD – TM – 76.22-1-4 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Franzetti stated all the Town of Carmel Engineering Department comments have been addressed. He stated in order to do the resolution a quantity take off for all proposed improvements for bonding should be provided. The applicant did provide it late yesterday, but I didn't have a chance to review it. I will have it ready for the next meeting.

Mr. Cleary stated all the site planning issues have been satisfactorily addressed.

Chairman Gary addressed the audience and asked if anyone wished to be heard.

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.

Chairman Gary asked the Planner to prepare the resolution.

CVS/PHARMACY - 1879-1905 ROUTE 6, CARMEL - TM - 55.10-1-12 - RESOLUTION

Mr. Carnazza stated all his comments have been addressed.

Mr. Franzetti stated all his comments have been addressed.

Mr. Cleary stated you have two draft resolutions before you, the SEQR negative declaration and final site plan approval resolution.

Mr. Molloy moved to adopt Resolution #14-07, dated September 3, 2014; Tax Map # 55.10-1-12 entitled CVS/Pharmacy – SEQR Determination of Significance Negative Declaration. The motion was seconded by Mr. Paerprer with all in favor.

Mr. Greenwood moved to adopt Resolution #14-08, dated September 3, 2014; Tax Map # 55.10-1-12 entitled CVS/Pharmacy Final Site Plan Approval. The motion was seconded by Mr. Meyer with all in favor.

INFANTINO, THOMAS - SPLIT ROCK ROAD - TM - 64.8-1-19,20,21 - BOND REDUCTION

Mr. Carnazza had no comments.

Mr. Franzetti read his memo which stated a representative of the Engineering Department performed a field inspection of the referenced property on September 2, 2014 to evaluate the current status of the site construction, for the purpose of determining whether a bond return was warranted. The results of our investigation are presented below. The original bond amount posted on May 19, 2010, which is currently being held, is \$56,952.00. Based upon our inspection, 80% of all the site improvements required pursuant to the Board's Site Plan approval have now been completed. The only remaining work to be performed is the plantings in the rain garden. On this basis, this Department recommends that the bond be reduced to \$11,400.00 and the remainder be released.

Mr. Cleary had no comments.

Chairman Gary said to schedule a public hearing.

KOBU ASIAN BISTRO - 903 SOUTH LAKE BLVD - TM - 75.12-2-5 - BOND RETURN

Mr. Carnazza had no comments.

Mr. Franzetti read his memo which stated a representative of the Engineering Department performed a field inspection of the referenced property on August 27, 2014 to evaluate the current status of the site construction, for the purpose of determining

whether a bond reduction was warranted. The results of our investigation are presented below. The original bond amount for the project is \$32,000.00 posted on June 25, 2013. Based upon our field inspection, all work is complete. We recommend that the bond amount of \$32,000.00 be released.

Mr. Cleary stated he had no objection to the bond return.

The applicant was not present. Chairman Gary stated it is not a requirement for the applicant to be present, but it's up to the board.

Mr. Greenwood commented that's been the policy that we follow to make sure they are here and we do not want to get into the habit of allowing people to not be present.

Mr. Molloy agreed with Mr. Greenwood.

Mr. Charbonneau said you could hold it to the end of the meeting to see if the applicant shows up.

**MACDONALD MARINE – 681 UNION VALLEY ROAD – TM – 76.20-1-13 – 1ST
EXTENSION OF SITE PLAN APPROVAL**

Mr. Meyer recused himself for this application and the next application and left the podium.

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

Mr. Franzetti read his 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:

New York City Department of Environmental Protection (NYCDEP) Requirements

The NYCDEP granted a variance from Section 18-39(a)(1) of the Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources on July 16, 2013.

New York State Department of Environmental Conservation (NYSDEC) Requirements

The project received coverage under the General Stormwater Permit in 2010 (GP-0-10-001) in October 2013.

The project received coverage under Article 24 of the Freshwater Wetlands on January 23, 2013. The Permit Expires on December 31, 2016.

Town of Carmel Environmental Conservation Board (ECB)

The ECB granted a wetlands permit on September 5, 2013 (Permit #871) which is set to expire on September 5, 2014. The applicant will need to renew this permit.

Mr. Cleary stated this is the applicant's first request for the extension and we have no objection.

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

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

Mr. Carnazza stated this is for a waiver of site plan. The applicant got a surveyor. The surveyor determined that there was no encroachment to the adjoining property.

Mr. Franzetti stated the Engineering Department has no objection to the waiver of site plan application as long as there are no changes being made to the site.

Mr. Cleary stated back in April when they were last in front of the board there was some confusion on the survey. He stated it has been clarified and it is not issue. He stated I have no objection to the waiver of site plan.

Mr. Michael Caruso, Attorney for the applicant addressed the board and stated there have not been any changes of use to the property for over 20 years.

Mr. Carnazza stated the applicant went to the Zoning Board many years ago and the Zoning Board remanded it back to the Planning Board and for some reason the application was dropped.

Mr. Molloy commented that he thought the planning board had denied the application back then and we are not here to review an application that was denied by a previous planning board. He said this is for 8 housing units for 1 acre of land and they are asking for a waiver of site plan.

Mr. Carnazza stated they had 7 units plus a business back in the 1980's. When they came to board they asked if they get rid of the business and put in another apartment is that making the property more in conformance with code. The Zoning Board said yes but you need have to go back to the planning board. At that time, the applicant asked for a waiver and the encroachment came up and that is where it dropped.

Chairman Gary stated the planning board took no action back then because it was not a legal application.

Mr. Molloy said so it was not denied, they just didn't take any action.

Chairman Gary replied that's correct.

Mr. Carnazza stated he did not see a denial in the file.

Mr. Greenwood asked if there was an existing site plan for this site.

Mr. Carnazza replied no. If there was I wouldn't have the applicant come in front of the board, because I could have given them the waiver on my own.

At which time, a discussion ensued regarding waiver of site plan applications and the zoning board interpretation that was granted in 1986.

Mr. Greenwood stated he would be more comfortable if we went through a site plan process.

Mr. Carnazza stated the code says if you did go through a site plan process, they wouldn't be here for a waiver. They would go through me.

Mr. Greenwood he said without going through some sort of process to get a site plan documented through this board, I am not comfortable with doing this. I do not like the idea of waiving it.

Mr. Molloy commented I understand that it was only an interpretation 28 years ago.....

Mr. Carnazza stated today they would interpret it the same way. He said if you take the mixed use out of a building, you're obviously becoming more in conformance with code.

Mr. Molloy stated I know it's completely irrelevant, but the town has changed the zoning requiring 120,000 square feet to build one single family house. He said this is 8 units on 40,000 square feet. I don't see how we could give them a waiver.

Mr. Cleary stated if they came to you with a site plan, it would be the same plan that is in front of you now to waive.

Mr. Carnazza stated but they would need many variances.

At which time, the board members continued to discuss whether or not this application should go through a site plan process.

Mr. Carnazza stated your options are if you don't waive it they could potentially go back to commercial which is a mixed use. Or they come back to the board with a site plan.

Mr. Giannico stated so what you are saying is if you waive the application, it would get rid of the commercial and that would be the plan that gets filed.

Mr. Carnazza replied that's correct.

Chairman Gary asked Mr. Caruso to explain to the board what is there now.

Mr. Caruso addressed the board and stated what we have now is a six family building and two separate structures, single family making a total of eight units (three buildings). He said we are just correcting what wasn't picked up 20 years ago and we would like to keep just as is.

At which time, a further discussion ensued with regards to going through a site plan process.

Mr. Greenwood stated basically, for the last 20 years without ever getting approvals, they acted on their own and changed the use. And now we are getting asked to waive it.

Chairman Gary stated that is not a true statement. They were allowed permission to do that. It was not this board or the zoning board it was the building department. They had the authority to do that.

Mr. Carnazza stated on paper they have been in violation that long. He said they were given approval to do it, but it wasn't done properly.

At which time, Mr. Giannico moved to go into Executive Session to get legal opinion on the application. The motion was seconded by Mr. Paeprer with all in favor.

Mr. Greenwood moved to come out of Executive Session. The motion was seconded by Mr. Giannico with all in favor.

Mr. Charbonneau stated for the record the planning board took no action in Executive Session.

Chairman Gary stated at this time the board members would like to table this application. And we would like to set up meeting with one or two board members and the consultants.

Mr. Giannico moved to table the application. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Meyer returned to the podium.

MINUTES – 6/11/2014 & 7/9/2014

Mr. Molloy moved to adopt the June 11, 2014 minutes as corrected and the July 9, 2014 minutes. The motion was seconded by Mr. Paeprer with all in favor.

EXECUTIVE SESSION

Mr. Charbonneau said I ask that the board make a motion to go into Executive Session for purposes of discussing the Article 78 that was filed against the board by the Putnam Community Foundation. No further action will be taken. It's a discussion on the court's decision.

Mr. Greenwood moved to go into Executive Session at 7:45 pm. The motion was seconded by Mr. Molloy with all in favor.

Respectfully submitted,

Rose Trombetta

Created by Rose Trombetta