

APPROVED

**HAROLD GARY**  
*Chairman*

**CRAIG PAEPRER**  
*Vice-Chair*

**BOARD MEMBERS**  
**ANTHONY GIANNICO**  
**DAVE FURFARO**  
**CARL STONE**  
**KIM KUGLER**

**TOWN OF CARMEL**  
**PLANNING BOARD**



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*Director of Code  
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**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

**PLANNING BOARD MINUTES**  
**MARCH 16, 2016**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, KIM KUGLER, DAVE FURFARO, CARL STONE

**ABSENT:** ANTHONY GIANNICO

<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>
Thimm, Karl & Janis	65.17-1-15	1	Resolution	Resolution Adopted.
Frenkel, Robert	75.8-2-20	1-2	Site Plan	Public Hearing Scheduled.
New York SMSA Limited Partnership d/b/a Verizon Wireless	75.19-1-12	2-5	A. Site Plan	Denied to ZBA.
Lake Plaza Shopping Center	65.10-1-45&46	6-17	A. Site Plan	No Board Action.
Gateway Summit Senior Housing Lot 6A & 6B	55.-2-24.6&24.7	17-20	A. Site Plan	Denied to ZBA.
Fairways Senior Housing Lot 7	55.-2-24.8	17-20	A. Site Plan	Denied to ZBA.
Albano Estates V	55.14-1-26.312	20-21	A. Final Plat	Public Hearing Waived & Planner to Prepare Resolution.
CVS/Pharmacy	55.10-1-12	21-23	Bond Red.	Bond Reduced to \$25,000.
Minutes- 2/24/2016		23		Approved.

The meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Rose Trombetta

**THIMM, KARL & JANIS — 232 EAST LAKE BLVD - TM - 65.17-1-15 - RESOLUTION**

Mr. Carnazza said this is on for a resolution and all of my comments have been addressed.

Mr. Franzetti said all of my comments have been addressed.

Mr. Cleary said all of the site plan issues have been addressed; there was one issue with regards to DEP approval. The applicant has met with DEP and there is a condition that this approval has to be established.

Mr. Greenberg said just to bring you up to date, we got a letter of completeness so we should be getting our permit.

Mr. Cleary said that's a condition of our approval so that is covered.

Mr. Franzetti said just to confirm Mr. Greenberg's comment; he did provide a letter of completeness.

Mr. Greenberg said he would like to publically thank a committee of three, including Mr. Franzetti, the head of the Health Department and someone with the DEP who were all expedited and sent there approvals back to the DEP which is how we got our letter of completeness.

Chairman Gary asked if we have a resolution.

Mr. Cleary said yes we do.

Chairman Gary said if there are no questions around the board can we get a motion on the resolution.

Mr. Paepre moved to adopt Resolution #16-09, dated March 16, 2016; Tax Map # 65.17-1-15 entitled Karl & Janis Thimm Final Site Plan Approval. The motion was seconded by Mrs. Kugler with all in favor.

**FRENKEL, ROBERT - 43 TAMARACK ROAD - TM - 75.8-2-20 - BOATHOUSE RENOVATIONS**

Mr. Carnazza said this is a boathouse on Lake Mahopac and all of my comments have been addressed.

Mr. Franzetti said all engineering comments have been addressed; they have received wetland coverage under the wetland code in the Town of Carmel.

Mr. Cleary said all of the site plan issues have been addressed; the questions about the bulkhead and the dock were clarified at the last meeting. Also, I believe that there are some architectural comments about this.

Mr. Franze said we ultimately had no objection to this; the boathouse is reflective of the architectural house that has been recently renovated.

Mr. Cleary said we need to have a public hearing on this.

Chairman Gary said we will schedule the public hearing for the next meeting.

**NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 361 ROUTE 6  
– TM – 75.19-1-12 – AMENDED SITE PLAN**

Mr. Carnazza said in my memo I wrote that they need to provide a parking layout, which they did provide it is just very small. It turns out they do need a variance from the Zoning Board for the two parking spaces that they don't provide for the unmanned public utility installations. They only need someone there once a month so that will be their argument at the Zoning Board, but they will need to seek that variance.

Mr. Franzetti said the engineering department has no additional comments; they were referred to the ECB, Mahopac Fire Department and to the County. They did visit with the ECB and forwarded a letter stating that they reviewed the planning board referral and the Board has no purview because there are no wetlands on or near the site.

Mr. Cleary said at the last meeting we raised some concerns and asked the applicant to supplement the application with a couple of things. We asked them to resubmit some of the views for the visual analysis to be closer to the building from Route 6 and also from the trail way behind it. They have submitted a new visual assessment that you have in front of you; additionally we had a discussion of the possibility of relocation of the antennas, screening the antennas, or putting them inside the building. They have a letter here from the owner of the property indicating that he is unwilling to allow the relocation of the antennas.

Mr. Edward Tyber of Snyder & Snyder, representing the applicant addressed the board and stated the engineer and the property owner are looking into what will be structurally feasible to put on the roof by a probe which the property owner might agree too.

Mr. Cleary asked what a roof probe is.

Mr. Tyber said it is cutting open part of the roof to see what kind of structure is there. That is in the works.

Mr. Cleary asked if the owner is allowing them to do that.

Mr. Tyber said I don't know if he is actually allowing us to cut open the roof, sometimes they can do it by X-ray but that is the engineers job I don't know too much about it.

Mr. Cleary said the assumption is that the owner is going to allow you to do further testing.

Mr. Tyber said yes.

Mr. Cleary asked if the owner would understand that it is potentially for the purpose of relocating.

Mr. Tyber said yes.

Mr. Cleary said so that's a good sign then.

Mr. Tyber said yes, we are continuing to follow up there so it is in the works, I don't have anything to report we are a long way off from coming up with a design but the process has been started.

Mr. Franze said I kind of jumped into this application underway, so purely from the aesthetics perspective and with the materials we have to review; there isn't much flexibility with relocating the antennas which is interesting to me and something I would like to investigate further. The antennas are things that we see as necessities whether we want them there or not. As I look at the applicants before and after pictures, it doesn't seem to be a dramatic change so from an aesthetic perspective our recommendation is if they have to be there let's tuck them into the building, color matched to the building and try to make them be as discrete as possible. What I understand from the application documents is that it is not possible to relocate them but if that is still being explored then that's a good thing.

Mr. Tyber said we are looking to do some sort of concealment enclosure or screening wall.

Mr. Stone asked if it would be a cupola or something.

Mr. Tyber said I'm really here tonight to get referral to the Zoning Board about needing two parking spaces per unmanned public utility installations. The property is already maxed out for all of the parking on the site so we would need clearance from the Zoning Board and hopefully by the time we get that the engineer will have some other options for our design.

Mr. Paepre said I think the biggest topic tonight is the concealment and not wanting to set any precedence, he then asked if they will be coming back with renderings.

Mr. Tyber said yes, we have to have plans to see what structurally the building can support and based on that design, the next step would be to go to renderings of that design.

Mr. Carnazza said we will need to have a copy of that.

Mr. Tyber said yes we have submitted the current renderings.

Mr. Carnazza said we will need to see new ones with your proposals.

Chairman Gary said to Mr. Franze that he read his comments and you don't seem to have any problem with having the antennas there. He then asked how we will deal with those antennas in the future because it is going to come up.

Mr. Franze asked if he means the idea of antennas in general.

Chairman Gary said yes.

Mr. Franze said the antennas are being increasingly populated, as we find more and more of these installed on buildings that is a larger question as we begin to see more and more of them. We will have to understand the marriage of the needs of technology in terms of its need and exposure. That is out of my expertise but as a community we will need to figure out a place for them to be put because we are in need of them.

Mr. Carnazza said if you remember when we got there first submission we didn't have a problem with it until we found out it was a collocation. We all realized that there is a further issue with that, what he has proposed right now is behind the building tucked in, but if it is a collocation more and more antennas will be put there.

Mr. Cleary said we have authority to deal with the aesthetic issues to deal with these antennas; we don't have the authority to deal with the environmental safety issues. This is where we have authority.

Chairman Gary said we need to have a public hearing on this.

Mr. Cleary said yes we do.

Chairman Gary said in the past that was always the biggest problem.

Mr. Cleary said yes we usually deal with a lot of controversy and are difficult to deal with.

Chairman Gary said yes and people are going to be looking for answers.

Mr. Cleary said this is an example where the applicant has heard your concerns and is trying to do more than he came in with. I think we should be pleased with the progress the applicant is making but we are not quite there yet.

Mr. Furfaro said from what I understood is that if another applicant came back at a later time for the collocation they would have to come in front of the planning board.

Mr. Carnazza said yes that is correct that's what I meant with the collocation is that depending on the facility they can keep expanding without having to come back here.

Mr. Cleary said some of the antennas carry within accessory facilities that support equipment but the ability to collocate antennas on a preexisting collocated facility they would not need your approval.

At which time, a discussion ensued about previous Board appearances with antennas.

Mr. Stone stated since we addressed the visual appearance on this even though it is a collocation does that free the next applicant to put antennas anywhere he wants or do they have to adhere to our requirements.

Mr. Cleary said as I understand it the Federal Legislation that allows for expedited approval of these is for the collocation of the antennas it doesn't speak to our local obligation to deal with the esthetics. The assumption is that if it is a collocated antenna on a pre-approved existing facility the esthetics remains similar.

Mr. Tyber said to be eligible for expedited review there are six criteria, one of which is that you do not feed existing concealment. So if the next person wants to put antennas up they would have to screen that antenna so it's not to defeat the existing concealment.

Mr. Stone said you can't ignore the conditions and they would have to come through us first.

Mr. Cleary said our interpretation is if they do that they will have to come back to the planning board.

Mr. Carnazza said they will also need a building permit.

Mr. Cleary said in that instance Mr. Carnazza can send it back to this Board.

Mrs. Kugler said just to sum it up esthetically and visually they will have to follow the guidelines that we are going to set forward.

Mr. Carnazza said that's correct.

Chairman Gary said so we have to refer them to the Zoning Board for their parking variances.

Mr. Cleary said correct.

Mr. Furfaro moved the motion to send this application to the Zoning Board. The motion was seconded by Mr. Stone with all in favor.

**LAKE PLAZA SHOPPING CENTER, LLC(PROPOSED STOP &SHOP) – 983-1005 ROUTE 6  
– TM – 65.10-1-45&46 – AMENDED SITE PLAN**

Mr. Carnazza said all of the necessary variances were granted and I was waiting for the Decision & Order to be typed so I can verify that everything is consistent with what's on the map. I still have to make sure that the signs that were not approved were removed from the map and the signs that were approved are on the map. He said the engineer needs to put all of the notes on the plat to show what was granted and what wasn't.

Mr. Franzetti said as part of this submission the applicant provided additional information based on the sketches from the NYC DEP. He said the DEP is requiring additional fire retention areas on the north and east sides of the property. The comments from January 8<sup>th</sup>, 2016 memorandum are still being addressed.

Mr. Cleary said he has no new comments on this; we are waiting to hear Mr. Franze's comments at this time.

Mr. Franze said obviously it is a large project and I am in catch up mode. One fundamental recommendation that was made is given that there are three components to this project, Stop & Shop, the main part of the shopping center and there is Kmart. From our prospective this is an opportunity to consider the shopping center as a whole, we did not receive many architectural drawings for the Stop & Shop piece. We had some conceptual drawings and that's what our comments are limited too. The essence of our memo is to look at the shopping center as a whole, it is a significant façade on Route 6 and this is a chance for the Board to make it have a long term impact. I don't know if we can bring Kmart into the conversation, but I would recommend that we try to do that in order to consider the shopping center as a whole. Aside from that we did suggest that while the architectural is being proposed in the body section between the anchors is certainly an improvement as to what is there now. It may not necessarily reflect the long term vision this Board has expressed for the Route 6 corridor, we suggest that the applicant consider treating the shopping center with a more colonial or traditional brush. They have done some of the things effectively to improve that with the vision that this Board has expressed.

Chairman Gary said to the applicant, I don't want you to feel obligated to do work at the other end of the shopping center. He then asked the applicant if the Board could invite Kmart to see if they are willing to do anything to help them follow the tone of the new shopping center.

Mrs. Tortorella said so the question is do we have any objection to you having Kmart come into the discussion to listen to what we have to say in order to help them make revisions.

Chairman Gary said yes.

Mrs. Tortorella said I think we will have to talk about it, I don't know exactly what the relationship between the landlord and Kmart is right now.

Chairman Gary said the planning consultants and the architectural consultant will sit down and discuss this with you at a different time. This doesn't need to be talked about right now but it is something that you may want to consider because it could be beneficial to you.

Mrs. Tortorella said we appreciate that because as we talked before we are putting a lot of investments into this shopping center and we are doing work at the Kmart end to fix the parking area. We have limitations to what we can do with the Kmart building itself and that is out of our control so it would be good for us to discuss that.

Chairman Gary asked if they would want to include the architect and the planner in that discussion.

Mrs. Tortorella said yes absolutely we would greatly appreciate that. One of the things we wanted to ask of you tonight is if we can go through the next few stages and talk about making revisions to the architectural design and deal directly with Mr. Franze and Mr. Cleary to keep them on board with what we want to do.

Chairman Gary said I think it would be very adventitious to you and to the Town.

Mrs. Tortorella said we actually brought with us tonight both of our architects we have Mr. Gusso, the architect for the Stop & Shop building and Mr. Michaels the architect for the rest of the center. They are both here this evening and prepared to talk about the style, design, materials and any questions you have.

Mr. Franze said I didn't speak to any of the materials on Stop & Shop because the materials that I have doesn't address that at all. Just to make some observations on the materials for the middle section of the shopping center I would like to discuss that.

Mrs. Tortorella said I know you have seen the plans before I didn't want to show them again if you didn't want us too but we have some more development on the middle section. So if we could take a few minutes to do that now that would be great.

Chairman Gary said absolutely.

Mrs. Tortorella said we will start with the middle section first. What I would like to do if we are able is to put both elevations side by side. These plans were submitted to you for the last meeting and we gave you extra copies this time around just for your convenience. These are the architectural plans for the middle section between the two anchors. Since the last meeting we did listen to a lot of the comments that were provided to us and there have been some ideas that we have been talking about in terms of how to respond to your comments.

Mr. Michaels said essentially we would like to tie this together with the Stop & Shop materials, character and the retail elements. We are not doing anything whatsoever with the Kmart building. Interestingly enough the architect from Stop & Shop and I have known each other for many years so we have the opportunity to be working together on this. Our intent



is to use the same types of materials and color through the entire property with the exception of Kmart. We have done a further study on wall signage and we are concerned with the tenant's flexibility on what they need for their signage. To respond to a comment made last meeting, the columns that were made in the original design were perhaps a little clumsy. We took another look at those columns and made them into a more traditional type column with a more slender, attractive appearance. We did not change any of the under canopy signage that was put forth the last meeting, the only new characteristic shown is the material that is being used on the front of Stop & Shop. One thing that is important is the color is much lighter then what currently exists, the center right now is very dark and we want a lighter atmosphere. The rest of the background would be somewhat muted, like a warm grey or white so the signage will not conflict with that.

Mrs. Kugler asked what kind of stone material you will be using.

Mr. Michaels said we haven't selected it yet but it would coordinate with the Stop & Shop so the colors and character stays the same. It will be a natural stone, grey or white in color.

Mr. Stone asked about the store frontage windows.

Mr. Michaels said the glass is going to come all the way down to the ground; we are in the middle of our exercise for how high that glass can go.

Mr. Paepre asked if there are any similar buildings to this.

Mr. Michaels said no I don't have any but in terms of character, the strip center component is the shape and style that you have in your Town. Where we are deviating is not having the façade exactly identical to make for a more interesting building.

Mr. Stone said in this rendering here it appears that the center of the strip is higher than the rest of it.

Mr. Michaels said that's a good question, we are breaking it up 3 to 4 feet but the Stop & Shop building would be the same height as that middle component to balance it out. The building is a substantial distance from the street and we thought we could have the opportunity for it to be seen.

Mrs. Tortorella said if we can take a couple minutes to allow Mr. Gusso to speak on the materials and colors of the Stop & Shop.

Mr. Gusso said I am here to give you some more detail on the elevations, material and esthetics that are presented here. This is a fairly newer approach by Stop & Shop to take their inner workings as an energy and environmental design in order to take this to another level. This is the first one that they will be building and the approach here is to represent all of the things and systems that you want within the building. The exterior has not been looked at until now, what we are trying to do is look at renewable materials for the steel and the panels. There are a variety of different textures, materials and colors that these panels

along the façade come in. I want to start with the front left side on the Route 6 elevation, we have one of the larger end elements that start us off here and consist of a wood look panel. It's almost like a wood plank look which is again another look at the sustainability aspect. The lower section of the building which is a continual band that runs around the front, side and rear is more of sandstone which is a cement board with a texture to it and has a sandstone look. That kind of creates the base of the building in which we are building off of, all of the materials rise up and take over from there throughout the building. As we move across the elevation from left to the middle section you will see that is the larger glass three panels with shading or wood look lines coming through that. What they are, are projected louvers that are aluminum but are finished to look like wood which is incorporated here because of the high glass for shading. Those louvers are intended not only as a design element but they will be functional in limiting the heat in our building, lowering our heating and air conditioning cost. I've been an architect for Stop & Shop for many years and we have progressed in following the codes and looking at these energy saving methods. Another newer goal is the glass; we lose a lot of performance in our building through the use of glass. It is a high performing glass so in certain cases we will tint it, it's got a higher R value to resist the heat and the louver effect gives us the shading that we need in extreme conditions. I think it is serving a lot of purposes and is still keeping with the energy efficiency to keep for the building envelope. As you move across to the right is the main element that highlights the entry which is made up of a combination of elements, you can see we are carrying that lower sandstone band through, rising up out of that is the grey panels. Those panels are a variety of slight variations of different greys and that panel kind of carries over to the theme with the wood but they also have a texture to it. It has almost a stone like feature that will be carried up from the sandstone portion which goes up and around and is accented and broken up by the sign band which is created as a backdrop to the Stop & Shop sign. Those would again be the fiber cement panels which are a product that is very environmentally friendly so the use of that throughout is where we would like to be. Even if the design changes or they start to wear out they can be recycled and new panels can be put on. On the side elevation you will see that we are taking this sandstone textured panel that we are continuing to a higher level. It will be about 10 feet high on the side and the rear which is a specialized product that will resist some of the lower damage that you would normally get with other materials. If you are familiar with stucco panel it's not very durable, this panel is a step up from that and it is of a highly durable makeup. So what we are doing is carrying the nicer stone look material around and from that 10 foot level to the top we are looking at a vertical standing seam aluminum panel picking up some of the grey tones from the front façade. I think we are making an attempt to really coordinate and bring the design features together and the new design of the middle section is really starting to do that with some of the column changes and carrying the wood look panels that go through as a backdrop behind the canopy.

Chairman Gary asked if anyone had any questions.

Mr. Stone asked if there was somewhere the Board can go to see this store built.

Mr. Gusso said no there are none that are currently built.

Mr. Stone said I am going to speak from my prospective, I think I am looking for something more traditional. I think this is something very different and I would like to see it look more real in the renderings and all tied together. I need to be able to see it, touch it and feel it you guys are going to have to really sell this to me.

Mr. Gusso said I agree I think seeing the materials itself will be helpful because you lose a lot of the effects in the drawings. The panels really do have the texture and depth to it so I think that would be good for the Board to understand more clearly.

Chairman Gary said you said that you have done a lot of work for Stop & Shop.

Mr. Gusso said yes I have.

Chairman Gary asked why this one is so different from any other Stop & Shop.

Mr. Gusso said Stop & Shop wants to make changes to their original layout.

Chairman Gary said that makes sense but makes it more difficult for us because we can't see it anywhere.

Mrs. Tortorella said this is the prototype that will continue with Stop & Shop from now on, they are modernizing there look and are undertaking great strides to incorporate sustainability in the interior of the store. They are now trying to bring the interior concept to the exterior of the building as well, they want neat clean lines to make it easier for maintenance which will ensure the continued attractiveness of the building. When we were last discussing the elevation, there was some talk about possibly incorporating different colors or different finishes on the building to tie into a more traditional look. I understand your comment about wanting to see materials to touch and feel them which will be something we can address and provide for you as well.

Chairman Gary said so you are trying to change the brand of all your buildings, we will need to see the schematics of that.

Mr. Carnazza asked if this is one that we need to start an escrow account for Mr. Franze to meet with them.

Chairman Gary said we will discuss that after.

Mr. Franzetti said so this will be the Stop & Shop that all of the other communities come to see if they were to build it this way.

Mr. Carnazza said yes because this is the new prototype.

Mr. Paepre said sometimes it's good to be first and sometimes it's not.

Mr. Stone said so we have gotten some letters on the Stop & Shop proposal and one of the questions is that there is a Stop & Shop on the West side of town and now we will have one on the eastern side of town. He then asked Mr. Cleary if we have any purview on that law.

Mr. Cleary said no not at all.

Mr. Stone said I just want to get it out there for the public.

Mr. Cleary said weather this new tenant chooses to fire old employees and hire new employees, those issues are not this Boards issues to consider.

Mr. Stone said I just wanted to discuss that because there were comments about that.

Mrs. Tortorella said I just wanted to comment on why we changed the concept of the look that we have. The last time we did a concept change was in 2001, it has been 15 years since we changed the look of Stop & Shop and in the retail industry you change your branding and your logo to keep people attracted. The whole goal of this elevation is to really bring forth our philosophy on the sustainability on the company and our reduction of carbon footprint is to bring that throughout the entire building, not just the inside.

Chairman Gary asked if anyone else has any questions.

Mr. Stone said I appreciate everything you said and I do understand the rebranding I'm just not confident that the Lake Plaza is an appropriate place to start a flag ship model of this design. I think I have said it before but I don't feel like this is architecturally appropriate for that center.

Mrs. Tortorella said I think that hopefully when we get into more of a dialogue that there are some material appearance changes. The materials stay the same but it can take on different appearances so instead of doing the sandstone or the grey stone we could have it look like a collaborated siding so it brings in more of a colonial New England type of look.

Chairman Gary said I think that is one of the things that we are going to need to do and our architectural consultant will have to sit down with you so he can understand it. We all need a better understanding to illustrate this and I believe that Mr. Franze will help us understand. I agree that there are concerns about it but we do welcome business and we think it will be a good improvement to the community to have this here. You really just need to get us to understand the vision of what you want the building to look like. There are some things that we will need to sit down and talk about so we can all understand better.

Mrs. Tortorella said so do we have a right to sit down with Mr. Franze and help him understand.

Chairman Gary said yes.

Mrs. Tortorella said ok we would really like to do that and then we would like to come back to you after we have made some progress.

Chairman Gary said I have been a builder for many years and I do not quite understand so I will need to see a design on it but we do welcome something that is going to make our community better.

Mrs. Tortorella said we appreciate that and we would like to do that as well.

Mrs. Kugler said I think the sustainability factor and the reduced carbon footprint is a great idea, I know that is the direction this world is going in. I think it will be helpful if you can transition this so the materials can replicate the main street and it would help us to see those renderings rather than continue to see these renderings.

Mrs. Tortorella said yes I think that makes a lot of sense but until you hired an architectural consultant we wanted to get some direction before we really started making changes. I think the comment about seeing the materials is a great idea.

Mr. Stone asked if they had made any progress on the site and with Dunkin Donuts.

Chairman Gary said we will get to that a different time.

Mrs. Tortorella said our traffic engineer is not here tonight but I did want to update you on the changes to the site plan to keep you up to speed. Based on our meetings with DEP, we have discussed the Dunkin Donuts driveway but we thought it might be helpful to sit down with Mr. Cleary and the Chairman so we can talk about some of the ideas that we have about it; we really wanted to schedule that type of meeting.

Chairman Gary said yes you can schedule that with the planner.

Mrs. Tortorella said ok we would like to do that and also speak about some other house cleaning things with the site plan changes.

Chairman Gary said I don't know where Mr. Franze would like to meet but you can have your meetings with him up here.

Mrs. Tortorella asked Mr. Cleary if he needs to be a part of those meetings.

Mr. Cleary said we will talk if he needs the help.

Mrs. Tortorella said if we can just take some time to update you on the site plan.

Chairman Gary said yes of course.

Mr. Gusso said we met with the DEP on site and in the office and we have come up with a couple changes to address some additional concerns they have. As you might expect a lot of

their concerns have to do with storm water management and the new impervious areas we are imposing. They have a very strict rule about capturing water at the point of the new impervious. Some of these new changes are to directly address those comments; we have actually shifted the driveway along the side of the Stop & Shop. If you remember previously the parking lot was against the Stop & Shop and today the parking is on the outside. The DEP likes that the water that comes from this new impervious is captured in a separate system before it enters the rest of the system. We had to do an adjustment to the layout here in order to address that, we have now done a part of this parking lot in course paving. You will notice the drive isle itself is a regular pavement, only the parking spots themselves are course pavement. This relatively keeps the parking extent about where it was previously but we are going to maintain that buffer.

Mr. Carnazza asked where they are going to pick up the Peapod in the front.

Mr. Gusso said they are just going to have to move them over a little.

Mr. Carnazza said okay I just want to make sure they are keeping the fire lane.

Mr. Gusso said what we have added, looking at the parking lot area to the side of the Stop & Shop we have actually added a bio retention basin which will capture the water off the additional impervious and then the water goes into the treatment system. This will require us to do a little bit more work along Baldwin Lane but we still are maintaining that buffer.

Mr. Carnazza asked if the trees will remain.

Mr. Gusso said yes the trees will remain, there is some smaller stuff in the front but the majority of the trees will stay.

Mr. Cleary asked if there will be standing water in that basin.

Mr. Gusso said only during a storm, it only climbs to 6 inches as part of the treatment and the same goes for the back. The one in the back is a little bit more work because the site rises in the back and all the water has to go into these basins so we will actually have to put a retaining wall. This will get all the water here from this area here and the loading dock put it into the bio retention swale and that will be tied to the front to run through the sand filters and out to the side.

Mr. Carnazza asked what size the retaining walls will be.

Mr. Gusso said about 12 feet.

Mr. Carnazza asked if there was going to be a fence on top.

Mr. Gusso said yes.

Mr. Paepre asked if the water from the rest of the parking lot will tie into that.

Mr. Gusso said any of the existing parking lots is considered an existing impervious so it does require this, all of the water from this will be treated. The new impervious just requires a higher level of treatment. We will be submitting this shortly to the DEP where we will get there comments; a lot of these changes will benefit the ECB because they are also looking for measures like this to watch the disturbances in the buffer. As soon as we get the sign off from the DEP or the ECB we will make sure that we are meeting all of the requirements of both.

Mr. Stone asked about the bio-retention in the rear, he said that seems to increase the amount of disturbed area in the back. I understand that they have a general requirement but isn't there some way of doing an offset.

Mr. Gusso said I wish there was, the DEP gives us no credit for creating all the landscaping, they will not allow us to do a central system which in my opinion would work so much better. They have a rule in which is very hard to understand because it is more geared toward a residential setting instead of commercial.

Mrs. Tortorella said Mr. Gusso has met three times with the DEP because he has tested the other theories of the different possibilities and we have not been successful. They have been very strict and limited in their interpretation and there flexibility with trying to come up with innovative ways to address some of these storm water issues. We find ourselves in this position because we have no alternative and we did go to a meeting with the ECB which was a very productive discussion. It makes no sense for us to go back to the ECB until we have a site plan that we think DEP will be generally satisfied with. We don't want this to be a ping pong and waste everybody's time, we are trying to get the site plan to a point where DEP can accept it and then we will go back to the ECB. They were very clear with what information they required from us for the next submission.

Mr. Stone said in the back above the road there is a hill; he then asked if the new drainage system will impinge on the existing drainage system.

Chairman Gary asked about the Dunkin Donuts entrance.

Mrs. Tortorella said we have some ideas but we wanted to be able to sit down and talk about them before we come back to the Board and make a presentation. Our traffic engineer wasn't available to come to this meeting tonight and we think it would be more productive to have that small meeting before we come back to have a full Board discussion.

Chairman Gary said okay.

Mrs. Tortorella said the status to where we are with the ECB and the fact that the ZBA has worked with us for the variances, puts us in a position where we need to have a discussion with you about where we are with the SEQR review. If you remember you circulated your notice of intent to be lead agency and it has been well over 30 days so I will assume you haven't got any objections to it.

Mr. Cleary said no we haven't.

Mrs. Tortorella said okay we would like for you to confirm that you are the lead agency and then we would like to talk about moving towards the determination of signification. The reason we want to start having that conversation is because there are a number of different agencies from which we require approvals. Those agencies cannot give us approvals until the SEQR review is completed, a negative declaration would conclude the SEQR review it would satisfy every agencies obligation to make sure the SEQR review was done so they can take action. We did provide you an extensive environmental assessment form, a traffic study, a parking study, drainage study, storm water management plan and if there is anything else the board thinks we need in order to make a determination of significance we ask you to tell us tonight so we can straighten it out. If you don't have anything else you need from us then we would like to talk about whether you are in a position to think about moving towards a negative declaration possibly at the next meeting.

Mr. Cleary said the board's typical procedure is to adopt its negative declaration at the point we approve the site plan simultaneously. He then asked what agencies have approval role you would seek prior to site plan approval.

Mrs. Tortorella said ECB.

Mr. Cleary said that is not an approval it is a review, they are not granting a formal approval in this case.

Mrs. Tortorella said variances are not all exempt actions because they are not setback variances in a commercial context so those are not exempt. The DEP will not accept a formal application from us until we have a determination of significance.

Mr. Cleary said so that being the case, if we need to do the negative declaration first we will but we won't do it until the site plan is mature. Right now we have site engineering issues that we are just hearing about for the first time, issues of traffic have not yet been resolved so the site plan needs to mature to a point to where it is fixed before we issue the negative declaration. We can separate the negative declaration and the approval of the site plan in order for you to get your approvals.

Mrs. Tortorella said that would be helpful because we really can't make any progress with the DEP without that. So what we would like to do is get that meeting scheduled to talk about the Dunkin Donuts driveway as soon as possible. In the meantime she asked Mr. Franzetti if he will be preparing a review memo or will you wait for us to be scheduled for the next meeting.

Mr. Franzetti said I will not be able to do it in the next ten days so yes I can leave you a review memo; I'm okay with the way it is laid out now and I have no additional comments. If you still have the memo I had developed in January those are still issues that need to be



looked at. I don't even need to develop a new memo because the other one hasn't even been addressed yet.

Mrs. Tortorella said okay so we need to complete our work on our outstanding issues from your prior memo. We will work on that and we will be looking to get back on your board to report on those things as soon as possible. In the meantime we will try to set up a meeting to discuss the architecture.

Mr. Stone said I think one of the items on the original memo from engineering was a waste water treatment plan.

Mr. Franzetti said that has been taken care of.

Mr. Stone said how far it is from the SEQR part.

Mrs. Tortorella said we are moving ahead with that as well, were not ignoring water and wastewater.

Mr. Stone said I think originally you didn't think the existing well was sufficient so there is no new well.

Mrs. Tortorella said we are going to be drilling a new well eventually and we have an application for one. We are confident that the supply will be adequate for that because we know we will need to demonstrate that, hopefully not for site plan approval but we will need it for building permit purposes. She then asked Mr. Cleary if he has any time that he will be in town hall where we can schedule that meeting.

Mr. Cleary said yes.

Mrs. Tortorella said do we know for the next week or two.

Mr. Cleary said I will let you know tomorrow when I look at my schedule.

Mrs. Tortorella said okay.

Mr. Cleary said we want to have the Chairman available too.

Mrs. Tortorella said yes.

Mr. Cleary said he will coordinate with the Chairman and get a date for you.

Mrs. Tortorella said okay we want to try to get it done in the next week or two.

Chairman Gary said we will also leave it to you to deal with the architect.

Mrs. Tortorella said yes we will, we have been waiting to work with him. We will come back to you as quickly as we can to keep things moving. She then asked if they will need to establish an escrow.

Mr. Cleary said yes I will talk to you tomorrow about that as well.

**GATEWAY SUMMIT SENIOR HOUSING LOT 6A & 6B – ROUTE 6, CARMEL – TM – 55.-2-24.6 & 24.7 – AMENDED SITE PLAN**

Mr. Carnazza said a variance is required for the three story structures; they changed the layout to make some of their multifamily buildings three stories which gives them less disturbance and a better layout. Provide a detail of the recreation area which they already have done and we went over it. There is a recreation fee required per dwelling unit in the Town of Carmel for senior housing.

Mr. Franzetti said the applicant is proposing an amendment to the previously approved site plan for this project. This amendment is related to the arrangement and type of units for the project, changing from two story buildings to three stories. These proposed amendments do not alter the bedroom count or the info structure of the project, the information was reviewed by me and I have no objection to referring this project to the Zoning Board.

Mr. Cleary said these two projects are sort of combined; they're accessed from the main road which is now constructed and brings you up into the Gateway Summit property which is on the left and the Fairways which is the long piece that stretches to the back. Both of the projects are 150 units each totaling 300 units, this is a recognition of marketing alterations. Originally in the plan that was approved by the Board, more of the larger multi-family buildings at the time there was more of a market for that type of unit since it was approved in 2006. The Board went through a full environmental impact statement review which was very full and elaborate. The housing market has changed and what the applicant is proposing is more of cottage units instead of multi-family units so they are altering the configuration of some of the buildings. What the Board did in 2006 was something relatively unusual, the environmental impact review recognized that this project wasn't going to get built immediately and there would be some time before the project came back to be constructed. The Board adopted a SEQOR evaluation form which picked out about a half dozen issues of concern and as long as the project didn't exceed those thresholds, the changes that might occur would be acceptable but it would require an amendment to the EIS or finding statement. It dealt with things such as the landscaping, the area of site disturbance, storm water management, traffic impact and the number of trips it generated into the site and how they are distributed onto the roadway memo. Some of the traffic improvements were already constructed so some of the applicability no longer exists because the improvements are actually there. It dealt with the level of community services that were provided by the project, if blasting is necessary and it also dealt with the recreational amenities that are required by code to be provided into the project. As Mr. Franzetti indicated, the applicant filled out these threshold forms and there are no instances where this modified project exceeds any of those thresholds, we have reviewed that and

confirmed that that is not the case. This means that those findings that were adopted in 2006 remain in effect and the project does not alter them in any way. The issue before you is the nature of the claim will require a variance because the multi-family units are now three story buildings where two stories are permitted. Other than that the project remains almost identical, there are some slight modifications to the configuration of the roadway and driveway locations but it is essentially the same location.

Mr. Furfaro asked if they will come back after they go for a variance.

Mr. Cleary said yes they will come back but because the variance is so essential to what they are doing, that is really there next step in this.

Mr. Furfaro asked if we will get a chance to review the whole thing.

Mr. Carnazza said yes they can't move forward until they get the variances.

Mr. Furfaro said okay so this is just so they can get there variances and then they will come back with a whole presentation.

Mr. Cleary said yes.

Chairman Gary said this is not something that is brand new we did this with Pulte Homes and Hillcrest Commons.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant stated that he would like to thank Mr. Cleary for giving a good explanation to where we are at in the project; I'm just going to further clarify a few things. This is driven by the market; this project was approved in 2006 when there was a much different housing market. What was marketable then is just not marketable now, the multi-family units had 8 over 8 units with hallways and apartment flat style units. The new concept with the architecture is to create a parking area similar to before and 5 units on the first floor, 5 on the second floor and three on the third floor. The vast majority is going to be corner units which are very desirable in today's market. The idea of bringing it into a third story allows making the numbers work and make it into something that the applicant believes is marketable. I want to be clear with the fact that we are only talking about the multifamily buildings; there are three building types in this development. We have town homes in clusters of 3 and 4 and we also have a manor house which is similar to the Pulte unit and replicates a small village like home with a connection in the back. Those will continue to meet the two story requirement; the multifamily buildings are the only ones that we are seeking to go to three stories. As Mr. Cleary pointed out, there are two parts of your code which limit the buildings from two stories and 40 feet, we can still meet 40 feet but we do need the third story which will be the nature of our variance. The procedural predicament we are in is we need to get to the Zoning Board to see if our variance will be approved. Once it gets approved we will get into the details that we will need to get in to. This was the subject of a generic environmental impact statement which is quite unique in the Town of Carmel and it is a recognized tool that the State has in there SEQR handbook. It is used on projects where you know there is going to be a long term,

complicated development in which you are unsure of the exact final form of it; you establish thresholds instead of looking at very specific items. Our goal this evening is to get the Board to understand the basics of our proposal discuss the SEQR evaluation form and hopefully endorse it so we can be recommended to go to the Zoning Board to see if we have the ability to get the variance. Once the variance is granted is when we will update all of the details of our site plan and then come back to you to complete the site plan review process, the review of architecture and we do have a very unique project then what has been done in the past.

Mr. Cleary asked if he has the architectural rendering that you can show the Board.

Mr. Contelmo said so as I explained the idea with the three story concept, starting at the lowest level we still will be parking under the building, at the front of the building we will have what appears to be a three story building but the rear does extend up with the lower parking area. You will drive down a driveway to the lower level for parking, as I pointed out the floor plans are made up of 5 units on the first floor, the second level replicates that and the upper level is built into the roof a little bit with 3 units. We are providing for 26 parking spaces which are two parking spaces per unit within the internal parking garage. We will be prepared to get into the details and the architecture once we come back from the ZBA.

Mr. Carnazza asked about the required handicap parking.

Mr. Contelmo said we have one handicap parking space there and one outside, we need two for a total of inside and outside.

Mr. Furfaro said when you say multi-family you're not talking about rentals, these are for sale.

Mr. Contelmo said yes these are for sale.

Mr. Carnazza said the other development that was already done is a 27 unit building, 9 per floor at three stories.

Mr. Contelmo said we are getting smaller units in the end which is more desirable anyway. The footprint of this building to the old multifamily building is a little over half the size so it is a reduction in mass.

Mr. Stone asked if there is a view shed component to the SEQR.

Mr. Contelmo said view sheds and visual impacts was studied within the environmental impact statement, it did not rise to establish threshold but what I will point out is that the development as amended compared to the one that was approved is a similar scheme of the same info structure. The town road remains basically the same with the point of entry, the Gateway development is made up of a loop and a dead end, if you look at the new development it is modified in a much simpler cul-de-sac. If you look at the Fairways portion it is a very long linear cul-de-sac, we did introduce some opportunities for islands and if you look at the old info structure this one is very similar as well. In terms of where these units

will fit, it is very similar to what was previously approved. One of the other things that we did achieve in terms of number of stories is we attempted to get all of the multifamily units on the downhill side of the road so we go from high here to low down here. Previously we had units on both the uphill and downhill side and now what we have done is sited them on the downhill side of this road. We think that will help improve the idea of the massing and vision.

Mr. Stone asked how many buildings are going into three stories.

Mr. Contelmo said basically the unit number is the same we have two projects with 150 units each, before in Gateway we had 4 multi-family buildings and we had 6 in Fairways.

Mr. Stone said my question was how many of those buildings turned from two stories to three stories.

Mr. Carnazza said it was two stories with the roof and now the third story is the roof so they aren't much taller overall then what they were before.

Mr. Contelmo said correct the architecture before was not fully developed but we had two stories of living space with the parking below and now we are proposing three stories of living with the parking below it is still the same 40 feet.

Chairman Gary asked if anyone had any other questions.

Mr. Furfaro moved to deny the Gateway Summit and the Fairway Senior Housing Lot 6A, 6B and 7 to the Zoning Board. The motion was seconded by Mrs. Kugler with all in favor.

**FAIRWAYS SENIOR HOUSING LOT 7 – ROUTE 6, CARMEL – TM – 55.-2-24.8 – AMENDED SITE PLAN**

See Gateway Summit Senior Housing above.

**ALBANO ESTATES V – 24 MECHANIC STREET, CARMEL – TM – 55.14-1-26.312 – AMENDED FINAL PLAT**

Mr. Carnazza said the submission is being made to amend the file map, after the plat was filed Mr. Albano returned to the Zoning Board to remove the requirement for the environmental easement on the highlighted section of the map. It was approved by the Zoning Board to remove it and now he is here to get it off of his final map. The house has been constructed and is waiting for approval to obtain the final c/o for the house, I have no zoning comments everything is in compliance.

Mr. Franzetti said the engineering department does not have any objections to the amended site plan as long as there are no changes being made to the site.

Mr. Cleary said I have no issues with this; the Zoning Board has approved his request. He is simply removing the easement from his approved plat and that is why he is before you tonight and we have to schedule a public hearing on this.

Mr. Albano requested to waive the public hearing.

Mr. Cleary said we really had no public opposition the first time around with this; you can waive the public hearing if you would like.

Mr. Carnazza said he also had a public hearing at the Zoning Board.

Chairman Gary said there is no need for a public hearing on this.

Mr. Cleary said if you wish to waive the public hearing we will have the Resolution for you at the next meeting.

Mr. Furfaro moved to waive the public hearing for the amended final plat for Albano Estates 24 Mechanic Street, Carmel NY tax map # 55.14-1-26.312. The motion was seconded by Mr. Paerprer with all in favor.

Mr. Cleary said we will have a resolution at the next meeting.

#### **CVS/PHARMACY – 1879-1905 ROUTE 6, CARMEL – TM – 55.10-1-12 – BOND REDUCTION**

Mr. Carnazza said this is on for a bond reduction I have no comments on this application.

Mr. Franzetti said the engineering department performed a field inspection on the referenced property on December 4<sup>th</sup>, 2015. The results of the investigation showed that most of the site improvements required for the board's site plan approval have now been completed. There is one outstanding item in the rear end of the building for a catch basin that is not functioning properly, it is clogged with silt and there is evidence that there is storm water going over the top. The original bond amount posted is currently being held as \$180,000 however, this department recommends the bond be reduced to \$12,000 which should be sufficient to ensure completeness of the above deficiencies.

Mr. Cleary said he had no issues with the bond reduction.

Chairman Gary asked about the water in the driveway coming in.

Mr. Anthony Morando, applicant's attorney said we appreciate the recommendation and when we got the site plan approval, we posted the bond, did all of the work and towards the end of the work there was a request for additional work. Although CVS wasn't required to do that work, they did work with the town to provide an additional basin. From my understanding, the site is uphill and not in control of this.

Chairman Gary said that wasn't additional that was said from day one, is there any recommendation on it.

Mr. Franzetti said it was something that the County had to look at.

Chairman Gary said the County said it was the State.

Mr. Cleary said correct, the solution was a pipe through the State right of way to deal with it.

Chairman Gary said my recommendation is to reduce the bond to 25,000 as opposed to 12,000 until we get a letter stating that it can't be fixed.

Mr. Cleary said a flooding condition into the front driveway of the property.

Chairman Gary said I'm not even sure if they have fixed it or not because last winter the water wasn't there.

Mr. Cleary said that's the problem, we don't know if the state did anything or not, it is not under our control. The engineer did the work and provided the solution for the State, the answer was the State has to do it we are unable to do it.

Mr. Morando said that was my understanding of it because it is outside of the tenant's site.

Chairman Gary said it could be finished already but I need to see something in writing. He then asked if they can reduce that bond reduction to 25,000.

Mr. Cleary said yes and I don't think the applicant had any financial commitment to deal with the States improvement and the reduction of the bond isn't related to anything.

Chairman Gary said I just want to know if anybody looked at it.

Mr. Cleary said we will ask the applicant to try to find an answer.

Mr. Morando said I don't want the bond to be held up on this issue, the applicant has done his best.

Chairman Gary said understood but if I reduce the bond to \$12,000 we will never see you again so we have to get you to respond to us. The bond is \$180,000 I recommend to the Board that instead of reducing it to \$12,000 at the request of the applicant we reduce it to 25,000.

Mr. Morando said okay.

Chairman Gary said we just want to get a response.

Mr. Cleary said \$12,000 is being held for the rear of the building and the additional number is to get an answer for the issue we are discussing.

Mr. Morando said the answer to that issue is that it is out of our control.

Chairman Gary said let's see what happens.

Mr. Morando said so the action tonight is a recommendation to reduce the bond to \$25,000.

Mr. Paepre moved to recommend the bond be reduced to \$25,000 for CVS Pharmacy. The motion was seconded by Mr. Furfaro with all in favor.

### **MINUTES - 2/24/2016**

Mr. Paepre moved to accept the minutes of February 24<sup>th</sup>, 2016. The motion was seconded by Mrs. Kugler with all in favor.

Mr. Furfaro moved to adjourn the meeting at 8:59 p.m. The motion was seconded by Mrs. Kugler with all in favor.

Respectfully submitted,

Rose Trombetta