

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

BOARD MEMBERS
ANTHONY GIANNICO
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE

TOWN OF CARMEL PLANNING BOARD



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

MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

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

VINCENT FRANZE
Architectural Consultant

PLANNING BOARD MINUTES

JULY 26, 2017

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, CRAIG PAEPRER, ANTHONY GIANNICO,
DAVE FURFARO, KIM KUGLER

ABSENT: CARL STONE, RAYMOND COTE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Kamala Associates (Barnwal)	44.15-1-37	1-3	R. Site Plan	Denied to the ZBA.
ShopRite Carmel	44.9-1-9	3-7	A. Site Plan	No Board Action.
John Sanserva	55.5-1-4	7	Regrading	Public Hearing Scheduled.
Minutes – 06/28/17		7		Approved.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Rose Trombetta

**KAMALA ASSOCIATES (BARNWAL) - 87 FAIR STREET - TM - 44.15-1-37 -
RESIDENTIAL SITE PLAN**

Mr. Carnazza stated the applicant proposes to legalize a two-family dwelling, a cottage, and convert a legal Real Estate Office into a studio. The property legally has a one family dwelling, Real estate office, and a barn. A Use Variance is required for the expansion of a non-conforming use. (One-family to two-family).

Mr. Franzetti read his memo which stated the application involves legalizing existing apartment and converting existing office space into an apartment. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

- ☐ The applicant must provide a water/sewer use report for review.
- ☐ No site improvements are proposed for this project. This Department does not have any additional comments related to this project as long as there are no changes being made to the site.

Mr. Cleary stated there is one change being made to the plan which is the parking area along Glenna Drive as we identified at the last meeting where it extends into the right of way a couple of feet, the applicant is going to remove that and re-orient the two parking spaces.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated there are three buildings on this property. The front building which faces Fair Street was originally a one family house. He said a previous owner had gotten a permit and certificate of occupancy to convert a 2nd floor into two bedrooms and bathroom and after the c/o was issued apparently the previous owner then added a kitchen and it became a two family house. He said the building in the back was an accessory building and the building in the front was an office. Back in December of 2016, the applicant had purchased the property and went to the Zoning Board. He said apparently when the accessory apartment and the office were done the Zoning Board at that particular time said as soon as the property was sold the accessory apartment and the office had to go. The applicant went in front of the Zoning Board and indicated through his attorney, Mr. Shilling, that when you get a variance it goes with the property not the person. The Zoning Board agreed so, therefore, the accessory apartment and the office are both legal. He said at the last meeting we wanted to change the office into a studio apartment. He said we have now reduced the request, the only thing we would like to do is keep the accessory apartment which the Zoning Board approved back in December 2016 and keep the office as is. He said the only thing we would like to go to the Zoning Board to see if we could get the two family house legalized which requires a use variance.

Chairman Gary asked Mr. Cleary what happened between the last meeting and now.

Mr. Cleary said the request that Mr. Greenberg was making for the back and side building is abandoned. He is no longer asking for any changes, those will stay the way they are, the office and cottage. He is simply trying to legalize the front building now.

Mr. Carnazza stated at the last meeting they were trying to make the Dorsey real estate building into an additional dwelling unit, but that's no longer on the table.

Mr. Barnwal addressed the board and stated the reason why we changed our plans, because at the last meeting there was a lot of resistance with regards to the office to the dwelling unit. That's why we are keeping it as an office and not make it a dwelling unit.

Mr. Furfaro asked with regards to the accessory apartment, is it only for a relative or anybody?

Mr. Carnazza said originally the condition was it must be a relative, but the Zoning Board took that off in December, because you can't do that. So, it doesn't have to be a relative anymore.

Mr. Furfaro asked Mr. Barnwal if that was his primary residence.

Mr. Barnwal replied no.

Mr. Furfaro said if I was a single family next door, I may have some concerns with that. He said if you lived there, I would have a much different approach if that was your primary residence.

Mr. Greenberg stated the houses in the immediate area are all multi-family homes.

Mr. Cleary said a use variance is a very high bar to cross, but it is a zoning issue.

Mr. Furfaro asked if we opt not to do anything, they could still go to zoning, correct?

Mr. Cleary said yes, he has a right to go to the Zoning Board.

Mr. Carnazza said without a denied stamp and the Chairman's signature.

Mr. Cleary said you could absolutely communicate with your Zoning Board. He said you could offer a commentary. You could say you don't like the project, we think it's too dense, etc.

Chairman Gary said I agree with, but that's not the way the Planning Board has acted all these years. He said when we send it to the Zoning Board; it's with some kind of recommendation.

Mr. Furfaro said my reservation is with the owner not living there. He asked by sending it to the Zoning Board aren't we basically endorsing it?

Chairman Gary said you could send it without a recommendation.

Mr. Carnazza said you could send it with no recommendation, a positive recommendation or a negative recommendation. Those are your three options.

Chairman Gary said you can't keep it here, you have to send it. You can't just drop it.

Mr. Giannico asked if the all the other structures such as the guest cottage, are they up to building code?

Mr. Carnazza said probably not.

The board members continued to discuss sending the application to the Zoning Board.

Chairman Gary asked what is the next step.

Mr. Cleary said to deny it to the Zoning Board.

Mr. Charbonneau said within that motion if the board wishes to condition it, stating that the Planning Board is not in favor of the use variance, you could do that.

Vice Chairman Paepre asked about improvements to the site.

Mr. Cleary said the only way you will have the ability to improve the site, is if the Zoning Board grants the use variance and comes back to you for site plan approval, you could request whatever improvements to the property you want. If the Zoning Board denies the use variance, he is gone from here forever. He said we will have no leverage to have him add landscaping or clean up the property and get the parking out of the right of way.

Mr. Furfaro moved to deny to the Zoning Board with no recommendation. The motion was seconded by Mr. Giannico with all in favor.

SHOPRITE CARMEL – 184 ROUTE 52 – TM – 44.9-1-9 – AMENDED SITE PLAN

Mr. Carnazza stated the map was corrected. All of the zoning variances are now listed on the map. Variances are required for parking spaces and parking space size.

885 spaces required - 680 spaces provided - 205 space variance needed
10 x 20 stalls req'd 9 x 18 proposed - 9 x 18 stall size variance needed

Mr. Franzetti stated the cover letter from the applicant for this week's agenda was only talking about architectural work; none of the comments from my prior memo were addressed. He said I was aware of that and they will be addressing my comments as we move forward.

Mr. Cleary stated the applicant will be addressing Mr. Franze's comments with regards to architectural issues. They addressed most of my planning issues at the last meeting.

Mr. Vincent Franze addressed the board and stated the applicant submitted drawings for which a prepared a memo in June. They responded to that and submitted revisions, resulting in a memo that's before you tonight. He stated he will read the closing comments from the memo at tonight's meeting. He went on to read with this proposed project there is an architectural opportunity that is not yet being embraced in a meaningful way. While the proposed façade concept would freshen some of the dated aspects of the existing, it lacks cohesion and would do little to impact and enhance the Main Street appearance and community aesthetic. It is not taking a bold step in a direction that would be beneficial to the Town and its objectives.

Chairman Gary said that's very interesting.

Mr. Franze said and obviously the applicant is going to be interested in understanding what I mean in that summary.....

Chairman Gary said we are not worried about the applicant, we are worried about us.

Mr. Franze said in terms of the objectives of the Town with respect to Main Street and its various forms throughout Carmel as it has been made clear to me, the second submission is moving in the right direction, but I don't think it's there yet. He said some of what's not quite happened might be economy driven. He said we all understand and appreciate that, but right now I think there is a mix of materials which could be a very good thing and create interest and scale, etc. on a large façade. He said I'm not sure if that mix of materials that is being proposed is harmonious and attractive. He said I think there is an opportunity with the building getting considerably larger and with the entire shopping center being a very long element of Route 52. He said I understand that everything south of the applicant's property is not play here, but nevertheless, there is an opportunity to raise the bar, to set a precedent not only for this shopping center going forward, but for the Main Street.

Chairman Gary said this is not what the Town is looking for. He said before we get too involved, as far as I'm concerned I think everyone should sit down and hash these things out.

Mr. Furfaro agreed with the Chairman. He said some of the problems with architecture is it's very subjective, everyone has their own opinion. He said if you introduce too much here, you are going to get a lot of opinions.

Chairman Gary said our architect represents the Town and the ideas in which the Town wants that area to look like.

Mr. Molé stated the Town wants the design to be as aesthetic as possible, but keep in mind we have a fairly outdated looking store now, and anything that goes in there will be an improvement as opposed to the alternative which is leaving it like it is and not do any improvements. He said you keep referring to Main Street; we are all familiar with this area, described as downtown Main Street is the cemetery and a shopping plaza with a highway running through it. I understand it's kind of a gateway into Carmel and you want a certain

look but I think we also have to be cognizant of the fact that's not really downtown Main Street.

Chairman Gary said we are not asking you to tear the building down, we are asking you to add something in line with the Town's vision.

Mrs. Kugler and stated we understand that it's not a Main Street area, but we do have to start somewhere. We have to start with an applicant and you are before us. She said we as Town are trying to create that and if we don't start somewhere it's never going to happen.

Mr. Furfaro asked the applicant if they were before the board tonight to get denied to the Zoning Board. Is that correct?

Mr. Molé replied that's our hope.

Mr. Franzetti stated we had Stop & Shop in front of us, and we went through this process with them and ultimately what came out of it, was something that conformed a little more of what the Town's vision was. He said you're not the first and you won't be the last, but we are trying now.

Chairman Gary asked Mr. Cleary what the next move was.

Mr. Cleary said you can consider denying them to the Zoning Board for the parking variances; it has no bearing on the architectural at all. They are separate issues.

At which time, a discussion ensued with regards to denying the applicant to the Zoning Board now, or when the architectural review was done.

Mrs. Kugler asked Ms. Sassoon with regards to the architectural review are you representing ShopRite and the Shopping Center or just ShopRite.

Ms. Sassoon replied ShopRite Only.

Mrs. Kugler said so we are just talking about ShopRite and not the rest of the plaza?

Mr. Cleary replied it's different from Stop & Shop.

Mrs. Kugler said since this is different from Stop & Shop, so how is this ultimately helping us if we are just going to improve ShopRite. Shouldn't there be something more for the rest of the plaza?

Chairman Gary said it's not the same, because ShopRite doesn't know the plaza.

Mr. Cleary said they are one tenant for their single space coming before the board. With Stop & Shop the owner of the shopping center came before you with a new tenant.

He said we could certainly ask the landlord and push as far as we can, but it is a very different situation then Stop & Shop.

Mrs. Kugler said I think it would be beneficial for you as well if something like that was to happen. She said basically you're putting a diamond in the rough.

Mr. Molé said we could request things of the landlord, but we have absolutely no control over it.

Mrs. Kugler said but you can ask.

Mr. Molé said yes we can ask.

Chairman Gary asked Mr. Franze what his concerns were.

At which time, Mr. Franze read his memo which stated these revisions are gesturing in the direction of the Town's Main Street aesthetic objectives but not in a bold way. We have considerable reservations about the combination and juxtaposition of split face block, stone veneer, clapboard siding, EIFS, and exposed aggregate precast concrete panels. A variety of materials can certainly be an effective way to add interest and scale to a large building if the materials are compatible and complimentary. That does not yet appear to be the case here.

Mr. Franze stated so I'm concerned about not that there is a variety of materials, but I'm not sure there is cohesion among the finishes in the interior of this building. I don't think there is necessarily cohesion in terms of forms on the building. This is a long building and I think there could be a concept for the way this building façade is treated that is more complete. He said the addition that is being proposed has no fenestration. The big addition being put on the end of the building and the applicant will explain to us that there is something about topography that makes it hard to see. He said I'm reluctant about buying into the idea that you can't see it, it doesn't matter what it looks like. That's certainly not part of the thinking of this board. The addition is windowless and is faced with pre-cast exposed aggregate concrete panels with a painted belt across the middle of it. It doesn't have anything architectural to do with the rest of the building or the shopping center. He said I think it's a little chopped up and it doesn't reflect as I indicated in my first memo the colonial main street traditional architecture that this board and this Town has expressed to me.

Chairman Gary said to increase the appearance of the façade with a different dressing to make that building stand out and look like ShopRite. He said the rest of the shopping center will someday come back to this board with something. That's when this board will say we want you to correspond to what ShopRite looks like. He said I think you need to meet with Mr. Cleary and Mr. Franze and talk about it.

Mr. Furfaro said I agree with Mr. Franze and I think you have a long way to go and you need more detail. He said if you get Mr. Cleary and Mr. Franze in a room together with the applicant, I would be happy to be there. I'm sure we could come up with something that the board would be happy with.

Mr. Giannico said you may need more detail where the main sign ShopRite is. That whole area would be a focal point to improve on.

Chairman Gary said if the board wants to send you to the Zoning Board, I'm not in favor of it, but I'm just one member of the board.

The board members agreed with the Chairman.

Mr. Peveraro said the architecture is unrelated to the parking variances.

Mr. Molé stated the parking variances are for the number of spaces and size of spaces. It doesn't have anything to do with changing engineering or architectural plans. Mr. Molé continued to discuss why going to the Zoning Board wouldn't affect the architectural review.

Chairman Gary said once you stamp the map, it means you are approving the progress that it has made.

Mr. Molé stated I respectfully disagree with that.

Chairman Gary said two weeks and we will send you to the ZBA.

JOHN SANSEVERA - 47 GLENEIDA RIDGE ROAD - TM - 55.5-1-4 - REGRADING APPLICATION

Mr. Carnazza stated all zoning information is now on the plat and has no further questions.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated he has no planning issues with this application.

Chairman Gary said to schedule a public hearing.

MINUTES - 06/28/17

Mr. Giannico moved to accept the June 28, 2017 minutes. The motion was seconded by Vice Chairman Paepre with all in favor.

Mr. Furfaro moved to adjourn the meeting at 8:05 p.m. The motion was seconded by Vice Chairman Paepre with all in favor.

Respectfully submitted,

Rose Trombetta

Created by Rose Trombetta