

APPROVED

HAROLD GARY
Chairman
RAYMOND COTE
Vice-Chair

BOARD MEMBERS

EMMA KOUNINE
CARL GREENWOOD
JOHN MOLLOY
JAMES MEYER
ANTHONY GIANNICO

TOWN OF CARMEL PLANNING BOARD



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*Director of Codes
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RONALD J. GAINER, P.E.
Town Engineer

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

PLANNING BOARD MINUTES **SEPTEMBER 5, 2012**

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Executive Session		1		7:00 pm to 7:10 pm.
Countryside Kitchen – Beachak Brothers, Inc.	75.16-1-14	1-2	Site Plan	Public Hearing Closed & Resolutions Accepted.
Serino, Americo & Brian	86.5-1-11,12	2-3	Sketch Plan	Public Hearing Closed & Sketch Plan Approval Granted.
Bavarian Corp (Ariano's)	75.44-1-70	3-4	Site Plan	No Board Action.
Steiber & Coviello	43.-1-49,50.1, 50.2	5-6	Sub/Merger	No Board Action
Albano Estates	55.14-1-26.31	6-7	Sketch Plan	Sketch Plan Approval Granted.
Minutes – 7/11/2012 & 8/8/2012		7		Approved.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Rose Trombetta

EXECUTIVE SESSION

Mr. Gary stated he had personnel issues to discuss with the board and requested to go into Executive Session.

Mr. Greenwood moved to go into Executive Session at 7:00 pm. The motion was seconded by Ms. Kounine with all in favor.

Ms. Kounine moved to come out of Executive Session at 7:10 pm. The motion was seconded by Mr. Greenwood with all in favor.

COUNTRYSIDE KITCHEN – BEACHAK BROTHERS, INC. – 493 ROUTE 6 – TM – 75.16-1-14 – PUBLIC HEARING/RESOLUTION

Mr. Carnazza stated all variances were granted by ZBA.

Mr. Cleary read Mr. Gainer's memo which stated a dumpster enclosure should be provided, in accordance with the Carmel Town Code. The applicant has shown the location of the Dumpster enclosure on the current plan. Handicap access (ramps) should be provided to the proposed deck and existing restaurant. The applicant should consider appropriate ingress/egress signage. Parking spot number 1 encroaches on the property to the southwest. Evidence of the private easement agreement with the property owner, permitting this parking, should be provided. Provide details of any changes proposed to exterior site lighting. Similarly, the plans make multiple references to a "lease agreement" with NYSDOT concerning various site amenities. A copy of this agreement should be provided, for the Board's records. Delineate handicap parking spot and ramp. Provide ground Logo and placard conforming to ADA requirements. Because of the steep slope adjacent to the parking area, the applicant should consider placing guiderail along with the proposed stockade fence.

Mr. Cleary stated all comments have been addressed. You have a final site plan resolution before you and it includes that the Town Engineer's comments are satisfactorily addressed.

Mr. Stephen Ferreira, Architect representing the applicant addressed the board and stated all the comments have been addressed with the exception of the guiderail. We put on our plan curb stops instead and the other side has a guiderail. We felt the concrete curb stops would be sufficient enough.

Mr. Harold asked Mr. Cleary to clarify Mr. Gainer's memo.

Mr. Cleary stated the memo said the applicant should consider placing a guiderail, he is not requiring it.

Mr. Greenwood commented that Mr. Gainer should be here to discuss the guiderail before we make any decisions, since it is on for a resolution.

Mr. Cleary stated the condition of the resolution that is before you tonight, states the comments of the Town Engineer must be satisfactorily addressed. Mr. Gainer is required to sign off on the plan before the Chairman signs off. It is not specific to that one particular item.

Mr. Ferreira stated we could address it with the Town Engineer and if he agrees with the concrete stop, that's fine. If the applicant needs a guiderail he has no problem with that.

Mr. Gary addressed the applicant and stated once Mr. Gainer says the plan is acceptable, I will sign off. He asked if he was willing to change it if necessary.

Mr. Beachak replied yes.

Mr. Gary addressed the audience and stated this is an open public hearing, does anyone in the audience wish to be heard.

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

Mr. Molloy moved to accept Resolution #12-23, dated September 5, 2012, Tax Map # 75.16-1-14 entitled Countryside Kitchen-Beachak Brothers, Inc. Final Site Plan Approval. The motion was seconded by Ms. Kounine with all in favor.

SERINO, AMERICO & BRIAN – 253 & 259 ROUTE 6N – TM – 86.5-1-11,12 – PUBLIC HEARING

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Gainer's memo which stated a Driveway Maintenance Agreement should be provided for review. A NYSDOT highway work permit is required. Stormwater management should be provided for run-off directed towards U.S. Route 6N. It appears as though a common well is proposed. This should be clarified. If so, an agreement should be provided for review.

Mr. Cleary stated the applicant addressed all site plan issues. He had no objection to sketch plan approval.

Mr. Americo Serino addressed the board and stated there will not be a common well. There will be a common driveway with an agreement on will be on both deeds.

Mr. Gary asked Mr. Cleary if we could move to the next step.

Mr. Cleary replied yes.

Ms. Kounine moved to grant sketch plan approval. The motion was seconded by Mr. Meyer with all in favor.

Ms. Janet Pawlowski of 1 Angela Drive addressed her concerns to the board. She said the applicant had recently taken down two sheds, privacy fence and some trees on his property exposing her to Holy Smoke Restaurant on Route 6N. She asked the board for consideration to putting up a privacy fence and mature 10 to 12 foot evergreen trees.

Mr. Greenwood asked Ms. Pawlowski that most of your concerns is not on the applicant's property, but rather the commercial property next to him?

Ms. Pawlowski stated it's a combination of both properties.

Mr. Greenwood stated it is not the applicant's responsibility to provide screening for you from an adjacent property. He is not obligated to do it.

Mr. Harold suggested to Ms. Pawlowski and Mr. Serino to sit down together and work out a plan.

Ms. Pawlowski and Mr. Serino both agreed.

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

BAVARIAN CORP. (ARIANO'S TRATTORIA) – 18 CLARK PL – TM – 75.44-1-70 – SITE PLAN

Mr. Carnazza stated all variances were granted by the ZBA.

Mr. Cleary read Mr. Gainer's memo which stated the proposed shared parking lot was designed for pedestrian ingress/egress to and from the building that it serves, and NOT for pedestrian access to and from the existing restaurant across Clark Place. In our opinion improvements must be made to the parking lot so that it can safely serve this dual purpose. The applicant should consider the following:

- Safe pedestrian movement from cars to Clark Place, which may include a designated "no parking" area in the lot for use as a walkway
- Safe pedestrian movement along Clark Place, which may include a sidewalk and appropriate street lighting.
- Consider the possible noise impact of pedestrian movement directly in front of the residential home located across from the parking lot (Peacock residence). This can be minimized by forcing pedestrians to remain on the southeast side of Clark Place and crossing near the front of the restaurant.
- Lighting should be examined and improved if inadequate.
- The applicant may consider a crosswalk
- Ingress/egress from Clark place onto the restaurant premises. A delineated receiving area should be considered which is free of vehicular movements.
- All of the above matters must be presented to the Highway Superintendent for approval.

Mr. Cleary stated as Mr. Carnazza indicated the numerous variances were granted by the ZBA and also has the same concern with regards to pedestrian movement across the street. Mr. Willie Besharat of Rayex Designs, representing the applicant addressed the board and stated as far as the pedestrian issue, they are parking across the street right now and the

pedestrian movement is working. He stated right now there is a handshake agreement with the parking right across the street and if that falls apart there is an existing business with hardly any parking. He said at the zoning board meeting the issue with the parking in downtown Mahopac was brought up. Ariano's restaurant is attempting to provide parking that will be shared by two businesses that will not conflict with each other. As far as the pedestrian crossing, there are no sidewalks, we tried to approach the Town Board but they do not want to hear it. In my opinion what we are proposing is a continuation of what is existing right now. We are not proposing any other demands. He said the existing lighting on all the buildings is very well lit and in the evening the lighting is adequate. He said we are just trying to make it a little more organized and legal.

Mr. Gary stated when it comes to traffic the main concern is the safety of the people walking back and forth. He said let's look at some options. If you put up a crosswalk, people may or may not stop but it is a town road not a state road. He said you could put a crosswalk with stop signs on both sides of it.

Mr. Besharat stated we do not have any objection to the crosswalk with the stop signs.

Mr. Gary stated you have to make that traffic stop at night. If the board decides they want you to light that crosswalk that becomes a big expense. It is your job to light it. If you put a stop sign there, the car lights themselves will light the crosswalk if it is positioned properly and the signage is properly done it will make it safe.

Mr. Greenwood stated once you put a map in front of us, it becomes a liability issue to the Town. Whatever has been happening up to this point, you have been doing on your own. He said you have two properties that are not directly adjacent to each other and proposing pedestrian traffic across a town road with no sidewalks or crosswalks.

Mr. Giannico stated he does not see what the difference is compared to what the town has just done on Route 6N from business to business with a crosswalk and a yield to pedestrian sign in the middle. He stated this wouldn't be any different, precedent has been set.

Mr. Besharat stated we have no objection to the crosswalk. We need to know where to put it and since the two properties are not directly across from each other.

Mr. Greenwood stated that's what makes it more difficult and more dangerous. He said you need to work the issues out with the consultants.

Ms. Kounine stated you may have to confer with the Highway Superintendent. He may be able to let you know if a stop sign is warranted and could also tell you where to place it.

Mr. Gary stated we have given suggestions; you need to get something on paper to present to the Highway Superintendent. He is not responsible for designing it for you.

Mr. Besharat stated that's what we will do. We will meet with the consultants and the Highway Superintendent and we will come up with a solution.

STEIBER & COVIELLO – 5 & 9 CAUSEWAY PARK – TM – 43.1-49, 50.1,50.2 – SUBDIVISION/MERGER

Mr. Carnazza read his memo which stated provide lot depth and width lines for all lots. Several variances are required from the ZBA for the lots. The submission must include all existing and proposed property lines (clearly labeled) so I can determine exactly what is proposed. I'd like to meet with the design professional to discuss the plat.

Mr. Gainer had no comments.

Mr. Cleary read his memo which stated this proposal calls for eliminating a third lot, located on the opposite side of an existing right-of-way from two existing lots, each supporting a single-family dwelling.

A new building addition and a detached garage are proposed on new lot 49,50-2.

A new sunroom is proposed on the north side of the existing dwelling on lot 50.1. No other improvements are proposed.

THE FOLLOWING COMMENTS ARE OFFERED:

- Drawing AS-101 must be revised to reflect the subdivision plat requirements of §131-14.
- Easements for Causeway Park must be provided.
- Significant variances are required for both lots, including lot area, lot width, and side yard.
- The merger results in the creation of two very irregularly shaped lots. The reason for the establishment of the new lot line across the parcel on the opposite side of the right-of-way should be provided.
- Improvement plans for the garage, and the two building additions, including grading, drainage, utilities, driveway access, etc., should be provided.
- The location of the septic system on lot 49,50-2 is not indicated on the plan.
- There is a gravel parking area indicated on the opposite side of the right-of-way on new lot 50.1. Who uses this parking area? If used by a neighbor, an easement would be required.

Mr. Joel Greenberg of Architectural Visions addressed the board and stated basically we have three lots all owned by the same person. The access to the lot is off of Route 301 going through city property which they have an easement to go to all the lots. There are no improvements being proposed. We are trying to eliminate one lot and incorporate parts of the other lots so they each have their own well and septic system.

Mr. Carnazza suggested moving the line on the top to go straight across, so it is not a flagged lot.

Mr. Greenberg stated in the future the applicant is proposing to put a free standing garage on the property. Maybe we could move the line. He said we are taking a non-conforming situation as far as the septic and wells are concerned. We want to it corrected so each lot has their own septic and well.

Mr. Molloy asked if any houses were existing on the lots.

Mr. Greenberg stated there are two houses on three lots, but the well for one of the houses is not on their lot. This subdivision/merger would correct that.

Mr. Gary asked Mr. Cleary if this was the best way to do that.

Mr. Cleary stated I don't think it is the best way, but I have no objection to the elimination of that, it will make it better than it is today. It is confusing because the map shows a proposed sun room addition and garage. He said if the applicant plans to do the garage sometime in the future we do not need to see it on the plan now.

Mr. Greenberg stated we will change the plans and make the lots better.

ALBANO ESTATES – 18 MECHANIC ST – TM – 55.14-1-26.31 – SKETCH PLAN

Mr. Carnazza stated all variances were granted from the ZBA. The wetland and wetland buffer must be delineated on the plat.

Mr. Cleary read Mr. Gainer's memo which stated the municipal water and sewer mains serving the site are of sufficient size to serve the proposed premises. Further, from our evaluation of these latest plans, we believe that the following comments also warrant the applicant's attention and review:

1. Provide sight distance information for the proposed driveway.
2. Provide wetland delineation with setbacks and classification.
3. Provide grading information.
4. A Town of Carmel Highway work permit will be required for the connection to CWD#2
5. Provide erosion control measures with details
6. Indication clearing limits.

At this time, we have no objection to Sketch Plan Approval.

Mr. Cleary read his memo which stated details of the "access and utility easement" are required, and should be reviewed by the Planning Board Attorney. Who owns this land? How many residences share this easement for access? Do any restrictions or limitations exist regarding the use of the easement? How are maintenance responsibilities addressed?

The sketch plan has been revised to indicate the location of the driveway for the proposed dwelling on Lot 1. The sight distances along Mechanic Street should also be added to the plan. The location of the existing and proposed utility lines should be indicated on the sketch plan. What limitations or restrictions exist within the 20' sewer easement that runs through the site? Lot #1, where the new dwelling is proposed, drops in elevation from approximately 590' at Mechanic Street, down to 576' at the rear of the dwelling (over a story in height). What site grading is proposed? Are retaining walls required? Details of proposed stormwater management facilities for Lot #1 should be indicated on the sketch plan. Review of this is required by the Town Engineer.

Ms. Kounine moved to grant sketch plan approval. The motion was seconded by Mr. Cote with all in favor.

MINUTES – 7/11/2012 & 8/8/2012

Mr. Molloy moved to adopt the minutes. The motion was seconded by Mr. Greenwood with all in favor.

Ms. Kounine moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Mr. Greenwood with all in favor.

Respectfully submitted,

Rose Trombetta