

# **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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**MICHAEL CARNAZZA**  
*Director of Codes*  
*Enforcement*

**RONALD J. GAINER, P.E.**  
*Town Engineer*

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

## **PLANNING BOARD MINUTES** **OCTOBER 9, 2013**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE,  
CARL GREENWOOD, JOHN MOLLOY, JAMES MEYER, 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>
Hinckley Holding, LLC./ Paladin Group	55.10-1-1,3	1	Public Hearing	Public Hearing Closed. Planner to Prepare Resolution.
Albano Estates V	55.14-2-26.31	1	Resolution	Resolution Adopted.
Zephyr Farm	76.10-1-5	1-2	Amended Site Plan	Public Hearing Scheduled.
Ronin Property Group	74.11-1-20	2	Amended Site Plan	Public Hearing Scheduled.
Hudson Valley Veterinary EMS	75.6-1-67	2-6	Site Plan	Denied to the ZBA.
Lakeview Development	55.9-1-17	6-7	Amended Site Plan	Public Hearing Scheduled.
Gateway Summit – Lot 6	55.-2-24.6-1 55.-2-24.6-2	7-8	Extension	1 Year Extension Granted.
The Fairways - Lot 7	55.-2-24.8-1 55.-2-24.8-2	8	Extension	1 Year Extension Granted.
Minutes – 9/25/2013		8		Heldover.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Rose Trombetta

**HINCKLEY HOLDINGS, LLC/PALADIN GROUP – 39 SEMINARY HILL ROAD –  
TM – 55.10-1-1,3 – PUBLIC HEARING**

The consultants had no comments.

Mr. Gary addressed the audience and stated this is an open public hearing and asked if anyone in the audience wished to be heard.

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

Mr. Gary asked the Planner to prepare a resolution.

**ALBANO ESTATES V – 18 MECHANIC STREET – TM – 55.14-2-26.31 –  
RESOLUTION**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated you have two resolutions before you.

Mr. Greenwood moved to adopt Resolution #13-20, dated October 9, 2013; Tax Map #55.14-2-26.31 entitled Albano Estates V – SEQR Negative Declaration. The motion was seconded by Ms. Kounine with all in favor.

Ms. Kounine moved to adopt Resolution #13-21, dated October 9, 2013; Tax Map #55.14-2-26.31 entitled Albano Estates V Final Subdivision Approval. The motion was seconded by Mr. Cote with all in favor.

**ZEPHR FARM – 219 WATERMELON HILL ROAD – TM – 76.10-1-5 – AMENDED  
SITE PLAN**

Mr. Carnazza stated the necessary variances were granted from the zoning board and are noted on the map.

Mr. Gainer read his memo which stated it is noted that the applicant has requested a waiver from the Town Code requirement of providing topographic information. The Board should formally decide whether they wish to waive this requirement, given the limited scope of the project, which we have no objection to since the proposal is merely to cover an existing paddock area. The only remaining technical matter involves applicant's submittal of a quantity estimate for all site improvements, for the purpose of developing a Performance Bond amount and related Engineering Fee.

Mr. Cleary stated all site plan issues have been addressed.

Ms. Kounine stated the applicant has requested a waiver of the topography. Should that be done formally?

Mr. Cleary stated it will be in the resolution.

Mr. Gary said to schedule a public hearing.

#### **RONIN PROPERTY GROUP – SECOR ROAD – TM – 74.11-1-20 – AMENDED SITE PLAN**

Mr. Carnazza stated there had been some questions about the turnaround going around the building. He said he met with Mr. Karell and it was smoothed out so it's not such a sharp tight turn. Other than that all of my comments have been addressed.

Mr. Gainer stated we have no objection for the board to schedule this application for a public hearing. There are some minor technical issues that need to be shown on the map, but I have no objection to move it to a public hearing.

Mr. Cleary stated all site planning issues have been addressed and the primary change that you see on the plan before you is the addition of the landscaping on the east and west property line.

Mr. Gary asked Mr. Cleary if the application was ready for a public hearing.

Mr. Cleary replied yes, as long as the applicant continues to work with the Town Engineer to address the outstanding issues.

Mr. Gary said to schedule a public hearing.

#### **HUDSON VALLEY VETERINARY EMS – 559 ROUTE 6N – TM – 75.6-1-67 – SITE PLAN**

Mr. Carnazza stated several variances are required for the existing building. At this time, they need a denial to the ZBA.

Mr. Gainer read his memo which stated as the Board is aware, the site abuts residential properties to the south, west and northwest. Therefore, the intended landscaping & screening proposed should be reviewed in detail, to determine whether the development's visual impacts are adequately mitigated. The Board may also wish to review the building elevations provided, which should denote materials of construction, colors, roof heights, etc. for the same reason.

1. The overall size and intended use of the facility was previously questioned. In the "Site Data Notes" on this latest plan, in one area a total of 8 employees (2 Doctors and 6 staff) are specified. However, at the bottom of the same table 30 employees are noted. This apparent discrepancy must be clarified as it bears heavily on parking calculations, water consumption and wastewater generation.

2. Various plan information required pursuant to §156-61 (“Site Plans”) is currently lacking. These include, but are not limited to:
  - Spot Elevations should be provided at the parking lot corners to facilitate grading.
  - Stormwater Management facilities (existing and proposed)
3. Location of all utilities serving the site. Various construction details remain to be provided, including –
  - Pavement/curbing/sidewalks
  - Retaining Walls.
  - Parking stalls/stripping/traffic signage
  - Details on all landscaping proposed (planting details, number of plants, and their height at planting)
  - Height of site lighting proposed, along with a spill plan denoting illumination levels.
4. In order to address our previous concern over the steepness of the Parking Lot access to the south of the existing building, the applicant now proposes to re-grade the access and install new pavement. However, much of this work is proposed on both Town of Carmel Right of Way and NYSDOT Right of Way. Therefore, in addition to obtaining appropriate “Use and Occupancy” Permits from these Agencies, additional Highway Work Permits will now also be required.
5. Concerning the increased development proposed on the site –
  - The increase in impervious surfaces to be created, as well as the overall area of site disturbance planned, should be identified on plan. This would establish the applicable SWPPP requirements that will apply.
  - All appropriate calculations and details for the stormwater management facilities proposed (drainage piping, catch basins, manholes, etc.) should be provided.
  - Further, once all details are finalized, per Town guidelines the Applicant will be required to execute and file with the Putnam County Clerk a “Stormwater Control Facility Maintenance Agreement” (as specified in Town Code §156-85) to assure long-term maintenance of the on-site treatment devices proposed.
6. Given the intended use of the addition, special consideration should be paid to the storage of animal food on the premises. Poor storage protocol could lead to an increase in vermin.

Mr. Molloy stated to be clear this property is in a commercial zone not residential.

Mr. Gainer replied yes that’s correct. It abuts a residential zone.

Mr. Meyer asked approximately how close are the houses?

Mr. Carnazza said the houses should be shown on the site plan.

Mr. Joel Greenberg of Architectural Visions, representing the applicant displayed the drawings and pointed to the area of the property that abuts the residential homes. He said it is the Old Red Mills Subdivision. He said the houses will be put on the plan. He said we will provide fences and will also add landscaping around the two property lines. As far as the comment about the food, that will be contained in area to avoid the condition that was raised by the Town Engineer. We upgraded the plan with regards a drop-off area as recommended by the Town Planner. We have letters from both the Town Highway Superintendent and State D.O.T. and it will include the regarding work permit. He said the Stormwater Pollution Prevention Plan was handed in. He said we would like to go to the zoning board at this time. The variances that are required relates strictly to the existing building. The addition we are adding meets all the zoning, setback and parking requirements, but because of the re-alignment of Route 6N variances are required from the zoning board and a permit from the State D.O.T.

Mr. Gary asked about the area between the gas station and property.

Mr. Greenberg stated there had been controversy of not being able to drive from the gas station to the property. The previous property owners came to an agreement for the connection of both properties.

Mr. Cleary asked if it was ever formalized with an easement or an agreement.

Mr. Greenberg said he will find out.

Mr. Gary stated that issue should be cleared up before the public hearing.

Mr. Cleary read his memo which stated the lower level floor plan has been revised. The training room, that previously indicated classroom seating for 48 individuals, has been reconfigured as a "staff training room. The classroom seating has been eliminated. The ZBA has ruled that a "Veterinary Emergency Facility" is permitted in the C zoning district. The NYSDOT is in the process of reviewing the Use and Occupancy Permit for the parking in Route 6N. A decision is anticipated by November. The applicant has clarified that the facility will average approximately 12 visits per night. These visits will occur during off-peak hours, and by their nature as emergency calls, do not follow any predictable pattern. No traffic related impact is anticipated. The site plan has been amended to include an emergency drop-off area. The applicant has clarified that no access is available from Yorke Road. A new stockade fence has been added along the rear property line. The site plan has been revised to include site lighting. A dumpster and enclosure has been added at the rear of the site. The applicant has clarified how medical waste will be collected, and by whom. The entire rear parking area will be paved to support this facility. No change to the site's utility infrastructure is necessary.

Mr. Gary asked the board members if they had any comments or questions.

Mr. Cote stated I understand our purview is not to determine the size of the building, but at the same time, when you see a structure that big and yet when the applicant went to

the zoning board it was stated that it was for emergency and overnight purposes. He said my gut feeling is we are not getting the complete story as what is going to happen there.

Mr. Greenberg stated that's not true at all. We had a full discussion at the last meeting. We clarified it and we went back to our client to make sure we understood what was happening. We were incorrect in putting in all those seats. He said as far as the parking is concerned it is a separate situation. The parking spaces were added because it was not part of the zoning board interpretation and this is strictly for continuing education credits. He is not going to open up a school.

Mr. Molloy stated if we were given the power of prior restraint, where we could forbid something because of what may be done there, nothing would ever get built. So, usually due process is granted to the applicant. He said if he doesn't meet the requirements it would be an enforcement issue.

Mr. Carnazza stated our code only has a minimum building area not a maximum building area.

Mr. Gary asked if this applicant wants to build a 5,000 square feet building, and decides to only use a certain amount of square footage, what's illegal about it?

Mr. Charbonneau replied nothing.

Mr. Gary said then why are we arguing about the size of his building. He said I'm trying to find some reason as to why we should condemn him for building a big building.

Mr. Charbonneau said to keep in mind that the zoning board decision was simply that a Veterinary Emergency Facility is a permitted use there. He said there are other permitted uses for that building.

Mr. Gary said which means he can later on use the building for something else.

Mr. Charbonneau replied yes, as long as it meets the code.

Mr. Gary said I do not understand the objection.

Mr. Greenwood said I don't think it's an objection to the size of the building.

Mr. Gary said then what are we arguing about.

Mr. Greenwood asked how many doctors will be working there.

Mr. Greenberg replied two. He said you may have only two doctors, but if one night there are 12 patients at one time, you can't put them all in one exam room. They need to be spread out.

At which time, the board further continued to discuss the size of the building and its possible permitted uses.

Mr. Molloy said the applicant does not have to tell us all the possible permitted uses for that building at this point.

Ms. Kounine agreed with Mr. Molloy. She said this is a commercial site and it is not limited to only one type of commerce. She said when an applicant appears before this board, we are taking their word to some extent that this is exactly what they are going to do. That's what we do our reviews and plans on.

Mr. Gary said one way to clarify this is for Mr. Carnazza to write an understanding to the board of what this building is going to be and what is permissible of what was presented to him.

Mr. Carnazza said he should do that on the map.

Mr. Greenberg said I already have it on the map.

Mr. Carnazza said he will review it again.

Mr. Molloy moved to deny the application to the ZBA. The motion was seconded by Ms. Kounine with all in favor.

**LAKEVIEW DEVELOPMENT AT CARMEL – 1611 ROUTE 6 – TM – 55.9-1-17 – AMENDED SITE PLAN**

Mr. Carnazza stated this is for a change of use to a day care center. I have no objection and they are in full compliance with zoning.

Mr. Gainer stated this involves a change of use. There are no new engineering comments.

Mr. Cleary stated I have no objection to the change of use. The physical change to the site involves the use of the outdoor area for the outdoor play portion of the day care facility that's regulated by NYS Department of Social Services. That's the regulatory agency that governs how that space gets used. There are no improvements.

Mr. Joel Greenberg of Architectural Visions, representing the applicant addressed the board and stated as recommended by the board at the last meeting we have submitted the full application for an amended site plan which is being presented tonight and we are hoping a public hearing could be set for the next meeting.

Mr. Giannico asked if any protection was added to where the traffic flow comes around the play area.

Mr. Greenberg replied yes. He said we have a guardrail and a stonewall with a fence on top of it. He said it is double protection for any cars going up the roadway. He said we did the profile as was suggested, showing the roadway, swale, stonewall and guardrail.

Mr. Greenwood questioned the traffic flow as a day care facility because it will usually run on specific times and being that it is on the second floor and the commercial businesses are on the first floor.

Mr. Greenberg said a traffic report was submitted to the consultants addressing your issues.

Mr. Cleary stated the lower level retail space will probably not be occupied at 7 or 8 a.m. when the children are being dropped off. There really won't be much of an overlap.

Mr. Greenwood stated the biggest concern is the traffic on Route 6, especially if the cars start stacking at the intersection with a 45 mph speed limit; you have the potential for limited site distance.

Mr. Cleary stated when the project was originally approved; there was an extensive discussion about the traffic. He said what this traffic shows is the peak hour of trips is diminished.

Mr. Greenwood stated the speed limit where the project is 45 mph and in the Hamlet of Carmel the speed limit is 30 mph. It may worth pursuing the idea of going to the NYSDOT to extend it to the Whipple house, because of the bike path, Willow Road and now this project. It may be worth it to change it from 45 to 30 mph.

Mr. Cleary stated we have specific DOT and DEC required stop signs at the bike path and there was an extensive amount of involvement from those agencies originally. He said the current traffic study represents a diminishment of traffic impacts then what was originally approved. He said I think we are covered, but we will double check and make sure.

Mr. Greenwood said that's all I ask.

Mr. Gary asked Mr. Cleary if it is objectionable to ask NYSDOT for a 30 mph speed limit there also.

Mr. Cleary said we could ask the regional engineer and see if it's worth pursuing.

Mr. Gary said to schedule a public hearing.

**GATEWAY SUMMIT SENIOR HOUSING – LOT 6 – GATEWAY DRIVE – 55.-2-24.6-1,6-2  
– EXTENSION OF AMENDED SITE PLAN**

The consultants had no objection to the extension.

Mr. Greenwood asked why the extension was needed.

Mr. Jeff Contelmo of Insite Engineering, representing the applicant stated because of the economy and market.



Mr. Greenwood moved to grant a 1 year extension as of the February 9, 2014 expiration date. The motion was seconded by Mr. Cote with all in favor.

**THE FAIRWAYS SENIOR HOUSING – LOT 7 – GATEWAY DRIVE – 55.-2-24.8-1,8-2 –  
EXTENSION OF AMENDED SITE PLAN**

The consultants had no objection to the extension.

Mr. Greenwood moved to grant a 1 year extension as of the February 9, 2014 expiration date. The motion was seconded by Mr. Cote with all in favor.

**MINUTES – 9/25/2013**

Heldover.

Mr. Greenwood moved to adjourn the meeting at 7:50 p.m. The motion was seconded by Ms. Kounine with all in favor.

Respectfully submitted,

Rose Trombetta