

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 **NOVEMBER 14, 2012**

PRESENT: CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE
CARL GREENWOOD

ABSENT: 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> |
|--|-------------------------|--------------------|--------------------|---|
| Swan Cove | 76.5-1-49 | 1 | P.H. | Public Hearing Closed. Planner To Prepare Resolution. |
| Dominger & Lockwood | 44.10-1-1 | 1 | Resolution | Postponed. |
| Wholesale Fuel Distributors (Shell Station) | 55.11-1-40 | 1-2 | Site Plan | Denied to the ZBA. |
| Barile, Michael | 75.20-2-3 | 2-3 | Bond Return | Public Hearing Scheduled. |
| RPK Precision Homes | 55.10-1-23-25 | 3 | Extension | 1 Year Extension Granted. |
| Auto Collision Center Granted. | 65.13-1-63 | 3-4 | Waiver | Waiver of Site Plan Approval |
| Route 6 Bistrant | 76.22-1-54 | 5 | Waiver | No Board Action. |
| Minutes – 10/24/2012 | | 5 | | Heldover. |

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Rose Trombetta

SWAN COVE – 628 ROUTE 6 – TM – 76.5-1-49 – OPEN PUBLIC HEARING – SITE PLAN

Mr. Carnazza had no comments.

Mr. Gainer read his memo dated November 14, 2012.

Mr. Cleary had no comments.

Mr. Gary asked if anyone in the audience wished to be heard.

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

Mr. Gary asked the Planner to prepare resolution.

DOMINGER & LOCKWOOD – GLENNA DRIVE – TM – 44.10-1-1 – 3 LOT SUBDIVISION

The applicant requested a postponement and to be taken off the agenda.

WHOLESALE FUEL DISTRIBUTORS (SHELL STATION) – 1923 ROUTE 6 – TM 55.11-1-40 – SITE PLAN (CANOPY)

Mr. Carnazza read his memo which stated the applicant proposes to add a canopy and change the entrance to the existing gas station on Rt. 6 in Carmel. The front yard measurement to the existing building and proposed canopy need to be redrawn to be a line perpendicular to the property line to the building and canopy. Variances are required from the ZBA for front yard and canopy signs. Provide elevations for the building. This is needed to insure compliance with code for both the building and the sign ordinance. If the tanks are being filled, all of the accessible parking spaces and two of the regular parking spaces will be blocked. If there is another location that can be utilized, it is recommended. Provide a detail of the trash enclosure.

Mr. Gainer read his memo which stated a plat notation should merely be added to specify that the dumpster enclosure to be provided shall comply with Town Code requirements. Details of the proposed canopy storm water connection must be shown to the existing drainage facilities which traverse the site. A “dog-house” manhole or catch basin should be provided to facilitate the connection.

Mr. Cleary read his memo which stated the Honey Locust trees have been extended along the site’s entire Stoneleigh Avenue frontage (increased from 7 to 14 trees). The proposed landscaping around the ID sign has been enhanced to create a more significant landscaped feature. A “Do Not Enter” sign has been added to the northern Route 6 driveway. As previously recommended, a sign indicating “Route 6 North” should be added with an arrow directing vehicles to the Stoneleigh Avenue driveway. Lighting in the canopy must be set in recessed soffits to minimize off-site glare. In keeping with the new design of the adjacent McDonalds, it is recommended that the columns supporting the canopy (or the

lower portion of the columns) be clad in stone or a stone veneer to reinforce the aesthetic character that is trying to emerge in this important area. A referral to the ZBA can be made at this time.

Mr. Gary asked Mr. Papasian to show the traffic pattern around the building on the drawing.

At which time, Mr. Kevin Papasian of FST Engineers, Inc., representing the applicant went on to describe the traffic flow. He said the driveway on Route 6 coming north will be ingress only. The main reason for the ingress only is to prevent cars from cutting through the gas station.

Mr. Cleary stated they posted two Do Not Enter signs, one on each side of the driveway and that's about all they could do.

Mr. Papasian stated at previous meetings the board was concerned with the cars cutting through the gas station, but I went there a few times and didn't see any cars cut through. He said the owner didn't know of any issues and the DOT does not know of any traffic or safety issues that have occurred there.

Mr. Gary stated as far as he was concerned the cut through was not as big a problem as the traffic coming in from the east to get gas and getting back onto Route 6. He said it could be a little dangerous, but this is the best we could do.

Ms. Kounine said at the last meeting we discussed at length different angles from one entrance to another entrance and how one affects the other. I think this is the best we could do with what have, especially with the way the property currently exists.

Mr. Papasian said it is a unique property, its pie shaped on two roads. He said I think it will work.

Ms. Kounine said with the configuration of the property itself plus what is already established there, we are not going to get an ideal situation. This is the best we could ask for.

Mr. Gary asked what the next step was.

Mr. Cleary said the ZBA.

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

BARILE, MICHAEL – 407 ROUTE 6 – TM – 75.20-2-3 – BOND RETURN

Mr. Carnazza read his memo which stated I inspected the site for compliance with Zoning. The property is in compliance with code.

Mr. Gainer read his memo which stated the bond amount originally posted for the completion of all Site improvements is \$12,625.00. Based upon our latest inspection, we believe that the bond may now be returned to the applicant.

Mr. Cleary had no comments.

Mr. Gary said to schedule a public hearing.

**RPK PRECISION HOMES – SEMINARY HILL ROAD & MECHANIC ST. – TM – 55.10-1-23,
24,25 – 1ST EXTENSION OF APPROVAL**

The consultants had no objection to the extension.

Mr. Greenwood moved to grant 1 year extension of approval. The motion was seconded by Ms. Kounine with all in favor.

AUTO COLLISION CENTER – 918 ROUTE 6 – TM – 65.13-1-63 – WAIVER OF SITE PLAN APPROVAL

Mr. Carnazza read his memo which stated the applicant claims they are being mandated to add a silt separator to the existing Auto Collision Center to clean the cars and separate the dust from the water. This can only be achieved by adding a covered, partially enclosed structure to the property. This will not add any parking spaces to the requirements nor take up any required parking spaces. I have no objection to the waiver; however, the board required another applicant to go through site plan for a similar application.

Mr. Gainer had no comments.

Mr. Cleary read his memo which stated the proposed structure is an extension onto an existing commercial building. It appears that the structure would be attached to the rear of the existing building. This is a storage area, but parking exists directly adjacent to this area. This may create a conflict with the parking, which may be a required site plan element (and potentially create a zoning non-conforming condition). No reason for waiving site plan approval was provided by the applicant. The board will recall that it recently reviewed and approved a site plan for a similar wash bay structure for Enterprise Rent-A-Car. It is recommended that the waiver request be denied, and that a site plan application be filed for this proposed improvement.

Mr. Louis Panny, representing the applicant addressed the board and stated the structure is just a roof with no walls and will be open. He said it is to stop the rain water from going into the drain where they wash the cars.

Mr. Cleary said there was note on the sketch that indicated a retaining wall. Are you building a new retaining wall?

Mr. Panny said no, the retaining wall already exists. We are not changing it at all, it's pre-existing. He said what we are actually doing is extending the awning that goes over the burners for the paint booth. There already is an awning there, we are just extending it to go over the drain that needs to go in, so we could discharge their wash bay. The wash bay is needed for the body work. He said the DEC wants to dust and fiberglass residue to go into a containment and then go into a sewer waste plant not into the ground.

Mr. Carnazza stated this is being mandated by DEC to get the dust, fiberglass and any other residue out so it doesn't go into the stormwater. It has to go into the wastewater.

Mr. Cleary asked what kind of awning will it be.

Mr. Panny stated it would be a wood roof that will be extended from the wood roof that is there now with shingles. It will match the existing roof.

Mr. Cleary asked if it will be behind the building.

Mr. Panny replied yes it will be. It will be completely hidden from the street.

Mr. Greenwood stated every time we grant a waiver, we go a little further and a little further, where do we draw the line. He said the way the town code is written is if you touch a commercial property that has a site plan approval; it requires them to come back in front of this board. In my opinion it should go through a site plan review.

Mr. Cote stated we as the board should have the discretion to look at a project and have the ability to waive site plan approval, especially in a case like this where we are talking about a de minimis project (extending the roof). He said when I first saw this; I didn't have that opinion because I didn't understand what the project was, but listening to the applicant, if that's all it is I would be inclined to say that this is the type of project to consider site plan waiver.

Ms. Kounine stated this board rarely gives a waiver of site plan and we try to stick to town codes, but there are certain instances in this case, where you have everything there, and basically they are putting an extension of a roof with no utilities, no electric and no walls. She said I don't see the necessity for a site plan based on a mandate from DEC, he is being ordered to do it. Because it is such a small change, I would be inclined to grant the waiver of site plan.

Mr. Cleary pointed out to the board members of a logistical issue of only having four members present. He said if you have one voting against the motion to grant site plan waiver, it will not carry tonight.

Ms. Kounine stated maybe the applicant should come back in two weeks.

Mr. Panny stated we are trying to push this as fast as we can because of the weather and DEC. He said the fine for not complying is \$37,000.

Mr. Greenwood said in the interest of passing this along, I will not sit here and vote no just to delay it two weeks, as long as what is being constructed is nothing more than an extension of a roof and it's not much more involved than what was presented.

Ms. Kounine moved to grant waiver of site plan approval. The motion was seconded by Cote with all in favor.

**ROUTE 6 BISTRANT – 728 ROUTE 6 – TM – 76.22-1-54 – WAIVER OF SITE PLAN
APPROVAL**

Mr. Carnazza addressed the board and stated he spoke to the applicant prior to the meeting and informed her that a variance is needed for the location of the shed. She will meet with him in his office.

MINUTES – 10/24/2012

Heldover.

Mr. Greenwood moved to adjourn the meeting at 7:40 p.m. The motion was seconded by Ms. Kounine with all in favor.

Respectfully submitted,

Rose Trombetta