

APPROVED

HAROLD GARY
Chairman

CRAIG PAEPRER
Vice-Chair

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

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*

PLANNING BOARD MINUTES **SEPTEMBER 30TH , 2015**

PRESENT: CHAIRMAN, HAROLD GARY, CARL GREENWOOD, ANTHONY GIANNICO,
DAVE FURFARO, CARL STONE, KIM KUGLER

ABSENT: VICE-CHAIR, CRAIG PAEPRER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
NYCDEP – MWWTP	65.17-1-41	1	P.H.	Public Hearing Closed & Bond Return Recommended to Town Board.
NYCDEP – Drewville Rd & Stoneleigh Ave	66.-2-53	1	Resolution	Resolution Adopted.
New York SMSA Limited Partnership d/b/a Verizon Wireless	75.44-1-46	1-2	Site Plan	Denied to the ZBA.
Cozy Cub Day Care Center	65.17-1-30	2-5	Waiver	Motion to Grant Waiver Did Not Carry.

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Rose Trombetta

MAHOPAC WASTEWATER TREATMENT PLANT – 35 MUD POND ROAD – TM – 65.17-1-41 – PUBLIC HEARING

Mr. Cleary had no comments.

Mr. Franzetti said he had no comments on the bond return.

Mr. Carnazza had no comments.

Chairman Gary stated this is an open public hearing; he asked if anyone in the audience wishes to be heard on this application.

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

Mr. Greenwood moved to recommend bond return to the Town Board. The motion was seconded by Mr. Furfaro with all in favor.

NYCDEP – DREWVILLE ROAD & STONELEIGH AVE – TM – 66.-2-53 – RESOLUTION

Mr. Cleary said you have a resolution before you for the final site plan approval.

Mr. Franzetti said he had no additional comments on the final site plan approval.

Mr. Giannico moved to adopt Resolution #15-21, dated September 30, 2015, TM- 66.-2-53, entitled NYCDEP Drewville Road Stormwater Control Project Final Site Plan Approval. The motion was seconded by Mr. Greenwood with all in favor.

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 946-954 SOUTH LAKE BLVD – TM – 75.44-1-46 – SITE PLAN

Mr. Franzetti had no additional comments.

Mr. Cleary said at the prior meeting, we asking the applicant to address a few things. The first was the request to explore the possibilities of collocating the antenna in an existing antenna location. They submitted a report from their site consultant documenting that there are no existing facilities within the area that needs to be serviced from this antenna, there is no collocation opportunities available. We had concerns of the installation of the antennas installed above the roof of the building. The applicant has relocated those antennas so they are flush mounted, even with the building parapet so they are not sticking out above the top of the building anymore. He said Mr. Carnazza's comments from the last meeting referred to pre-existing non-conformities that have never been addressed on this site, so that would require variances from the zoning board of appeals.

Mr. Ed Tyber of Synder & Synder said he will answer any questions anyone has so they can hopefully be referred to the zoning board.

Mr. Giannico asked if it was permissible to bring in a portable generator by town code.

Mr. Cleary said they are not in violation of the town code with the generator. The FCC requires that they have back up power for our cell phone facilities so they all have electrical generators.

Mr. Tyber said this generator would only be used in the event of a sustained power outage.

At which time, a discussion ensued regarding the generator and the safety hazards.

Mr. Furfaro asked if the owner of the building will give any improvements on the actual building itself.

Mr. Tyber said we are putting a fresh coat of paint on the building to match the antennas; we could go to the owner of the building and ask for his cooperation to making improvements on the actual building.

Mr. Cleary said all of the variances relate to the existing building itself, there is a parking variance, lot area, lot width, lot depth, front yard, side yard, rear yard, height and lot coverage. All of the zoning requirements are violated by the existing building.

Mr. Furfaro moved to deny to the Zoning Board. The motion was seconded by Mr. Greenwood with all in favor.

COZY CUB DAYCARE CENTER – 235 EAST LAKE BLVD – TM – 65.17-1-30 – WAIVER OF SITE PLAN APPLICATION

Mr. Cleary read Mr. Carnazza's initial memo which stated the applicant is asking for a waiver for the daycare center and to add 13 parking spaces. He wanted to add an onsite circulation plan, the area between parking spaces 8 and 9 were not 24 feet wide so it was not sufficient.

Mr. Franzetti said the application is a site waiver to alter or former school to a daycare center, the applicants represented met with the engineering department on Friday, September 18th. Based on this meeting and review on the updated submittal all of the engineering department's comments have been addressed. This department does not have an objection to the site plan waiver as there are no changes make to the site, there will be no increase to water or sanitary use.

Mr. Cleary said there are two issues with respect to this that the board should be aware of. The applicant has documented that they complied with the New York State Office of Children and Family Service requirements for the daycare facility. There was a ZBA

interpretation that was granted indicating that the daycare center is in fact a permitted use at this site. So the ZBA rendered that decision based on the application that Mr. Greenberg provided to them on June 4th. The ZBA ruled for the daycare center to be a permitted accessory use to the church.

Mr. Joel Greenberg of Architectural Visions, representing the applicant stated at this particular point we have done everything we can, there is not much more we can do on this site. We answered all questions and concerns and respectfully request the waiver.

Mr. Furfaro asked if the gate to the play area would be in the daycare itself or in the driveway.

Mr. Greenberg said the entrance into the play area would not be anywhere near the driveway it will be right next to the main entrance of the daycare.

Mr. Stone asked what the normal hours of operation would be.

Mr. Greenberg said 8am-6pm weekdays only.

Mr. Furfaro asked if the daycare was affiliated with the church.

Mr. Greenberg said no it is privately owned. The benefit to this project is that since the daycare is not affiliated with the church the assessor will now assess this and now the Town of Carmel will be getting taxes from this building.

Chairman Gary asked what the ZBA said about this daycare.

Mr. Cleary said the ZBA stated the use as a daycare center as a permitted accessory use to the church was allowable.

Mr. Greenwood asked if there is an existing site plan on file with the town for this particular lot.

Mr. Greenberg said yes because this was taken off the existing site plan when this building was built.

Mr. Greenwood asked if the actual school to the left on the map is the same site.

Mr. Greenberg said yes, there are two separate buildings on the same lot.

Mr. Greenwood asked again if there was an existing site plan.

Mr. Greenberg replied yes. The site plan was dated December 4, 1990.

Mr. Greenwood said he would like to verify that those buildings are all legal and all those uses have been approved over the years.

Mr. Cleary said if Mr. Greenberg is correct and we can verify that. He said what Mr. Greenwood is stating is if it was never approved we don't have a site plan and then we shouldn't waive a non-site plan.

Mr. Greenberg said the assessor went out to that building and assessed it to get a value and will tax it on that value. There are 40 kids maximum and 6 workers; there are more parking spaces than what the code requires. There is a one way traffic flow to the drop off area which is located right in the front of the building.

At which time, a discussion ensued about parking, the traffic flow of the daycare and the separate buildings that are still in use for CCD on the property.

Mrs. Kugler said we need clarification on all parcels for the whole site.

At which time, Mr. Greenwood and Mr. Greenberg argued about whether a site plan application should be required.

Mr. Greenwood said we need to look at the pedestrian traffic, vehicular traffic and play area.

Mr. Greenberg said you would be looking at what you have in front of you already.

The board members and applicant continued to discuss whether or not a waiver of site plan approval is warranted.

Mr. Stone moved to accept waiver of site plan application. The motion was seconded by Mr. Furfaro.

Roll call vote was taken as follows:

Mr. Stone	For the motion
Mr. Furfaro	For the motion
Mrs. Kugler	Against the motion
Mr. Giannico	Against the motion
Mr. Greenwood	Against the motion

The Chairman did not vote. The motion does not carry.

Chairman Gary said we should now give the applicant direction.

Mr. Cleary said he would have to submit a site plan for your approval.

Chairman Gary asked what are we looking for that he doesn't already have?

Mr. Stone said the applicant has a right to some guidance if this is not approved.

Mr. Cleary said we are asking him to file a complete application with the site plan. The motion was to grant the waiver, the waiver was not approved. He has to get forms for a site plan, pay the fee, submit the application forms and have a public hearing on the site plan.

Mr. Greenberg asked the board to reconsider because it's going to be a while before they could open; the whole idea was for them to open up for the spring season. He said he met all the requirements for the code and all the requirements for the consultants.

Chairman Gary reiterated what's missing on his plan.

Mr. Cleary said nothing is missing. It will probably be the same plan.

Chairman Gary said then why are we asking him to do it over!

Mr. Greenwood said we request someone to put a site plan in front of us instead of asking for a waiver, we get to the point where we are reviewing something at the meeting. What applicant doesn't deserve that right, I could walk in here and ask for a waiver right from the beginning and based on some of the things I've seen, you can almost go through an entire review and then act on a waiver. A waiver is a simple process that is not going to have a large impact that we can act on almost immediately; it shouldn't be something that is drawn out to multiple meetings. They are asking us to give them a review and then waive it at the same time.

Mr. Furfaro said he understands but the process allows him to do what he's doing, so he can ask for a waiver and ask for it in the manner that he did. I don't know if this process that we are going to make him go through now will even change anything.

Mr. Greenwood moved to adjourn the meeting at 8:18 p.m. The motion was seconded by Mr. Furfaro with all in favor.

Respectfully submitted,

Rose Trombetta