

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL
MARK PORCELLI
VICTORIA CAUSA

TOWN OF CARMEL
PLANNING BOARD



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MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

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

PLANNING BOARD MINUTES
MAY 26, 2021

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
RAYMOND COTE, ROBERT FRENKEL, MARK PORCELLI, VICTORIA CAUSA

ABSENT: KIM KUGLER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Carmel Fire Department	44.14-1-2	A. Site Plan	1	Resolution Adopted.
DPL Realty LLC.	44.14-1-22	R. Site Plan	1-4	Denied to the ZBA.
Swee, David & Debra	53.-2-79.1	Subdivision	4-6	No Board Action.
Minutes – 04/28/21 & 05/13/21			6	Approved.

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Rose Trombetta

CARMEL FIRE DEPARTMENT – 94 GLENEIDA AVE – TM – 44.14-1-24 – RESOLUTION

Mr. Carnazza stated all his comments have been addressed.

Mr. Franzetti stated all engineering comments have been addressed.

Mr. Cleary stated all site planning issues have been addressed and you have an amended site plan approval resolution before you to be voted on.

Mr. Cote moved to adopt Resolution #21-05, dated May 26, 2021; Tax Map #44.14-1-24 entitled Carmel Fire Department Amended Final Site Plan Approval. The motion was seconded by Vice Chairman Giannico with all in favor.

DPL REALTY LLC – 102 GLENEIDA AVE – TM – 44.14-1-22 – RESIDENTIAL SITE PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add four residential dwelling units on the 2nd and 3rd floors over the existing commercial use(s). This will be a mixed use; only existing mixed uses are permitted in the C-Commercial Zoning District. A use variance required from the ZBA. The following area Variances are required from the ZBA. Lot width, 200 ft. required, 152 ft. proposed, 48 ft. variance. Parking spaces, 10 x 20 required (or 10 x 18 with a raised bumper), 9 x 18 provided with raised bumper, 1 ft. width variance required. The outdoor patio is proposed fairly close to the property line, however, the applicant now proposes a buffer to the property to the north.

Mr. Franzetti read his memo which stated the application seeks approval for four (4) residential units on the 2nd and 3rd floor of an existing building. This request is in a commercial zone and will require a variance. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

- Referral Putnam County Department of Planning GML 239 M is required.

Applicant has noted this requirement

- The area of disturbance is 4,400 square feet which is below the threshold criteria of disturbances for the NYSDEC stormwater regulation. Applicant must provide erosion and sediment control measures for the work being performed.
- A lighting plan should be provided.

Applicant has noted this requirement and will provide in a future submission.

Mr. Cleary stated the original review pointed out a couple of things. The existing parking lot was dimensionally non-conforming. There is enough land on the property to enlarge the parking lot. The applicant has responded to that comment by saying the parking lot has been forever and it has operated adequately. In fact, the parking spaces are not significantly undersized, but they do not meet our code, so the applicant's position is, it's been working, we are not dealing with the parking condition and enlarging it probably results in more impacts then simply allowing it to be used as it's historically been used. I don't disagree with that position and to our knowledge there hasn't been issues with the use of that parking lot, so the applicant will now require those variances and has made a fairly strong argument on why they would not reconstruct that parking lot. The applicant contends that the refuse enclosure located 150' from the building is appropriate, and will be used as designed. It is also the preferable location to accommodate a collection vehicle.

A lighting plan will be provided in the future, which will be dark sky compliant. The applicant has clarified that no changes to utility services are proposed. Three infiltration trenches are proposed to accommodate the minor increase in impervious surfaces.

Mr. Cote stated this applicant was before the Zoning Board once before for an interpretation of whether overnight stay at this location was an appropriate use in the commercial area and ultimately the applicant was turned down. We are back here a couple years later asking for the same thing. This really needs to be at zoning not here.

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated I'm not familiar with that previous requested action.

Mr. Carnazza stated is was in 2018 and it was "Rose House". They were trying to do a homeless type assistance/shelter to help people out and give them a place to stay.

Mr. Cote stated the issue to be resolved was whether it's appropriate for overnight use.

Mr. Thyberg stated there is no question that we will be requesting a use variance. This would be a different type of residential use. This would be on the higher end type of apartments and certainly we would want the ZBA to weigh in on that. A few variances are required. As far as the parking, the applicant has a strong preference to not expand the lot unnecessarily just to meet the 10 foot code. He said the elephant in the room is the use variance and we would like to have the ZBA weigh on that. If we are granted the use variance, you still have a site plan to approve. If we are not granted the use variance, then we don't have a project. We are requesting a referral to the ZBA.

Mr. Cleary stated these are market rate apartments, not institutional or affiliated with anything, correct?

Mr. Thyberg replied these are market rate. They are two (1) bedroom and two (2) bedroom apartments.

Chairman Paeprer asked what is there right now.

Mr. Thyberg replied unrentable office space. It has been used on and off as office space. The applicant (law office) occupy the main floor and the 2nd and 3rd floors have been unoccupied. The applicant is in the opinion that nice market rate residential apartments in that part of the hamlet would be a marketable and desirable use.

Mr. Porcelli asked will the law firm still be there?

Mr. Thyberg replied yes.

Mrs. Causa asked with regards to the parking if those units become apartments, will you require more parking spaces?

Mr. Thyberg stated based on the square footage of the remaining offices and what we are proposing to convert to residential, as per town code, we added three spaces along the driveway (points to map) with a total number of 31 spaces.

Mrs. Causa asked and what about handicapped parking?

Mr. Thyberg replied we are showing that (points to map). He said the variance we are seeking is strictly for the size (width) of the parking spaces in the existing portion of the lot. The three new spaces will be designed to the town code.

Mr. Cleary stated they would have to remove 15 trees if they were to expand the parking lot.

Chairman Paeprer stated I'm of the mindset, if you're going to re-pave the parking lot, let's bring everything to code. But, if you have to go into the wooded area and remove 15 trees.....

Mr. Thyberg stated we are not re-doing the parking lot, we are milling and re-surfacing an existing parking lot. To your point, we're talking about an additional 1,000 square feet of disturbance, additional impervious and about 15 trees that are of significant size.

Mr. Carnazza asked how old the building was.

Mr. Thyberg replied I do not, but I could find out.

Mr. Carnazza asked is it a historical building.

Mr. Thyberg replied no.

Vice Chairman Giannico asked how many commercial businesses are on the 1st floor?

Mr. Thyberg replied I believe it's just the law office that takes up the main floor.

Vice Chairman Giannico asked how many parking spaces do they occupy during the week?

Mr. Thyberg stated I have been there at least three times and I have never seen more than six to seven cars in the lot.

Chairman Paeprer asked does adding four residential apartments effect the taxes for the town?

Mr. Carnazza said taxes are value based, so the question is will this add value to the building. He said that would be a question for the Tax Assessor.

Mr. Cleary stated typically what we have seen for buildings that are unrentable, is they are not re-investing in the building, so the building begins to deteriorate which effects its value.

Chairman Paeprer said it could be beneficial to the town.

Mr. Frenkel asked assuming this is approved, will all the vacant spaces be occupied?

Mr. Thyberg replied this will take up all the empty spaces that they have had a hard time renting.

Mrs. Causa asked if any of the renovations would affect the outside of the building.

Mr. Thyberg stated there are some minor modifications to the building that would be visible from the outside, such as rooflines and changing windows. At which time, Mr. Thyberg displays the elevations of the building. We are also adding an outdoor amenity space which would be near the entrance to the residential units. The primary entrance for the residential units would be on the side (points to map).

Vice Chairman Giannico asked how many staircases serve the 2nd and 3rd floors?

Mr. Thyberg replied I believe it's two.

Vice Chairman Giannico asked does this satisfy fire code?

Mr. Carnazza replied I did not review this for building code yet.

At which time, Mr. Franzetti discussed the Architectural Review process to the board members.

Chairman Paeprer stated this is more of a zoning use variance, but it was a good start if you come back.

Vice Chairman Giannico moved to deny the application to the ZBA. The motion was seconded by Mr. Frenkel with all in favor.

SWEE, DAVID & DEBRA – 30 HITCHCOCK HILL ROAD – TM – 53.-2-79.1 – 2 LOT SUBDIVISION

Mr. Carnazza read his memo which stated the applicant proposes a two-lot subdivision off Hitchcock Hill Road in Mahopac. Provide a zoning table with Lot Area, Width, Depth, Setbacks, Frontage, Coverage, Etc..

- Are there wetlands on the properties? Locate on Plan.
- Provide lot depth and width lines for both lots.

Mr. Franzetti read his memo which stated this application encompasses a proposal to subdivide a 29.5 acre parcel along the north side of Hitchcock Hill Road into 2 lots. Lot 1 will be 5.5 acres and Lot 2 will be 24 acres. There are existing structures on Lot 1 and Lot 2 is proposed to be developed with a residential dwelling. The development of Lot 2 will need to come to the Planning Board. This Department has no objection to subdivision being presented. As the subdivision plans are refined, all missing elements mandated by §131-13 should be incorporated into the project's design plans. Based upon our review of this submittal, the Engineering Department offers the following comments regarding the future development of lot 2:

I. General Comments

1. The following referrals would appear to be warranted:
 - a. New York State Department of Environmental Conservation (NYSDEC)
 - b. New York City Department of Environmental Protection (NYCDEP).
 - c. Putnam County Department of Planning GML 239M
 - d. Putnam County Department of Health (PCDOH).
 - e. Town of Carmel Highway Department

f. Mahopac Fire Department

2. Permits from the following would appear necessary:
 - a. NYSDEC - for stormwater and wetlands.
 - b. NYCDEP for stormwater and sub-surface treatment system (SSTS).
 - c. PCDOH for well and SSTS.
 - d. ECB for wetlands permit.
3. The plan should specify the total area to be disturbed in order to determine Stormwater Permitting requirements for both the NYSDEC GP-0-20-001 and NYCDEP.
4. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work. The applicant will need to develop a quantity take off for bonding purposes
5. The applicant is advised that a stormwater bond and maintenance guarantee, pursuant to §156.87 of the Town Code, may be required.

Mr. Cleary stated we have a fully conforming two lot subdivision. The smaller lot is appropriately configured and zoning compliant. I have no issues with this subdivision as proposed. The only question is, what's the anticipated disposition of the larger parcel. Mr. Karell indicated it could be developed to support a single-family home and will demonstrate that, but it could theoretically yield 8 lots. He asked what are the expectations of the bigger lot.

Mr. Jack Karell, applicant's engineer addressed the board and stated the applicants want to cut out the existing buildings on lot #1 which is 5½ acres. It is non-jurisdictional as far as the health department is concerned and so is lot #2 because it is over 5 acres. He said they have no intentions of subdividing the bigger lot. They will market it as one lot. Right now, we are not proposing to build anything.

Chairman Paeprer asked what is on the existing 5 acre parcel?

Mr. Karell replied there is a single family house, barn, three sheds and pool.

Mr. Franzetti asked are you sure there isn't two families living on that property?

Mr. Karell replied no to my knowledge.

Mr. Franzetti stated my mother-in-law lives in one of those houses, they rent from the Swees, full disclosure to the board. There's a shared driveway and there are people living to the right and my family lives to the left. He said to double check that.

Chairman Paeprer asked does that change anything from the consultants memos.

Mr. Cleary stated theoretically it would. Right now, it's one parcel, but perhaps two dwelling units on there. It one of them illegal? We have to find out the disposition of the second dwelling unit.

Mr. Carnazza replied if it's legal, you can't minimize the lot area of a non-conforming use without getting a variance.

Mr. Karell stated one of the comments from Mr. Cleary is the developability of 25 acre lot, with regards to wetlands and steep slopes. At which time, Mr. Karell points to the map showing the shaded areas are over 15%. All the white areas are less than 15%, so 95% of the lot is less than 15%. So, it's not a question on whether it could be developed. There aren't any environmental issues on it.

Mr. Cleary stated we have seen large subdivisions like that when the balance of the big parcel is severely constrained and you know nothing will happen. This is not the case here, this is a developable parcel. He stated the applicants do not have any intention of doing something on the property, that's fine, but the next person might. They would be entitled to that. They would have come back to this board.

Mr. Frenkel asked what is the zoning restriction on this property. Is it residential?

Mr. Karell replied I believe so.

Mr. Frenkel asked if they wanted to put a cluster development, how many homes can be built.

Mr. Carnazza replied seven to eight homes.

Chairman Paepre stated the Swee family is not looking to do this. They are selling it as, but someone could come along and want to do that.

Mr. Cote asked if the applicant resides at that address.

Mr. Karell replied they live across the street.

Chairman Paepre stated to Mr. Karell to verify if there are two homes on the property and come back to the next meeting.

MINUTES – 04/28/21 & 05/13/21

Vice Chairman Giannico moved to accept the minutes of April 28, 2021. The motion was seconded by Mr. Cote with all in favor.

Mr. Frenkel moved to accept the minutes of April 28, 2021 as corrected. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:36 p.m. The motion was seconded by Mr. Frenkel with all in favor.

Respectfully submitted,

Rose Trombetta